

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CYNTHIA PULLIN : ORDER OF REVOCATION
_____ : DOCKET NO: 590-11/00-277

At its meeting of November 2, 2000, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Cynthia Pullin from her tenured position with the Board of Education of Camden for charges of unbecoming conduct. Pullin currently holds a Teacher of Elementary School certificate.

This case originated on June 24, 1998 when the Camden Board of Education certified tenure charges against Pullin alleging abandonment and incapacity. The district claimed that Pullin had been absent without authorization for eight months and had informed the district that she would be unable to return to work for an additional eight months.

The Commissioner of Education transmitted the case to the Office of Administrative Law (OAL). The parties settled the case before hearing and the Administrative Law Judge forwarded the settlement to the Commissioner for his approval.

In a decision dated September 27, 1999, the Commissioner of Education approved the settlement between Pullin and the District. In that settlement, Pullin resigned her tenured position and the district withdrew its tenure charges. Pullin admitted that she had abandoned her position and indicated that her conduct had arisen from her prolonged drug use. The Commissioner transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for appropriate action regarding Pullin's certificate.

Thereafter, on November 2, 2000, the State Board of Examiners issued an Order to Show Cause to Pullin as to why her certificate should not be suspended or revoked. The Order was predicated on the charges of abandonment of position and Pullin's prolonged drug use that had been alleged in the tenure proceeding.

The Board sent Pullin the Order to Show Cause by regular and certified mail on January 19, 2001. The Order provided that an Answer must be filed within 20 days. Pullin filed an Answer on June 1, 2001. In her Answer Pullin admitted that she had abandoned her tenured position. She also stated that she became a substance abuser and made some bad choices and decisions. (Answer, p. 1.) In the remainder of her Answer, Pullin recounted her history of drug abuse and her eventual rehabilitation. She added that she had enrolled in an eight month rehabilitation program and had been clean and sober ever since. (Answer, pp.2-3.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on June 27, 2001, the Board sent Pullin a hearing notice by regular and certified mail. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, Pullin 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. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the State Board of Examiners would determine if her offense warranted action against her certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified copy of the notice was returned unclaimed but the regular mail copy was not returned. Pullin did not respond to the hearing notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Pullin's conduct constitutes conduct unbecoming a certificate holder. At its meeting of January 17, 2002, the State Board of Examiners reviewed the charges and papers Pullin filed in response to the Order to Show Cause. After reviewing her response, the Board of Examiners determined that no material facts related to Pullin's offense were in dispute since she admitted all the allegations in the Order to Show Cause. The Board therefore concluded that Pullin's actions regarding her drug use and abandonment of her teaching position constituted conduct unbecoming a certificate holder.

In rendering its decision, the State Board of Examiners first notes that notwithstanding Pullin's contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is "to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation." See, In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners, 96 N.J.A.R. 2D (EDE) 1, 16 aff'd App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) (citing In the Matter of the Revocation of the Teaching Certificate of James Noll, State Bd. of Examiners decision (February 7, 1990)). Hence, the State Board of Examiners did not consider Pullin's statements concerning her alleged rehabilitation or how long she has been drug free, but instead focused on assessing whether her drug use and abandonment of her teaching position constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Pullin's actions as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that they do.

The State Board of Examiners 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. 6:11-3.4. In this regard, school law cases have traditionally recognized the right of the State Board of Examiners to revoke certificates where the teacher was involved in criminal activities, even if the activities were not related 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). The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools herein have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. Thus, the misuse of drugs by students, or by the role models to whom students look to for guidance, will not be tolerated under any circumstance. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, whether by the use of drugs or their manufacture and distribution, endanger the public welfare; they cannot be entrusted with the responsibility of caring for school aged pupils.

Accordingly, in light of this State's strong policy opposing the use of illegal drugs, the State Board of Examiners finds Pullin's admitted drug use and abandonment of her tenured position conduct unbecoming a certificate holder. That conduct also provides

just cause to take action against Pullin's certificate. The Board determines that the appropriate penalty here is the revocation of that certificate.

Accordingly, it is therefore ORDERED that Cynthia Pullin's Teacher of Elementary School certificate be revoked on this 17th day of January 2002. It is further ORDERED that Pullin return her certificate to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: March 12, 2003

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.