

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ANTHONY S. WILLIAMS : ORDER OF REVOCATION
_____ : DOCKET NO: 488-11/98-180

At its meeting of November 5, 1998, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that in May, 1998 respondent Anthony S. Williams had pled guilty to one count of Official Misconduct pursuant to N.J.S.A. 2C:30-2a. As a result of such conviction, Respondent was sentenced to five years' probation, 45 days' confinement to the county jail, and fines. In addition, pursuant to N.J.S.A. 2C:51-2d, Williams was forever barred from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions. The Board of Examiners also noted that Williams' offense would permanently disqualify him from employment as a teaching staff member in the public schools pursuant to N.J.S.A. 18A:6-7.1 et seq. Williams currently holds a County Substitute certificate. After reviewing the above information, at that November meeting, the State Board of Examiners voted to issue an Order to Show Cause to Williams as to why his certificate should not be revoked or suspended.

The Order to Show Cause was mailed to Williams by regular and certified mail on December 18, 1998. The Order provided that if Respondent desired to file an Answer to the Order the Answer must be filed within 20 days. Williams filed an Answer on December 29, 1998.

In his Answer, Williams admitted his conviction and sentence. He did state, however, that he was not confined to the county jail but rather participates in a community service program. (Answer, ¶4). He also indicated that if he had no trouble within a 3-5 year period and made restitution and/or payment for whatever was owed, then his disqualification would be vacated. (Answer, ¶¶5,6,7).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on February 2, 1999, a hearing notice was mailed by regular and certified mail to Williams. The notice explained that since it appeared no material facts were in dispute, respondent was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate

holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Williams filed a response to the hearing notice on February 23, 1999. In that response he included a copy of his plea bargain. Williams claimed that he was forced to accept the plea bargain because he had “given up circumstantial evidence without having a lawyer present.” (Hearing Response, ¶2). He also stated that he had fallen victim to police scare tactics and therefore had no alternative but to accept the plea agreement. (Hearing Response, ¶3). Williams reiterated that the Prosecutor had agreed to consider vacating Williams’ public forfeiture within 3-5 years or as soon as he completed his probation, if he completed his community service, paid all his fines and had no further violation of the criminal justice system. (Hearing Response, ¶3).

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Williams’ conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of April 15, 1999, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to respondent’s offense were in dispute since Williams never denied that he had been convicted nor did he deny that he had been disqualified (albeit temporarily in his opinion) because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Respondent’s conviction and permanent disqualification from holding public office, as set forth in the Order to Show Cause, represent just cause to act against Respondent’s certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

In enacting the Criminal History Review statute, N.J.S.A. 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be inappropriate role models. Individuals convicted of a violation of the public trust fall squarely within this category. “Teachers... are professional employees to whom the people have entrusted the care and

custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” Tenure of Sammons, 1972 S.L.D. 302, 321.

In this case, Williams has a conviction for official misconduct that occurred while he was a security guard for the Atlantic City Board of Education. A teacher’s behavior outside the classroom may be relevant in determining that person’s qualifications and continued fitness to retain his certificate. In re Grossman, 127 N.J. Super. 13, 30 (S. Ct. 1943), *aff’d*. 131 N.J.L. 326 (E&A 1944). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff’d*. 131 N.J.L. 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Williams’ disqualification from service in the public schools of this State because of his conviction for Official Misconduct provides just cause to take action against his certificate.

An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature considers Respondent’s offenses so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of Williams’ County Substitute certificate.

Moreover, notwithstanding Williams’ contentions that his permanent disbarment under N.J.S.A. 2C:51-2d, may be lifted eventually, this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 *aff’d* App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990). Furthermore, even if that bar is lifted, Williams would still be disqualified from teaching pursuant to N.J.S.A. 18A:6-7.1.

Accordingly, it is therefore ORDERED that Anthony S. Williams' County Substitute certificate be revoked on this 15th day of April, 1999. It is further ORDERED that Anthony S. Williams return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: May 4, 1999

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

IBG:MZ:br:anthonywilliams