

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
DAVID P. HYATT : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1718-210

At its meeting of April 13, 2018, the State Board of Examiners (Board) reviewed information received from the Ocean County Superior Court-Criminal Division and the Criminal History Review Unit (CHRU) regarding David P. Hyatt. On February 27, 2018, Hyatt pled guilty to Driving While Intoxicated-Parent/Guardian with Minor in Vehicle after being charged with Endangering-Abuse/Neglect of a Child by Caretaker for driving while intoxicated with two minor children in the car. On that same date, he was sentenced to 180 days in the Ocean County Jail, a 10-year license suspension and mandatory Ignition Interlock device usage for 11 years since it was his third conviction for Driving Under the Influence of Alcohol or Drugs. Hyatt currently holds a Teacher of the Handicapped certificate. Upon review of the above information, the Board voted at its meeting of May 24, 2018 to issue Hyatt an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Hyatt the Order to Show Cause by regular and certified mail on May 29, 2018. The Order provided that Hyatt must file an Answer within 30 days. Hyatt filed an Answer on June 22, 2018.

In his Answer, Hyatt admitted to the allegations in the Order to Show Cause but noted that his latest conviction was a disorderly persons offense and he was “ordered to pay fines only in the amount of \$125.00.” (Answer, ¶ 3). He acknowledged that he was sentenced on the same date for his third DUI offense and received jail time and the license suspension for that charge. (Answer, ¶ 3). Hyatt also emphasized that he had received some jail time credit for time he had spent in a rehabilitation facility between November 2017 and January 2018. (Answer, ¶ 3). He stated that he had been alcohol free since November 2017, had successfully continued with his sobriety and had attended and would continue to attend AA meetings on a daily basis. (Answer, ¶ 4). Hyatt asked the Board to consider his efforts at rehabilitation, his clean and sober living and his years of good service as an educator. (Answer, ¶ 5).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on July 30, 2018, the Board sent Hyatt a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Hyatt 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 certificate. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Hyatt was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. After receiving an extension of time, Hyatt responded on September 27, 2018.

In that response, Hyatt stated that he had been employed by the Manchester Board of Education since 2004 as a Special Education teacher and had continued his employment during his conviction and service of jail time. (Hearing Response, p. 2). He added that there was no accident or injuries associated with his violation and that he had cooperated fully with law enforcement. (Hearing Response, p. 3). Hyatt noted that the Department of Children and Families investigated the incident and ultimately determined that abuse or neglect was “not substantiated.” (Hearing Response, p. 3).

He also referenced his recovery efforts, including a 60-day in-patient alcohol rehabilitation program in Florida, an Intensive Outpatient Program in New Jersey where he attended counseling and therapy sessions two to three times per week for six to nine hours per week and a scheduled Outpatient Program which entailed one hour per week with his therapist and an additional one hour per week in group therapy. (Hearing Response, pp. 3-4, 9). In addition to those rehabilitation efforts, Hyatt maintained that he attended AA meetings three to four days per week and intended to continue to do so “for the indefinite future.” (Hearing Response, p. 4, 9). He also noted, however, that his first DUI was approximately 20 years ago when he was 20 years old and that his second DUI conviction occurred in 2013 for an October 2012 incident. (Hearing Response, p. 4). Hyatt acknowledged that he realized he “has had an alcohol dependency for some time” and that his condition deteriorated when he was in the

midst of a divorce, precipitating the latest incident. (Hearing Response, p. 4). He emphasized that he had not had a drink since November 18, 2017 and intended to seek and obtain treatment for the rest of his life. (Hearing Response, p. 4). Hyatt also noted that he had been alcohol and drug tested numerous times since the incident and had never had a positive result for any substance, including alcohol. (Hearing Response, p. 9). He added that his convictions had not impacted his teaching performance and had not subject him to disciplinary action by Manchester. (Hearing Response, pp. 4-5, 8). Hyatt stated that he had never had a salary increment withheld, had tenure charges filed against him or ever received an unsatisfactory performance rating. (Hearing Response, p. 5). He further assured the Board that he had never performed his duties under the influence of alcohol or transported students in either a personal vehicle or a school vehicle. (Hearing Response, pp. 5, 8).

Hyatt noted that the suspension or revocation of his certificate would render him unemployable and unable to support himself and his family and possibly affect his medical benefits which were critical to his recovery. (Hearing Response, p. 5). He also argued that the Order to Show Cause should be dismissed since just cause did not exist to revoke or suspend his teaching certificate. (Hearing Response, pp. 9-10). Hyatt claimed that, even if the Board found that just cause existed, suspension or revocation was not warranted since he had already paid a steep price for his behavior. (Hearing Response, pp. 10-11). He asked that if a suspension were imposed, the Board should apply it retroactively from November 20, 2017 through September 1, 2018, as he was neither teaching nor compensated during that time period. (Hearing Response, p. 11). Hyatt also requested to appear before the Board.

In testimony before the board, Hyatt's counsel, Colin Lynch, stated that while Hyatt did not condone his conduct, his conduct at issue did not rise to the level of conduct unbecoming. Lynch said that there was no doubt that Hyatt was fit to perform his duties since he had been teaching before and after these arrests and had not been subject to discipline in his district. Lynch stated that Hyatt had done all that he should do in mitigation. Lynch argued that revocation would be the death penalty for Hyatt's career and suspension would not be much better. Lynch added that if the Board believed a sanction was warranted, it should remand the matter to the Office of Administrative Law to assess Hyatt's conduct and

the appropriate penalty. Lynch claimed that Hyatt knew “he can’t be back here again” and asked the Board to allow him to continue to teach so that he could maintain his health benefits. Finally, Lynch added that Hyatt had been going to AA meetings and had been sober since 2017.

The threshold issue before the Board in this matter is whether Hyatt’s conduct and convictions constitute conduct unbecoming a certificate holder. At its meeting of January 24, 2019, the Board considered the allegations in the Order to Show Cause as well as Hyatt’s Answer, Hearing Response and testimony. The Board determined that no material facts related to Hyatt’s offense were in dispute since he admitted that he had pled guilty to the offenses charged. 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 Hyatt’s conduct and convictions, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

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). In this matter, Hyatt’s actions, which resulted in his third conviction for DUI, this time with 2 minors in the car, is conduct that evinces a serious and repeated lapse in judgment. Nonetheless, it is clear that Hyatt had a long and unblemished teaching career despite these incidents. Moreover, the fact that his district allowed him to continue teaching despite this latest conviction, speaks highly to the teacher he was. Balancing this mitigating evidence against the extreme nature of his conduct, the Board therefore concludes that the appropriate response to Hyatt’s breach is a four-year suspension of his certificates.

Accordingly, on January 24, 2019, the Board voted to suspend David P. Hyatt's Teacher of the Handicapped certificate, for a period of four years. On this 8th day of March 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Hyatt's certificate be effective immediately. It is further ORDERED that Hyatt return his certificate 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

RS/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.