

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
QUINCEY HOLLOWAY : ORDER OF REVOCATION
_____ : DOCKET NO: 1213-122

At its meeting of December 13, 2012, the State Board of Examiners (Board) reviewed information it had received from the Haledon Township School District (Haledon) regarding Quincey Holloway. Haledon reported that Holloway had resigned from his position following allegations that he had subjected female staff members to inappropriate conduct and sexual harassment. Among other things, one staff member stated that Holloway commented on how pretty she was or how nice she looked on a particular day, told her he wanted to “lick her legs up and down,” exposed himself in front of her, told her “let me see your nipples” when she passed him in the school hallway, trapped her in the faculty bathroom with him, where he exposed himself to her and on other occasions told her how he missed her. Other staff members stated that Holloway made them uncomfortable by calling them “eye candy” or looking them up and down. Holloway also told another staff member he would steal her away from her boyfriend and wrap her up in only his Eagles blanket. Another staff member stated that Holloway made her uncomfortable because of inappropriate comments he made about her appearance as well as many sexual innuendos. Holloway also made statements to the effect that “Your husband is a lucky guy,” “Are you happy with your husband?”, “My wife doesn’t give it to me anymore,” and “When you wear heels like that, you know what it does to me.” Holloway also asked the staff member her breast size. On another occasion he used her to demonstrate a restraint hold in a meeting and when giving her a bear hug from behind for the hold told her “you’re going to get me excited.” Holloway currently holds a School Social Worker certificate, issued in November 2010. After reviewing the above information, at its January 25, 2013 meeting, the Board voted to issue an Order to Show Cause to Holloway as to why his certificate should not be revoked.

The Board sent Holloway the Order to Show Cause by regular and certified mail on January 30, 2013. The Order provided that Holloway must file an Answer within 30 days. Holloway responded on

February 27, 2013. In his Answer, Holloway denied all of the allegations in the Order to Show Cause as to his conduct. (Answer, ¶¶ 3, 4). He challenged the validity of the Board's finding "just cause" to consider revoking his certificate and denied the allegations that he had subjected female staff members to inappropriate comments and sexual harassment (Answer, ¶ 5). Holloway therefore asked that the Order to Show Cause be dismissed, with prejudice or, in the alternative, that he receive a hearing at the Office of Administrative Law. (Answer, ¶ 6).

Since there were material facts in dispute, on March 8, 2013, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. Administrative Law Judge (ALJ) Carol I. Cohen heard the matter on September 10, 11, and 12, 2013. The record closed on November 26, 2013, and the ALJ issued an Initial Decision on January 10, 2014. *In the Matter of the Certificate of Quincey Holloway*, Dkt. No. EDE 03392-13 (Initial Decision, January 10, 2014).

In that decision, ALJ Cohen found that Holloway was friendly with another teacher in his school, Marie Nastro, and that the two of them would exchange compliments. (Initial Decision, slip op. at 32-33). Over time, however, Holloway's comments began to change and he once told Nastro that he would like to "lick her legs up and down." *Id.* at 33. Holloway made other inappropriate comments to Nastro and would also lick his lips or verbalize a grunt or moan when he made those remarks. *Ibid.* Nastro did not report Holloway's conduct to the administration, but in the spring of 2012 did speak to a guidance counselor, Ms. Benson, about Holloway's behavior. *Ibid.* On a Saturday in April 2012, Nastro was visiting a firehouse where she was working on a volunteer project and stopped by Holloway's private office across the street. *Ibid.* As Nastro was leaving after her visit, Holloway followed her to the elevator and exposed his penis. *Id.* at 33-34. Nastro told him to "put it away," and they rode down the elevator together. *Id.* at 34. Nastro did not report Holloway to the administration. *Ibid.* After spring break, Holloway apologized to Nastro about his behavior. *Ibid.* A week after that conversation, when Nastro was meeting with Holloway in his school office, he stated he needed to go to the bathroom, which was located next door. As Nastro started to leave, Holloway pulled her into the bathroom with him and turned off the lights. When he turned the lights back on, his penis was exposed. *Ibid.* Nastro told him to "put it

away” and to stop. Holloway shut the lights again and left the room. Nastro did not report that incident to the administration either. *Ibid.* She did talk to the guidance counselor who convinced her to report the incident. *Ibid.* Nastro went to the school psychologist who recommended that Nastro go to the administration. Although Nastro did not do so, the school psychologist spoke to the principal, who indicated that she could do nothing unless Nastro came forward. *Id.* at 34-35. In the fall of 2012 Nastro and Holloway still were on cordial terms and she had not reported his behavior. *Id.* at 35. During that fall, Holloway told a substitute teacher, Jessica Calzaretta, that she was “eye candy to look at.” *Ibid.* On another occasion, Holloway told Calzaretta that she looked nice and looked her up and down. *Ibid.* At a pep rally that fall, Holloway approached Calzaretta and Nastro who were standing together in the gym. Holloway put a water bottle near his genitals and then asked Calzaretta if she wanted to hold his water bottle. *Id.* at 36. Calzaretta then discussed Holloway’s behavior with Nastro who told her that she should say something. *Ibid.* Following this discussion, Nastro approached the school psychologist and told her she was ready to report Holloway. *Ibid.* When Nastro reported Holloway to the principal, she also mentioned the names of other women who had had negative interactions with Holloway. *Ibid.* As a result of Nastro’s information, the principal spoke to Calzaretta and three other teachers who had been the recipient of Holloway’s sexually inappropriate comments. *Id.* at 36-39.

