

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
VICTORIA E. STERLING SCALES: ORDER OF REVOCATION
_____ : DOCKET NO: 1920-194

At its meeting of July 30, 2020, the State Board of Examiners (Board) reviewed information regarding Victoria E. Sterling Scales. The Office of Student Protection (OSP) and the Cape May County Prosecutor's Office provided information to the State Board of Examiners (Board) regarding Sterling-Scales. On or about July 9, 2019, Sterling-Scales was indicted for Aggravated Arson (2nd degree) and Criminal Mischief (4th degree) after she allegedly started a fire at a T-Mobile store in March 2019 after her deposit was not returned. Additionally, on June 21, 2019, Sterling-Scales was charged with violation of a restraining order after she allegedly posted a video on Twitter stating that she was going to kill the victim and eat his brain. She also allegedly knocked on the victim's door in violation of the restraining order. On June 19, 2020, Sterling-Scales was convicted of Criminal Mischief (4th degree) resulting from the Aggravated Arson indictment. She was sentenced to probation for five (5) years and to submit to a mental health evaluation. On June 19, 2020, Sterling-Scales also pled guilty to Terroristic Threats (3rd degree) and Contempt (4th degree) resulting from the restraining order violation charge. She was sentenced to five (5) years of probation to run concurrent with the criminal mischief conviction sentence. The OSP notified the Board that, as a result of her conviction, Sterling-Scales is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Sterling Scales holds a Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing.

Sterling Scales did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting October 29, 2020 to issue Sterling Scales an Order to Show Cause as to why her certificates should not be revoked.

After obtaining a corrected address, the Board sent Sterling Scales the Order to Show Cause by regular and certified mail on January 13, 2021. The Order provided that Sterling Scales had 30 days to

respond. The certified mail card was received and signed for and the regular mail was not returned. Sterling Scales did not respond.

Thereafter, on March 11, 2021, the Board sent Sterling Scales 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 returned as unclaimed, and the regular mail copy was not returned. Sterling Scales did not file a response.

Accordingly, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 13, 2021, the Board sent Sterling Scales 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, Sterling Scales 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 his defense, the Board would determine if her offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Sterling Scales was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail card was signed for and the regular mail copy was not returned. Once again, Sterling Scales did not file a response.

The threshold issue before the Board in this matter is whether Sterling Scales' conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Sterling Scales 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 June 25, 2021 the Board considered only the allegations in the Order to Show Cause and the information received and considered by the Board. The Board concluded that no material facts related to Sterling Scales's offense were in dispute since she never denied that she engaged in the conduct alleged and had been convicted and therefore 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 Sterling Scales engaged in unbecoming conduct.

The Board must now determine whether Sterling Scales' conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed were not proper examples for them. Individuals convicted of crimes such as Criminal Mischief (4th degree), Terroristic Threats (3rd degree) and Contempt (4th degree) fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief 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, Sterling Scales' conviction for Criminal Mischief, Terroristic Threats and Contempt demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold herself out as a teacher. Thus, because the Legislature and the Commissioner consider Sterling Scales' offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on June 25, 2021, the Board voted to revoke Victoria E. Sterling Scales' Teacher of Elementary Grades K-6 Certificate of Eligibility with Advanced Standing. On this 30th day of July 2021,

the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Sterling Scales' certificate be effective immediately. It is further ORDERED that Sterling Scales return her certificate 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:
By 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.