

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT E. MAYS : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-256

At its meeting of June 15, 2017, the State Board of Examiners (Board) reviewed information it had received from the United States Attorney's Office and the Criminal History Review Unit (CHRU) regarding Robert E. Mays. In October 2015, the federal government indicted Mays, alleging that he stole more than \$200,000 from his employer, the Jersey City Child Development Center. On June 7, 2016, Mays pled guilty to Wire Fraud. The CHRU notified the Board that, as a result of his conviction, Mays is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Mays currently holds a Teacher of English as a Second Language Certificate of Eligibility with Advanced Standing and Teacher of the Handicapped and Teacher of Driver Education certificates. Mays did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of July 27, 2017 to issue Mays an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Mays the Order to Show Cause by regular and certified mail on September 20, 2017. The Order provided that Mays must file an Answer within 30 days. Mays filed an Answer on October 18, 2017.

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. On April 19, 2018, the Administrative Law Judge assigned to the case returned it to the Board after Mays failed to

appear for a scheduled hearing. Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ had provided Mays with 13 days to submit an explanation for his nonappearance. Mays did not submit an explanation or otherwise respond to that notice. At its meeting of May 24, 2018, the Board voted not to retransmit the matter to OAL. On May 25, 2018, the Board sent Mays a notice by regular and certified mail providing him an additional 15 days to respond before his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Mays never responded to the notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on July 16, 2018, the Board sent Mays a hearing notice by regular and certified mail. Mays 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. Mays 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, Mays did not respond.

The threshold issue before the Board in this matter is whether Mays’ conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Mays did not appear at his hearing, and his Answer was subsequently stricken from the record, at its meeting of December 17, 2018, the Board considered only the allegations in the Order to Show Cause. Moreover, since Mays is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Mays’ offense were in dispute, 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 Mays had engaged in unbecoming conduct.

The Board must now determine whether Mays' conviction and resulting disqualification, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Wire Fraud fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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 instance, Mays' conviction demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Mays' offense so

significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on December 17, 2018, the Board voted to revoke Robert E. Mays' Teacher of English as a Second Language Certificate of Eligibility with Advanced Standing and his Teacher of the Handicapped and Teacher of Driver Education certificates. On this 24th day of January 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Mays' certificates be effective immediately. It is further ORDERED that Mays 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.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

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.