

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KERI ANN BREKNE : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-191

At its meeting of September 11, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Keri Ann Brekne was convicted in July 2008 of Sexual Assault, Aggravated criminal Sexual Contact, Criminal Sexual Contact and Endangering the Welfare of a Child. In addition, Brekne pled guilty to five counts of Aggravated Indecent Sexual Assault in Pennsylvania. As a result of the convictions, Brekne was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Brekne currently holds a Teacher of Social Studies Certificate of Eligibility, issued in June 2002 and a Teacher of Social Studies certificate, issued in September 2004.

Brekne did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Brekne an Order to Show Cause at its meeting of October 16, 2008.

The Board sent Brekne the Order to Show Cause by regular and certified mail on October 17, 2008. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Brekne must file an Answer within 30 days. Brekne did not respond. Thereafter, on January 7, 2009, the Board sent Brekne another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The regular mail copy was not returned and the certified mail receipt was signed and returned. Brekne did not respond to the second notice either.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 3, 2009, the Board sent Brekne a hearing notice by regular and certified mail. The notice explained that it appeared that

no material facts were in dispute and thus, Brekne 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 her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her disqualifying offense warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. When both copies of the notice were returned, on March 5, 2009, the Board re-sent it to the new address for Brekne that the Post Office had provided. Neither copy was returned nor did Brekne file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Brekne's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Brekne failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 28, 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 Brekne's offense were in dispute since she never denied that she had pled guilty to the offenses charged. 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 the conduct underlying Brekne's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Individuals convicted of a crime of sexual misconduct fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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.

In this case, Brekne has been convicted in two states for crimes that involved sexual assaults against a minor. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certification. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). 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). Accordingly, the State Board of Examiners finds that Brekne's disqualification from service in the public schools of this State because of her multiple convictions for Sexual Assault provides just cause to take action against her certificates.

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 certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature considers Brekne's offenses so

significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of her teaching certificates.

Accordingly, on July 28, 2009 the Board of Examiners voted to revoke Keri Ann Brekne's Teacher of Social Studies Certificate of Eligibility and her Teacher of Social Studies certificate. On this 17th day of September 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Brekne's certificates be effective immediately. It is further ORDERED that Brekne return her 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:6-28*.

RRH:MZ: