

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
DOUGLAS FORMAN : ORDER OF REVOCATION
_____ : DOCKET NO: 513-02/99-196

At its meeting of February 25, 1999, the State Board of Examiners reviewed information received from the Middlesex County Prosecutor indicating that respondent Douglas Forman had pled guilty to two counts of criminal sexual contact with two students. As a result of such conviction, respondent was sentenced to three years' probation, was ordered to have no contact with his victims, to comply with Megan's Law, to undergo mental health counseling and to have no contact with females under the age of 18 in a supervisory or administrative capacity. In addition, Forman was forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to N.J.S.A. 2C:51-2c. Upon review of the above-mentioned information, the State Board of Examiners voted to issue an Order to Show Cause to respondent at that February meeting. Forman currently holds a Teacher of Physical Science certificate.

The Order to Show Cause was mailed to Forman's attorney by regular and certified mail on March 15, 1999. The Order provided that if Respondent desired to file an Answer to the Order, such Answer must be filed within 20 days. Although the certified mail card was signed and returned, Forman did not respond to the Order. On May 7, 1999, the Board of Examiners gave Forman an additional 10 days to file a response. Again, Forman did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Forman's conviction and subsequent disqualification from holding any

position of honor or trust in this state constitutes conduct unbecoming a certificate holder. Since Forman failed to 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.

The State Board of Examiners must now determine whether Respondent's conviction and subsequent disqualification, as set forth in the Order to Show Cause, represent just cause to act against Respondent's certificates 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, Forman has a conviction for a crime that directly involved two students under his care. 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 Forman's disqualification from service in the public schools of this State because of his conviction for criminal sexual contact provides just cause to take action against his certificate.

Moreover, pursuant to N.J.S.A. 2C:51-2c, Forman's permanent disqualification from holding "any office or position of honor, trust or profit" in this State lends guidance to the State Board of Examiners as to the appropriate sanction in this matter. 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

public service 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 Forman's Teacher of Physical Science certificate.

Accordingly, it is therefore ORDERED that Douglas Forman's Teacher of Physical Science certificate be revoked on this 23rd day of September, 1999.

Secretary
State Board of Examiners

Date of Mailing: November 10, 1999

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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