

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
CASEY (BIRCHETT) BLAHA : ORDER OF SUSPENSION
_____ : DOCKET NO: 2223-132

At its meeting of December 29, 2022, the State Board of Examiners (Board) reviewed information it received from the Office of Student Protection (OSP) regarding Casey (Birchett) Blaha. On June 5, 2022, Blaha was charged with four (4) counts of Endangering the Welfare of a Child – DWI (2nd degree), N.J.S.A. 2C: 24-4A(2). It was alleged that Blaha had four (4) children in her vehicle while she was intoxicated after leaving a carnival event at which law enforcement observed her stumbling while she walked to her vehicle. It was also alleged that, when law enforcement approached her, she stated that she intended to drive her vehicle. Blaha’s blood alcohol level was 0.27%.

On October 5, 2022, the charges were heard in municipal court. Blaha pled guilty to Driving Under the Influence, N.J.S.A. 39:4-50, and the four counts of Endangering the Welfare of a Child – DWI (2nd degree), N.J.S.A. 2C: 24-4A(2) were dismissed.

Blaha currently holds a Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing and a Teacher of Elementary Grades K-8 certificate. After reviewing the above information, at its January 26, 2023 meeting, the Board voted to issue an Order to Show Cause (OSC) to Blaha as to why her certificates should not be revoked.

On January 31, 2023, the Board sent Blaha the OSC by regular and certified mail. The OSC provided that Blaha must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On February 13, 2023, Blaha submitted an answer in which she admitted she was charged, as well as the outcome of the criminal charges, but denied the allegations as to her conduct. As there were

material facts in dispute, on February 15, 2023, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing.

The hearing in this matter was held in-person on November 27, 2023. The record closed on February 7, 2024. On March 25, 2024, Administrative Law Judge (ALJ) Ernest M. Bongiovanni issued an Initial Decision in the case. *In the Matter of the Certificates of Casey A. (Birchett) Blaha*, OAL Dkt. No. EDE 01477-23 (Initial Decision, March 24, 2024).

After the hearing in this matter, the ALJ found that the evidence was overwhelming that Blaha committed conduct unbecoming a teacher, warranting a six-month suspension of her certificates. *Id.* at 6, 10. In so doing, he found that the parties agreed to a Stipulation of Facts and as a result the facts as stated in the Order to Show Cause were uncontested. *Id.* at 2. Blaha was charged with four counts of Endangering the Welfare of a Child – DWI after she had four children in her vehicle with her while her blood alcohol level was .27% and stated to law enforcement that she intended to drive her vehicle to leave a carnival event. *Id.* at 2-3. Subsequently, Blaha pled guilty to DUI and the endangering charges were dismissed. *Id.* at 3.

Further, the ALJ found that Blaha's testimony was not credible, particularly that she only had two glasses of wine prior to attending the carnival, when she tested more than three times the legal limit upon leaving the carnival, and that she had an asthma attack prior to getting into the vehicle. *Ibid.* Further, she minimized her conduct and misled law enforcement. *Ibid.* During cross-examination and questioning by the Court, Blaha admitted that she "most likely" would have driven home. *Id.* at 4. Moreover, the ALJ found that if Blaha had admitted the obvious – that she intended to drive her car when she entered it and turned on the engine – her conduct would appear less egregious. *Ibid.* However, her conduct unbecoming was aggravated by her persistent attempts

to evasively not admit the full truth and her obviously contradictory statements. *Id.* at 5-6. The ALJ concluded that Blaha committed conduct unbecoming an educator. *Id.* at 6.

