

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIALS OF : STATE BOARD OF EXAMINERS
DAVINA M. LEVARI : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-239

At its meeting of June 26, 2020 the State Board of Examiners (Board) reviewed information the Cumberland County Prosecutor’s Office and the Office of Student Protection (OSP) forwarded regarding Davina M. Levari (Levari). On October 27, 2018, Levari was charged with Theft by Unlawful Taking, 3rd degree, Forgery – Uttering, 4th degree, and Forgery, 4th degree. These charges were the result of allegations that Levari charged a total of approximately \$4,000 to a credit card that belonged to her employer without authorization for the various charges. Moreover, Levari’s employer discovered several forged business checks and several transfers of funds to “Davina Le” which occurred over the course of years. The total amount of money that Levari allegedly stole from her employer’s account(s) is \$63,446.24. On November 18, 2019, Levari received 3 years of pretrial intervention (PTI) for the above theft charges and is required to pay restitution to her victims. Any amount not paid at the end of PTI will be transferred to a civil judgment.

Levari currently holds a Substitute Credential which expires on January 1, 2024. Upon review of the above information, at its June 26, 2020 meeting, the Board voted to issue Levari an Order to Show Cause as to why her credential should not be revoked.

The Board sent Levari the Order to Show Cause by regular and certified mail on July 1, 2020. The Order provided that Levari had 30 days to respond. The certified mail receipt was signed as received and the regular mail copy was not returned. Levari did not respond. Thereafter,

on September 9, 2020, the Board sent another notice providing Levari an additional 15 days to respond to the Order to Show Cause. According to the United States Postal service tracking system, the certified mail copy was delivered, and the regular mail copy was not returned. Once again, Levari did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 6, 2020, the Board sent Levari 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, Levari 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 Levari's offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Levari was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed as received and the regular mail copy was not returned. Once again, Levari did not file a response.

The threshold issue before the Board in this matter is whether Levari's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Levari 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 February 26, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and the OSP. The Board concluded that no material facts related to Levari'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 Levari engaged in unbecoming conduct.

The Board must now determine whether Levari'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). Levari's theft and forgery clearly demonstrate conduct that is unacceptable for a role model. It is also worth noting that if Levari had not entered PTI and was convicted for Theft by Unlawful Taking (3rd Degree), she would be disqualified from employment as a teacher pursuant to *N.J.S.A.* 18A:6-7.1(c)(2). The Board therefore concludes that the appropriate response to her breach is the revocation of her certificate.

Accordingly, on February 26, 2021, the Board voted to revoke Davina M. Levari's Substitute Credential. On this 1st day of April 2021 the Board voted to adopt its formal written decision and it is therefore ORDERED that Levari's credential is hereby revoked, effective immediately. It is further ORDERED that Levari return her credential 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

RS/KG/rg

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.