

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
JILL ZELL : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-144

At its meeting of December 9, 2010, the State Board of Examiners (Board) reviewed information received from the Middlesex County Prosecutor's Office indicating that on April 28, 2010, Jill Zell pled guilty to two counts of Fraudulent Use of Credit Card. On July 26, 2010, Zell was sentenced to three years' probation and ordered to relinquish her teaching position. The court also barred Zell from public employment in the future. Zell currently holds a Teacher of English certificate, issued in September 1985, a Supervisor certificate, issued in August 2006 and a Principal Certificate of Eligibility, issued in February 2009. Upon review of the above information, at its January 20, 2011 meeting, the Board voted to issue Zell an Order to Show Cause.

The Board sent Zell the Order to Show Cause by regular and certified mail on January 24, 2011. The Order provided that Zell's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Zell did not file a response. Thereafter, on March 3, 2011, the Board sent Zell a second notice by regular and certified mail providing her an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Zell did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 23, 2011, the Board sent Zell a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Zell 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 determined to take action against her certificates. It also explained that upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if Zell's offenses warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Zell 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. Once again, Zell did not respond.

The threshold issue before the Board in this matter is whether Zell's conviction and permanent bar from holding public employment in the State of New Jersey constitutes conduct unbecoming a certificate holder. Since Zell failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 16, 2011, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Zell's conduct were in dispute since she never denied that she had been convicted and sentenced accordingly. Thus, the Board 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 Board must now determine whether Zell's conviction and subsequent bar from public employment, as set forth in the Order to Show Cause, provide just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

The Board 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, the Commissioner has long held that teachers serve as role models for their students. Zell's acts of Fraudulent Use of Credit Card demonstrate a dishonesty that falls far short of the role model status expected of teachers. Clearly, Zell cannot lay claim to that status.

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, Zell's conviction for Fraudulent use of Credit Card resulted in a long probationary term and a permanent disqualification from public employment. Zell's offense demonstrates egregious behavior that warrants revocation.

Accordingly, on June 16, 2011, the Board voted to revoke Zell's Principal Certificate of Eligibility and her Teacher of English and Supervisor certificates. On this 28th day of July 2011 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Jill Zell's certificates be effective immediately. It is further ORDERED that Zell return her 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.

---

Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

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

RRH:MZ:th