

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
BRIAN F. MORGAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2122-183

At its meeting of June 30, 2022, the State Board of Examiners (Board) reviewed information it received from the Office of Student Protection (OSP), Monmouth County Prosecutor's Office, and the Department of Children and Families, Institutional Abuse Investigation Unit (IAIU), regarding Brian F. Morgan. Morgan was indicted for Endangering the Welfare of a Child (2<sup>nd</sup> degree), *N.J.S.A. 2C:24-4a(1)*; Invasion of Privacy (4<sup>th</sup> degree), *N.J.S.A. 2C:14-9b*; and Attempted Invasion of Privacy (3<sup>rd</sup> degree), *N.J.S.A. 2C:14-9b*, after he allegedly repeatedly watched a 15-year-old child in a shower through a window, left a recording device in the bathroom to record the child, watched the child defecate through a window, and tickled the child when he was told not to touch her. On March 27, 2022, Morgan received an Order of Postponement and was entered into the Pre-Trial Intervention Probation program for a period of twelve (12) months, along with no contact with the victim and other fines and assessments.

The IAIU investigated the allegations relating to the above criminal charges and found that the allegations of Sexual Abuse/Risk of Sexual Abuse were substantiated, and that the preponderance of the evidence established that the child was an abused or neglected child.

Morgan currently holds a standard Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and a Teacher of Elementary School in Grades K-8 standard certificate. Upon review of the above information, at its August 5, 2022 meeting, the Board voted to issue Morgan an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Morgan the Order to Show Cause by regular and certified mail on August 15, 2022. The Order provided that Morgan had 30 days to respond pursuant to *N.J.A.C. 6A:9B-4.6(b)*. Morgan filed an Answer on September 10, 2022. In his Answer, Morgan admitted some of the allegations, but denied he acted with purpose or intent. (Answer, ¶ 3.) Morgan stated he has remained in compliance with his probation and has not been in contact with the victim at all since June of 2020. (Answer, ¶ 4.) Thereafter, on September 12, 2022, the Board transmitted the matter to the Office of Administrative Law (OAL) as a contested case.

On May 5, 2023, Morgan requested to bypass a fact-finding hearing and have the OAL return the matter to the Board, so that he could address the Board directly. Thereafter, on May 31, 2023, the OAL returned the matter to the Board.

On March 20, 2024, the Board sent Morgan a hearing notice pursuant to *N.J.A.C. 6A:9B-4.6(e)*. The notice explained that as a result of his request to bypass a fact-finding hearing, no material facts were in dispute. Thus, Morgan 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 his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Morgan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Morgan submitted a written statement with attachments and requested to appear before the Board to provide testimony. Morgan appeared before the Board at its meeting on May 23, 2024, for a hearing.

The threshold issue before the Board in this matter is whether Morgan's conduct constitutes conduct unbecoming of a certificate holder or other just cause. At its meeting of June 27, 2024, the Board considered the allegations in the Order to Show Cause, the information received from the OSP, the Monmouth County Prosecutor's Office, and the IAIU, as well as the testimony provided by Morgan. The Board concluded that no material facts related to Morgan's offense were in dispute since he requested to by-pass a fact-finding hearing at the OAL. Thus, since no material facts related to Morgan's conduct is in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Morgan's conduct, as set forth in the OSC, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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)). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" or "which has a tendency to destroy public respect for employees and confidence in the operation of services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960); accord *Bound Brook Bd. of Educ.*, 228 N.J. at 13. 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).

After reviewing the admitted allegations in the OSC and the IAIU report which substantiated abuse, the Board finds that Morgan had engaged in unbecoming conduct. Morgan's admissions that he watched a 15 year old child shower through a window, left a recording device

in the bathroom to record the child, watched the child defecate through a window and tickled the child when told not to touch her clearly demonstrates conduct that is unacceptable for a role model and violates the implicit standard of good behavior expected of a public school teacher. The Board finds that Morgan's conduct provides just cause to act against his certificates. In this instance, Morgan's actions in repeatedly watching a 15-year-old child in a shower through a window, leaving a recording device in the bathroom to record the child, watching the child defecate through a window, and tickling the child when he was told not to touch her clearly demonstrate he is unfit to hold a position in a school system.

As to the appropriate penalty to be applied, 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. In this instance, the Board concludes that the appropriate response to Morgan's breach in conduct of an educator is revocation of his certificates.

Accordingly, on June 27, 2024, the Board voted to revoke Brian F. Morgan's Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and Teacher of Elementary School in Grades K-8 standard certificate. On this 19th day of September 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that Morgan's certificates are hereby REVOKED, effective immediately. It is further ORDERED that Morgan 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.



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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.