

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
LUCIA GOMEZ-JIMENEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-206

At its meeting of March 3, 2017, the State Board of Examiners (Board) reviewed information received from the New Jersey Superior Court-Middlesex County and the Criminal History Review Unit (CHRU) regarding Lucia Gomez-Jimenez. On September 6, 2015, Gomez-Jimenez was arrested and charged with Endangering the Welfare of a Child for driving while intoxicated with a child in her car. On May 16, 2016, Gomez-Jimenez received an Order of Postponement and was accepted into a Pretrial Intervention program (PTI) for 24 months after pleading guilty to a downgraded charge of 2nd degree Endangering-Abuse or Neglect of a Child. The CHRU notified the Board that, as a result of this conviction, Gomez-Jimenez was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Gomez-Jimenez currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility, issued in October 2008.

Gomez-Jimenez 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 6, 2017 to issue Gomez-Jimenez an Order to Show Cause as to why her certificate should not be revoked.

The Board sent Gomez-Jimenez the Order to Show Cause by regular and certified mail on April 10, 2017. The certified mail receipt was signed and returned and the regular mail copy was not returned. Gomez-Jimenez did not file a response. On March 16, 2017, the Board sent Gomez-Jimenez 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 copy was not returned. Gomez-Jimenez did not respond. Thereafter, on May 24, 2017, the Board sent Gomez-Jimenez another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Neither the certified or regular mail copy was returned. Gomez-Jimenez did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on June 13, 2017, the Board sent Gomez-Jimenez a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of her failure to file an Answer. Thus, Gomez-Jimenez 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 certificate. 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 offense warranted action against her certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Gomez-Jimenez 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, Gomez-Jimenez did not respond.

The threshold issue before the Board in this matter is whether Gomez-Jimenez's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Gomez-Jimenez failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of September 15, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the court and the CHRU. The Board concluded that no material

facts related to Gomez-Jimenez's offense were in dispute since she never denied that she engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Gomez-Jimenez had engaged in unbecoming conduct.

The Board must now determine whether Gomez-Jimenez'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:9B-4.4*. 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 Endangering-Abuse or Neglect of a Child 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, Gomez-Jimenez's conviction 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 Gomez-Jimenez's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on September 15, 2017, the Board voted to revoke Lucia Gomez-Jimenez's Teacher of Elementary School in Grades K-5 Certificate of Eligibility. On this 1st day of November 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gomez-Jimenez's certificate be effective immediately. It is further ORDERED that Gomez-Jimenez return her certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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.