

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
RYAN P. FLAHERTY : ORDER OF SUSPENSION  
\_\_\_\_\_ : DOCKET NO: 1718-277

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information the Mercer County Prosecutor's Office and the Office of Student Protection (OSP) provided to the State Board of Examiners (Board) regarding Ryan P. Flaherty. On June 9, 2017, Flaherty was charged with Terroristic Threats and Possession of an Assault Firearm with Adjustable stock and flash hider. The charges stemmed from an incident where Flaherty threatened the victim (his father) by stepping up into his face and threatening to assault the victim by flexing his fists and ripping off his shirt. Flaherty was irate because the victim had taken his gun to prevent Flaherty from possibly injuring himself. On August 3, 2017, Flaherty was accepted into a Pre-Trial Intervention (PTI) program. He completed PTI on February 14, 2018.

Flaherty currently holds a Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and a Teacher of Health and Physical Education Certificate. Upon review of the above information, at its November 1, 2018, the Board voted to issue Flaherty an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Flaherty the Order to Show Cause by regular and certified mail on November 7, 2018. The Order provided that Flaherty had 30 days to respond. Flaherty filed an Answer on December 14, 2018.

In that Answer, Flaherty admitted that on the night of the incident he was intoxicated and went to his parents' house to retrieve a firearm and became irate and verbally abused his father. He states that the entire incident was due to his problem with alcohol and he has since sought and completed treatment.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 15, 2019, the Board sent Flaherty a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Flaherty was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as well as arguments with regard to the appropriate sanction in the event that the Board

determined 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 Flaherty's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Flaherty was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Flaherty filed a written response on April 16, 2019.

In that response, Flaherty requested to appear before the Board and submitted several letters of recommendation and character letters. He also included a dismissal of his PTI order as well as a letter of recommendation from a counselor at treatment center for alcoholism and drug dependency. Mr. Flaherty appeared and explained that the incident was out of character and fueled by his addiction. His mother appeared and offered testimony in support of her son and his character.

The threshold issue before the Board in this matter is whether Flaherty's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of May 14, 2020, the Board considered the allegations in the Order to Show Cause as well as Flaherty's Answer, Hearing Response, and testimony. The Board determined that no material facts related to Flaherty's offense were in dispute since he admitted that he 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 Flaherty engaged in unbecoming conduct.

The Board must now determine whether Flaherty'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). Flaherty's conduct in verbally

abusing his parents, and possession of an assault firearm with an adjustable stock and flash binder indicates a serious lapse in judgment. However, given Flaherty's presentation of mitigation, specifically his demonstration of alcohol treatment, his letters of recommendations and his mother's testimony, the Board concludes that the appropriate response to his breach is a one-year suspension of his certificates.

Accordingly, on May 14<sup>th</sup>, 2020, the Board voted to suspend Ryan P. Flaherty's Teacher of Health and Physical Education Certificate of Eligibility with Advanced Standing and Teacher of Health and Physical Education Certificate for a period of one year. On this 26<sup>th</sup> day of June 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that Flaherty's certificates are hereby suspended for a period of one year, effective immediately. It is further ORDERED that Flaherty 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.

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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.