

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CYNTHIA FOXWORTH : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-179

At its meeting of March 8, 2019, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) forwarded regarding Cynthia Foxworth. On September 30, 2014, Foxworth was indicted, along with five co-defendants, on charges of Conspiracy to Commit Bank Fraud, Bank Fraud, Wire Fraud and Aiding and Abetting. Foxworth had been involved in a mortgage fraud scheme where financially vulnerable homeowners were misled into thinking that their mortgage debt would be paid through a lease buyback program, thus saving their homes from foreclosure. Foxworth acted as a “straw borrower” to obtain loans from lenders, but the monies were never used to help the homeowner. After a jury trial, Foxworth was found guilty of Conspiracy to Commit Bank Fraud and Wire Fraud, Bank Fraud and Aiding and Abetting, and Wire Fraud and Aiding and Abetting. On January 9, 2019 Foxworth was sentenced to one day of incarceration and five years of supervised release.

The OSP notified the Board that, as a result of her conviction, Foxworth was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Foxworth currently holds a Teacher of French and Teacher of Spanish certificates.

Foxworth did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 12, 2019 to issue Foxworth an Order to Show Cause as to why her certificates should not be revoked.

The Board sent Foxworth the Order to Show Cause by regular and certified mail on April 16, 2019. The Order provided that Foxworth had 30 days to respond. Foxworth filed a response on May 20, 2019.

In that Answer, Foxworth admitted that she was indicted on the above charges, but that it is necessary to explain what transpired beginning in 2006. (Answer p. 1). Foxworth admitted that she purchased homes from owners who were in financial trouble or needed financial assistance. *Id.* The concept of the program was to allow homeowners time to obtain financial assistance and later buy back the properties. Foxworth alleged that money from the loans were used to pay debts of the homeowners to clear the property titles. (Answer at p. 2). Foxworth further states that the bank fraud charges relate to her signing papers with incorrect earnings. She admits that she

did not review the paperwork. Further, the wire fraud charge stems from the fact that mortgages were wired; she did nothing affirmative with regard to the wire fraud. *Id.* Finally, she indicates that this is the only time she has been involved in anything illegal.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on June 10, 2019, the Board sent Foxworth a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Foxworth 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 regarding the appropriate sanction if the Board found just cause to take action against her certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Foxworth was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified return receipt card was received, and the regular mail was not returned. Foxworth did not file a response.

The threshold issue before the Board in this matter is whether Foxworth's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of September 19, 2019, the Board considered the allegations in the Order to Show Cause as well as Foxworth's Answer. The Board determined that no material facts related to Foxworth's offense were in dispute since she did not deny that she had engaged in the conduct alleged in the Order to Show Cause. 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 Foxworth's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

In enacting the OSP 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 inappropriate role models for them. Individuals such as Foxworth, convicted of a crime involving 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 exemplars 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, Foxworth’s conviction demonstrates behavior that falls 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 herself out as a teacher. Although Foxworth’s conviction is, by her account, a single criminal offense over the course of her lifetime and one that she believes was not intended to harm others, there is no record that she appealed her disqualification before the Commissioner. Accordingly, the Board is compelled to treat her conviction as a disqualifying offense. Thus, because the Legislature and the Commissioner consider Foxworth’s offense so significant, and the Board must render its determination within the confines of her disqualification, the Board believes that the only appropriate sanction in this case is the revocation of Foxworth’s certificates.

Accordingly, on September 19, 2019, the Board voted to revoke Cynthia Foxworth’s Teacher of French and Teacher of Spanish certificates. On this 1st day of November 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that Foxworth’s certificates are hereby revoked, effective immediately. It is further ORDERED that Foxworth return her 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, 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.