

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
DANIEL PETERSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-142

At its meeting of January 17, 2008, the State Board of Examiners reviewed information the Office of Criminal History Review had forwarded indicating that Daniel Peterson was convicted in 2004 of Possession of Marijuana. As a result of that conviction, Peterson was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Peterson did not appeal the disqualification before the Commissioner of Education. Peterson currently holds a Substitute Credential which expires in January 2011. Upon review of the above information, at its February 21, 2008 meeting, the State Board of Examiners voted to issue Peterson an Order to Show Cause.

The Board sent Peterson the Order to Show Cause by regular and certified mail on March 6, 2008. The Order provided that Peterson must file an Answer within 30 days. Peterson did not respond. Thereafter, on July 10, 2008, the Board sent Peterson a second notice by regular and certified mail, providing him an additional 15 days to respond. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Peterson did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 14, 2008, a hearing notice was mailed by regular and certified mail to Peterson. The notice explained that since it appeared no material facts were in dispute regarding his offense, Peterson 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 credential. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The notice also afforded him the opportunity to file a written submission and appear before the Board to testify on the sanction issue and mitigation. Peterson did not respond.

At its meeting of March 31, 2009, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Peterson failed to respond to the Order or the hearing notices, the State Board of Examiners determined that no material facts related to Peterson's offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. 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 issue before the State Board of Examiners in this matter, therefore, is whether Peterson's disqualification, which was predicated on the same offense as was set forth in the Order to Show Cause, represents just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989, the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. *See N.J.S.A. 18A:6-7.1(b)*. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal

drugs. *See In the Matter of the Tenure Hearing of David Earl Humphreys*, 1978 S.L.D. 689. To that end, the State and its schools have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. *See In the Matter of the Certificate of Barbara Corwick*, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school-aged pupils. Accordingly, the State Board of Examiners finds that Peterson's disqualification from service in the public schools of this State because of his conviction for Possession of Marijuana provides just cause to take action against his credential.

That strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Peterson's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his credential to teach. *See In the Matter of the Revocation of the Teaching Certificate of Patricia Rector*, Agency Dkt. No. 19-02 (St. Bd. of Education, August 7, 2002) (affirming the decision of the State Board of Examiners to revoke Rector's teaching certificate on the basis of the disqualification pursuant to *N.J.S.A. 18A:6-7.1*) (reversed and remanded by the Appellate Division on other grounds.)

Accordingly, on March 31, 2009 the Board of Examiners voted to revoke Daniel Peterson's Substitute credential. On this 11th day of May 2009 the Board of Examiners voted to

adopt its formal written decision and it is therefore ORDERED that the revocation of Peterson's credential be effective immediately. It is further ORDERED that Peterson return his credential 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:6-28.

RRH:MZ: