

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
HASSAN VANN : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-140

At its meeting of February 23, 2009, the State Board of Examiners reviewed information received from the Essex County Prosecutor's Office indicating that on November 2, 2006, the Essex County Prosecutor had indicted Hassan Vann on two counts of 2nd degree Sexual assault, one count of 3rd degree Aggravated Criminal Sexual Contact, three counts of 2nd degree Endangering the Welfare of a Child (debauching the morals of a child), two counts of 2nd degree Endangering the Welfare of a Child (distributing alcohol and/or a Controlled Dangerous Substance to a child), five counts of Official Misconduct, and one count of 3rd degree Diseased Person Committing an Act of Penetration. On November 14, 2008, Vann pled guilty to one count of Official Misconduct. Vann was sentenced to two years probation and fined. Vann currently holds a Teacher of Music Certificate of Eligibility, issued in December 2002, and a Teacher of Music certificate, issued in October 2004. Upon review of the above information, at its March 31, 2009, meeting, the State Board of Examiners voted to issue Vann an Order to Show Cause.

The Board sent Vann's attorney the Order to Show Cause by regular and certified mail on April 1, 2009. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Vann must file an Answer within 30 days. Vann did not file a response. Thereafter, on May 19, 2009, the Board sent Vann's attorney another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Neither copy was returned. Vann did not respond to the second notice either.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 7, 2009, the Board sent Vann's attorney a hearing notice by regular and certified mail. The notice explained that it appeared that

no material facts were in dispute. Vann was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his disqualifying offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Once again, neither copy was returned nor did Vann file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Vann's conviction constitutes conduct unbecoming a certificate holder. Since Vann failed to respond to the Order to Show Cause or the hearing notice, at its meeting of October 22, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Vann's offense were in dispute since he never denied that he had pled guilty to the offense charged or had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. 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 Vann's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificates 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. Moreover, the Commissioner has long held that teachers serve as role models for their students. The conduct underlying Vann's conviction for Official Misconduct is inexcusable for any individual, teacher or not. Clearly, after committing such reprehensible acts, Vann cannot lay claim as a role model to anyone.

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, Vann's conviction for Official Misconduct represents a fraction of his egregious behavior that warrants revocation.

Accordingly, on October 22, 2009, the Board of Examiners voted to revoke Hassan Vann's Teacher of Music Certificate of Eligibility and Teacher of Music certificate. On this 2nd day of December 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Vann's certificates be effective immediately. It is further ORDERED that Vann return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ: