

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
STEVEN R. DAVIDSON : ORDER OF REVOCATION
_____ : DOCKET NO: 517-04/99-212

At its meeting of April 15, 1999, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on December 16, 1998, Steven R. Davidson had pled guilty to charges of Official Misconduct. On February 10, 1999, Davidson was sentenced to three years' probation and fined \$1,000. He was also ordered to continue with counseling with sex specific evaluation and treatment, to forfeit his teaching certificates and to forfeit his public office pursuant to N.J.S.A. 2C:51-2. Davidson is currently the holder of Teacher of Elementary School, Supervisor and Principal/Supervisor certificates. Upon review of the above information, at its April 15, 1999 meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Davidson the Order to Show Cause by regular and certified mail on May 4, 1999. The Order provided that an Answer to the Order must be filed within 20 days. On May 28, 1999, Davidson filed an Answer. In that Answer, he stated that his guilty plea for Official Misconduct was for making a few long-distance phone calls and using a school computer to update his resume. (Answer, ¶ 2). He also added that the fine was dropped, that the counseling he received was for stress, not sex-related issues and that he voluntarily surrendered his certificates and forfeited public office and was not ordered to do so by the Court. (Answer, ¶¶ 3-6).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on September 29, 1999, the Board of Examiners sent Davidson a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute, respondent had the 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 Davidson's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On October 18, 1999, Davidson submitted his reply.

In that response, Davidson reiterated that his conviction was for the unauthorized use of a computer at work because he had updated his resume. He added that if he had done this at any other employer's computer, he would never have been charged with an offense. (Hearing Response, p. 1). In addition, Davidson stated that he had given his word never to hold office in the State again and that any further action would only "serve as additional punishment for which there is no cause or reason." (Hearing Notice, p.1).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Davidson's guilty plea for Official Misconduct constitutes conduct unbecoming a certificate holder. At its meeting of April 6, 2000, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Davidson's submissions, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Davidson admitted that he had pled guilty to the offense charged and had been sentenced accordingly. 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 Davidson's offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Teachers of the State of New Jersey "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. Davidson's acts of official misconduct, however much he tries to minimize them, led the prosecutor and the Court to seek the permanent forfeiture of Davidson's ability to hold public office. Furthermore, although he claims that his only offense was updating his resume, he has shown nothing to support this contention. His claim that he voluntarily forfeited his public position is not credible since that can only be accomplished by court order. N.J.S.A. 2C:51-2. Finally, he has also offered nothing more than his statement in challenging the recitation of the terms of his sentence. His actions prior to arrest and his refusal to acknowledge responsibility after are not those of an individual who should be

entrusted with instructing children or serving in a leadership role in a school district. Obviously, the prosecutor and the sentencing judge agreed.

Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd of Educ., 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, Davidson's act of official misconduct was brazen enough to warrant his removal and permanent bar from public office.

Accordingly, it is therefore ORDERED that Steven R. Davidson's Teacher of Elementary School, Supervisor and Principal/Supervisor certificates be revoked on this 6th day of April, 2000. It is further ORDERED that Davidson return his certificates 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: September 26, 2000

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

IBG:MZ:kb:Davidson rev based on official misconduct