As to penalty, the ALJ found there were mitigating circumstance that warranted less than revocation of her certificates. *Id.* at 10. He found that she admitted she was an alcoholic when she committed the DWI, she sought rehabilitation through daily attendance at AA, she had an unblemished record of 20 years as a teacher, the district chose not to suspend her rather than bring tenure charges, and that she was already penalized by the district as well as by the community by the penalties imposed in municipal court. *Ibid.* He concluded that due to the mitigating factors a penalty of six-month appeared fair and reasonable. *Ibid.*

The Deputy Attorney General (DAG) representing the Board filed Exceptions which argue that Blaha's established conduct warrants a four-year suspension of her teaching certificates. *See* Exceptions at p. 2. The DAG argues that the facts determined in this matter, when measured against the standards of conduct expected of an educator, clearly demonstrates a four-year suspension is warranted. *Id.* at 5. The DAG argues that "Blaha's undisputed conduct, coupled with her obfuscation and evasive tactics, fell far below the level of honesty and behavior that is expected." *Ibid.* Next, the DAG argues that the Board has consistently ordered lengthy suspensions for teachers who operate a vehicle with minors while intoxicated as evidenced by the cases cited in his summation brief. *Ibid.*

Further, the DAG asserts the ALJ afforded too much weight to any potential mitigating factors given that "Blaha repeatedly failed to acknowledge, let alone express remorse for, the level of her demonstrated drunkenness and intent to drive minors while intoxicated" and tried to obfuscate the truth, with a pattern of immoral and dishonest attempts to avoid the consequences of her action, such as invoking her husband's position as an officer of the law. *Id.* at 8. Lastly, the

DAG argues that the Board has revoked the certificates of educators who failed to express remorse or take responsibility for the consequences of their unbecoming conduct. *Id. at 9.*

Blaha filed Exceptions which argue that the ALJ was clearly influenced by Blaha's attitude, and that the ALJ's "use of pejoratives throughout the Initial Decision was uncalled for" and made the ALJ biased. (Reply Exceptions, p. 1). Further, Blaha argues that the parties were before the Court to determine the penalty to be imposed for a DUI. *Id. at 2.* And a simple DUI has never warranted revocation of certificates. *Id. at 3.* Blaha further argues that she was not guilty of DUI because her vehicle never moved. *Id. at 4-5.* And that although she entered a plea as to the DUI, she is not guilty of DUI with children in her vehicle. *Id. at 5.* Lastly, Blaha argues that "certificates of teachers who are found guilty of a sole charge of Disorderly Conduct are not affected." *Id. at 6.*

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of May 23, 2024, the Board reviewed the Initial Decision, and Exceptions filed by both parties. After full and fair consideration of the Initial Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

The Board, in reviewing the matter, does not find that the ALJ's findings to be arbitrary or not based on sufficient credible evidence. The ALJ's credibility determinations were well supported and based on his first-hand observations. Accordingly, the Board is constrained by the ALJ's findings of facts and credibility determinations in this matter. The Board does not find a sufficient basis by which it could overturn same. *N.J.A.C. 1:1-18.6(b).*

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 the allegations in the OSC were uncontested and concluded that Blaha’s actions here placed her child and three other minors in great danger after being seen staggering to her vehicle and failing all the field sobriety tests. In this case, Blaha’s conduct was certainly unacceptable and certainly unbecoming of a teacher. The Board agrees that Blaha’s conduct, placing four children at serious risk by getting behind the wheel of her vehicle to leave a carnival with a blood alcohol content at more than three times the legal limit, does not comport with “role model” behavior. Thus, the Board finds Blaha engaged in unbecoming conduct.

The ALJ determined that a six-month suspension was appropriate for the conduct. However, the Board disagrees that the mitigating factors here warrant only a six-month suspension. Although Blaha had a long, unblemished career, she continued throughout this matter to downplay her conduct. She has failed to responsibility for the four minors in her vehicle at the time of her DUI and has failed to acknowledge the potential danger that could have occurred had an officer

not witnessed her staggering to her vehicle and stopped her before leaving the carnival event. Thus, the Board finds that a two-year suspension is warranted in this matter.

Accordingly, on May 23, 2024, the Board voted to adopt the Initial Decision with modification as to penalty and ordered a two-year suspension of Blaha's certificates from the date of this Decision. On this 27th day of June, 2024, the Board formally adopted its written decision to adopt, with modification as to penalty, the Initial Decision in this matter and it is therefore ORDERED that Casey A. (Birchett) Blaha's Teacher of Elementary Grades K-8 Certificate of Eligibility with Advanced Standing and Teacher of Elementary Grades K-8 certificate are hereby SUSPENDED for a period of two years, effective immediately. It is further ordered that Blaha 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.