

#32-11 (OAL Decision: Not yet available online)

IN THE MATTER OF THE TENURE :
HEARING OF BIL MORGAN, : COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT : DECISION
OF CORRECTIONS, SOUTH WOODS :
STATE PRISON. :
_____ :

SYNOPSIS

The petitioning Board certified tenure charges against respondent – a teacher of media arts – for conduct unbecoming a teacher and other related charges, including: taking the electronic signature of the prison administrator without authorization and affixing it to a document; downloading a “bootleg” movie still in general release in the theaters; downloading software on the prison’s computer to bypass the encryption code on rented DVDs in order to copy the films prior to their return to the rental company; and using prison inmates to edit video footage produced by respondent’s private company. The Board sought dismissal of respondent from his tenured employment.

The ALJ found that: respondent claimed naiveté regarding the ramifications of his admitted conduct, none of which represents conduct of a teacher that an inmate should emulate; respondent’s explanations of his behavior lacked credibility; and the Board has carried its burden to prove the charges against respondent by a preponderance of the credible evidence. Accordingly, the ALJ recommended respondent’s removal from his tenured employment.

Upon independent review of the record, the Commissioner concurred with the ALJ’s findings and adopted the Initial Decision of the OAL as the final decision in this matter. Respondent was dismissed from his tenured employment, and the matter transmitted to the State Board of Examiners for action against respondent’s certificate(s) as that body deems appropriate.

<p>This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>

January 11, 2011

OAL DKT. NO. EDU 4284-10
AGENCY DKT NO. 71-4/10

IN THE MATTER OF THE TENURE :
HEARING OF BIL MORGAN, : COMMISSIONER OF EDUCATION
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon full consideration, the Commissioner concurs with the Administrative Law Judge that the New Jersey State Department of Corrections has sustained its charges of conduct unbecoming a teacher against respondent by a preponderance of the credible evidence, warranting respondent's termination from his tenured position at South Woods State Prison.

Accordingly, the recommended decision of the OAL is adopted for the reasons clearly presented therein, and respondent is hereby terminated from his tenured position. A copy of this decision will be forwarded to the State Board of Examiners for action, as that body deems appropriate, against respondent's certificate(s).

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 11, 2011
Date of Mailing: January 11, 2011

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36* (*N.J.S.A. 18A:6-9.1*).