

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
SUSAN FINNIGAN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0910-101

At its meeting of December 2, 2009, the State Board of Examiners (Board) reviewed information the Criminal History Review Unit and the Division of Criminal Justice had provided regarding Susan Finnigan. Pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, Finnigan was disqualified from public school employment as a result of her 2008 conviction for Burglary. Finnigan was sentenced to two years' probation and credit for 211 days jail time served. Finnigan currently holds a Teacher of English certificate, issued in March 1979. Upon review of the above information, at its January 7, 2010 meeting, the Board voted to issue Finnigan an Order to Show Cause.

The Board sent Finnigan the Order to Show Cause by regular and certified mail several times but all copies were returned as "Undeliverable," including copies of the Order mailed to an address provided by the Motor Vehicle Commission. The Board could not secure a current address for Finnigan and, accordingly, the Order was published in the New Jersey Star Ledger on July 12 and 13, 2010. Finnigan did not file a response to that notice. Thereafter a second notice was published in the Star Ledger on August 30 and September 6, 2013. Finnigan did not file a response to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 13 and 14, 2014, the Board published a hearing notice in the Star Ledger, allowing Finnigan 30 days to respond. Once again, Finnigan did not respond.

The threshold issue before the Board in this matter is whether Finnigan's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Finnigan

failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 22, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Finnigan'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: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 Finnigan's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against her certificate pursuant to *N.J.A.C. 6A:9-17.5*. 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 a crime such as Burglary fall squarely within in 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, Finnigan's conviction for Burglary 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. Thus, because the Legislature and the Commissioner consider Finnigan's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on May 22, 2014, the Board voted to revoke Susan Finnigan's Teacher of English certificate. On this 15th day of July 2014 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Susan Finnigan's certificate be effective immediately. It is further ORDERED that Finnigan return her 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.

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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 the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ:th