

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MICHAEL D. LEARY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-128

At its meeting of March 1, 2018, the State Board of Examiners (Board) reviewed information the Ridgefield Park School District (Ridgefield Park) and its State Monitor and the Office of Fiscal Accountability and Compliance (OFAC) had forwarded regarding Michael D. Leary. OFAC forwarded its January 2018 report titled “Various School Districts, Former SBA’s Professional Conduct” to the Board. OFAC had been asked to investigate Leary’s alleged unprofessional conduct as an Interim School Business Administrator (SBA). In the report, which is incorporated herein by reference, OFAC found that, on at least three occasions, Leary resigned his position as an Interim SBA without providing appropriate notice.

Leary had been employed as the Interim SBA in North Haledon on October 1, 2015 and unilaterally terminated his employment there on November 16, 2015. His employment contract with that district required that he provide 60 days’ written notice prior to leaving the position. The district superintendent indicated that Leary provided him with only verbal notice of his unilateral termination on the same day he resigned. When interviewed by the OFAC investigator, Leary confirmed that he gave only verbal notice of his resignation the same day he resigned. He added that, because of a disagreement with the superintendent and the school board as to the corrective course of action he believed was needed to address the district’s deficit situation, he felt “ethically compelled to immediately resign.”

The Office of State Monitors submitted information about Leary to the OFAC investigator which indicated that Leary became Interim SBA in Ridgefield Park on December 22, 2015. On April 27, 2016, Leary resigned from his position in that district by way of written notice, effective

that day. His employment contract with Ridgefield Park required that he provide 30 days' written notice prior to leaving the position. The State Monitor, who was appointed on May 12, 2016, reported that when he reviewed Ridgefield Park's 2016-17 school budget, he found many omissions "in areas reflecting the needs of the district and had more questions than answers as I moved forward." The State Monitor asked the new Interim SBA to reach out to Leary, but according to the SBA, Leary never responded to her numerous calls. The State Monitor indicated that Leary left little or no documentation in the office to show how the budget was prepared. Leary told the OFAC investigator that he left Ridgefield Park due to disagreements with the superintendent and school board over corrective actions that he believed needed to be taken and the district's refusal to do so. Leary stated that he felt ethically compelled to immediately resign.

Leary began his employment as Leonia's Interim SBA on August 9, 2016. He resigned his position there by hand-written notice dated October 13, 2016, effective that day. Leary's employment contract with Leonia required that he provide 14 days' written notice prior to leaving the position. The Leonia superintendent told the OFAC investigator that, prior to Leary's departure, there was a human resources issue with him. After meeting with Leonia's Affirmative Action Officer, Leary advised the superintendent that he was leaving his position. Leary told the OFAC investigator he took exception to the complaint made against him in Leonia and subsequently advised the superintendent he was leaving his position, effective that day. The OFAC report concluded that Leary had violated the notice of termination provisions of the employment contracts in all three districts in which he had been hired as an Interim SBA.

Leary currently holds a School Business Administrator Certificate of Eligibility and a School Business Administrator certificate. Upon review of the above information, at its April 13, 2018 meeting, the Board voted to issue Leary an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Leary the Order to Show Cause by regular and certified mail on July 3, 2018. The Order provided that Leary had 30 days to respond. Both the certified and regular mail copies were returned as “No Mail Receptacle.” As a result, the Board published notification of the Order to Show Cause on November 1, 2018. Leary did not respond. Thereafter, on February 8, 2019, the Board published another notice providing Leary an additional 15 days to respond to the Order to Show Cause. Once again, Leary did not respond.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 26, 2019, the Board published a Hearing Notice requiring Leary’s response within 30 days and providing him with the opportunity to file a written submission on the issue of whether his conduct provided just cause for the Board to take action against his certificates and, if so, the appropriate sanction. Leary did not respond.

The threshold issue before the Board in this matter is whether Leary’s conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Leary 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 June 28, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from Ridgefield Park and OFAC. The Board concluded that no material facts related to Leary’s offense were in dispute since he never denied that he had engaged in the alleged conduct. 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 Leary had engaged in unbecoming conduct.

The Board must now determine whether Leary’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, 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). Leary’s actions in repeatedly resigning from districts where he was employed as an SBA without providing proper and sufficient notice, thereby leaving the district in a compromised position, is behavior more associated with a petulant child rather than a role model. Leary’s conduct clearly indicates a serious lapse in judgment. The Board therefore concludes that the appropriate response to his repeated breaches is the revocation of his certificates.

Accordingly, on June 28, 2019, the Board voted to revoke Michael D. Leary’s School Business Administrator Certificate of Eligibility and his School Business Administrator certificate. On this 1st day of August 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Leary’s certificates are hereby revoked, effective immediately. It is further ORDERED that Leary 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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Rani Singh, Acting Secretary  
State Board of Examiners

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

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