

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
DIANA H. PARK : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1415-260

At its meeting of July 30, 2015, the State Board of Examiners (Board) reviewed information the Division of Criminal Justice and the Tenafly School District had forwarded regarding Diana Park. On April 29, 2015, Park was accepted into a Pretrial Intervention program (PTI) for 36 months after being charged with Theft By Unlawful Taking and Falsifying/Tampering with Records. According to the Accusation, Park had misappropriated funds from the Mackay Home and School Association in Tenafly. As a condition of PTI, Park was ordered to pay restitution in the amount of \$133,414.41. Park paid the restitution and on May 27, 2015, the court granted a consent order to terminate her PTI on that date. Park currently holds a Teacher of Mathematics Certificate of Eligibility With Advanced Standing, issued in June 2000 and a Teacher of Mathematics certificate, issued in March 2003. Upon review of the above information, at its September 17, 2015 meeting, the Board voted to issue Park an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Park the Order to Show Cause by regular and certified mail on September 23, 2015. The Order provided that Park had 30 days to respond. Park filed an Answer on September 29, 2015.

In her Answer, Park stated that she was “truly remorseful” for her actions. (Answer, ¶ 3). She stated her behavior was out of character and did not indicate what type of teacher and person she was. (Answer, ¶ 3). She stated that her actions occurred during a tumultuous time in her life, which did not excuse her conduct. (Answer, ¶ 3). She noted that she had learned from the experience and was “in a much better place now.” (Answer, ¶ 3). She added that she did

everything she could to pay restitution as soon as possible and understood that “it doesn’t forgive or make others forget what I have done.” (Answer, ¶ 4). She asked that her mistake not cost her a job that she loved and enjoyed doing. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*<sup>1</sup>, on October 19, 2015, the Board sent Park a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Park 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 her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her conduct warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Park was also offered the opportunity to appear before the Board to provide testimony on the sanction issue.

Park responded on October 30, 2015. In that response, she claimed that her conduct did not warrant action against her certificates. (Hearing Response, p. 1). She stated that while her actions were regrettable, she had spent the past year reflecting and believed that she had been rehabilitated. (Hearing Response, p. 1). Park added that she accepted responsibility for her actions and promptly paid restitution. (Hearing Response, p. 1). According to Park, her actions were personal and did not affect her teaching or her students. (Hearing Response, p. 1). She noted that she was a hard working, effective teacher. (Hearing Response, p. 1). Park also asked that if the Board felt it necessary to take action against her certificates, that it be lenient with the sanction so that she could one day return to teaching. (Hearing Response, p. 1). Park did not ask to appear before the Board.

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<sup>1</sup> This regulation was subsequently recodified at *N.J.A.C. 6A:9B-4.6(e)*.

The threshold issue before the Board in this matter is whether Park's conduct constitutes conduct unbecoming a certificate holder. At its meeting of January 21, 2016, the Board considered the allegations in the Order to Show Cause, Park's Answer and her Hearing Response. The Board determined that no material facts related to Park's offense were in dispute since she never denied that she had been admitted into PTI or had engaged in the conduct alleged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Park's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

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-4.4*. "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). Park's conduct in misappropriating funds in the amount of \$133,414.41 from a school association is conduct that is both egregious and indicates a serious lapse in judgment. Moreover, while it is laudable that she regrets her actions, that remorse does not negate the conduct that makes her ill fit to be a role model to students. The Board therefore concludes that the appropriate response to Park's breach is the revocation of her teaching certificates.

Accordingly, on January 21, 2016, the Board voted to revoke Diana H. Park's Teacher of Mathematics Certificate of Eligibility With Advanced Standing and her Teacher of Mathematics certificate, effective immediately. On this 3rd day of March 2016 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Park's certificates be effective immediately. It is further ORDERED that Park return her certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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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.