

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
CRAIG BELL : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1112-137

At its meeting of November 1, 2011, the State Board of Examiners (Board) reviewed information it had received from the Willingboro School District (Willingboro) regarding Craig Bell. Willingboro reported that Bell was removed from his substitute position in the district in 2005 following allegations that he had kissed and fondled a seventh grade student. Willingboro alleged that a female student had called Bell on his residential phone and that during the conversation Bell told the student he would pick her up near her home. When they were alone in his truck, Bell allegedly kissed and fondled the student. Bell currently holds a Substitute Credential which expires in January 2016. After reviewing the above information, at its December 16, 2011 meeting, the Board voted to issue an Order to Show Cause to Bell as to why his credential should not be revoked.

The Board sent Bell the Order to Show Cause by regular and certified mail on January 10, 2012. The Order provided that Bell must file an Answer within 30 days. Bell responded on January 17, 2012. In his Answer, Bell denied all of the allegations in the Order to Show Cause as to his conduct. (Answer, p. 1). He stated that he had been cleared of wrongdoing in 2005 and that his attorney's investigation revealed the student-accuser had a history of inappropriate behavior. (Answer, p. 2). Bell added that he was pursuing his MSW and wished to work with inner city youth in alternative schools. (Answer, p. 3). Bell maintained that he left his position in Willingboro on his own after all investigations were completed. (Answer, p. 3). He also noted that several staff members from Willingboro told him that the student fabricated the story to impress her friends. (Answer, p. 6). Bell added that in addition to working in youth development with Rutgers University's 4-H department, he volunteered his time as a coach. (Answer, pp. 4-5).

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) John R.

Futey heard the matter on June 26, October 25, November 9, 2012 and February 1 and 8 and May 7, 2013. The record closed on August 28, 2013, and the ALJ issued an Initial Decision on November 18, 2013. *In the Matter of the Credential of Craig L. Bell*, Dkt. No. EDE 2657-12 (Initial Decision, November 18, 2013).

In that decision, ALJ Futey found that, on a Sunday in January 2005, Bell called the house of P.P., a female middle school student in one of his physical education classes. (Initial Decision, slip op. at 28). P.P.'s foster mother, R.C., answered the phone and the male caller asked to speak to P.P. *Ibid.* Shortly thereafter, P.P. left and told R.C. that she was going to meet a friend. *Ibid.* P.P. arrived back home a short time later, in a sullen or subdued mood and spent the rest of the afternoon in her room rather than taking part in the house's football festivities. *Ibid.* When P.P. returned to school, she confided in her guidance counselor, Cheryl Alston-Jones, that Bell had picked her up on Sunday and later kissed her in his car. She also told Alston-Jones that the fly was open on Bell's pants. *Ibid.* Alston-Jones reported the incident to the school principal, who notified R.C. and DYFS. *Id.* at 6. ALJ Futey found P.P.'s testimony "truthful and believable." *Id.* at 31. The ALJ also found that Bell had received two notes from P.P. but did not report them to his superiors in a timely fashion. *Ibid.* ALJ Futey found this lapse to be especially problematic because Bell had claimed that P.P. had some deep-seated emotional "and, as he further described it, drug issues." *Ibid.* Bell's failure to quell any misinterpretations by a vulnerable juvenile led ALJ Futey to conclude that "the logical inference from all of that is that Bell attempted to conceal the existence of these two notes because they reflected his ongoing interactions with a juvenile, all which were totally inappropriate even before the actual physical encounter between the two of them." *Id.* at 32.

After assessing the evidence and "having attached all of the appropriate weight to the testimony presented," ALJ Futey concluded that the Board had proven the allegations of unbecoming conduct against Bell with regard to his interactions with P.P. *Id.* at 34. The ALJ further determined that Bell's misconduct "was sufficient to warrant revocation of his credentials by a preponderance of the credible

evidence.” *Ibid.* Bell filed Exceptions to the Initial Decision and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions.<sup>1</sup>

