

SBE #0304-201  
SB # 10-05

IN THE MATTER OF THE REVOCATION :  
OF THE TEACHING CERTIFICATE : STATE BOARD OF EDUCATION  
OF THOMAS CARNEY BY THE : DECISION ON MOTION  
STATE BOARD OF EXAMINERS. :

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Decision by the State Board of Examiners issued on February 1, 2005

For the Appellant, Starkey, Kelly, Bauer & Kenneally (Dina R. Khajezadeh,  
Esq., of Counsel)

For the Respondent, Patricia M. O'Neill, Deputy Attorney General (Peter  
C. Harvey, Attorney General of New Jersey)

In a decision issued on February 1, 2005, the State Board of Examiners revoked the teaching certificate of Thomas Carney (hereinafter "appellant") as a result of his action in submitting a fraudulent supervisor's certificate to the Lakewood Board of Education in order to obtain employment. On March 1, 2005, the appellant filed an appeal to the State Board of Education. On April 25, 2005, the appellant filed the instant motion to supplement the record on appeal pursuant to N.J.A.C. 6A:4-1.9(b), along with a request for oral argument. The appellant seeks to supplement the record with an affidavit and a letter dated December 11, 2003 to the district's Assistant Superintendent. The Board of Examiners filed a brief in opposition to the motion. The appellant submitted a response to the Board of Examiners' brief, along with a request for leave to file that submission. N.J.A.C. 6A:4-1.18(g).

After a review of the papers filed,<sup>1</sup> we deny the appellant's motion. The record reveals that the Board of Examiners served the appellant with an Order to Show Cause why his Teacher of Health and Physical Education certificate should not be revoked or suspended as a result of his alleged conduct and that he was provided with a full opportunity to respond to that Order. He did, indeed, through counsel, file an answer on May 20, 2004, in which he stated, inter alia:

4. Through inadvertence, neglect and a failure to continue to stay personally involved with the process, certain errors have occurred which Mr. Carney must assume responsibility for.

5. Therefore, Mr. Carney accepts responsibility for the improper actions as specified in the Order to Show Cause dated March 5, 2004 signed by Joan E. Brady, Secretary of the New Jersey State Board of Examiners.

6. At the same time, he asks the Board of Examiners to take into consideration his excellent credentials and record prior to this incident. He also asks the State Board to recognize that he has terminated his relationship with the Lakewood Board of Education. He further asks the Board of Examiners to consider a suspension rather than a revocation of his license so that he can workout [sic] some personal family problems and be allowed to be returned to the teaching profession at sometime [sic] in the future.

7. Mr. Carney is agreeable to a suspension with a requirement of counseling in order to retain his license and possibly return to the teaching profession at sometime [sic] in the future. There is no question that Mr. Carney was a talented, well-respected teacher and hopefully this one (1) incident for which he is taking responsibility will not cause him to be forever barred from the teaching profession.

Answer to Order to Show Cause, at 1-2.

On September 21, 2004, the appellant supplemented his answer with two letters of recommendation.

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<sup>1</sup> In reviewing this motion, we have considered the brief submitted by the appellant in response to the Board of Examiners' opposition papers.

The Board of Examiners reviewed the information before it and:

determined that no material disputes existed relating to Carney's conduct since he never denied that he was not entitled to a Supervisor certificate. Moreover, he never alleged that anyone else had forged his documentation. Indeed, Carney was the one to submit the fraudulent document to his employing district. Based upon all of these uncontested facts, the Board of Examiners proceeded to hear the matter directly.

State Board of Examiners' Decision, slip op. at 2.

In the documents with which the appellant seeks to supplement the record, he contends that his wife had led him to believe that he had satisfied all of the prerequisites for the issuance of a supervisor's certification and that it was she who had provided false documentation to the Lakewood Board without his knowledge. The appellant stated in his December 11, 2003 letter to the Assistant Superintendent that he was "shocked" when he learned that he did not have enough credits to earn a master's degree.

We reiterate that the Board of Examiners provided the appellant, who was represented by counsel, with a full opportunity to respond to the charges in the Show Cause Order. The appellant did file an answer, and he subsequently supplemented his response with additional materials. Although the averments contained in the appellant's proposed exhibits were available to him and could have been made at the time he responded to the Show Cause Order, he did not provide such an explanation to the Board of Examiners. Rather, the appellant accepted responsibility for the submission of a fraudulent certificate and, as the Board of Examiners correctly found, he "never denied that he was not entitled to a Supervisor certificate...[and] he never alleged that

anyone else had forged his documentation.” Id. Under these circumstances, we find that the appellant has not provided a basis for granting his motion to supplement.

We deny the appellant’s request for oral argument as not necessary for a fair determination of his motion. N.J.A.C. 6A:4-1.18(h); N.J.A.C. 6A:4-3.2.

July 6, 2005

Date of mailing \_\_\_\_\_