

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
EUGENE J. WILLIAMS : ORDER OF REVOCATION
_____ : DOCKET NO: 500-01/99-209

At its meeting of January 21, 1999, the State Board of Examiners reviewed information that the Office of Criminal History Review had forwarded indicating that Eugene J. Williams was convicted in 1991 on charges of felony possession of cocaine. Williams was sentenced to three years' probation, six months' suspension of his driver's license and fined \$1000. As a result of his conviction, Williams was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 et seq. He did not challenge the accuracy of his criminal record before the Commissioner of Education. See N.J.S.A. 18A:6-7.3. Upon review of the above information, at that January meeting the State Board of Examiners voted to issue an Order to Show Cause to Williams. Williams currently holds Teacher of Health and Physical Education, Teacher of Driver Education, School Social Worker and Principal/Supervisor certificates.

The Order to Show Cause was mailed to Respondent by regular and certified mail on February 24, 1999. The Order provided that if Respondent desired to file an Answer to the Order that Answer must be filed within 20 days. Williams filed his response on May 24, 1999. In that Answer he claimed that he had acknowledged his illness and that it had been addressed in a treatment program. He also claimed that the school district refused to allow him to participate in its employee assistance program or to return to work. (Answer, ¶2). Williams also said he had provided references and work history in response to his disqualification notice and that accuracy of his criminal record was not the issue when he committed his offense. (Answer, ¶¶2,5).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 26, 1999, Williams was sent a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute regarding Williams' offense, 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 certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Williams did not respond. On October 5, 1999, Williams was advised by certified and regular mail that he was being provided an additional ten days to file a response to the initial hearing notice. Williams responded to that notice on October 19, 1999. In that response, Williams resubmitted letters he had sent in response to the Order to Show Cause. He also included reference letters he had submitted when the Office of Criminal History Review notified him of his disqualification.

At its meeting of February 24, 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 the response, the Board of Examiners determined that no material facts related to respondent's offense were in dispute.

The issue before the State Board of Examiners in this matter, therefore, is to determine whether Williams' conviction for felony possession of cocaine and his subsequent disqualification, which was predicated on the same offense, represent just cause to act against his certificates 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. 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. In 1989 the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A. 18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988) Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils. Accordingly, the State Board of Examiners finds that Williams' conviction for felony possession of cocaine and his disqualification from service in the public schools of this State because of that conviction provide just cause to take action against his certificates.

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 is so great that he or she is barred 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 Williams' offense so

significant, the State Board of Examiners in this matter believes that the appropriate sanction for his offense and his disqualification is the revocation of his certificates to teach.

Accordingly, it is therefore ORDERED that Eugene J. Williams' Teacher of Health and Physical Education, Teacher of Driver Education, School Social Worker and Principal/Supervisor certificates be revoked on this 24th day of February 2000. It is further ORDERED that Williams return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: May 17, 2000

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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