

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MICHAEL BONSU : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-225

At its meeting of June 21, 2012, the State Board of Examiners (Board) reviewed information it had received from the State-Operated School District of the City of Newark (Newark) regarding Michael Bonsu. Newark reported that Bonsu submitted a Supervisor certificate, purportedly issued in June 2009, to the district in order to obtain employment as a supervisor. According to the records of the Office of Certification and Induction, Bonsu was never issued a Supervisor certificate. Bonsu currently holds only a Teacher of the Handicapped certificate, issued in September 2001. Upon review of the above information, at its July 26, 2012 meeting, the Board voted to issue an Order to Show Cause to Bonsu as to why his legitimately-issued certificate should not be revoked.

The Board sent Bonsu the Order to Show Cause by regular and certified mail on August 2, 2012. The Order provided that Bonsu must file an Answer within 30 days. After receiving an extension of time in which to file his Answer, Bonsu responded on October 3, 2012. In his Answer, Bonsu stated that a fake Supervisor certificate was submitted to the Newark Board of Education “among the contents of a manila folder that [Bonsu] submitted as part of his application for a Supervisor Certificate, but contends that the submission was inadvertent and unknowing on his part.” (Answer, ¶ 4). Bonsu denied creating or authorizing the fake certificate and denied that he knew it was in the folder when he submitted it. (Answer, ¶ 4). Bonsu claimed that the certificate was created by a co-worker as a practical joke and slipped in among his papers. (Answer, ¶ 4). Bonsu also added that, pursuant to his attorney’s advice, he applied online for a Supervisor certificate after he discovered the practical joke. (Answer, ¶ 4). In the remainder of his Answer, Bonsu denied that there was just cause to revoke his certificate. (Answer, ¶¶ 5, 6).

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) Jesse H.

Strauss heard the matter on March 11, May 10, July 9, and August 21, 2013. The record closed on October 1, 2013, and the ALJ issued an Initial Decision on October 15, 2013. *In the Matter of the Certificate of Michael Bonsu*, Dkt. No. EDE 15578-12 (Initial Decision, October 15, 2013).

The personnel technician in Newark's human resources (HR) department, Ivelisse Veras, testified that when Bonsu came in to sign his promotional contract for a supervisor position, he acknowledged that he knew a supervisor certificate was required for the position. (Initial Decision, slip op. at 4). Bonsu gave Veras a copy of what he said was his certificate. *Ibid.* When Veras noticed that the font size was different from what she was accustomed to seeing, she asked Bonsu for the original certificate; he told her he only had a copy. *Id.* at 5. Robert Higgins, the Director of the Office of Certification and Induction (Office) for the Department of Education, also testified. He noted that the Office database showed only one certificate had been issued to Bonsu, that of Teacher of the Handicapped. *Id.* at 6. Higgins also testified that each applicant is given only one tracking number regardless of how many certificates are issued to that individual and that the tracking number on Bonsu's Supervisor certificate did not match the tracking number the Office had assigned him. *Ibid.* Higgins also noted that the font used on Bonsu's Supervisor certificate was not a font used by the Office for certificates. *Ibid.* By way of explanation, Bonsu testified that he had kept all of his paperwork for his supervisor application in a folder on his desk in the office he shared with six people. *Id.* at 7. He said he grabbed the folder and ran out to his appointment at the HR office without looking inside the folder. *Ibid.* He added that he handed Veras the copy of what he thought was his Teacher of the Handicapped certificate without looking at it. *Ibid.* Bonsu stated that only after he was told that his application for the supervisor position was put on hold did he look through his folder and notice the "fake" certificate. *Ibid.* He added that one of his co-workers then confessed that several of the people in the office had created the "fake" certificate as a prank and slipped in into the folder. *Id.* at 8. After consulting with his union representative the next day and explaining the joke, Bonsu applied online for his certificate. *Ibid.*

After assessing the credibility of the witnesses, ALJ Strauss determined that "Bonsu's story does not hang together" and that his version of the events was not credible. *Id.* at 9. The ALJ found it

incredible that Bonsu's colleagues would not have said anything for over a month when Bonsu did not react to the joke that they had purportedly played on him. *Ibid.* The ALJ also noted that Bonsu had not produced any of the "alleged tricksters" to testify on his behalf. *Ibid.* Furthermore, ALJ Strauss noted that Bonsu's testimony regarding handing his certificate to Veras and saying "this is what I have" was inconsistent with his answers to interrogatories where he specifically acknowledged that Veras asked him if he had his supervisor's certificate with him. *Id.* at 10. As the ALJ noted: "[Bonsu's] claim that he never looked in his folder between November 2011 and January 2012 and never looked at the folder on January 9 because he was rushed and never looked at the document as he handed it to Veras, coupled with the notion that his friends would have initiated a practical joke without his knowledge but then fail to make any inquiries of him about the joke, is a story that simple does not hang together." *Ibid.* ALJ Strauss therefore concluded that "On January 9, 2012, in support of his attempt to secure a contract for a promotion to a supervisory title, Bonsu knowingly submitted a fraudulent document to Newark H.R. purporting to demonstrate that he held a Supervisor certificate. *Id.* at 11.

