

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS DECISION
PATRICIA OSMAN : OAL DKT. NO. EDE 7164-97
_____ : AGENCY DOCKET NO. 435-01/97-165

The State Board of Examiners has reviewed the record and the Initial Decision rendered by the Office of Administrative Law in this case. The Deputy Attorney General filed exceptions on behalf of the State Board of Examiners and respondent's attorney filed cross-exceptions on behalf of the respondent, Patricia Osman. Both exceptions and cross-exceptions were filed in a timely manner.

This case originated when the Burlington County Superintendent of Schools' staff completed a desk audit of all Delran Township School district personnel to insure that each possessed the correct teaching endorsement for the subject area in which they had been employed to teach. According to the County Superintendent, this audit revealed that the copy of Osman's Teacher of English endorsement, which she had originally submitted to school officials, was not authentic. Upon receipt of this information, on January 23, 1997, the State Board of Examiners issued an Order to Show Cause to Ms. Osman as to why her Teacher of Elementary School and Teacher of Reading certificates should not be revoked or suspended. The Order was predicated upon Osman's dishonest misrepresentation of the status of her certification. Respondent filed her Answer dated February 28, 1997, and on July 14, 1997, the matter was transmitted to the Office of Administrative Law as a contested case.

After a one-day hearing conducted on February 10, 1998, the respondent moved to have the case dismissed. The Administrative Law Judge (ALJ) granted respondent's motion with regard to all of the allegations in the Order to Show Cause except "to the extent that the

allegations could be interpreted to allege that respondent, by teaching High School English knowing that she lacked the appropriate Teacher of English endorsement, was misrepresenting her licensure status to the Public.” (See Initial Decision, p. 2).

The ALJ found that there was no evidence presented to support the allegations that Osman had fraudulently presented her certificate or made any misrepresentations regarding her certificate to the Delran Board of Education. She did find, however, that if Osman had received correspondence from the Burlington County Superintendent of Schools indicating that no Teacher of English endorsement had been issued to her, the fact that Osman continued to teach English “knowing that she lacked the appropriate certification, could be regarded as a dishonest misrepresentation.” (Initial Decision, p. 9). Accordingly, the hearing went forward on that one issue.

The ALJ heard testimony from both sides. Petitioner’s witnesses testified that Osman sought to apply for a Teacher of English endorsement in August 1988. She did not remit the proper fee and several phone calls and memos were sent to Osman either at her school or at her home address regarding that fact. (See Initial Decision, pp. 2-4). When Osman’s credentials were ultimately evaluated, the Office of Licensing and Credentials determined that Osman needed to secure additional credits in English courses. This evaluation was sent to the Office of the Burlington County Superintendent on April 16, 1992, and from that office to Ms. Osman on April 22, 1992. (See Initial Decision, p. 4). When an audit of the district’s records was conducted in 1996, the district sent a copy of Osman’s certificate, taken from her personnel file, to the County Superintendent. This certificate, which bore a Teacher of English endorsement, was an obvious forgery since it contained a signature of Saul Cooperman as Commissioner of Education and Cooperman did not become Commissioner until two years later. (See Initial

Decision, p. 5). Osman was thereafter prohibited from teaching English at Delran High School since she lacked the proper endorsement.

Osman testified that in the 1987-88 school year, she was approached by her supervisor and the Assistant Principal for Curriculum and Instruction and urged to apply for a Teacher of English endorsement since many of her basic skills students would be transferred into a level one English class. These individuals, according to Osman, indicated that she would probably receive the additional endorsement based upon coursework she had already taken. Osman testified that she gave her supervisor, Lynn Basner, her application for the endorsement and all supporting documents. Osman said she never saw this application again. Osman further testified that she began teaching high school English in the 1988-1989 school year and taught it until December 1996. She added that she assumed she had received the necessary English endorsement. (See Initial Decision, pp. 9-10).

The ALJ found that Osman never saw her completed application again after she gave it to her supervisor. She also found that Osman never received any communications regarding her endorsement from the Burlington County Superintendent's Office either at school or at home, between August, 1988 and December 10, 1996. (See Initial Decision, p. 11). The ALJ held that the Board of Examiners offered no evidence of any dishonesty on Osman's part. Indeed, at most, the ALJ concluded, Osman was negligent in failing to demand her original certificate with the English endorsement and in relying on the representations of her superiors. Since Osman had not been charged with negligence, nor would that be a sufficient predicate for revocation, the ALJ would not order the revocation of the certificates Osman legitimately held. (See Initial Decision, p.13). Accordingly, the ALJ discharged the Order to Show Cause and dismissed the case with prejudice.

Petitioner's exceptions mainly focused on the ALJ's granting of the Motion to Dismiss. Petitioner argued that the evidence presented supported a reasonable inference that Osman submitted the fraudulent Teacher of English certificate to the district. Petitioner argued that the evidence showed that it was more likely that Osman had fabricated her certificate rather than that her employer had. These inferences, taken together, supported a conclusion in petitioner's favor, and therefore, the Motion to Dismiss should have been denied.

Furthermore, petitioner asserted that it was Osman's and not the district's responsibility to obtain all necessary certificates. (See Petitioner's Exceptions, p. 5). The district's responsibilities were satisfied when it completed the desk audit ensuring proper certification for all its teaching staff members.

Petitioner also argued that Osman knew she lacked the proper English endorsement because she kept applying for it between 1988 and 1992, when her credentials were finally reviewed. The ALJ also improperly discounted the testimony given by petitioner's witnesses regarding their communications and mailings to Osman. According to petitioner, the ALJ also erred in discounting the presumption that all documents sent out by the County Superintendent's office to Osman's home address were in fact received by her, thereby giving her notice that she lacked the proper endorsement. (See Petitioner's Exceptions, pp. 7-9).

Petitioner concluded that since Osman knew she did not hold the proper endorsement for her English assignment, she misrepresented her licensure status to her employer, her students, her colleagues and the public. Petitioner asserts that such dishonesty demands that Osman's properly-held certificates be revoked.

While Osman did not file any substantive cross-exceptions, she objected to petitioner's referral "to testimony or documents without showing any citation whatsoever, including

exhibits.” (See Respondent’s Cross-Exceptions, p. 1). Respondent therefore demanded that petitioner’s exceptions be rejected and that the ALJ’s Initial Decision be affirmed.

After a full review of the record in this case, the State Board of Examiners hereby adopts the Initial Decision of the Administrative Law Judge since the evidence presented therein could support the conclusions reached. The Order to Show Cause is therefore, DISMISSED.

Secretary
State Board of Examiners

Date of Mailing: October 13, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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