

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JONATHAN A. MOLL : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-261

At its meeting of September 21, 2018, the State Board of Examiners (Board) reviewed information it had received from the Cape May County Prosecutor's Office and the Office of Student Protection (OSP) regarding Jonathan A. Moll. On January 31, 2017, Moll was indicted on charges of Insurance Fraud, Criminal Attempt-Theft, Theft By Unlawful Taking, Forgery, Forgery-Uttering Forged Documents, Conspiracy and Credit Card Theft-Fraudulent Use of a Credit Card as a result of allegations that he and his wife forged documents and took money from his mother-in-law and used his mother-in-law's credit cards without permission. The Prosecutor's Office and State Police Investigative reports (which are incorporated herein by reference) detail the various steps Moll took, including, but not limited to, reregistering his mother-in-law's car in his wife's name without permission and forging a letter to his mother-in-law's investment firm purportedly from his mother-in-law in order to change the power of attorney on his mother-in-law's account. The indictment against Moll was dismissed on September 29, 2017.

Moll currently holds a Teacher of Handicapped Certificate. Upon review of the above information, the Board voted at its meeting of November 1, 2018 to issue Moll an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Moll the Order to Show Cause by regular and certified mail on November 29, 2018 after obtaining a corrected address. The Order provided that Moll must file an Answer within 30 days. Moll filed an Answer on or about February 7, 2019.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On August 21, 2019, the Administrative Law Judge assigned to the case returned it to the Board after Moll failed to appear for a scheduled hearing.

Pursuant to *N.J.A.C.* 1:1-3.3, the ALJ had provided Moll with 13 days to submit an explanation for his nonappearance. Moll did not submit an explanation or otherwise respond to that notice. At its meeting of November 1, 2019, the Board voted not to retransmit the matter to OAL.

On November 4, 2019, the Board sent Moll a notice by regular and certified mail providing him an additional 15 days to respond before his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. Moll did not respond to this notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on December 31, 2019, the Board sent Moll a hearing notice by regular and certified mail. Moll 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. Moll was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was “unclaimed”, and the regular mail copy was not returned. Moll did not respond.

The threshold issue before the Board in this matter is whether Moll’s insurance fraud, attempted theft, forgery and conspiracy constitute conduct unbecoming a certificate holder or other just cause. Since Moll did not appear at her hearing, and his Answer was subsequently stricken from the record, at its meeting of June 26, 2020, the Board considered only the allegations in the Order to Show Cause. Moreover, since Moll is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Moll’s conduct is in dispute, 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 Moll had engaged in unbecoming conduct.

The Board must now determine whether Moll's conduct, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

The Commissioner's long-standing belief is that teachers must serve as role models 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, Moll's theft and forgery falls far short of a role model. Accordingly, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on June 26, 2020, the Board voted to revoke Jonathan A. Moll's Teacher of Handicapped Certificate. On this 30th day of July 2020 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Moll's certificates be effective immediately. It is further ORDERED that Moll 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*.