After assessing the evidence, ALJ Cohen concluded that the Board had proven the allegations against Holloway with regard to his interactions with Calzaretta and the three other teachers to whom he made inappropriate remarks. *Id.* at 55. The ALJ further determined that although there was no excuse for Holloway to expose himself to Nastro, their relationship “went past the bounds of normal staff banter” and that he received mixed messages from Nastro. *Ibid.* After noting that “there was universal agreement” that Holloway was an effective professional in dealing with difficult students and that he had never harmed a student in his care, ALJ Cohen concluded that revocation of Holloway’s certificate was not warranted here. *Id.* at 57-58. Those factors, combined with Holloway’s “past performance and his dedication to special-needs students,” led the ALJ to impose a two-year suspension of Holloway’s certificate. *Id.* at 58. The ALJ also ordered Holloway to attend sexual harassment training and

counseling. *Ibid.* Both Holloway and the Deputy Attorney General (DAG) representing the Board filed Exceptions to the Initial Decision. The DAG also filed Reply Exceptions.

In her Exceptions, the DAG argued that because the Board proved “virtually all of the allegations” against Holloway, his certificate should be revoked rather than merely suspended for two years as ordered by the ALJ. (DAG Exceptions, pp. 1, 12). The DAG noted that Initial Decision did not make a specific finding that Holloway’s actions constituted unbecoming conduct. (DAG Exceptions, pp. 12-13). The DAG asked the Board to clarify and rule that Holloway engaged in unbecoming conduct and modify the penalty to order the revocation of his certificate. (DAG Exceptions, p. 13). Holloway’s action in exposing his penis to Nastro on two separate occasions was enough to warrant revocation, according to the DAG. (DAG Exceptions, pp. 14-16). Moreover, the DAG argued that even if he hadn’t engaged in such egregious behavior, his sexualized comments to five staff members supported a finding of unbecoming conduct and subsequent revocation. (DAG Exceptions, pp. 16-22).

In his Exceptions, Holloway argued that ALJ Cohen erred in her findings of fact regarding the accusations against him and that her legal conclusion that the Board proved its case by a preponderance of credible evidence was therefore faulty. (Holloway Exceptions, pp. 23-26). Holloway argued that since the ALJ found that none of Holloway’s accusers reported his alleged conduct until inquiries were made by the administration and that all of them continued to interact with him, the conclusion that he engaged in the alleged inappropriate behavior was incorrect. (Holloway Exceptions, pp. 26-27). Holloway further argued that the ALJ never came to a legal conclusion regarding Nastro’s accusations against him and that the State failed to carry its burden of proof in that regard. (Holloway’s Exceptions, p. 29). Finally, Holloway suggested that, “in the alternative, the State’s version of events is no more persuasive than any other version of events,” and that when the evidence is in equipoise, the ALJ erred in not finding in his favor. (Holloway Exceptions, pp. 29-30). Accordingly, Holloway argued that the Initial Decision should be modified to a finding that no sanction was warranted and that the Order to Show Cause should be dismissed. (Holloway Exceptions, pp. 30-31).

In Reply Exceptions the DAG argued that the ALJ's credibility determinations should be upheld because the "testimony of each of the Board's witnesses is independently credible, and Ms. Nastro's testimony was indirectly corroborated by [the school psychologist]." (DAG Reply Exceptions, pp. 5-6). The DAG further noted that all five complainants testified with detail and specificity and did not rely on the statements they made at the time of the events although their testimony "was remarkably consistent with their statements." (DAG Reply Exceptions, pp. 7-9). The DAG further claimed that Holloway's "self-serving denial and wild accusation that five staff members at Haledon conspired against him stands in sharp contrast to the five witnesses who testified consistently to the indisputably inappropriate statements he made to them during his employment at Haledon school." (DAG Reply Exceptions, pp. 19-20). She added that the "ALJ's credibility determinations thus presents a measured and thorough analysis of all of the evidence presented at the hearing...." (DAG Reply Exceptions, p. 24). The DAG argued that since the "findings of fact paint a clear picture of a teaching professional who sexually harassed five women in his sole year of school employment," Holloway's actions should be deemed unbecoming conduct resulting in the revocation of his certificate. (DAG Reply Exceptions, p. 24).

