

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ZUZANA BRACOK : ORDER OF SUSPENSION
_____ : DOCKET NO: 1112-170

At its meeting of January 19, 2012, the State Board of Examiners (Board) reviewed information regarding Zuzana Bracok. Bracok was applying for a Teacher of Students with Disabilities Certificate of Eligibility With Advanced Standing and a renewal of her Non-citizen Teacher of English certificate. The Office of Criminal History review and the Fair Lawn Municipal Court provided the Board with information about Bracok. In April 2011, Bracok pled guilty to a local ordinance violation in Union Municipal Court. In August 2011, she pled guilty in Fair Lawn Municipal Court to two counts of Unsworn Falsification to Authorities, a disorderly persons offense. Bracok currently holds a Teacher of English Certificate of Eligibility With Advanced Standing, issued in June 2005. Upon review of the above information, at its March 1, 2012 meeting, the Board voted to block Bracok's certification applications and issue her an Order to Show Cause.

The Board sent Bracok the Order to Show Cause by regular and certified mail on March 7, 2012. The Order provided that Bracok must file an Answer within 30 days. Bracok responded on April 5, 2012. In that Answer, Bracok stated that in the first incident she thought someone had stolen her purse in a diner and she "admittedly became too loud in insisting that the person who I thought took my property needed to be stopped. As a result, an argument ensued resulting in the summons from the Union Police." (Answer, ¶ 3). She stated that the matter was resolved after several court appearances and she agreed that she caused the disturbance by yelling in the diner parking lot. (Answer, ¶ 4). Bracok added that all other charges were dismissed. (Answer, ¶ 4). Bracok stated that the Fair Lawn incident occurred when she agreed "to take a prescription from the girlfriend of a friend of mine and have it filled for her." (Answer, ¶ 6). Bracok stated that she had no idea there was anything wrong with the prescription and that the authorities "came to understand that I was simply an ignorant pawn in someone else's attempt to have an improperly obtained prescription filled." (Answer, ¶ 6). Bracok stated that the municipal authorities allowed her to resolve the issue by pleading guilty to a disorderly person's offense. (Answer, ¶ 7).

Bracok added that in both cases she was fined and neither one had any relation to her abilities in the classroom. (Answer, ¶ 8). She urged the Board not to revoke her license since she believed she was a good teacher who worked very hard with her students. (Answer, ¶ 9). Bracok also requested to appear before the Board. (Answer, ¶ 9). In addition to the Answer, Bracok's attorney submitted a letter stating that he had represented her in both municipal matters and indicated that Bracok "was insistent at every step of the proceeding that she was not guilty of the charges against her." (Pearson Letter, April 5, 2012). He added that the witnesses to both incidents were unwilling to come to court and since the State agreed to a municipal ordinance violation in each instance that was considered a preferred outcome to a protracted legal proceeding. (Pearson Letter, April 5, 2012). Bracok's attorney added that he advised her that the municipal violations were not considered crimes. (Pearson Letter, April 5, 2012).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 12, 2012, the Board sent Bracok a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Bracok 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 determined to take action against her certificate. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Bracok's conduct warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Bracok was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Bracok did not submit a response to the Hearing Notice although she had previously requested to appear before the Board in her Answer.

In testimony before the Board, Bracok stated that she was embarrassed to be appearing before the Board and apologized that she had to be there. She stated that she had never been arrested and had no intention of being on the other side of the law. She explained that teaching was her passion, especially working with at-risk youth, which was an underserved population. Bracok said she always held teachers

in the highest esteem and that students model the behavior that they see. Bracok again apologized for her behavior.

Bracok's attorney, Fredric Pearson, also spoke on her behalf. He noted that Bracok was not born in the United States and came here in 1987. He noted that she deals with at-risk youth who are difficult to teach. In explaining the first incident, Pearson noted that Bracok was out with friends, had some drinks and when they went out to a diner, she noticed her purse was missing. She was upset and called the police; he stated that Bracok thought she knew who stole her purse but the police did not believe her. Pearson admitted that Bracok became loud with the police and a police officer grabbed her. Bracok later pled guilty to a disorderly persons offense. In the second incident, Pearson explained that Bracok tried to fill a prescription for someone she had just met: her boyfriend's brother's new girlfriend. Pearson explained that the prescription was for oxycontin and that Bracok was allergic to it. The girlfriend would not come to court to testify and according to Pearson, even the Prosecutor agreed it was an improper charge. The matter was then sent to municipal court. Pearson noted that Bracok's offenses had no logical relation to her ability to teach. Wendy Cubano, Bracok's current supervisor, also testified. She stated that Bracok worked well with at-risk youth and brought great enthusiasm to the job. She added that she was grateful to have Bracok working for her.

The threshold issue before the Board in this matter is whether Bracok's convictions constitute conduct unbecoming a certificate holder. At its meeting of July 26, 2012, the Board considered the allegations in the Order to Show Cause, Bracok's Answer and her testimony. The Board determined that no material facts related to Bracok's offenses were in dispute since she admitted that she had been convicted and sentenced accordingly. 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 Bracok's convictions, as set forth in the Order to Show Cause, provide just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

The Board 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. The Commissioner has long held that teachers serve as role models for their students. Bracok’s acts of violating a local ordinance and providing an Unsworn Falsification to Authorities occurred within a few months of each other. However, while these acts fall short of the behavior expected of a role model, they do not warrant the revocation of her certificate. Rather, given the totality of the circumstances at the time of each offense, the Board believes that a suspension of her certificate is more appropriate in this case.

Accordingly, on July 26, 2012, the Board voted to suspend Zuzana Bracok’s Teacher of English Certificate of Eligibility With Advanced Standing for a period of two years. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that Bracok’s certificate be hereby suspended for a period of two years effective immediately. It is further ORDERED that Bracok return her 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 *N.J.S.A. 18A:6-38.4*.