

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PAMELA DIEHL-MOORE : ORDER OF REVOCATION
_____ : DOCKET NO: 781-11/02

At its meeting of November 14, 2002, the State Board of Examiners reviewed information the Division of Criminal Justice had forwarded indicating that on May 22, 2002, Pamela Diehl-Moore had pled guilty to charges of 2nd degree sexual assault. On September 6, 2002, Diehl-Moore was sentenced to a three-year prison term and ordered not to have contact with her victim. The court also ordered Diehl-Moore to be subject to Megan's Law requirements. Diehl-Moore currently holds Teacher of Reading, Teacher of Nursery School and Teacher of Elementary School certificates, all issued in June 1981. Upon review of the above information, at its November 14, 2002, meeting, the State Board of Examiners voted to issue Diehl-Moore an Order to Show Cause.

The Board sent Diehl-Moore the Order to Show Cause by regular and certified mail on July 14, 2004. The Order provided that Diehl-Moore must file an Answer within 30 days. The certified mail receipt was signed for and returned and the regular mail copy was not returned. As Diehl-Moore did not file an Answer, the Board sent her a second notice by regular and certified mail on August 20, 2004. Once again, the certified mail receipt was signed for and returned and the regular mail copy was not returned. Diehl-Moore did not respond to the second notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Diehl-Moore's conviction for sexual assault constitutes conduct unbecoming a certificate holder. Since Diehl-Moore 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. 6A:9-17.7(c). Since Diehl-Moore'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 her certificates pursuant to N.J.A.C. 6A:9-17.7(c). 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. 6A:9-17.5. “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. Diehl-Moore’s acts of sexual assault are inexcusable for any individual, teacher or not.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (Sup. Ct. 1943), aff’d., 131 N.J.L. 326 (E & A 1944). In this instance, there can be no dispute that Diehl-Moore is not fit to work with children.

Accordingly, it is therefore ORDERED that Pamela Diehl-Moore’s Teacher of Reading, Teacher of Nursery School and Teacher of Elementary School certificates be revoked on this 28th day of October 2004. It is further ORDERED that Diehl-Moore return her certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: January 31, 2005

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