The Board must now determine whether to adopt, modify or reject the Initial Decision in this matter. At its meeting of February 27, 2014, the Board reviewed the Initial Decision, the Exceptions submitted by both parties and the Reply Exceptions submitted by the DAG. After full and fair consideration of the Decision, Exceptions and Reply Exceptions, the Board voted to modify the Initial Decision as to the penalty imposed.

As noted above, the ALJ concluded that Holloway had made inappropriate comments to five colleagues in his school. (Initial Decision, slip op. at 55-56). Moreover, although ALJ Cohen found that Nastro sent Holloway "mixed messages" regarding his behavior, the ALJ did find that he had twice exposed his penis to Nastro, on one occasion in the school. *Ibid.* The DAG urges the Board to find specifically that Holloway's conduct was unbecoming a teaching professional and to modify the Initial Decision to impose the most stringent penalty of revocation. The Board agrees with the DAG that Holloway's behavior was the essence of "conduct unbecoming" and so finds.

“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. 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 case, Holloway’s exposing his penis to Nastro on school grounds certainly satisfies that requirement. That action, coupled with his unwelcome comments made to four other female staff members demonstrates that Holloway repeatedly crossed a boundary that should exist between professional colleagues. Moreover, Holloway’s claim of a “conspiracy” against him further victimizes those who reluctantly but eventually came forward. Although ALJ Cohen lauded Holloway for his interactions with students, he is responsible for his conduct as a whole. On balance, that conduct warrants revocation. The Board therefore modifies the Initial Decision as to penalty.

Accordingly, on February 27, 2014, the Board voted to modify the Initial Decision as to penalty and ordered to revoke Holloway’s certificate. On this 4th day of April 2014, the Board formally adopted its written decision to modify the Initial Decision in this matter, and it is therefore ORDERED that Quincey Holloway’s School Social Worker certificate is hereby revoked, effective immediately. It is further ORDERED that Holloway 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

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.

STATE BOARD OF EXAMINERS DKT. NO. 1213-122
AGENCY DKT NO. 7-5/14A

IN THE MATTER OF THE :
REVOCATION OF THE CERTIFICATE : COMMISSIONER OF EDUCATION
OF QUINCEY HOLLOWAY BY THE : DECISION
STATE BOARD OF EXAMINERS. :

Order of Revocation by the State Board of Examiners, April 4, 2014

For the Respondent-Appellant, Louis P. Bucceri, Esq.

For the Petitioner-Respondent State Board of Examiners, Angela L. Velez,
Deputy Attorney General (John J. Hoffman, Acting Attorney General of
New Jersey)

The Commissioner has reviewed the record and the papers filed in connection with the appellant Quincey Holloway's appeal of the State Board of Examiners' (Board of Examiners) Order of April 4, 2014, revoking his School Social Worker Certificate. On appeal, the appellant contends that the record in this matter does not support the Board of Examiners' modification of the two-year suspension recommended by the Administrative Law Judge (ALJ). The appellant argues that the Board of Examiners engaged in arbitrary and capricious conduct when it modified the penalty without rejecting or modifying the ALJ's findings of fact as to the credibility of the Board of Examiners' witnesses. As a result, the appellant maintains that the Commissioner should reject the Board of Examiners' decision revoking his certificate, and impose a two-year suspension of his certificate as was recommended by the ALJ.

In reviewing appeals from decisions of the State Board of Examiners, the Commissioner may not substitute his judgment for that of the Board of Examiners so long as the appellant received due process and the Board of Examiners' decision is supported by sufficient

credible evidence in the record. Further, the Board's decision should not be disturbed unless the appellant demonstrates that it is arbitrary, capricious, or unreasonable. *N.J.A.C. 6A:4-4.1(a)*.

After full consideration of the record and all submissions, the Commissioner finds that the record adequately supports the Board's determination that the appellant engaged in unbecoming conduct and that the revocation of the appellant's certificate was the appropriate penalty. Despite the appellant's contentions to the contrary, it was not necessary for the Board to reject or modify the ALJ's findings of fact and/or credibility determinations in order for the Board to determine that the conduct found by the ALJ necessitated the removal of the appellant's certificate. The Board revoked the appellant's certificate based on the fact that the ALJ found that the appellant exposed his penis to a coworker on school grounds, and made other unwelcomed comments to four other female staff members. Notwithstanding the appellant's positive interactions with the students, the Board determined that on balance his inappropriate conduct with other staff members warrants the revocation of his certificate. There is nothing in the record to suggest that the Board's decision to revoke the appellant's certification – based on the nature and extent of the unbecoming conduct proven during the hearing at the Office of Administrative Law – was arbitrary, capricious or unreasonable. Therefore, the Commissioner finds no basis upon which to disturb the decision of the State Board of Examiners.

Accordingly the decision of the State Board of Examiners is affirmed for the reasons expressed therein.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 5, 2014
Date of Mailing: August 12, 2014

*This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*.