

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
DONNA SUTTON : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-125

At its meeting of October 28, 2004, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that Donna Sutton was convicted of Theft By Unlawful Taking, a third-degree crime. As a result of her conviction, the Court ordered Sutton to forfeit her public office pursuant to *N.J.S.A. 2C:51-2a1*. Sutton currently holds a Teacher of Cosmetology/Hair Stylist certificate, issued in August 1988. Upon review of the above information, at its October 28, 2004 meeting, the State Board of Examiners voted to issue Sutton an Order to Show Cause.

The Board sent Sutton the Order to Show Cause by regular and certified mail on January 31, 2005. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. The Order provided that Sutton must file an Answer within 30 days. Sutton did not respond to the Order to Show Cause. Thereafter, on March 30, 2005, the Board of Examiners sent her a second notice by regular and certified mail providing her an additional 15 days in which to file an Answer. The regular mail copy was not returned. The certified mail copy was signed and returned. Once again, Sutton did not file an Answer. Both notices advised Sutton that if she did not respond to the charges, the Board would decide the matter based solely on the information it already possessed.

At its meeting of June 9, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Sutton's offense were in dispute since she had never denied that she had committed the offenses nor did she deny the resulting forfeiture of her public position. It is

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

The issue before the State Board of Examiners in this matter, therefore, is whether Sutton's conviction, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds 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. Sutton's act of theft by unlawful taking is inexcusable for any individual, teacher or not.

Moreover, it is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). 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, Sutton's criminal offense was serious enough that the court ordered her to forfeit her public position. Clearly, she is not the role model that New Jersey expects from its teachers. The only response to her breach is the revocation of her teaching certificate.

Accordingly, it is therefore ORDERED that Donna Sutton's Teacher of Cosmetology/Hair Stylist certificate be revoked on this 9th day of June 2005. It is further ORDERED that Sutton return her certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

---

Michael K. Klavon, Secretary  
State Board of Examiners

Date of Mailing: JULY , 2005

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