

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
PATRICK F. LYNCH : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-161

At its meeting of December 8, 2017, the State Board of Examiners (Board) reviewed a tenure decision regarding Patrick F. Lynch, a tenured teacher in the Greater Egg Harbor Regional High School District (GEHRHSD). Pursuant to *N.J.S.A. 18A:6-16*, the tenure matter captioned *Greater Egg Harbor Reg. Board of Education v. Patrick Lynch*, Dkt. No. 267-9/16 (Arbitrator's Decision, January 10, 2017), was referred to the Board by the Arbitrator the Department of Education had assigned to hear the case.

GEHRHSD had certified tenure charges against Lynch, alleging he had consumed alcohol at school during school hours and that he was legally intoxicated while responsible for students. GEHRHSD alleged that, on or about May 26, 2016, during school hours, two clerical staff members reported to the Director of Curriculum that each of them had detected a strong odor of alcohol on Lynch's breath when he entered their office to collect his pay check. The incident was reported to administration and after meeting with Lynch the administration requested that he submit to blood alcohol testing. Lynch complied and the breathalyzer testing revealed a blood alcohol level of .111%, constituting legal intoxication.

In her Decision (which is incorporated herein by reference), the Arbitrator noted that Lynch admitted to the consumption of alcohol in the work place during school hours and the legal intoxication finding pursuant to the blood alcohol screening test. The Arbitrator also noted an incident from 2011 where Lynch obtained treatment for alcohol addiction after another staff member reported him. In testimony before the Arbitrator, Lynch also admitted that on one particular day in October 2015, after a night he was drinking, he was called to a meeting in the principal's office and an incident report was created by the principal.

Having reviewed the entire record, the Arbitrator determined that the district had proven that Lynch was intoxicated during school hours, at the workplace and in the presence of students which

evidenced bad judgment and a lack of self-control on Lynch's part. The Arbitrator further noted that Lynch was not pursuing other steps to maintain his sobriety and was an indication that if he were to return to work he would likely be unable to avoid future relapses. The Arbitrator therefore sustained most of the tenure charges against Lynch.

Lynch was dismissed from his tenured employment with GEHRHSD as a result of the charges proven in the tenure proceeding.

Lynch currently holds a Teacher of Biological Science Certificate of Eligibility and a Teacher of Biological Science certificate. After reviewing the above information, at its January 19, 2018 meeting, the Board voted to issue an Order to Show Cause to Lynch as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Board sent Lynch the Order to Show Cause by regular and certified mail on February 8, 2018. The Order provided that Lynch's Answer was due within 30 days. Both the certified and regular mail copies were returned as "Vacant-Unable to Forward." As a result, the Board published notification of the Order to Show Cause on March 28, 2018. Lynch did not respond. Thereafter, on May 31, 2018, the Board published another notice providing Lynch an additional 15 days to respond to the Order to Show Cause. Once again, Lynch did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 19, 2018, the Board sent Lynch a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Lynch 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 certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Lynch's offense warranted action against his certificates.

Thereupon, the Board would also determine the appropriate sanction, if any. Lynch 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. Lynch did not respond.

The threshold issue before the Board in this matter is whether Lynch's conduct constitutes conduct unbecoming a certificate holder. Since Lynch failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of November 1, 2018, the Board considered only the allegations in the Order to Show Cause and the Arbitrator's Decision. The Board concluded that no material facts related to Lynch's offense were in dispute since he never denied that he 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)*. After reviewing the allegations, the Board found that Lynch had engaged in unbecoming conduct.

The Board must now determine whether Lynch's conduct, as set forth in the Order to Show Cause, provides just cause to act against his 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, the Commissioner has long held that teachers serve as role models for their students. Furthermore, 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 instance, Lynch's actions in coming to work in an intoxicated state clearly demonstrates conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on November 1, 2018, the Board voted to revoke Patrick F. Lynch's Teacher of Biological Science Certificate of Eligibility and his Teacher of Biological Science certificate. On this 17th day of December, 2018 the Board voted to adopt its formal written decision and it is therefore ORDERED that Lynch's certificates are hereby revoked, effective immediately. It is further ORDERED that Lynch return his 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

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**Date of Mailing:  
via certified and regular mail**

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.