

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JEROME COCHRAN : ORDER OF REVOCATION
_____ : DOCKET NO: 668-02/02-313

At its meeting of February 21, 2002, the State Board of Examiners reviewed a letter decision forwarded by the Commissioner of Education that had dismissed a tenure case that the State Operated School District of the City of Newark (hereafter Newark) had brought against Jerome Cochran. In the Matter of the Tenure Hearing of Jerome Cochran, Dkt. No. 550-11/96 (Commissioner's Decision, December 13, 2001). The Commissioner dismissed the tenure case as moot because Cochran had resigned from his tenured position prior to the tenure hearing. Cochran currently holds a Teacher of Physical Education certificate.

This case originated on November 15, 1996, when Newark certified tenure charges against respondent, Jerome Cochran. The district charged him with unbecoming conduct for participating in a scheme to defraud the State Health Benefits Program. Cochran had allegedly provided a psychologist, Dr. Carl Lichtman, with personal information so that Lichtman could file a claim for psychological services he had purportedly provided to Cochran. In fact, Lichtman had not treated Cochran and was filing false claims. He would then give Cochran a portion of the payment he had received on the false claims.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). As noted above, the Commissioner dismissed the case on December 13, 2001, when he learned that Cochran had resigned his tenured position.

The Commissioner then transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Cochran's certificate.

Thereafter, on February 21, 2002, the State Board of Examiners issued Cochran an Order to Show Cause as to why his certificate should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been alleged in the tenure hearing.

The Board of Examiners sent Cochran the Order to Show Cause by regular and certified mail on April 8, 2002. The Order provided that Cochran must file an Answer to the Order within 20 days. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. On March 7, 2003, the Board sent Cochran a second notice by regular and certified mail providing him an additional ten days to file a response to the Order. Neither copy was returned but, once again, Cochran did not respond to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Cochran's conduct constitutes conduct unbecoming a certificate holder. Since Cochran 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 Cochran's conduct, as set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that

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.

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.

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 Cochran's participation in a scheme to defraud the State Health Benefits Program negates any claim he can have to being a role model for students. Thus, the only proper response to Cochran's breach is revocation.

Accordingly, it is therefore ORDERED that Jerome Cochran's Teacher of Physical Education certificate be revoked on this 8th day of May 2003. It is further ORDERED that Cochran return his certificate to the 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: November 17, 2004

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