

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

R.I. Department of Education

Vs.

Arlene Marks

DECISION

DATE: July 22, 1993

### Introduction

Respondent Arlene Marks has certificate as a Professional Teacher of Secondary English. On September 24, 1991 she was convicted, upon a plea of nolo contendere, of two (2) counts of possession of cocaine and one (1) count of "maintaining a common nuisance controlled substance" (Ex. 6). She received a suspended sentence of three (3) years along with a requirement to perform community service and to receive substance abuse counseling.

### Facts as stipulated between the respondent and the Department of education.

Based on information received by the Narragansett Police Department that an individual believed to be Arlene F. Marks was selling narcotics from her residence at Boston Neck Road, Narragansett, Rhode Island, an agent of the Attorney General's Office Narcotics Strike Force appeared at the dwelling at Boston Neck Road at approximately 8:40 p.m. on November 7, 1988. The agent knocked on the rear door of the house. A woman who identified herself as "Kelly" answered the door and let the agent into the house. Kelly asked the agent what he wanted. The agent stated he wanted to buy some cocaine. Kelly took the agent to the living room of the house. Arlene F. Marks was in the living room at the time. She asked the agent what he wanted. Kelly replied that the agent wanted to buy something. Kelly again asked the agent what he wanted. The agent told Kelly he wanted an "8 ball," a term denoting 1/8 ounce of cocaine. Ms. Marks said "ok" and went upstairs. A few minutes later Ms. Marks returned carrying a clear glassine packet containing a white powdery substance. Ms. Marks stated that the "8 ball" would cost \$250.00. The agent agreed to the price. Ms. Marks said she was nervous selling to the agent because she did not know who he was. The agent

showed Ms. Marks \$250.00 in cash. Ms. Marks handed the glassine packet to Kelly. Kelly then handed the packet to the agent. The agent gave Kelly the \$250.00. Kelly gave the money to Ms. Marks. The agent left the house with the glassine packet. The white powdery substance was submitted to a toxicology lab, tested, and found to be cocaine.

On November 14, 1988 at approximately 8:30 p.m. the same agent of the Attorney General's Office Narcotics Strike Force appeared at the same dwelling at Boston Neck Road. The agent knocked on the rear door of the dwelling. Ms. Marks answered the door and let the agent into the house. Ms. Marks asked the agent what he wanted. The agent said he wanted a "1/16th, " meaning 1/16 ounce of cocaine. Ms. Marks told the agent to wait a minute. She went upstairs. Ms. Marks returned a few minutes later carrying a small clear glassine packet containing a white powdery substance. Ms. Marks handed the glassine packet to the agent. She stated that it would cost \$120.00. The agent counted his money, which totaled \$110.00. Ms. Marks agreed to accept \$110.00. The agent handed Ms. Marks \$110.00 in cash. Ms. Marks took the money and stated that the agent owed her the other \$10.00 the next time he came back. The agent left the house with the glassine packet. The white powdery substance was submitted to a toxicology lab, tested, and found to be cocaine.

#### Argument of Respondent

The respondent testified that her husband abused drugs and alcohol and that he had serious difficulties with his health. She testified that she was in a "codependent" relationship with him and that as a result of this relationship she ran afoul of the law. Not long after, she experienced a heart attack and her house burned down.

The respondent called a number of character witness who testified to her good character and her ability to work with others. They were of the unanimous opinion that the respondent now has her life in order and that she is now a law abiding citizen.

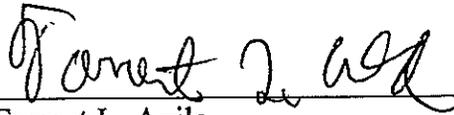
#### Argument of the Department

The Department of Education points out that the respondent has been convicted of two (2) counts of possessing cocaine and one (1) count of maintaining a narcotic nuisance. The Department also points out that the respondent was selling cocaine. The Department contends that the respondent has failed to serve as an exemplar for the students of this State and that she has compromised her ability to credibly fulfill her responsibility "...to implant and cultivate in the minds of all children committed to (her) care the principles of morality and virtue" (G.L. 16-12-3).

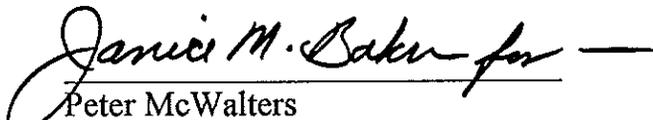
#### Conclusion

While we give due weight to the respondent's argument that her violations of the law were tied in some measure to the difficult circumstances she was dealing with and not the result of irremediable character flaw we cannot ignore the fact that she was involved in selling cocaine. While the testimony of respondent's character witnesses militates in her favor we still must recognize, given the serious quality of the offenses committed, that a sanction must be imposed.

The respondents certification is hereby revoked.

  
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Forrest L. Avila  
Hearing Officer

Approved:

  
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Peter McWalters  
Commissioner

DATE: July 22, 1993