

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WALTER MOORE : ORDER OF REVOCATION
_____ : DOCKET NO: 551-02/00-236

At its meeting of February 24, 2000, the State Board of Examiners reviewed information received from the U.S Attorney's Office indicating that on May 7, 1999, Moore had pled guilty to charges of subscribing to a false tax return. On October 15, 1999, Moore was sentenced to federal prison for twelve months and one day. Moore is currently the holder of a School Business Administrator certificate. Upon review of the above information, at that February meeting, the State Board of Examiners voted to issue Moore an Order to Show Cause.

The Board sent Moore the Order to Show Cause by regular and certified mail on April 5, 2000. The certified mail copy was returned because of an insufficient address, so the Order was re-mailed on June 26, 2000. The Order provided that an Answer to the Order had to be filed within 20 days. Although the certified mail receipt was returned, Moore did not respond to the Order.

Thereafter, on August 8, 2000, the Board of Examiners provided Moore an additional 10 days to respond to the Order. He was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, although the certified mail receipt was returned, Moore did not respond to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Moore's conviction constitutes conduct unbecoming a certificate holder. Since Moore 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 Moore's offense, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. The

Commissioner has long-recognized that teachers in 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.

In this case, Moore has pled guilty to subscribing to a false tax return. As part of his sentence, Moore was ordered to pay restitution to his former employer, the Upper Pittsgrove School District, in the amount of \$154,714. 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). There can be no dispute that stealing from his employer and then filing a false tax return negates any claim Moore can have to being a role model. Moreover, as Moore was the District's school business administrator, his crime goes to the heart of his professional responsibilities. The Board of Examiners believes that an individual with such disregard for his profession does not deserve to hold the license that grants him entry into that profession. Thus, the only proper response to Moore's breach is revocation.

Accordingly, it is therefore ORDERED that Walter Moore's School Business Administrator certificate be revoked on this 2nd day of November, 2000. It is further ORDERED that Moore 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: January 17, 2001

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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