

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
ERIKA CACERES : ORDER OF SUSPENSION
_____ : DOCKET NO: 2223-173

At its meeting of March 1, 2023, the State Board of Examiners (Board) reviewed information received from the North Arlington School District (North Arlington) regarding Erika Caceres. North Arlington reported that Caceres resigned her employment as a school counselor following allegations of unbecoming conduct. Specifically, North Arlington alleged that, on September 21, 2022, Caceres was observed having difficulty standing, walking, and having slurred speech after being under the influence of alcohol on school grounds during work hours. North Arlington stated that, due to Caceres' unwillingness to leave the premises, assistance of law enforcement was necessary to facilitate her safe transport to the hospital. According to the record, testing later confirmed that Caceres had a Blood Alcohol level of 313 mg/dL. North Arlington further determined, via video footage, that on or about September 20, 2022 through September 21, 2022, Caceres engaged in inappropriate behavior during working/non-lunch times, such as leaving work, arguing with staff members, and unable to park a vehicle safely.

Caceres currently holds a School Counselor certificate. Upon review of the above information, the Board voted at its meeting of June 29, 2023 to issue Caceres an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Caceres the Order to Show Cause by regular and certified mail on July 5, 2023. The Order provided that Caceres must file an Answer within 30 days pursuant to *N.J.A.C.* 6A:9B-4.6(b). Caceres filed an Answer on July 17, 2023.

In her Answer, Caceres admitted she resigned from North Arlington on March 27, 2023 (Answer, ¶ 3). She also admitted the allegations regarding the incident and her medical examination, but alleged she attempted to reach a close friend or family member to transport her and was asked by the superintendent to “hang up the phone” although her attorney advised her otherwise. (Answer, ¶ 4). Caceres admitted that her alcohol content level was 313 mg/dL. (Answer, ¶ 5). She also admitted that North Arlington determined that she engaged in inappropriate and irresponsible behavior during work hours. (Answer, ¶ 6). Caceres states that upon acknowledging she had an alcohol use disorder, she admitted herself into a rehabilitation facility for treatment. (Answer). According to Caceres, the treatment facility taught her various coping skills and strategies and has helped her overcome her alcohol dependency and prepared her to make impactful, positive, and healthy decisions. *Ibid.* She attends weekly Narcotic Anonymous meetings and weekly meetings with a therapist and has remained sober since admitting herself into the rehabilitation center on September 30, 2022. *Ibid.* She is remorseful for her unprofessional behavior and the actions that led to this situation and is determined to learn from her mistakes and move forward as a more responsible and accountable individual, prioritizing professionalism, integrity, and adherence to all relevant codes of conduct. *Ibid.*

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on October 13, 2023, the Board sent Caceres a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Caceres 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 her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her

defense, the Board would determine if her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Caceres was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On November 9, 2023, Caceres filed a response, again apologizing for the unprofessional conduct and behavior that led to this situation and requested to appear before the Board.

On March 1, 2024, Caceres and her attorney, William Gonzalez, Esq., appeared before the Board on this matter. Caceres provided testimony on the sanction issue. In her testimony, Caceres stated that she is not the same person as she was on September 21, 2022. That the incident was isolated and as a result she voluntarily admitted herself into rehabilitation and therapy for five months. She continues to attend weekly meetings and sees a therapist regularly. She is willing to do whatever it takes and is dedicated to her sobriety.

The threshold issue before the Board in this matter is whether Caceres' conduct constitutes conduct unbecoming a certificate holder. At its meeting of April 11, 2024, the Board considered the allegations in the Order to Show Cause, as well as Caceres' Answer, Hearing Response and testimony. The Board determined that no material facts related to Caceres' offense were in dispute since she admitted that she had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board finds that Caceres engaged in conduct unbecoming an educator. Showing up to work at a school while under the influence of drugs and/or alcohol tends to destroy confidence in the operation of public services.

The Board must now determine whether Caceres' conduct, as set forth in the Order to Show Cause, represents just cause to act against her certificate 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)) (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. 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).

In this instance, the Board finds that Caceres’ conduct provides just cause to take action against her certificate. The record established that Caceres was under the influence while at work in a school. Her conduct falls far short of that expected of a role model. 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. 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.

Here, Caceres’ action in arriving to work at a school in an intoxicated state is conduct that indicates a serious lapse in judgment. Further, her inappropriate conduct demonstrated on video the previous day is also worrisome. Nonetheless, it is clear that Caceres had an unblemished career prior to this incident and has continued to pursue therapy. In light of this mitigating evidence, the

Board therefore concludes that the appropriate response to Caceres' breach is a six-month suspension of her certificate.

Accordingly, on April 11, 2024, the Board voted to suspend Erika Caceres' School Counselor certificate for a period of six months. On this 23rd day of May 2024, the Board voted to adopt its formal written decision and it is therefore ORDERED that the suspension of Caceres' certificate be effective immediately. It is further ORDERED that Caceres return her certificate 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, Acting 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.