

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MARKOS GUESS : ORDER OF REVOCATION
_____ : DOCKET NO: 570-05/00-252

At its meeting of May 11, 2000, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Markos Guess was convicted in 1995 on charges of felony possession of a controlled substance and in 1996 of two counts of possession of a controlled substance. As a result of those convictions, Guess was disqualified from public service pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Guess did not appeal his disqualification before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue Guess an Order to Show Cause. Guess currently holds a County Substitute certificate issued by the Essex County Office of Education.

The Order to Show Cause was mailed to Guess by regular and certified mail on June 26, 2000. The certified mail return receipt card was signed and returned. The regular mail copy was not returned. The Order provided that an Answer had to be filed within 20 days. Guess did not respond to the Order to Show Cause.

Thereafter, on November 2, 2000, Guess was provided an additional 10 days to file a response admitting or denying the facts in the Order to Show Cause. 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. Neither the regular nor certified mail copy of the November

2, 2000 correspondence was returned. Once again, Guess did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Guess' disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Guess 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 Guess' disqualification, which was predicated on the same offenses as were set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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 Guess' disqualification from service in the public schools of this State because of his two convictions for possession of a controlled substance provide just cause to take action against his certificate.

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 Guess' 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 Markos Guess' County Substitute certificate be revoked on this 22nd day of February 2001. It is further ORDERED that Guess 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:3/27/01

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