

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRIE MARKS : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-189

At its meeting of October 29, 2020, the State Board of Examiners (Board) reviewed information the Passaic County Prosecutor's Office (Passaic) and the Office of Student Protection (OSP) forwarded regarding Brie Marks. On October 24, 2019, Marks was indicted on three (3) counts of Theft (3rd degree), three (3) counts of Fraudulent Use of Credit Card (3rd degree), three (3) counts of Credit Card Theft (4th degree), and one count of Identity Theft (3rd degree). On June 30, 2020, Marks was entered into pretrial intervention for a period of 18 months.

Marks currently holds a Teacher of Elementary Grade K-6 Certificate of Eligibility with Advanced Standing, Teacher of Students with Disabilities Certificate of Eligibility with Advanced Standing, and Teacher of Elementary Grade K-6 and Teacher of Students with Disabilities standard certificates.

Upon review of the above information, at its December 10, 2020 meeting, the Board voted to issue Marks an Order to Show Cause as to why her certificates should not be revoked.

The Board sent her the Order to Show Cause by regular and certified mail on December 16, 2020. The Order provided that Marks had 30 days to respond. The certified mail copy was signed as received and the regular mail copy was not returned. Marks did not file a response.

Thereafter, on February 24, 2021, the Board sent Marks another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail copy was signed as received and the regular mail copy was not returned. Marks did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 25, 2021, the Board sent Marks 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 her failure to file an Answer. Thus, Marks 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 certificates. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Marks was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed as received and the regular mail copy was not returned. Once again, Marks did not file a response.

The threshold issue before the Board in this matter is whether Marks's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Marks 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 May 13, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from Passaic and OSP. The Board concluded that no material facts related to Marks's offense were in dispute since she never denied that she 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 Marks had engaged in unbecoming conduct.

The Board must now determine whether Marks's conduct, as set forth in the Order to Show Cause, provides just cause to act against her 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). Marks’ actions in being indicted for Theft (3rd degree), Fraudulent Use of Credit Card (3rd degree), Credit Card Theft (4th degree), and Identity Theft (3rd degree) is unacceptable for a role model. The Board therefore concludes that the appropriate response to her breach is a revocation of her certificates.

Accordingly, on May 13, 2021 the Board voted to revoke Brie Marks' Teacher of Elementary Grade K-6 Certificate of Eligibility with Advanced Standing, Teacher of Students with Disabilities Certificate of Eligibility with Advanced Standing, and Teacher of Elementary Grade K-6 and Teacher of Students with Disabilities standard certificates. On this 25th day of June 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Marks' certificates are hereby revoked, effective immediately. It is further ORDERED that Marks 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.

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.