In his Exceptions, Bell argued that ALJ Futey erred in his findings of fact regarding the truthfulness of P.P.’s accusations against Bell and that his legal conclusion that the Board proved its case by a preponderance of credible evidence was therefore faulty. (Bell Exceptions, pp. 1-6, 16-17). Bell argued that since P.P.’s version of the events as told to different third parties varied as to date and place, the conclusion that he engaged in the alleged inappropriate behavior was incorrect. (Bell Exceptions, pp. 16-17). Bell further argued that the ALJ never came to a factual finding regarding what exactly happened with P.P. since in order to do so “he would have to choose one version of P.P.’s constantly-evolving account of the alleged events, including her latest iteration of her story in which she adamantly denied any fondling occurred.” (Bell’s Exceptions, pp. 16-17). Bell also suggested that, the ALJ’s decision to credit P.P.’s “fresh complaints” of the incident given to third parties was erroneous “because of the irreconcilable inconsistencies between P.P.’s testimony and that of the witnesses to which she allegedly made fresh complaint.” (Bell Exceptions, p. 17). Accordingly, Bell argued that the Initial Decision should be rejected and the Order to Show Cause dismissed. (Bell Exceptions, p. 18).

In Reply Exceptions, the DAG argued that the ALJ’s credibility determinations were reasonable and should be upheld because they were “supported by sufficient, competent and credible evidence in the record.” (DAG Reply Exceptions, pp. 2-11). The DAG further noted that the findings as to P.P.’s credibility were supported by the testimony of R.C., Alston-Jones and other evidence in the record. The DAG added that P.P. testified with detail and specificity as to those facts she acutely remembered and “did not embellish the facts she did not remember or make assumptions based on other alleged facts that were presented to her during the hearing.” (DAG Reply Exceptions, pp. 3-4). The DAG further claimed that even though the other witness statements may have contained minor inconsistencies, which could have been based upon their own interpretations of P.P.’s words, they all indicated that Bell kissed or tried

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<sup>1</sup> Although the DAG filed her Reply Exceptions after the due date, she filed a Motion for Leave to File the Reply Exceptions as Within Time. The Board granted the motion at its meeting of February 27, 2014.

to kiss P.P. (DAG Reply Exceptions, pp. 5-8). She added that the ALJ also specifically found that, despite Bell's assertion that P.P. lied about the incident as a way to impress her friends, Bell could not offer any proof to support that assertion. (DAG Reply Exceptions, p. 8). The DAG also discounted Bell's assertion that the ALJ improperly considered the notes that P.P. had given to Bell since they went beyond the scope of the Order to Show Cause. (DAG Reply Exceptions, p. 11). The DAG argued that Bell was on notice that the notes might be discussed in the case since they were turned over during the school's investigation and Bell also produced them during discovery. (DAG Reply Exceptions, p. 11). The DAG also noted that Bell did not object to the presentation of the notes or his testimony about them during the hearing and, in fact, they were offered in evidence as joint exhibits. (DAG Reply Exceptions, pp. 11-12). The DAG asked the Board to adopt the Initial Decision in its entirety and order the revocation of Bell's credential. (DAG Reply Exceptions, p. 23).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of February 27, 2014, the Board reviewed the Initial Decision, the Exceptions and the Reply Exceptions. After full and fair consideration of the Decision, Exceptions and Reply Exceptions, the Board voted to adopt the Initial Decision.

There is no doubt that the ALJ is in the best position to render credibility determinations in this matter. Accordingly, the Board will defer to those findings. As noted above, after assessing the evidence and the credibility of the witnesses, ALJ Futey concluded that the Board had amply demonstrated that Bell acted in an unbecoming manner toward P.P. on January 16, 2005, which warranted the revocation of his credential. (Initial Decision, slip op. at 34).

"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. 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Bell's

action of calling a student at her home, picking her up in his car and kissing her certainly satisfies that requirement. Bell's conduct demonstrates that he crossed a boundary that should exist between teacher and student. Moreover, even if one believes Bell's claim that P.P. was infatuated with him as evidenced by the two notes she gave him, his failure to turn them in to school authorities undermines his credibility, as ALJ Futey found. Finally, although ALJ Futey recognized, as does the Board, the potential damage a revocation would have on Bell's future career plans, ultimately it is Bell who is responsible for his conduct as a whole and that conduct warrants revocation. The Board therefore adopts the Initial Decision in its entirety.

Accordingly, on February 27, 2014, the Board voted to adopt the Initial Decision and ordered to revoke Bell's credential. On this 4th day of April 2014, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Craig Bell's Substitute Credential is hereby revoked, effective immediately. It is further ORDERED that Bell return his credential 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*.