

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
KESNOLD T. BAPTISTE : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-154

At its meeting of June 29, 2018, the State Board of Examiners (Board) reviewed information the Office of Student Protection (OSP) submitted regarding Kesnold T. Baptiste. On March 23, 2017, Baptiste pled guilty to Commercial Bribery (3rd degree) and Conspiracy to Commit Bribery (3rd degree). In his position as a chiropractor, Baptiste received monetary kickbacks for referring patients to certain MRI facilities, in violation of law. On April 6, 2018, Baptiste was sentenced to one year of probation, 50 hours of community service and fined.

Baptiste currently holds a Teacher of Mathematics Certificate of Eligibility and Teacher of Mathematics and Supervisor certificates. Upon review of the above information, the Board voted at its meeting of April 12, 2019 to issue Baptiste an Order to Show Cause (OSC) as to why his certificates should not be revoked¹.

The Board sent Baptiste the OSC by regular and certified mail on April 12, 2019. The Order provided that Baptiste must file an Answer within 30 days. Baptiste filed an Answer on May 13, 2019.

In his Answer, Baptiste admitted that he pled guilty to Commercial Bribery (3rd degree) and Conspiracy to Commit Bribery (3rd degree) but denied the recitation of underlying facts. (Answer, ¶ 3). He denied that there was cause for the Board to revoke his certificates. *Id.* at ¶ 4. He also stated that his situation is unrelated to his teaching certificates or his fitness to serve as a teacher. *Id.* at ¶ 1. He also stated that he was a public-school teacher prior to, and concurrent with building his medical practice. *Id.* at ¶ 8.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on August 7, 2019, the Board sent Baptiste a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Baptiste was offered an opportunity to submit written arguments on the issue of whether the conduct

¹ The Board originally issued Baptiste an OSC on September 21, 2018. Thereafter, Baptiste advised that the Judgement of Conviction upon which the OSC was based was amended such that Baptiste's position with the OSP was modified from disqualified to no longer disqualified. Accordingly, in April, 2019, the Board vacated the inaccurate OSC and issue a corrected OSC.

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 criminal offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Baptiste was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Baptiste responded on September 6, 2019 with a submission and sought a hearing before the Board.

In his submission, Baptiste stated that he is a 52-year-old first generation American citizen. He immigrated to the United State from Haiti with his family as a teenager. (Baptiste at p. 1). Baptiste stated that he held a position as a public-school teacher for many years and during that time he decided to pursue a career in medicine; he built up his practice while teaching. *Id.* at p. 2. Baptiste argues that there is no nexus between the criminal conduct and Baptiste's teaching. *Id.* He does, however accept responsibility for his actions and asks the Board to consider the circumstances. *Id.* He states that he was approached by individuals who were seeking referrals to their medical facilities. He admits that he accepted cash payments from them and later learned this was contrary to law. He rationalized his behavior because he would have sent his patients to the MRI facilities anyway because he was satisfied with the diagnostic services provided. *Id.* at p. 3.

Baptiste and his attorney, James J. Uliano, Esquire, appeared before the Board and stated that Baptiste was a good person who cooperated with authorities. He acknowledged that there should be a consequence for his conduct but does not believe revocation is appropriate. Baptiste would like a second chance so he can help kids.

The threshold issue before the Board in this matter is whether Baptiste's convictions constitute conduct unbecoming a certificate holder. At its meeting of January 23, 2020, the Board considered the allegations in the Order to Show Cause as well as Baptiste's Answer, Hearing Response, and testimony. The Board determined that no material facts related to Baptiste's offense were in dispute since he admitted that he had pled guilty to the offenses indicated. 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 Baptiste's conviction, 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.

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). Baptiste's conduct in knowingly accepting money for medical diagnostic referrals indicates a serious lapse in judgment. The fact that the conduct did not involve students does not mean that the Board cannot take action upon the conduct. Baptiste's knowledge that he was engaging in criminal behavior, and subsequent disregard for that, is significant. Accordingly, the Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on January 23, 2020, the Board voted to revoke Kesnold T. Baptiste's Teacher of Mathematics Certificate of Eligibility, Teacher of Mathematics and Supervisor certificates. On this 28th day of February 2020, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Baptiste's certificates be effective immediately. It is further ORDERED that Baptiste 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, 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.