

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT S. ARMSTRONG : ORDER OF REVOCATION
_____ : DOCKET NO: 2223-188

At its meeting of August 4, 2023, the State Board of Examiners (Board) reviewed information from the Office of Student Protection (OSP) regarding Robert S. Armstrong. Armstrong currently holds a Teacher of Elementary School in Grades K-8 Certificate of Eligibility, issued June 1994; a Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing, issued March 1997; a Teacher of Handicapped standard certificate, issued March 1997; a Principal Certificate of Eligibility, issued June 2001; and a Principal standard certificate, issued August 2002.

On September 15, 2015, Armstrong pled guilty to a federal Mail Fraud – Frauds & Swindles, 18 *U.S.C.* § 1341, a Class C Felony, after he used fraudulent invoices to obtain more than \$600,000 from over 73,000 schools across the county. On November 13, 2015, he was sentenced to 57 months in prison, along with a consent judgment of forfeiture of property, in the amount of \$653,224.34, and supervised release for three years.

Subsequently, on January 28, 2020, Armstrong plead guilty to a separate charge of federal Mail Fraud – Frauds & Swindles, 18 *U.S.C.* § 1341, a Class C Felony, after he used fraudulent invoices to obtain funds totaling over \$200,000 from over 900 hospitals, clinics, and doctor's offices across the county. At the same time, he also pled guilty to violation of the terms of his supervised release from his 2015 conviction. *United States v. Armstrong*, 2022 U.S. Dist. LEXIS 77244, 2022 WL 1261530 (D.N.J. April 27, 2022). On May 8, 2020, as to the federal mail fraud charge, he was sentenced to 41 months in prison, supervised release for three years, and restitution

in the amount of \$59,389.06. As for the violation of his supervised release for his 2015 conviction, he was sentenced to 24 months in prison and supervised release for year.

The OSP notified the Board that pursuant to *N.J.S.A.* 18A:6-7.1 *et seq.*, Armstrong was disqualified from public school employment as the result of his convictions for federal Mail Fraud – Felony/ Frauds & Swindles, 18 *U.S.C.* § 1341.

Upon review of the above information, the Board voted at its September 21, 2023 meeting to issue Armstrong an Order to Show Cause as to why his certificates should not be revoked. The Board sent Armstrong the Order to Show Cause by regular and certified mail on October 4, 2023. The Order provided that Armstrong had 30 days to respond pursuant to *N.J.A.C.* 6A:9B- 4.6(b). The certified mail copy was marked “Delivered, Left with Individual,” and the regular mail was not returned. Armstrong did not file a response. On January 11, 2024, the Board sent Armstrong 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. On January 26, 2024, Armstrong filed an answer admitting the allegations in the Order to Show Cause but claiming there were reasons his certificates should not be suspended or revoked.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on March 13, 2024, the Board sent Armstrong a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Armstrong 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. Armstrong was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned, and the regular mail copy was not returned.

Armstrong did not file a written statement. However, in an email correspondence dated February 2, 2024, he requested to meet with the Board before any decision was rendered. On June 19, 2024, the Board sent Armstrong a notice by email, regular and certified mail, advising he could present testimony on the sanction issue at the Board's August 2, 2024 meeting. The certified mail receipt was signed and returned, and the regular mail copy was not returned. On June 19, 2024, Armstrong responded via email asking whether this matter had "anything to do with my pension, or just license?" and the Board responded by email that the hearing was in reference to his certificates.

On July 22, 2024, the Board sent Armstrong a notice by email that the August 2, 2024 meeting had been cancelled and that he was provided the opportunity to provide testimony at its meeting on September 19, 2024. Armstrong did not respond and did not appear before the Board to offer testimony on the sanction issue on September 19, 2024. Thereafter, the Board sent Armstrong a notice via email, regular and certified mail that, as a result of his failure to appear at the September 19, 2024 meeting, the Board would consider this matter at its meeting on November 1, 2024. The certified mail receipt was marked "Unclaimed/Being Returned to Sender," the regular mail copy was not returned, and the email did not elicit a response.

The threshold issue before the Board in this matter is whether Armstrong's actions here constitute conduct unbecoming a certificate holder or other just cause. Because Armstrong failed to provide any written submissions and did not appear at the Board's September 19, 2024 meeting,

the Board considered only the allegations in the Order to Show Cause, the information received from OSP, and Armstrong's Answer to the Order Show Cause. The Board concluded that no material facts related to Armstrong's offenses were in dispute because he admitted the alleged conduct. Thus, since no material facts related to Armstrong'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 Armstrong engaged in conduct unbecoming of an educator. Pursuant to *N.J.A.C.* 6A:9B-4.4, the Board may take action against a certificate holder on the basis of conduct unbecoming a teacher. 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. "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)). 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). A conviction for mail fraud involving over \$600,000.00, in which over 73,000 schools across the county were sent a fraudulent invoice, and then a subsequent second conviction while still on supervised release

for the same type of crime clearly demonstrates conduct unbecoming an educator and provides the basis for the Board's finding.

Further, in enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.*, in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. The OSP determined that a conviction for federal Mail Fraud – Frauds & Swindles, 18 *U.S.C.* § 1341, a Class C Felony, permanently disqualified an individual from public school employment. *See N.J.S.A.* 18A:6-7.1(c)(2) and (d). The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students.

Having found that Armstrong engaged in unbecoming conduct, the Board must now determine the appropriate penalty to be applied. The Board may revoke or suspend the certification of any certificate holder if the certificate holder engages in conduct unbecoming a teacher. *N.J.A.C.* 6A:9B-4.4. In this instance, the Board concludes that the appropriate response to Armstrong's breach in conduct of an educator is revocation of his certificates. Armstrong's conduct in committing a mail fraud scheme that defrauded more than \$600,000.00 from the public coffers of some of the over 73,000 elementary schools he contacted alone warrants revocation of his certificates. His continued engagement in mail fraud schemes, namely his second mail fraud scheme of defrauding more than 900 hospitals, clinics, and doctor's offices across the county of more than \$200,000.00, provides even further support for the revocation of his certificates. Armstrong's convictions for mail fraud, wherein he was sentenced to several years of incarceration, further support revocation of his certificates. Defrauding public schools and medical providers across the country by submitting false invoices for services and/or products not provided in two separate mail fraud schemes, as well as being disqualified from public school

employment, warrants revocation of his certificates. Further, the record established that, as a result of his convictions for Mail Fraud – Frauds & Swindles, 18 *U.S.C.* § 1341, a Class C Felony, Armstrong is disqualified from public school employment. An educator who is not qualified for public school employment should not be able to hold himself out as a public educator. Thus, revocation of his certificates is the appropriate response in this matter.

Accordingly, on November 11, 2024, the Board voted to revoke Robert S. Armstrong's Teacher of Elementary School in Grades K-8 Certificate of Eligibility, Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing, Teacher of Handicapped standard certificate, Principal Certificate of Eligibility, and Principal standard certificate. On this 6th day of December 2024, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Armstrong's certificates be REVOKED, effective immediately. It is further ORDERED that Armstrong 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.