In assessing the appropriate penalty, ALJ Strauss noted that Bonsu had engaged in conduct unbecoming a teacher and that his "dishonesty warrants condemnation in that it sets a poor example for students under his charge." *Id.* at 12. The ALJ also noted that the gravity of Bonsu's offense "is even more compelling in the context of his duties as a school disciplinary officer where the goal is to impress upon students the difference between right and wrong." *Id.* at 12-13. Having concluded that Bonsu's conduct was unbecoming, ALJ Strauss ordered that Bonsu's certificate must be revoked. *Ibid.* Bonsu filed Exceptions to the Initial decision and the Deputy Attorney General (DAG) representing the Board filed Reply Exceptions.

In his Exceptions, Bonsu argued that the ALJ mistakenly concluded that Bonsu's testimony, that he did not know the joke certificate was included among the papers he handed in to Newark, was inconsistent with his Answer, that he accidentally included the fake certificate in his folder. (Exceptions, pp. 1-2). Bonsu claimed that his use of the word "accidentally" was not meant to connote a "knowing" act. (Exceptions, p. 1). Bonsu also claimed the ALJ erred when he found it incredible that Bonsu's colleagues

would not have said anything about the prank when he did not react for a month. Bonsu claimed that there was no way to know how his colleagues would react, especially in light of how messy his desk was and the possibility that he would not see the fake certificate right away. (Exceptions, p. 2). Bonsu also challenged ALJ Strauss' conclusion that Bonsu submitted a fake certificate to Newark since he had already completed all of the requirements for a Supervisor certificate prior to the time the fake certificate was submitted and had a logical explanation for why he did not submit a certification application prior to that time. (Exceptions, pp. 2-3). Finally, Bonsu argued that even if the ALJ was correct in finding that Bonsu had submitted a fake certificate, the penalty of revocation was too harsh since Bonsu possessed all of the requirements for the certificate and had made a marked difference in the disciplinary problems at Barringer High School. (Exceptions, pp. 4-5).

In her Reply Exceptions, the DAG argued that the Initial Decision was "supported by ample credible evidence in the record and is entirely consistent with prior decisions of the Board" which held that submission of a fraudulent certificate is conduct unbecoming a teacher. (Reply Exceptions, pp. 3-4). The DAG noted that since Bonsu acknowledged that the Supervisor certificate he submitted to Newark was fraudulent, the only issue was whether he knowingly submitted it. (Reply Exceptions, p. 5). In that regard, the DAG noted that ALJ Strauss' credibility determinations and his examination of the evidence in the record were correct. (Reply Exceptions, pp. 4-6). Finally, the DAG argued that, despite Bonsu's laudatory record at Barringer High School, the ALJ's penalty of revocation was appropriate in light of Bonsu's conduct and prior Board decisions.

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of December 6, 2013, the Board reviewed the Initial Decision, the Exceptions and Reply Exceptions. After full and fair consideration of the Decision, Exceptions and Reply Exceptions, the Board voted to adopt the Initial Decision.

As noted above, the ALJ concluded that Bonsu had knowingly submitted a fraudulent certificate in order to obtain public employment and should no longer be allowed to retain his certificate. (Initial Decision, slip op. at 11-13). The Board finds the ALJ's credibility determinations to be appropriate and it

agrees wholeheartedly with the ALJ's conclusions. "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. Bonsu's fraud negates his position as a role model and undermines the notion of trust that is an essential quality necessary to teach children, especially, as here, where Bonsu was responsible for setting appropriate disciplinary standards. The Board believes that the only appropriate response to Bonsu's breach is the revocation of his certificate. The Board therefore adopts the Initial Decision.

Accordingly, on December 6, 2013, the Board voted to adopt the Initial Decision and ordered to revoke Bonsu's certificate. On this 17th day of January 2014, the Board formally adopted its written decision to adopt the Initial Decision in this matter, and it is therefore ORDERED that Michael Bonsu's Teacher of the Handicapped certificate be hereby revoked effective immediately. It is further ORDERED that Bonsu return his certificate 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 *N.J.S.A.* 18A:6-38.4.