

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DAVID F. ALSIEUX : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-157

At its meeting of January 24, 2019, the State Board of Examiners (Board) reviewed information the Ocean County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding David F. Alsieux. On October 2, 2018, Alsieux received an Order of Postponement and entered a Pre-Trial Intervention (PTI) program for a period of 12 months following Accusations for Possession of a Controlled Dangerous Substance, Heroin (3rd degree) and Possession of a Controlled Dangerous Substance, Cocaine (3rd degree). Alsieux was also charged with various disorderly persons offenses, including Operating a Vehicle Under the Influence, Reckless Driving, Careless Driving and Operating a Motor Vehicle in Possession of a Controlled Dangerous Substance.

The charges stemmed from a motor vehicle accident in May 2018 where Alsieux crashed into the car in front of him on a highway ramp. When police responded to the scene, Alsieux was unconscious in the front seat with the car still in drive and his foot on the brake pedal. Alsieux did not respond to the first several attempts to rouse him. When he awoke, he seemed confused and did not remember the accident. Police observed seven wax folds of what appeared to be cocaine in his vehicle. Alsieux also admitted that he had ingested two bags of heroin about one hour prior to the accident.

Alsieux currently holds a Teacher of Mathematics Certificate of Eligibility and a Teacher of Mathematics certificate. Upon review of the above information, at its March 8, 2019 meeting, the Board voted to issue Alsieux an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Alsieux the Order to Show Cause by regular and certified mail on March 11, 2019. The Order provided that Alsieux had 30 days to respond. The certified mail receipt was marked unclaimed and the regular mail copy was not returned. Alsieux did not file a response.

Thereafter, on April 24, 2019, the Board sent Alsieux another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail was signed for and the regular mail copy was not returned. Alsieux did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 22, 2019, the Board sent Alsieux 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, Alsieux 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. Alsieux was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned signed for and the regular mail copy was not returned. Once again, Alsieux did not file a response.

The threshold issue before the Board in this matter is whether Alsieux's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Alsieux 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 August 1, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Superior Court and the CHRU. The Board concluded that no material facts related to Alsieux's 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 Alsieux engaged in unbecoming conduct.

The Board must now determine whether Alsieux's 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). Alsieux’s actions in crashing into another vehicle after falling unconscious following use of heroin clearly demonstrate conduct that is unacceptable of a role model. The Board therefore concludes that the appropriate response to this breach is the revocation of his certificates.

Accordingly, on August 1, 2019, the Board voted to revoke David F. Alsieux’s Teacher of Mathematics Certificate of Eligibility and a Teacher of Mathematics certificate. On this 19th day of September, 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Alsieux’s certificates are hereby revoked, effective immediately. It is further ORDERED that Alsieux 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*.