

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
VELITA SMITH : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1920-121

At its meeting of July 30, 2020, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Tennessee State Board of Education forwarded regarding Velita Smith. In May 2019, Smith surrendered her Tennessee educator license(s) after she was found on school premises under the influence of alcohol. In New Jersey, Smith currently holds a Teacher of Elementary Grade K-8 certificate. Upon review of the above information, at its January 23, 2020 meeting, the Board voted to issue Smith an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Smith the Order to Show Cause by regular and certified mail on January 27, 2020. The Order provided that Smith had 30 days to respond. The certified mail receipt was signed for the regular mail copy was not returned. Smith did not respond. On March 5, 2020, the Board sent Smith another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was returned “unclaimed” and the regular mail copy was not returned. Smith did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 3, 2020, the Board sent Smith 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, Smith 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 her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Smith’s offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Smith was also offered the opportunity to

appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed for and the regular mail copy was not returned. Once again, Smith did not file a response.

The threshold issue before the Board in this matter is whether Smith's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Smith 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 July 30, 2020, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and Tennessee. The Board concluded that no material facts related to Smith's offense were in dispute since she never denied that he had engaged in the conduct alleged. 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 Smith engaged in unbecoming conduct.

The Board must now determine whether Smith's conduct, as set forth in the Order to Show Cause, provides just cause to act against her certificate 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). Smith's actions in being found on school premises under the influence of alcohol is clearly conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is the revocation of her certificate.

Accordingly, on July 30, 2020, the Board voted to revoke Velita Smith's Teacher of Elementary Grades K-8 certificate. On this 29<sup>th</sup> day of October 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Smith's certificates be effective immediately. It is

further ORDERED that Smith 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.

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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.