

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
ROBERT GODFREY : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-215

At its meeting of September 17, 2009, the State Board of Examiners reviewed information received from the Mercer County Prosecutor's Office indicating that on February 3, 2009, Robert Godfrey pled guilty to charges of Distribution of Obscene Material. On February 18, 2009, Godfrey was sentenced to five years' probation. Godfrey was also ordered to have no unsupervised contact with children under the age of 16 (unless his own), have no contact with social networking sites, undergo psychological evaluation and recommended treatment, and obtain and maintain employment. As a result of his conviction, Godfrey was also forever barred from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2a(2)*. Godfrey currently holds a Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing, issued in July 2007 and a Teacher of Health and Physical Education Provisional certificate, issued in September 2007. Upon review of the above information, at its October 22, 2009 meeting, the State Board of Examiners voted to issue Godfrey an Order to Show Cause.

The Board sent Godfrey the Order to Show Cause by regular and certified mail on October 26, 2009. The Order provided that Godfrey's Answer was due within 30 days. Neither copy was returned. Godfrey did not file a response. Thereafter, on December 7, 2009, the Board sent Godfrey a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. Neither mail copy was returned. Godfrey did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on January 13, 2010, the Board of Examiners sent Godfrey a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Godfrey 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 determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if Godfrey's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Godfrey was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Neither the certified mail nor the regular mail copy was returned. Once again, Godfrey did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Godfrey's conviction and resulting bar from public employment constitute conduct unbecoming a certificate holder. Since Godfrey failed to respond to the Order to Show Cause or the hearing notice, at its meeting of April 29, 2010, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Godfrey's offense were in dispute since he never denied that he had pled guilty to the offense charged and had been sentenced accordingly. Thus, the Board of Examiners 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 State Board of Examiners must now determine whether Godfrey's conviction and bar from public employment, as set forth in the Order to Show Cause, provide just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

The State Board of Examiners 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. Godfrey's act of Distribution of Obscene Material is inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Godfrey cannot claim status as a role model to anyone.

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, Godfrey's conviction for Distribution of Obscene Material led the court to conclude that he should never be allowed to teach again. Clearly his offense demonstrates egregious behavior that warrants revocation.

Accordingly, on April 29, 2010, the Board of Examiners voted to revoke Godfrey's Teacher of Health and Physical Education Certificate of Eligibility With Advanced Standing and his Teacher of Health and Physical Education Provisional certificate. On this 10th day of June 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Robert Godfrey's certificates be effective immediately. It is further ORDERED that Godfrey return his certificates 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: