

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RALPHIEL D. MACK : ORDER OF REVOCATION
_____ : DOCKET NO: 1314-192

At its meeting of July 24, 2014, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU), the United States District Court for the District of New Jersey and the Trenton School District regarding Ralphiel D. Mack. In February 2014, Mack was convicted in federal court of Conspiracy to Commit Extortion Under Color of Official Right, Attempt to Commit Extortion Under Color of Official Right and Accepting a Bribe. The CHRU notified the Board that, as a result of his conviction, Mack was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Mack currently holds a School Social Worker certificate, issued in September 2003.

Mack did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of October 23, 2014 to issue Mack an Order to Show Cause why his certificate should not be revoked.

The Board sent Mack the Order to Show Cause by regular and certified mail on October 27, 2014. The Order provided that Mack must file an Answer within 30 days. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. Thereafter, on December 4, 2014, the Board sent Mack another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as “Unclaimed” and the regular mail copy was not returned. After securing a new address for Mack, the Board re-sent the Order to Show Cause by regular and certified mail on January 20, 2015. Mack filed a response on February 18, 2015.

In that Answer, Mack admitted that he was convicted of the criminal charges as alleged in the Order to Show Cause. (Answer, ¶ 3). In his Affirmative Defense, he added that he was not permanently

disqualified from public employment and stated that he should be given an opportunity to seek a period of suspension less than full disqualification. (Answer, Affirmative Defenses, ¶ 1).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.7(e), on March 31, 2015, the Board sent Mack a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Mack 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 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 disqualifying offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Mack was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. In correspondence dated April 15, 2015, Mack's attorney notified the Board that Mack's criminal conviction was on appeal and requested "that the Board of Examiners hold any determination on Mr. Mack's certification in abeyance until his appeals are exhausted." In response to the letter, on April 21, 2015, the Board requested an update on Mack's appeal and its current status. Mack's counsel did not respond to the Board's request, nor a follow up letter dated May 14, 2015.

The threshold issue before the Board in this matter is whether Mack's conduct and his conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of July 30, 2015, the Board considered the allegations in the Order to Show Cause as well as Mack's Answer. The Board determined that no material facts related to Mack's offense were in dispute since he admitted that he had been convicted of the offense charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.7(h).

The Board must now determine whether Mack's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificate 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 Conspiracy to Commit Extortion Under Color of Official Right, Attempt to Commit Extortion Under Color of Official Right and Accepting a Bribe 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 matter, Mack's conviction for Conspiracy to Commit Extortion Under Color of Official Right, Attempt to Commit Extortion Under Color of Official Right and Accepting a Bribe resulted in a jail term. Although according to his attorney, Mack may have been "highly valued and evaluated as a teacher and coach in the Trenton school system," the fact remains that he has a serious conviction. That conviction clearly 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 Mack's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificate.

Accordingly, on July 30, 2015, the Board voted to revoke Ralphiel D. Mack's School Social Worker certificate. On this 17th day of September 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Mack's certificate be effective immediately.

It is further ORDERED that Mack 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

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.