

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
STEVE GALLON III : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-209

At its meeting of March 31, 2011, the State Board of Examiners (Board) reviewed information received from the Middlesex County Prosecutor's Office (MCPO) regarding Steve Gallon III. The MCPO informed the Board that Gallon was admitted into a Pre-Trial Intervention Program (PTI) after being charged with Theft By Deception. As a condition of PTI, Gallon signed a Consent Order in which he agreed to "never seek nor accept employment in any New Jersey public school or public school system." Gallon currently holds a School Administrator Certificate of Eligibility, issued in June 2008 and a School Administrator certificate, issued in December 2009. Gallon did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of May 12, 2011 to issue Gallon an Order to Show Cause why his certificates should not be revoked.¹

The Board sent Gallon the Order to Show Cause by regular and certified mail on May 17, 2011. The Order provided that Gallon must file an Answer within 30 days. Both the certified and regular mail copies were returned as "Undeliverable As Addressed." After finally locating Gallon, the Board re-sent the Order to Show Cause by regular and certified mail on January 26, 2012. Gallon responded on February 27, 2012. In that Answer, Gallon argued that his admission into PTI should not be considered as a cause for revocation or suspension of his certificates because he was not convicted of an offense. (Answer, ¶ 3). He added that after successful completion of PTI, "a defendant's charges are dismissed."

¹ The Board had previously issued an Order to Show Cause to Gallon in July 2010 based solely on a report issued by the Office of Fiscal Accountability and Compliance (OFAC) which detailed many irregularities in the Plainfield School District while Gallon was Superintendent there. Upon receipt of Gallon's Answer to the July 2010 Order to Show Cause, the matter was transmitted to the Office of Administrative Law (OAL) for hearing. That matter was withdrawn from the OAL once the Board received the information from MCPO about the Consent Order that Gallon signed as a condition of PTI. Although the new Order to Show Cause issued on May 12, 2011 included the prior OFAC report allegations as well, the Board did not consider those allegations or Gallon's responses thereto in its deliberations.

(Answer, ¶ 3). Gallon also claimed that he complied with the terms of the Consent Order during his PTI term and that his successful completion of PTI did not justify revocation. (Answer, ¶ 3).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 11, 2012 the Board sent Gallon a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Gallon 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 his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Gallon's conduct warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Gallon was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Gallon did not request to appear before the Board but he did submit a series of exhibits to support arguments he had made with regard to the OFAC allegations in a prior brief in the case.²

The threshold issue before the Board in this matter is whether Gallon has engaged in conduct unbecoming a certificate holder. At its meeting of June 21, 2012, the Board considered the allegations in the Order to Show Cause and Gallon's Answer and submissions solely as they related to the Consent Order Gallon signed as a condition of entry to the PTI program. The Board determined that no material facts related to Gallon's offense were in dispute since he never denied that he had signed the Consent Order forever barring him from seeking public school employment in New Jersey. 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 only the charges in the Order to Show Cause as they relate to the Consent Order that Gallon signed as a condition for his entry into the PTI program are deemed admitted for the purpose of this proceeding. Accordingly, the Board does not address and makes no finding as to the other allegations in the Order to Show Cause.

² As noted in Footnote 1, *supra*, the OFAC allegations and Gallon's response thereto will not be discussed in this decision as the Board did not consider them in its deliberations.

The Board must now determine whether Gallon's entering into a Consent Order which forever bars him from "seeking or accepting employment in any New Jersey public school or public school system," 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.

Although Gallon argues that he is not disqualified pursuant to the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* or the public forfeiture statute, *N.J.S.A. 2C:51-2* in 1986, and therefore cannot have his certificates revoked or suspended on that basis, in fact, this case does present the Board with a *de facto* disqualification. By entering into the Consent Order, Gallon can never again work in a public school setting in New Jersey.

An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should that person be permitted to continue to hold himself out as a teacher. In this case, the court imposed the condition of the Consent Order as a prerequisite to Gallon's admission into PTI. Thus, because Gallon's conduct was so significant as to warrant a lifetime bar, the Board believes that the only appropriate sanction in this case is the revocation of Gallon's certificates.

Gallon argues that his cooperation with the terms of the Consent Order extends to the PTI period and intimates that since PTI is over the Board has no basis upon which to act. Yet Gallon conveniently forgets the most salient word in that Consent Order: never. That permanent bar insisted upon by the court speaks volumes about Gallon's fitness to retain his certificates. Moreover, pursuant to *N.J.A.C. 6A:9-17.5*, the Board "may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, *N.J.S.A. 2C:51-2*, or the disqualification statute, *N.J.S.A. 18A:6-7.1*." Clearly, the Board is not bound by Gallon's disqualification status under those statutes in making its determination as to whether he should retain his teaching certificates. There can be no question that where, as here, an individual is forever barred from public school employment in the State of New Jersey, revocation is the appropriate sanction.

Accordingly, on June 21, 2012, the Board voted to revoke Steve Gallon's School Administrator Certificate of Eligibility and his School Administrator certificate. On this 26th day of July 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Steve Gallon's certificates be effective immediately. It is further ORDERED that Gallon 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.

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.