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| IN THE MATTER OF    | : | NEW JERSEY DEPARTMENT OF EDUCATION |
| THE CERTIFICATES OF | : | STATE BOARD OF EXAMINERS           |
| MATTHEW J. MAXWELL  | : | ORDER OF REVOCATION                |
| _____               | : | DOCKET NO: 2122-206                |

At its meeting of March 3, 2023, the State Board of Examiners (Board) reviewed information it received from the Office of Student Protection (OSP) and the Cape May County Prosecutor's Office regarding Matthew J. Maxwell. On July 12, 2022, Maxwell was indicted for Aggravated Assault – Strangulation (2<sup>nd</sup> degree), *N.J.S.A. 2C:12-1B(13)*; Aggravated Assault – Domestic Violence (3<sup>rd</sup> degree), *N.J.S.A. 2C:12-1B(12)*; and Terroristic Threats (3<sup>rd</sup> degree), *N.J.S.A. 2C:12-3B*. It was alleged that he threatened to kill his victim and put his hands around her neck, attempting to strangle her.

On January 18, 2023, Maxwell signed a plea form wherein he admitted to the conduct that formed the basis for the criminal indictment. As part of the plea, Maxwell was entered into Pretrial Intervention (PTI) for a period of 24 months, along with other terms and conditions.

Maxwell currently holds a Teacher of Elementary School in Grades K-6 standard certificate, a Teacher of Elementary School with Subject Matter Specialization: Science in Grades 5-8 standard certificate, and a Teacher of Biological Science standard certificate. After reviewing the above information, at its April 13, 2023 meeting, the Board voted to issue an Order to Show Cause (OSC) to Maxwell as to why his certificates should not be revoked.

On April 17, 2023, the Board sent Maxwell the OSC by regular and certified mail. The OSC provided that Maxwell must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On May 15, 2023, Maxwell submitted an answer in which he admitted he was charged, as well as the outcome of the criminal charges, but denied the allegations as to his conduct. As there

were material facts in dispute, on July 11, 2023, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing.

On May 17, 2024, Administrative Law Judge (ALJ) Tama B. Hughes issued an Initial Decision on Summary Decision in the case. *In the Matter of the Certificates of Matthew J. Maxwell*, OAL Dkt. No. EDE 06060-23 (Initial Decision, May 17, 2024). The parties had filed cross-motions for summary decision and responsive filings were received by February 20, 2024. *Id.* at 2.

Based on undisputed documents presented by the parties, the ALJ found as fact that Maxwell was arrested and later indicted for Aggravated Assault (2<sup>nd</sup> degree), *N.J.S.A.* 2C:12-1(b)(13); Terroristic Threats, *N.J.S.A.* 2C:12-3(b); and Aggravated Assault (3<sup>rd</sup> degree), *N.J.S.A.* 2C:12-1(b)(12). *Id.* at 2-3. Specifically, while engaged in a domestic dispute, Maxwell grabbed the victim with both hands around her neck and held the victim down on the bed, causing the victim to have difficulty breathing, inability to speak, and redness around her neck. *Ibid.* Further, he threatened to kill her while strangling her during a domestic dispute, putting her in imminent fear of death and reasonably causing her to believe the immediacy of the threat and the likelihood that it would be carried out. *Id.* at 3.

The ALJ found that on January 18, 2024, Maxwell entered into a plea agreement, whereby he pled guilty to Terroristic Threats (3<sup>rd</sup> degree), *N.J.S.A.* 2C:12-3(b), in exchange for dismissal of the remaining counts and entry into PTI program for a period of 24 months. *Ibid.* The ALJ also found that as part of the plea agreement, Maxwell was required to lay a factual foundation, which he did before the Honorable Christopher Gibson, J.S.C. *Ibid.* In doing so, Maxwell acknowledged under oath that he terrorized the victim in her house, acted in such a way that the victim could have perceived easily that she was in danger, and that he did so while the victim's daughter was in the

house which added to the sense of terror the victim may have experienced. *Id.* at 4. He also acknowledged that he was guilty of the felony of Terroristic Threats. *Id.* at 4-5.

Based on the above findings of fact, the ALJ determined the matter was ripe for summary judgment. *Id.* at 6. The ALJ found that Maxwell's allocution of guilt on the record as part of the plea agreement was in fact an admission and is not rebuttable. *Id.* at 9. The ALJ also found that although the PTI program may dismiss criminal charges, it does not negate or erase the conduct that formed the basis for the charges or preclude the Board from seeking to suspend or revoke Maxwell's certificates for unbecoming conduct based upon his admission of guilt. *Id.* at 10. Further, the ALJ found that although Maxwell successfully completed his PTI program, the lack of a conviction does not preclude the Board from bringing the OSC and seeking the suspension or revocation of his certificates based upon his entry of a guilty plea and allocution, wherein he admitted to the charge of terroristic threats. *Id.* at 12.

