

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WILLIAM MCMEEKAN : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-188

At its meeting of July 15, 2014, the State Board of Examiners (Board) reviewed information it had received from the Scotch Plains-Fanwood School District (SP-F) regarding William McMeekan. The Scotch Plains-Fanwood School District (SP-F) certified tenure charges to the Commissioner of Education alleging that McMeekan had removed a computer from school without permission and made personal use of it in his home. The district also alleged that McMeekan had made a false statement to the district about the missing computer.

Specifically, SP-F alleged that when Emilia Treglia, the district's Technology Support Specialist, went into McMeekan's classroom to follow up on a student request that certain software be installed on the TV production computers, she observed that there were only four desktop computers in the classroom where previously there had been five. When she traced the computer's serial number, it was determined that it had last logged in from outside the district and that someone was logging onto the computer using McMeekan's user identification. The local administrator account name had been changed to "wmcmeekan" and the computer had been renamed from "HS-TV-03" to "W McMeekan's iMac." The district noted that there were several logins from this iMac to the district's computer network from a Verizon FIOS network originating in Newark.

SP-F also alleged that McMeekan had entered a ticket into the district's Help Desk System requesting that computer software be installed on his classroom computers. At the bottom of the ticket McMeekan wrote "Also, why are the 4 grey imacs (last year we had 5)."

After notifying the police regarding the missing computer, the district also noted that there was another remote login attempt from the missing computer from a FIOS Internet address located in Newark. On January 4, 2013 the Scotch Plains Police retrieved the missing computer from McMeekan's home. The district and McMeekan settled the tenure case and McMeekan resigned from his tenured position in the district.

McMeekan currently holds a Teacher of English Certificate of Eligibility With Advanced Standing, issued in June 1999, a Teacher of English certificate, issued in July 2003 and a Teacher of Television Broadcasting certificate, issued in August 2006. After reviewing the above information, at its July 24, 2014 meeting, the Board voted to issue an Order to Show Cause to McMeekan as to why his certificates should not be revoked.

The Board sent McMeekan the Order to Show Cause by regular and certified mail on July 29, 2014. The Order provided that McMeekan must file an Answer within 30 days. McMeekan responded on August 21, 2014. In his Answer, McMeekan admitted that the school computer was removed without permission but stated that no personal use of it occurred. (Answer, ¶ 2). He also stated that he did not know what SP-F had reported to the Board, but denied that he had made the statement on the Help Desk ticket regarding only having four computers in his room. (Answer, ¶¶ 4, 5). He also admitted that the computer was retrieved from his home, but noted that he fully cooperated with the police. (Answer, ¶ 6). McMeekan also claimed that no tenure charges were filed against him and that the matter was resolved prior to the filing of the tenure case. (Answer, ¶ 7). In a Separate Defense, McMeekan stated that he had never been found to have committed any inappropriate actions and at no time knowingly removed any computer from his classroom or attempted to convert a computer that was not his.

He also noted that he did not knowingly make any false statements to the district about any missing computer. (Answer, Separate Defense, ¶ 1).

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Ellen S. Bass heard the matter on March 10, 2015 and April 7, 2015. The record closed on June 1, 2015, and the ALJ issued an Initial Decision on June 23, 2015. *In the Matter of the Certificates of William McMeekan*, Dkt. No. EDE 12836-14 (Initial Decision, June 23, 2015).

In that decision, ALJ Bass found that, McMeekan had removed a computer from his classroom and took it home for “some unexplained personal use, and for no other purpose.” (Initial Decision, slip op. at 5). The ALJ further found that McMeekan’s conduct violated district policies for the use of computers as it was impermissible to load software onto school computers or remove them from school without permission. *Ibid.* ALJ Bass also determined that “McMeekan made false statements to school personnel and to the police when he ‘punched a ticket’ alerting the help desk that a computer that he had taken to his home was ‘missing’; when he declined for almost an hour to admit to a police detective that the computer was in his home; and when he failed to tell [the district’s Network Coordinator] that they were one computer short because McMeekan himself had removed the missing computer from the classroom.” *Id.* at 5-6. The ALJ concluded that McMeekan’s dishonest conduct “calls into question his capacity to be a role model for children” since that conduct demonstrated “disrespect for his role as a teacher; disrespect for the school district; and disrespect for the taxpayers whose hard-earned money purchased that computer for the children of Scotch Plains/Fanwood.” *Id.* at 7.

After determining that the Board had demonstrated the allegations of unbecoming conduct against McMeekan by a preponderance of the credible evidence, ALJ Bass ordered the

revocation of his certificates. *Id.* at 6-7. McMeekan filed Exceptions and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions in the case.

In his Exceptions, McMeekan argued that ALJ Bass did not find that he took the computer home for some illegal reason and that no one testified that he used the computer from his home for any purpose. (Exceptions, p. 2). He further argued that not every violation of district policies merited the forfeiture of a teaching certificate and that “taking home a computer without permission, while may be a terminable offense, certainly is not a certification issue (as it occurred only once).” (Exceptions, p. 3). He also noted that while he did initially lie to the police about having the computer, he told the truth after about 40 minutes. (Exceptions, p. 3). McMeekan argued that his single mistake should not result in the revocation of his certificates. (Exceptions, pp. 4-5). Finally, McMeekan took exception ALJ Bass’ dismissal of his suggestion that only his Television Production certificate was implicated here and therefore that should be the only certificate to be revoked. (Exceptions, p. 6). In her Reply Exceptions, the DAG argued that McMeekan’s Exceptions were without merit, especially his suggestions that the case turned on the purpose for which he took the computer or that there was a bright-line test for cases requiring revocation. (Reply Exceptions, p. 2). The DAG noted that “the decision to recommend revocation was appropriate and supported by the overwhelming evidence in the record” as the ALJ based it on McMeekan’s “decision to misappropriate school district property followed by his evasive and dishonest behavior over the course of at least six weeks.” (Reply Exceptions, p. 3). The DAG argued that the record demonstrated that McMeekan’s conduct was more than an anomaly or a momentary lapse in judgment and that he had engaged in a prolonged period of deceptive behavior both with the district and the police. (Reply Exceptions, p. 3). The

DAG therefore claimed that the record demonstrated and the ALJ correctly determined that McMeekan's certificates should be revoked. (Reply Exceptions, p. 4).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of July 30, 2015, the Board reviewed the Initial Decision, Exceptions and Reply Exceptions. After full and fair consideration of the Decision, the Board voted to adopt the Initial Decision.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and the credibility of the witnesses, ALJ Bass concluded that the Board had amply demonstrated that McMeekan engaged in conduct unbecoming a teacher by taking a district computer home and then lying to district personnel and the police about its whereabouts. According to the ALJ, such conduct warranted the revocation of his certificates. (Initial Decision, slip op. at 6-7).

"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. 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). In this case, McMeekan's conduct of taking a district computer home, putting in a Help Desk Ticket that feigned puzzlement at having one less computer in his classroom and then obfuscating during his police interrogation about the computer's location, certainly satisfies that requirement. His actions, taken as a whole, clearly demonstrate conduct that warrants revocation. The Board therefore adopts the Initial Decision in its entirety.

Accordingly, on July 30, 2015, the Board voted to adopt the Initial Decision and ordered to revoke McMeekan's certificates. On this 17th day of September 2015, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that William McMeekan's Teacher of English Certificate of Eligibility With Advanced Standing and his Teacher of English and Teacher of Television Broadcasting certificates are hereby revoked, effective immediately. It is further ORDERED that McMeekan return his 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

RRH/MZ/th

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.