

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ANNE MARIE UBL : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-183

At its meeting of February 27, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) and the Bayonne School District regarding Anne Marie Ubl. The CHRU notified the Board that on July 10, 2013, Ubl pled guilty to Theft By Unlawful Taking in the third degree. Ubl was sentenced to 18 months' probation and fined. The court also ordered Ubl to forfeit her public employment and forever disqualified her from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2d*. The CHRU notified the Board that, as a result of her conviction, Ubl was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Ubl currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 1993, a Teacher of Elementary School certificate, issued in July 1994 and a Teacher of the Handicapped certificate, issued in November 1996.

Ubl did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 4, 2014 to issue Ubl an Order to Show Cause why her certificates should not be revoked.

The Board sent Ubl the Order to Show Cause by regular and certified mail on April 8, 2014. The Order provided that Ubl must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ubl did not file a response. Thereafter, on May 15, 2014, the Board sent Ubl another notice by certified and

regular 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. Ubl did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on June 13, 2014, the Board sent Ubl a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ubl 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 found just cause 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 her disqualifying offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ubl 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, Ubl did not respond.

The threshold issue before the Board in this matter is whether Ubl's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Ubl failed to respond to the Order to Show Cause or the hearing notice, at its meeting of October 23, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Ubl's offense were in dispute since she never denied that she had been convicted of the offense charged and been subsequently disqualified. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Ubl's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Theft By Unlawful Taking fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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, 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, Ubl's conviction for Theft By Unlawful Taking demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A. 18A:6-7.1(b)* also offers guidance to the Board as to the appropriate sanction in this matter. 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 a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Furthermore, Ubl was also permanently barred by the sentencing court from

ever holding a public position. Thus, because both the Legislature and the court consider Ubl's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificates.

Accordingly, on October 23, 2014, the Board voted to revoke Anne Marie Ubl's Teacher of Elementary School Certificate of Eligibility With Advanced Standing and her Teacher of Elementary School and Teacher of the Handicapped certificates. On this 12th day of December 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Anne Marie Ubl's certificates be effective immediately. It is further ORDERED that Ubl 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

RRH/MZ/th

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.