

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MICHAEL HAILEY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0809-245

At its meeting of July 28, 2009, the State Board of Examiners reviewed information received from the Camden County Prosecutor's Office indicating that in February 2009, Michael Hailey pled guilty to Official Misconduct and Theft By Deception. Hailey was sentenced to three years imprisonment, fined and ordered to forfeit his public office. Hailey currently holds a Teacher of Elementary School certificate, issued in June 1966 and an Elementary School Principal certificate, issued in June 1970. Upon review of the above information, at its September 17, 2009 meeting, the State Board of Examiners voted to issue Hailey an Order to Show Cause.

The Board sent Hailey the Order to Show Cause by regular and certified mail on September 24, 2009. The Order provided that Hailey's Answer was due within 30 days. The certified mail copy was returned as unclaimed but the regular mail copy was not returned. Hailey did not file a response. Thereafter, on November 16, 2009, the Board sent Hailey another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. One again, the certified mail was returned as unclaimed and the regular mail copy was not returned. Hailey did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on December 8, 2009, the Board sent Hailey a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Hailey 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 him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his conviction warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Hailey was also provided the opportunity to appear before the Board to testify on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Hailey did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Hailey's conviction constitutes conduct unbecoming a certificate holder. Since Hailey failed to respond to the Order to Show Cause or the hearing notice, at its meeting of March 25, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Hailey's offense were in dispute since he never denied that he had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Hailey's conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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.* 6A:9-17.5. “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.

Moreover, it is well established that the State Board of Examiners 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). In this case, Hailey has a conviction for a crime involving dishonesty and his unbecoming conduct implicates both his instructional and administrative certifications.

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, Hailey’s conviction for Theft By Deception and Official Misconduct demonstrates egregious behavior that warrants revocation. The Commissioner has long held that teachers serve as role models for their students. Clearly, Hailey cannot claim status as a role model to anyone.

Accordingly, on March 25, 2010, the Board of Examiners voted to revoke Michael Hailey's Teacher of Elementary School and Elementary School Principal certificates. On this 29th day of April 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Hailey's certificates be effective immediately. It is further ORDERED that Hailey return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th