

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GREGORY BREWER : ORDER OF REVOCATION
_____ : DOCKET NO: 706-04/02-321

At its meeting of April 11, 2002, the State Board of Examiners reviewed a decision the Commissioner of Education had forwarded that had dismissed Gregory Brewer from his tenured position with the Board of Education of Roselle for charges of unbecoming conduct. In the Matter of the Tenure Hearing of Gregory Brewer, Dkt Nos. 205-6/98 and 449-12/00 (Commissioner's Decision, March 13, 2002). Brewer currently holds a Teacher of Biological Sciences certificate issued in September 1985 and a Teacher of Elementary School certificate issued in June 1987.

This case originated on June 18, 1998, when the Roselle Board of Education certified tenure charges against respondent, Gregory Brewer. The district charged him with unbecoming conduct for sexually harassing a female student.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). Administrative Law Judge (ALJ) Irene Jones heard testimony on several days in July and October 1999. In her Initial Decision, the ALJ held that Brewer had committed sexual harassment and ordered him dismissed from his tenured position. She also ordered the district to pay him his salary. The Commissioner set aside the Initial Decision and ordered the matter reopened for the presentation of additional proofs. Subsequent to the remand, on December 20, 2000, Brewer pled guilty to third degree arson. The district filed additional tenure charges based upon Brewer's arson plea and the OAL consolidated that tenure matter and the first tenure case.

In her Initial Decision in the consolidated case dated January 25, 2002, ALJ Jones approved a settlement that the parties had submitted. The parties agreed that the tenure hearing was moot due to Brewer's guilty plea and stipulated that he had been paid his back salary. (Initial Decision, slip op. at 4).

In a decision dated March 13, 2002, the Commissioner of Education approved the settlement terms and dismissed the tenure matter. (Commissioner's Decision, slip op. at 6). The Commissioner then transmitted the matter to the State Board of Examiners for appropriate action regarding Brewer's certificates.

Thereafter, on April 11, 2002, the State Board of Examiners issued Brewer an Order to Show Cause as to why his certificates should not be suspended or revoked. The Order was predicated on the arson conviction and the forfeiture of his public position.

The Board sent Brewer the Order to Show Cause by regular and certified mail on June 7, 2002. The Order provided that Brewer must file an Answer within 20 days. Brewer signed and returned the certified mail copy. The regular mail copy was not returned. As Brewer did not file an Answer, the Board sent him a second notice by regular and certified mail on March 12, 2003. Neither copy was returned including the certified mail return receipt. Once again, Brewer did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Brewer's conduct, conviction and his forfeiture of his public position constitute conduct unbecoming a certificate holder. Since Brewer 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)1.¹ Since Brewer's conduct, which was predicated on the same conviction as was 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 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. Furthermore, 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). "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. There can be no dispute that Brewer's criminal conviction for arson and his subsequent forfeiture of his public position negates any claim he can have to being a role model for students. Moreover, Brewer's acts are inexcusable for any individual, teacher or not. Thus, the only proper response to Brewer's breach is revocation.

Accordingly, it is therefore ORDERED that Gregory Brewer's Teacher of Biological Science and Teacher of Elementary School certificates be revoked on this 12th day of June 2003. It is further ORDERED that Brewer return his certificates to the

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ
08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: December 29, 2004

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