

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
KENNETH E. FELLOWS III : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 2223-176

At its meeting of May 18, 2023, the State Board of Examiners (Board) reviewed information the Ocean County Prosecutor's Office and the Office of Student Protection (OSP) provided the Board regarding Kenneth E. Fellows III. On or about April 20, 2022, Fellows was indicted on three counts of Burglary (3<sup>rd</sup> degree), N.J.S.A. 2C:18-2A(1); one count of Theft (3<sup>rd</sup> degree), N.J.S.A. 2C:20-3A; two counts of Theft (4<sup>th</sup> degree), N.J.S.A. 2C:20-3A; and Criminal Mischief (4<sup>th</sup> degree), N.J.S.A. 2C:17-3A(1). Fellows allegedly broke into various homes and vehicles in a neighborhood, caused damage, removed physical items from the residences, and uprooted plants. On April 3, 2023, Fellows received an Order of Postponement and was entered into the Pre-Trial Intervention program for a period of 24 months, ordered to complete 25 hours of community service, and pay restitution and fees.

Fellows currently holds a substitute credential, expiring in September 2025. Upon review of the above information, at its June 29, 2023 meeting, the Board voted to issue Fellows an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Fellows the Order to Show Cause by regular and certified mail on August 7, 2023. The Order provided that Fellows had 30 days to respond pursuant to *N.J.A.C. 6A:9B-4.6(b)*. The certified mail copy was signed and returned, and the regular mail copy was not returned. Fellows did not file a response.

On October 20, 2023, the Board sent Fellows another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause pursuant to *N.J.A.C.*

6A:9B-4.6(c). The certified mail copy was signed and returned, and the regular mail copy was not returned. Fellows did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 18, 2024, the Board sent Fellows a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Fellows 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. Fellows was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was signed and returned, and the regular mail copy was not returned. Once again, Fellows did not file a response.

The threshold issue before the Board in this matter is whether Fellows' conduct constitutes conduct unbecoming of a certificate holder or other just cause. Since Fellows failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of April 11, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from the Ocean County Prosecutor's Office and OSP. The Board concluded that no material facts related to Fellows' offenses were in dispute since he never denied that he 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 found that Fellows had engaged in unbecoming conduct. Breaking into

homes, taking personal items, and causing damage is behavior that represents a serious lapse in judgment and suggests unfitness to hold a position in a school system.

The Board must now determine whether Fellows' conduct, as set forth in the Order to Show Cause, provides just cause to act against his credential 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).

The Board finds Fellows' conduct provides just cause to act against his credential. In this instance, Fellows' actions in breaking into various homes and vehicles, causing damage properties, and removing items clearly demonstrate conduct that is unacceptable for a role model for school children. 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.

Here, Fellows' conduct indicates a serious lapse in judgment. The Board concludes that the appropriate response to Fellows' breach of the implicit standard of good behavior expected of an educator is revocation of his substitute credential.

Accordingly, on April 11, 2024, the Board voted to revoke Kenneth E. Fellows III's substitute credential. On this 23rd day of May 2024 the Board voted to adopt its formal written decision and it is therefore ORDERED that Fellows' credential is hereby REVOKED, effective immediately. It is further ORDERED that Fellows return his credential 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, 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.