

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
STEPHEN LEGLER : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-122

At its meeting of October 28, 2010, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Stephen Legler was convicted in August 2010 of Lewdness. As a result of the conviction, Legler was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Legler currently holds a Teacher of Business: Finance/Economics/Law Certificate of Eligibility, issued in September 2006.

Legler did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of December 9, 2010 to issue Legler an Order to Show Cause why his certificate should not be revoked.

The Board sent Legler the Order to Show Cause by regular and certified mail on December 16, 2010. The Order provided that Legler must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Legler did not file a response. Thereafter, on January 24, 2011, the Board sent Legler another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Legler did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 14, 2011, the Board sent Legler a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Legler 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, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate

sanction, if any. Legler was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Legler submitted a written response on February 21, 2011, which provided background details regarding his offense. He also submitted a copy of a letter to his attorney recounting his arrest. He did not ask to appear before the Board.

In his response, Legler stated that, "I pleaded guilty to the charge of lewdness in order to protect myself and my family" (Hearing Response, Letter to Mr. LoFaro, p. 1). He claimed that he did not "engage in any sexual conduct or activity, either verbal or physical" and that he did not expose his penis to the officer (Hearing Response, p.1). He stated that he was told he was arrested for urinating in public and that the arresting officer lied about the incident (Hearing Response, Letter to Mr. LoFaro, p. 1). He did not challenge the charges because he believed the Essex County Police Department to be corrupt and he did not want to risk being sent to jail. (Hearing Response, Letter to Mr. LoFaro, p. 1).

The threshold issue before the Board in this matter is whether Legler's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of May 12, 2011, the Board considered the allegations in the Order to Show Cause and Legler's Hearing Response. The Board determined that no material facts related to Legler's offense were in dispute since he never denied that he had been convicted of the offense charged. Thus, the Board 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 Board must now determine whether Legler's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate 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. Individuals convicted of a crime such as Lewdness 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. Clearly, Legler’s actions here are not those of a role model. Moreover, Legler never expressed remorse about the incident, nor did he explain why his teaching certificate should not be revoked.

The 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 Board 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 himself out as a teacher. Thus, because the Legislature considers Legler’s offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Legler’s certificate.

Accordingly, on June 16, 2011, the Board voted to revoke Stephen Legler’s Teacher of Business: Finance/Economics/Law Certificate of Eligibility. On this 28th day of July 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Stephen Legler’s certificate be effective immediately. It is further ORDERED that Legler return his certificate 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*.