

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MELISSA A. FITZPATRICK : ORDER OF REVOCATION
_____ : DOCKET NO: 1920-142

At its meeting of January 23, 2020, the State Board of Examiners (Board) reviewed information the Monmouth County Prosecutor's Office and the Office of Student Protection (OSP) forwarded regarding Melissa A. Fitzpatrick. On June 28, 2019, Fitzpatrick waived indictment and was accused of Conspiracy to Possess Controlled Dangerous Substance (CDS) (3rd degree), Distribution of CDS (3rd degree), and Possession of CDS (3rd degree) after Fitzpatrick allegedly conspired to mail CDS, namely suboxone, to the Monmouth County Correctional Institution. On September 13, 2019, Fitzpatrick received 12 months pretrial intervention after she pled to Distribution of CDS (3rd degree).

Fitzpatrick currently holds a Teacher of Art Certificate of Eligibility and Teacher of Art standard certificate. Upon review of the above information, at its February 28, 2020 meeting, the Board voted to issue Fitzpatrick an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Fitzpatrick the Order to Show Cause by regular and certified mail on March 3, 2020. The Order provided that Fitzpatrick had 30 days to respond. The certified mail was unclaimed and the regular mail was not returned. Thereafter, the Board sent Fitzpatrick another notice, indicating that an answer must be received within fifteen days.

On May 21, 2020, Fitzpatrick submitted an Answer in which she indicates that she has a passion for teaching. At the time of the incident, she was separated from her husband and the father of her children was gravely ill. Answer at p. 1. Fitzpatrick admits that she placed one suboxone pill in the mail and sent it to her friend who was in the Monmouth County jail. *Id.* at p.

2. She further admits she was caught immediately and that she was manipulated by her friend because he knew she had low self-esteem and had a hard time telling people no. *Id.* at p. 3. She indicates she received PTI because the Prosecutor agreed she was manipulated by her friend. She believes that since the legal system gave her a second change, her teaching certificate should not be revoked. *Id.*

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on July 22, 2020, the Board sent Fitzpatrick a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Fitzpatrick 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 credential. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Fitzpatrick's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Fitzpatrick was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was returned with signature and the regular mail was not returned.

Fitzpatrick responded and requested an opportunity to make a submission. She did not make a submission in a timely manner. Accordingly, on December 28, 2020, Fitzpatrick was advised in writing that the matter would be schedule for a hearing before the Board since she did not make a timely submission. The Board's correspondence in this regard was received by certified mail card; the regular mail was not returned.

The threshold issue before the Board in this matter is whether Fitzpatrick's conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of April 1,

2021, the Board considered the allegations in the Order to Show Cause as well as Fitzpatrick's Answer. The Board concluded that no material facts related to Fitzpatrick's offense were in dispute since she did not deny that she 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 Fitzpatrick engaged in unbecoming conduct.

The Board must now determine whether Fitzpatrick'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). Fitzpatrick's actions in sending suboxone in the mail to an incarcerated individual 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 April 1, 2021, the Board voted to revoke Melissa A. Fitzpatrick's Teacher of Art Certificate of Eligibility and Teacher of Art certificate. On this 13th day of May 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Fitzpatrick's certificates are hereby revoked, effective immediately. It is further ORDERED that Fitzpatrick 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.