

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
EUGENE G. CIMIS : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-223

At its meeting of May 24, 2018, the State Board of Examiners (Board) reviewed information the Linwood Public School District (Linwood) had forwarded regarding Eugene G. Cimis. Linwood reported that Cimis resigned his position following allegations of unbecoming conduct. Specifically, Linwood alleged that on January 26, 2018, Cimis smelled of alcohol when speaking with two colleagues at school that morning. When Cimis was called into a meeting with administration, he denied that he had been drinking but agreed, per district policy, to go for alcohol testing. When Cimis went outside with his union representative to go to the doctor's office, he stated that he wanted to put his things in his car before leaving. At that point, he got into his car and told his union rep that he was leaving. When she explained to Cimis that she could do little to help him if he drove away, he noted that he understood and then left. The district policy indicated that "refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result." Cimis was suspended from his position and later resigned.

Cimis currently holds a Teacher of Music Certificate of Eligibility with Advanced Standing and a Teacher of Music certificate. Upon review of the above information, at its June 29, 2018 meeting, the Board voted to issue Cimis an Order to Show Cause as to why his certificates should not be suspended.

The Board sent Cimis the Order to Show Cause by regular and certified mail on July 3, 2018. The Order provided that Cimis had 30 days to respond. Both the certified and regular mail copies were returned as "Undeliverable as Addressed." As a result, the Board published notification of the Order to Show Cause on August 3, 2018. Cimis did not respond. Thereafter, on October 10, 2018, the Board published another notice providing Cimis an additional 15 days to respond to the Order to Show Cause. Once again, Cimis did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 8, 2019, the Board published a Hearing Notice requiring Cimis' 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. Cimis did not respond.

The threshold issue before the Board in this matter is whether Cimis' conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Cimis 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 April 12, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from Linwood. The Board concluded that no material facts related to Cimis' 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 Cimis had engaged in unbecoming conduct.

The Board must now determine whether Cimis' 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). Cimis' conduct in attending work with alcohol on his breath, refusing to submit to alcohol testing and driving away clearly indicates a serious lapse in judgment. The Board therefore concludes that the appropriate response to his breach is a three-year suspension of his certificates.

Accordingly, on April 12, 2019, the Board voted to suspend Eugene G. Cimis' Teacher of Music Certificate of Eligibility with Advanced Standing and his Teacher of Music certificate. On this 17th day of May 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Cimis' certificates are hereby suspended for three years, effective immediately. It is further ORDERED that Cimis 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.

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.