

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ALLEN S. BRISCOE : ORDER OF REVOCATION
_____: DOCKET NO: 505-01/99-186

At its meeting of January 21, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Allen S. Briscoe was convicted in November, 1982 on charges of felony fraud. As a result of such conviction, Respondent was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Respondent did not challenge the accuracy of his criminal history record before the Commissioner of Education. In addition, on his application for certification, Briscoe indicated that he had not been convicted of a crime. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Briscoe currently holds a County Substitute certificate.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The regular mail copy was not returned and the certified copy was returned unclaimed. On May 7, 1999, Briscoe was advised by regular and certified mail that he was being provided an additional ten days to respond to the Order. Once again the regular mail copy was not returned and the certified copy was returned unclaimed.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Briscoe's disqualification from serving in the public schools of New Jersey as well as his misrepresentation on his certification application give the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Briscoe did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in

the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Briscoe's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, is admitted, as is his misrepresentation on his application, the Board of Examiners must now decide whether they constitute a sufficient basis to act against Briscoe's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The Commissioner has long-recognized that: "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, Briscoe has a conviction for a crime that directly impugns his honesty. In fact, his proclivity for dishonesty was further evidenced by his misrepresentation on his certification application. A person who repeatedly manifests trouble with the concept of truth is no role model for children. Accordingly, the State Board of Examiners finds that Briscoe's disqualification from service in the public schools of this State because of his conviction for felony fraud as well as his misrepresentation in applying for certification provide just cause to take action against his certificate.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. That would include individuals such as Briscoe who cannot minimally demonstrate what honesty is. That strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense warrants his exclusion from service in

public schools should not be permitted to retain the license 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. Because the Legislature considers Briscoe's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Allen S. Briscoe's County Substitute certificate be revoked on this 17th day of June, 1999. It is further ORDERED that Allen S. Briscoe return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: August 6, 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:allenbriscoe