

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
WALTER V. DAVIS : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-212

At its meeting of July 25, 2013, the State Board of Examiners (Board) reviewed information it had received from the staff of the Office of Certification and Induction regarding Walter Davis. In June 2010, Davis surrendered his teaching certificates in New York after the Special Commissioner of Investigation for the New York City School District substantiated that Davis had engaged in an inappropriate relationship with a 15 year-old student (“A”), which included sexual comments and sexual contact. The Commissioner also found that Davis had had an inappropriate relationship with a 16 year-old student (“B”). Davis was also found to have harassed both students.

Specifically, when Davis served as A & B’s teacher during a summer suspension, he was alleged to have hugged A tightly and rubbed her back at the end of several school days. Davis referred to A as “baby girl” or “Baby.” He also visited her at her apartment several times during the summer where he would try to convince her to go out with him, smoke marijuana, drink alcohol and visit his house in New Jersey. On one occasion, Davis was in A’s bedroom and looking at pictures hanging over her bed. In reference to one picture where A was naked from the waist up and covering her breasts with her arm, Davis told her she should not cover up her breasts or her nipples. Davis also sat next to A on her bed and started to tickle her around her waist and his hand brushed across her breasts. On another occasion, when A’s apartment doorbell rang, her mother answered the door and asked who it was. Davis replied “Baby, it’s me.”

Davis also told B that she should go to New Jersey to “hang out” with him. B said that Davis would ask her every day to go to New Jersey with him. On one occasion, Davis invited B and several other students to a NY Mets baseball game. When Davis picked B up, he was alone in the car. After the game, Davis again asked B to go to New Jersey and “hang out” with him. B believed Davis wanted to have sex with her. Davis also came to B’s house one day in August 2007 and left his phone number for B with her mother. The slip of paper had a phone number written on it and the name “Walter.”

Davis currently holds a Teacher of Elementary School Certificate of Eligibility, issued in October 1994, a Teacher of Elementary School certificate, issued in September 2003 and a Principal Certificate of Eligibility, issued in July 2004. Upon review of the above information, at its September 20, 2013 meeting, the Board voted to issue an Order to Show Cause to Davis as to why his certificates should not be revoked.

The Board sent Davis the Order to Show Cause by regular and certified mail on September 24, 2013. The Order provided that Davis must file an Answer within 30 days. Davis responded on October 11, 2013. In that Answer, Davis admitted that he surrendered his New York certificate without admitting to any allegations. (Answer, p. 1). He added that he was incapacitated due to a car accident at the time of the New York investigation and that is why he surrendered his certificates. (Answer, p. 1). Davis denied harassing anyone and denied the charges in the Order to Show Cause. (Answer, p. 1). He questioned why students would go on field trips that he organized and why no one reported any of these allegations to his superiors if they were true. (Answer, pp. 1-2). He added that he was not charged with a crime. (Answer, pp. 2-3). Davis added that anyone alleging bad behavior on his part was not credible. (Answer, pp. 2-3). Finally, Davis asked that the Board “not destroy my lifelong dream and my livelihood of being an educator for the State of New Jersey.” (Answer, p. 3).

Upon receipt of Davis’s Answer, the Board determined that there were material facts in dispute and transmitted the matter to the Office of Administrative Law (OAL) for hearing. On April 1, 2014, the Administrative Law Judge assigned to hear the matter returned the case to the Board as a result of Davis’ failure to appear at a hearing scheduled for March 28, 2014. Pursuant to *N.J.A.C. 1:1-3.3*, Davis was provided with 13 days to submit an explanation to the Board for his failure to appear. Davis did not submit an explanation. At its meeting of May 22, 2014, the Board voted not to retransmit the matter to OAL for a hearing.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 29, 2014, the Board sent Davis a hearing notice by regular and certified mail. The notice explained that since Davis failed to appear at the OAL hearing, he was being 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 his certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Neither the certified mail copy nor the regular mail copy was returned. Davis did not respond to the Hearing Notice.

The threshold issue before the Board in this matter, therefore, is whether the conduct underlying the surrender of Davis' New York certificates constitutes conduct unbecoming a certificate holder. Since Davis did not appear at his hearing, at its meeting of July 24, 2014, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Davis' offense were in dispute since he never denied that he had engaged in the conduct alleged in the Order to Show Cause. 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 Davis' conduct, 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.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9-17.5*. "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. Davis' conduct in engaging in an inappropriate relationship with two female students demonstrates behavior that falls short of the role model status expected of teachers.

Furthermore, 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 instance, there is no doubt that Davis' inappropriate conduct with not one, but two, different students merits the strongest possible condemnation. The Board therefore believes that the only appropriate sanction in this case is the revocation of Davis' certificates.

Accordingly, on July 24, 2014, the Board voted to revoke Davis' certificates. On this 19th day of September 2014 the Board formally adopted its written decision to revoke and it is therefore ORDERED that Walter Davis' Teacher of Elementary School and Principal Certificates of Eligibility and his Teacher of Elementary School certificate be revoked effective this day. It is further ORDERED that Davis return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Certificates, PO 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*.