

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
MILTON MOORE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0304-102

At its meeting of May 9, 2002, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on April 11, 2000, Milton Moore had pled guilty to charges of sexual assault in the second degree. Moore admitted to having sexual relations on more than one occasion with a 14 year old student. On October 13, 2000, Moore was sentenced to seven years' incarceration in State prison, community supervision for life and fined. Moore currently holds a Teacher of Elementary School Certificate of Eligibility with Advanced Standing. Upon review of the above information, at that May 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 December 19, 2002. The Order provided that an Answer must be filed within 20 days. The regular mail was not returned, although the certified mail receipt card was. On March 26, 2003, the Board sent Moore a second notice by regular and certified mail. Once again, although the certified mail receipt was returned and the regular mail copy was not, Moore did not respond to the Order to Show Cause.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Moore's guilty plea to sexual assault constitutes conduct unbecoming a certificate holder. At its meeting of September 25, 2003, the State Board of Examiners reviewed the charges in the Order to Show Cause and all supporting documents. Since Moore never responded to the Order, the Board of Examiners had no responsive papers to consider. It is

therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Moore's offense as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1.<sup>1</sup> 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. "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. Moore's acts are inexcusable for any individual, teacher or not. 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). No one can argue that Moore's conduct in this instance, meets the definition of "sufficiently flagrant." Clearly, as the sentencing judge recognized, someone who commits sexual assault upon a child is not fit to be a part of society, let alone serve as a teacher.

Accordingly, it is therefore ORDERED that Milton Moore's Teacher of Elementary School Certificate of Eligibility with Advanced Standing be revoked on this 25th day of September 2003. It is further ORDERED that Moore return his certificate to the Secretary of the

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<sup>1</sup> 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.

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

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 4, 2004

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