

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DANIEL J. PINKHAM : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-101

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information the Sussex County Prosecutor's Office and the Criminal History Review Unit (CHRU) had provided regarding Daniel J. Pinkham. On January 8, 2018, Pinkham waived indictment and pled guilty to Cruelty and Neglect of Children (4th degree). Pinkham had been accused of sending sexually inappropriate "Snapchat" messages to the victim, a minor student. On June 29, 2018, Pinkham was sentenced to five years' probation and ordered to obtain psycho-sexual evaluation and treatment, have no unsupervised contact with the children under 18 years of age other than his own child, have no contact with the victim and pay fees and penalties. The CHRU notified the Board that, as a result of his conviction, Pinkham was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Pinkham currently holds a Teacher of Social Studies Certificate of Eligibility and a Teacher of Social Studies certificate.

Pinkham 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 November 1, 2018 to issue Pinkham an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Pinkham the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Pinkham had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Pinkham did not file a response.

Thereafter, on December 18, 2018, the Board sent Pinkham another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Pinkham did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 29, 2019, the Board sent Pinkham 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, Pinkham 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Pinkham 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, Pinkham did not file a response.

The threshold issue before the Board in this matter is whether Pinkham's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Pinkham 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 the Prosecutor's Office and the CHRU. The Board concluded that no material facts related to Pinkham's offense were in dispute since he never denied that he had engaged in the conduct alleged and had been convicted and therefore 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 Pinkham had engaged in unbecoming conduct.

The Board must now determine whether Pinkham's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent 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 Cruelty and Neglect of Children 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, Pinkham’s conviction for Cruelty and Neglect of Children 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 Pinkham’s offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on April 12, 2019, the Board voted to revoke Daniel J. Pinkham’s Teacher of Social Studies Certificate of Eligibility and his Teacher of Social Studies certificate. On this 17th day of May 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Pinkham’s certificates are revoked, effective immediately. It is further ORDERED that Pinkham 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.

