

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SCOTT D. PETRY : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-230

At its meeting of July 15, 2014, the State Board of Examiners (Board) reviewed information received from the staff of the Office of Certification and Induction regarding Scott D. Petry. In July 2002, Petry pled guilty in Pennsylvania to Open Lewdness after being charged with exposing his genitals to a waitress at a restaurant. In 2013, Petry was charged in Pennsylvania with Open Lewdness and Indecent Exposure. In December 2013, Petry surrendered his teaching certificate in lieu of discipline. In New Jersey, Petry holds a Teacher of Spanish certificate, issued in July 1992. Upon review of the above information, at its July 24, 2014 meeting, the Board voted to issue Petry an Order to Show Cause.

The Board sent Petry the Order to Show Cause by regular and certified mail on July 29, 2014. The Order provided that Petry had 30 days to respond. Both the certified mail and the regular mail copies were returned. After securing a new address for Petry, the Board re-sent the Order to Show Cause by regular and certified mail on August 14, 2014. The certified mail receipt was signed and returned and the regular mail copy was not returned. Petry did not respond. Thereafter, on September 22, 2014, the Board sent Petry 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 copy was not returned. Petry did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on October 14, 2014, the Board sent Petry a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Petry 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 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 Petry's offenses warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Petry 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. Once again, Petry did not respond.

The threshold issue before the Board in this matter is whether Petry's conduct and crime constitute conduct unbecoming a certificate holder. Since Petry failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 23, 2015, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Petry's offense were in dispute since he never denied that he had been convicted or that he had surrendered his Pennsylvania certificates in lieu of discipline. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Petry's conduct and conviction and the surrender of his Pennsylvania certificates, as set forth in the Order to Show Cause, provide just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5. “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, 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 matter, Petry has a conviction for an offense of lewdness and a charge for the same crime several years later. That conviction and his repeated conduct leaves no doubt that he is unfit to be a teacher. The Board agrees with the Department of Education in Pennsylvania that Petry’s conduct demonstrates behavior that falls so far short of a role model that the only appropriate sanction in this case is the revocation of Petry’s certificate.

Accordingly, on January 23, 2015, the Board voted to revoke Petry’s Teacher of Spanish certificate. On this 12th day of March 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Scott D. Petry’s certificate be effective immediately. It is further ORDERED that Petry 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

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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.