

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JAYSON V. LAVORNE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1819-201

At its meeting of December 13, 2019, the State Board of Examiners (Board) reviewed information it received regarding Jayson V. Lavorne. The Bergen County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Lavorne. On or about February 2019, Lavorne was indicted on a charge of Criminal Sexual Contact (4<sup>th</sup> degree) after Lavorne allegedly exposed his penis and genital area to his Uber driver, touched his exposed penis in view of the driver, and grabbed the driver's wrist in an attempt to force the driver to touch Lavorne's exposed penis. On March 25, 2019, Lavorne was entered into pretrial intervention (PTI) for a period of 24 months with no early termination.

Lavorne currently holds a Teacher of Health and Physical Education Certificate of Eligibility and Teacher of Health and Physical Education certificate. After reviewing the above information, at its January 23, 2020 meeting, the Board voted to issue an Order to Show Cause to Lavorne as to why his certificates should not be revoked.

The Board sent Lavorne the Order to Show Cause by regular and certified mail on January 27, 2020. The Order provided that Lavorne must file an Answer within 30 days. Lavorne responded on February 5, 2020. In his Answer, Lavorne admitted that he was indicted on a charge of criminal sexual contact (4<sup>th</sup> degree) and that he was entered into PTI. Answer at ¶ 3. He denies, however, that he exposed his penis to an uber driver or grabbed the driver's wrist in an attempt to force the driver to touch his exposed penis. *Id.*

Since there were material facts in dispute, on February 13, 2020, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. ALJ Thomas R. Betancourt heard the matter on December 18, 2020 and January 19, 2021. The record closed on June 7, 2021 and ALJ Betancourt issued an Initial Decision on June 25, 2021. *In the Matter of the Certificates of Jayson V. Lavorne*, Dkt. No. EDE 02315-20 (Initial Decision, June 25, 2021).

After reviewing the testimony and the record, ALJ Betancourt found that the victim's testimony was credible. Initial Decision at p. 12. He was consistent in what he testified to by comparison to what he told law

enforcement and his friend. *Id.* The ALJ did not find any hesitation in his answers or any indication that he was not being truthful. *Id.* He also found that the investigating detective was credible. However, he did not find Lavorne's testimony to be credible, finding that his statements seemed to be contrived and made up to fit a narrative. *Id.* at p. 12-13.

Accordingly, based upon these credibility assessments, ALJ Betancourt found that Lavorne exposed himself to his Uber driver. *Id.* at p. 14. Further, he found that this conduct constitutes conduct unbecoming a teacher. *Id.* at p. 16. ALJ Betancourt determined that his conduct warranted a penalty of a three (3) year suspension because the conduct was mitigated by the fact that the behavior occurred after school and outside the scope of his employment. He has good evaluations and seemed to perform well at his teaching and coaching responsibilities. *Id.*

The Deputy Attorney General (DAG) representing the Board filed Exceptions. Lavorne filed Reply Exceptions.

In her Exceptions, the DAG argued that Lavorne's conduct warranted the revocation, rather than the suspension, of his teaching certificates. (Exceptions, p. 5). The DAG indicated that the ALJ over relied upon the fact that Lavorne's conduct did not occur at school or during a school function. *Id.* Further, she argued that the Board's precedent has made it clear that revocation is the appropriate penalty for lewd, inappropriate, and sexually aggressive behavior, even when the behavior occurs outside of teaching duties. *Id.* at p. 7.

Lavorne filed reply exceptions. In that reply, Lavorne argues that revocation would ignore the mitigation presented to the court. *Id.* at p.7. He argues that he has suffered tremendously for his actions. *Id.* at p. 8. All of the years to obtain his degree, the years he dedicated to coaching and teaching hang in the balance for six minutes of intoxicated conduct during an Uber ride. *Id.* The corrective action he has taken demonstrates that he deserves a chance here. *Id.*

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of September 17, 2021, the Board reviewed the Initial Decision. After full and fair consideration of the Decision and the Exceptions the Board voted to adopt the Initial Decision, with modification as to penalty.

“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. There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and credibility of the witnesses, ALJ Betancourt concluded that Lavorne exposed himself to his Uber driver. Even though Lavorne did not publicly expose himself at school or at a school event, his conduct indicates a serious lapse in judgment and convinced the ALJ that a significant suspension was warranted here. After reviewing the entire record, the Board agrees with the ALJ’s assessment regarding the highly inappropriate nature of Lavorne’s conduct. However, the Board diverges with the ALJ’s evaluation of the proper resultant penalty and believes that revocation is warranted here. Revocation and/or relinquishment is supported by past precedent in matters involving sexually aggressive/suggestive conduct. *See IMO Certificates of John P. McCabe*, Docket No. 1617-240 (revocation resulting from public masturbation where pedestrians and customers present); *see also IMO Certificates of Scott D. Petry*, Docket No. 1314-230 (relinquishment/revocation following charges of lewdness and indecent exposure).

Accordingly, on September 17, 2021, the Board voted to adopt the Initial Decision with modification as to penalty and ordered the revocation of Lavorne’s certificates. On this 28<sup>th</sup> day of October 2021, the Board formally adopted its written decision to adopt the Initial Decision with modification and it is therefore ORDERED that Jayson V. Lavorne’s Teacher of Health and Physical Education Certificate of Eligibility and Teacher of Health and Physical Education certificates are hereby revoked, effective immediately. It is further ordered that Lavorne 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

RS/KAG/cf

**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.