The ALJ found that the Board met its burden of proof that Maxwell engaged in conduct unbecoming a certificate holder. *Id.* at 13. The ALJ also found that Maxwell's "undisputed actions - terroristic threats against his fiancée - are not what we expect of an individual who is held to a high standard of conduct and a role model to our children." *Id.* at 14. The ALJ concluded that such actions warranted revocation of his teaching certificates and granted the Board's summary decision motion and denied Maxwell's cross-motion for summary decision. *Id.* at 16.

Maxwell filed Exceptions which challenge the findings of fact, conclusions of law and penalty warranted. (Exceptions, p. 1-2). Further, Maxwell proposes new findings of fact, conclusions of law and dismissal of the Order to Show Cause. *Id.* at 2-3. Maxwell argues that his guilty plea and any verbal admissions made on the record are legally null and void due to his successful completion of PTI. *Id.* at 2. Maxwell also argues that because the conviction is legally

null and void, the Board is precluded from bringing the OSC and improperly relied on his admissions in both his plea agreement and in his allocution. *Id.* at 3. Lastly, Maxwell argues that the Board has failed to sustain its burden of proof that he engaged in conduct unbecoming of terroristic threats on June 12, 2022. *Ibid.*

The Deputy Attorney General (DAG) representing the Board filed Reply Exceptions which argue that the ALJ's decision was well reasoned, amply supported by evidence, and should be adopted in its entirety. *See* Reply Exceptions at p. 1. Specifically, the DAG argues that the OSC was based on Maxwell's conduct, in that he terrorized his fiancée by making comments and acting in such a way that led her to reasonably fear that her life was in imminent danger. *Id.* at 7. Further, the DAG asserts that it is undisputed that the Board's OSC did not merely rely on the guilty plea, but rather it hinged on his admission that he engaged in the underlying offensive conduct that preceded it. *Ibid.*

The DAG also argues that Maxwell's argument that completing PTI shields him from the Board's supervision should be rejected because it ignores the admissions in his answer, where he admitted to the underlying conduct. *Id.* at 8-9. Further, Maxwell's argument is based on a misinterpretation of the PTI statute and case law precedents. *Ibid.* The statute cited by Maxwell, *N.J.S.A. 2C:43-12(g)(3)*, does not provide that the guilty plea and any statements connected thereto cease to exist following the completion of PTI, and does not preclude sworn statements made in connection with the plea from being considered in administrative licensing proceedings. *Id.* at 11, *citing State v. L.G.-M.*, 462 N.J. Super. 357 (App. Div. 2000).

The DAG further argues that the instant matter does not involve a civil reservation order or "civil proceeding" of the type discussed by the court in the case relied on by Maxwell, *State v. Lavrik*, 472 N.J. Super. 192 (App. Div. 2022). *Id.* at 14. And that the hearsay rules relied upon

by the *Lavrik* court and the cases cited therein are not strictly applicable to administrative hearings, at which hearsay is admissible. *Ibid.* The concerns underlying the purpose of a civil reservation are not relevant here, the DAG argues, because the Board is not attempting to use Maxwell's statements to impose civil liability, but rather the Board is fulfilling its mission to protect children by enforcing standards of behavior applicable to licensed educators. *Id.* at 14-15. And it would be contrary to public policy for the Board to be forced to ignore a teacher's admitted conduct simply because the teacher successfully completed PTI. *Id.* at 17.

Lastly, the DAG argues that the ALJ reasonably concluded that while Maxwell's successful completion of PTI results in his criminal charges being dismissed, it does not preclude or prevent the Board from seeking to suspend or revoke his certificates for unbecoming conduct based on his admission of guilt. *Id.* at 21. Further, the ALJ correctly concluded, citing numerous case precedents, that the PTI program does not negate or erase the conduct that formed the basis for the charges. *Ibid.* And the ALJ's determination that revocation of Maxwell's certificates was warranted was proper and should be upheld. *Id.* at 23.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of June 27, 2024, the Board reviewed the Initial Decision, Exceptions filed by Maxwell and the Reply Exceptions filed by the DAG. After full and fair consideration of the Initial Decision and submissions, 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 Maxwell admitted to the underlying conduct of terroristic threats against his fiancée. In this case, Maxwell’s conduct was certainly unacceptable and certainly unbecoming of a teacher. The Board agrees that Maxwell’s undisputed conduct, of threatening to kill his fiancée, does not comport with “role model” behavior. Thus, the Board finds Maxwell engaged in unbecoming conduct.

The ALJ determined that revocation of his certificates was appropriate for the conduct. The Board agrees. Threatening to kill another person, while that person’s child is present in the house, is not conduct of a role model for children. Thus, the Board finds that a revocation is warranted in this matter.

Accordingly, on June 27, 2024, the Board voted to adopt the Initial Decision. On this 19<sup>th</sup> day of September, 2024, the Board formally adopted its written decision to adopt the Initial Decision in this matter and it is therefore ORDERED that Matthew J. Maxwell’s Teacher of

Elementary School in Grades K-6 standard certificate, Teacher of Elementary School with Subject Matter Specialization: Science in Grades 5-8 standard certificate, and Teacher of Biological Science standard certificate are hereby REVOKED, effective immediately. It is further ordered that Maxwell 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.