

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
THEODORE W. POECKER : ORDER OF SUSPENSION
_____ : DOCKET NO: 2122-133

At its meeting of January 21, 2022, the State Board of Examiners (Board) reviewed information it received from the Office of Student Protection (OSP) and the Passaic County Prosecutor's Office regarding Theodore W. Poecker. On July 11, 2021, Poecker was charged with four (4) counts of Aggravated Assault on Law Enforcement Officer (3rd degree), N.J.S.A. 2C:12-1B(5)(A); one count of Aggravated Assault-Cause Bodily Injury-Fleeing Law Enforcement (2nd degree), N.J.S.A. 2C:12-1B(6); one count of Resisting Arrest/Eluding (3rd degree), N.J.S.A. 2C:29-2A(3)(B); and one count of Terroristic Threats (3rd degree), N.J.S.A. 2C:12-3B. It was alleged that he refused to give law enforcement his hands and was flailing his arms and struck the officers. He also allegedly dove forward into an officer's legs causing a lower leg injury that sent the officer to the hospital for evaluation and caused another officer to fall to the ground causing a hand injury to that officer. Lastly, it was alleged that he threatened an officer by saying "I'll kill you."

On November 19, 2021, Poecker received an Order of Postponement and was entered into the Pre-Trial Intervention Program (PTI) for a period of twelve (12) months, along with 100 hours community service, drug and alcohol testing, medical/psychological evaluation, counseling and treatment as directed, continuation of current counseling and treatment, and other fines and assessments.

Poecker currently holds a Teacher of English Certificate of Eligibility, issued in September 2006.

After reviewing the above information, at its March 4, 2022 meeting, the Board voted to issue an Order to Show Cause (OSC) to Poecker as to why his certificates should not be revoked.

On August 31, 2022, the Board sent Poecker the OSC by regular and certified mail. The OSC provided that Poecker must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On September 14, 2022, Maxwell submitted an answer, which he clarified on November 4, 2022. In his answer, he admitted he was charged, pled not guilty, was accepted into PTI, and that he does not recall any of the events listed in the OSC and that the only information he could offer on the subject was that he has been “trained in martial arts all [of his] life, and would react [to] a threat to [his] personal well-being[.]” As there were material facts in dispute, on November 28, 2022, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing.

On August 5, 2024, Administrative Law Judge (ALJ) Susana E. Guerrero issued an Initial Decision on Summary Decision in the case. *In the Matter of the Certificates of Theodore W. Poecker*, OAL Dkt. No. EDE 10849-22 (Initial Decision, August 5, 2024). On or about May 15, 2024, the Deputy Attorney General (DAG) representing the Board filed a motion for summary decision. *Id.* at 2. Poecker did not file an opposition and did not contact the OAL to request an extension of time to do so. *Ibid.*

The ALJ found that Poecker’s alleged conduct, the criminal charges filed against him, and the disposition of those charges are not disputed by Poecker. *Id.* at 4. Specifically, the ALJ found as undisputed fact that Poecker was charged with one count of Criminal Trespass, N.J.S.A. 2C:18-3(b); one count of Resisting Arrest/Eluding (3rd degree), N.J.S.A. 2C:29-2(a)(3)(b); four (4) counts of Aggravated Assault on Law Enforcement Officer (3rd degree), N.J.S.A. 2C:12-1(b)(5)(a); one count of Terroristic Threats (3rd degree), N.J.S.A. 2C:12-3(b); one count of Aggravated Assault-Cause Bodily Injury-Fleeing Law Enforcement (2nd degree), N.J.S.A. 2C:12-

1(b)(6); and one count of Disorderly Conduct, N.J.S.A. 2C:33-2(a)(1). *Ibid.* at 4. The ALJ also found that Poecker received an order of postponement and was entered into PTI for twelve months, including community service, drug and alcohol testing, and fines and assessments, which he successfully completed on December 28, 2022. *Ibid.*

Based on the above findings of fact, the ALJ determined the matter was ripe for summary judgment. *Id.* at 5-6. The ALJ found that there were no genuine issues of material fact regarding the alleged conduct and events set forth in the OSC because Poecker did not deny that he engaged in the conduct alleged in the OSC. *Ibid.*

The ALJ concluded that Poecker engaged in conduct unbecoming a certificate holder. *Id.* at 7. The ALJ explained that Poecker's conduct, as reflected in the OSC, and specifically his noncompliance and verbal and physical aggression towards police officers constituted unbecoming conduct. *Ibid.* After acknowledging Poecker's prior record appeared to be unblemished, the ALJ determined that such actions warranted a three-year suspension of his teaching certificates and granted the Board's summary decision motion. *Id.* at 7-8.

Neither party filed Exceptions to the ALJ's Initial Decision.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of September 19, 2024, the Board reviewed the Initial Decision. After full and fair consideration of the Initial Decision, the Board voted to adopt the Initial Decision.

The Board, in reviewing the matter, does not find that the ALJ's findings to be arbitrary or not based on sufficient credible evidence. Further, the ALJ's conclusions are proper under the law.

The Board's long-standing belief is 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. A “violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct” may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The “elastic” concept of “conduct unbecoming” includes “conduct which adversely affects the morale or efficiency” of the public entity or “which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services.” *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); *see also Bound Brook Bd. of Educ.*, 228 N.J. at 13.

As noted above, after reviewing the record, the ALJ found that Poecker did not deny that he engaged in the conduct alleged in the OSC. In this case, Poecker’s conduct was certainly unacceptable and certainly unbecoming of a teacher. The Board agrees that Poecker’s undisputed conduct, of refusing to give law enforcement his hands and flailing his arms striking the officers, diving forward into the officers, causing a lower leg injury to one officer that necessitated evaluation at a hospital and causing another officer to fall to the ground resulting in a hand injury, and threatening an officer by saying “I’ll kill you”, does not comport with “role model” behavior. Thus, the Board agrees that Poecker engaged in unbecoming conduct.

The ALJ determined that a three-year suspension of his certificates was appropriate for the conduct. The Board agrees. Threatening to kill a law enforcement officer, striking the officers and diving forward into them causing injuries, is not conduct of a role model for children. Thus, the Board finds that a three-year suspension is warranted in this matter.

Accordingly, on September 19, 2024, the Board voted to adopt the Initial Decision. On this 1st day of November, 2024, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Theodore W. Poecker's Teacher of English Certificate of Eligibility is hereby SUSPENDED FOR THREE YEARS, effective immediately. It is further ordered that Poecker 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

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.