

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION

THE CERTIFICATES OF : STATE BOARD OF EXAMINERS

WILLIAM C. PENKETHMAN : ORDER OF REVOCATION

_____ : DOCKET NO: 2223-187

At its meeting of June 26, 2024, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) regarding William C. Penkethman. Penkethman currently holds a Teacher of English as a Second Language Certificate of Eligibility and a Teacher of English Certificate of Eligibility.

On or about February 24, 2021, Penkethman was indicted on one count of Theft by Deception (3rd degree), *N.J.S.A. 2C:20-4*, after it was alleged that Penkethman stole money by listing a property for rent and accepting payments for future rentals, even though the property was in foreclosure and sold at a Sheriff's sale. It was alleged that Penkethman used the money for personal benefit. On or about March 12, 2021, Penkethman was entered into the Pre-Trial Intervention program (PTI). During the term of PTI he was terminated and then pled guilty for readmission into PTI on June 20, 2023.

Upon review of the above information, the Board voted, at its meeting of September 21, 2023, to issue Penkethman an Order to Show Cause as to why his certificates should not be revoked. The Board sent Penkethman the Order to Show Cause by regular and certified mail on October 22, 2023. The Order provided that Penkethman had 30 days to respond pursuant to *N.J.A.C. 6A:9B- 4.6(b)*. The certified mail copy was returned as "Unclaimed" and the regular mail was not returned. Penkethman did not file a response. On January 11, 2024, the Board sent Penkethman 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 "Delivered, Left with Individual" and the regular mail copy was not returned. Penkethman did not file a response.

Thereafter, pursuant to N.J.A.C. 6A:9B-4.6(e), on March 28, 2024, the Board sent Penkethman a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Penkethman 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. Penkethman was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was “Held at Post Office, At Customer Request” and the regular mail copy was not returned. Penkethman did not file a response, nor did he notify the Board that he wished to appear for a hearing.

The threshold issue before the Board in this matter is whether Penkethman’s actions here constitute conduct unbecoming a certificate holder or other just cause. Since Penkethman failed to respond to the Order to Show Cause, the allegations are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of June 27, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from OSP. The Board concluded that no material facts related to Penkethman’s offense were in dispute since he never denied that he had engaged in the alleged conduct. Thus, since no material facts related to Penkethman’s conduct are in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. The Board finds that Penkethman engaged in conduct unbecoming of an educator. Stealing money by listing a property for rent, which was in foreclosure and sold at a Sheriff’s sale, and accepting payments for future rentals is clearly unbecoming conduct and provides the basis for the Board’s finding.

The Board must now determine whether Penkethman's conduct, as set forth in the Order to Show Cause, represent 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" 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); *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).

In this instance, the Board finds that Penkethman's conduct in deceptively stealing money from others provides just cause to take action against his certificates. The record established that Penkethman listed a property for rent and accepted payments for future rentals even though the property was in foreclosure and sold at a Sheriff's sale. His behavior falls far short of a role model.

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 Penketham's breach in conduct of an educator is revocation of his certificates.

Moreover, it is well established that the Board has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 N.J.A.R. 285 (1981). “A teacher’s whole life is subject to scrutiny, not just his [or her] actions within the schoolhouse doors.” In re Certificates of Kevin Jordan, OAL Dkt. No. EDE 00460-07, Initial Decision (Dec. 6, 2007), adopted, Final Decision, Comm’r, Agency Dkt. No. 0506-287 (Feb. 28, 2008), aff’d, In re Certificates of Kevin Jordan, 2009 N.J. Super. Unpub. LEXIS 2439 (App. Div. 2009).

Accordingly, on June 27, 2024, the Board voted to revoke William C. Penkethman’s Teacher of English as a Second Language Certificate of Eligibility and Teacher of English Certificate of Eligibility. On this 19th day of September 2024, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Penkethman’s certificates be REVOKED, effective immediately. It is further ORDERED that Penkethman 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:
By 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.