

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PATRICIA JOHNSON : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-246

At its meeting of July 28, 2009, the State Board of Examiners reviewed information received from the Camden County Prosecutor's Office (Camden) indicating that in September 2008, Patricia Johnson pled guilty to Conspiracy/Official Misconduct-Unauthorized Act and Attempted Theft By Deception. Johnson was sentenced to three years' probation, 100 hours of community service, fined and ordered to forfeit her public office. Johnson currently holds a Teacher of Elementary School certificate, issued in August 1971 and a Principal certificate, issued in July 1979. Upon review of the above information, at its September 17, 2009 meeting, the State Board of Examiners voted to issue Johnson an Order to Show Cause.

The Board sent Johnson the Order to Show Cause by regular and certified mail on September 24, 2009. The Order provided that Johnson's Answer was due within 30 days. Johnson responded on October 2, 2009. In that response, Johnson stated that she was without "information sufficient to form a belief" regarding the information Camden had presented to the Board of Examiners. (Answer, ¶¶ 2, 3.) Johnson also denied that she had pled guilty to Conspiracy/Official Misconduct-Unauthorized Act and Attempted Theft By Deception. (Answer, ¶ 4.)¹

Thereafter, pursuant to *N.J.A.C.* 6A:9-17.7(e), on December 4, 2009, the Board sent Johnson a hearing notice by regular and certified mail. The notice explained that it appeared that

¹ Since Johnson's denial of her guilty plea directly contradicted the Judgment of Conviction, the Board asked Johnson to explain her denial. In a series of letters, Johnson stated that she did not have to explain her denial and that a guilty plea was not sufficient for an automatic revocation of her certificates. At its meeting of December 2, 2009, the Board voted to strike that portion of Johnson's Answer which denied that she pled guilty to Conspiracy/Official Misconduct-Unauthorized Act and Attempted Theft By Deception and was sentenced to three years' probation and ordered to forfeit her public office. (State Board of Examiners Letter Decision, December 3, 2009.)

no material facts were in dispute. Thus, Johnson 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 conviction warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Johnson was also provided the opportunity to appear before the Board to testify on the sanction issue. In response to the hearing notice, Johnson responded on December 18, 2009, indicating that there were material facts in dispute and that she was entitled to a plenary hearing. On December 21, 2009, the Board extended Johnson's time to submit a hearing brief until January 19, 2010. Johnson did not file a response to that notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Johnson's conviction constitutes conduct unbecoming a certificate holder. Since Johnson failed to respond to the hearing notice, other than on procedural grounds, the State Board of Examiners considered her Answer as the only responsive pleading in the hearing process. It should be noted that in a letter dated November 13, 2009, Johnson argued that summary decision was not appropriate since she should be allowed to explain her guilty plea. However, Johnson did not avail herself of the hearing process, wherein she would have been allowed to explain any mitigating circumstances, including the reasons for her guilty plea.

At its meeting of March 25, 2010, the State Board of Examiners reviewed the charges and papers Johnson filed in response to the Order to Show Cause. The Board of Examiners determined that no material facts related to Johnson's offense were in dispute since she could not rightfully deny that she had pled guilty to the offense charged and 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 Johnson's conviction, as set forth in the Order to Show Cause, represents just cause to act against her 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, 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). In this case, Johnson has a conviction for a crime involving dishonesty. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain her certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div.), cert. denied, 65 *N.J.* 292 (1974).

Moreover, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Johnson's conviction for Attempted Theft By

Deception and Conspiracy/Official Misconduct-Unauthorized Act demonstrates egregious behavior that warrants revocation. The Commissioner has long held that teachers serve as role models for their students. Clearly, Johnson cannot claim status as a role model to anyone.

Accordingly, on March 25, 2010, the Board of Examiners voted to revoke Patricia Johnson's Teacher of Elementary School and Principal certificates. On this 29th day of April 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Johnson's certificates be effective immediately. It is further ORDERED that Johnson 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 *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th