

FILED *April 30, 2008*

**NEW JERSEY BOARD OF
SOCIAL WORK EXAMINERS**

*K. K. ...
Spec. Director*

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF	:	
THE CERTIFICATE OF	:	Administrative Action
	:	
DAVID E. McCAULEY	:	FINAL ORDER
LICENSE NO. SW011260	:	OF DISCIPLINE
	:	
TO PRACTICE SOCIAL WORK	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Social Work Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent, David E. McCauley, was certified to practice social work in the State of New Jersey, under License No. SW011260, which certification expired on August 31, 2004.
2. On or about November 4, 2004 respondent was indicted in Passaic County, New Jersey, on charges of attempting to cause the death of Kimberly McCauley; purposely and knowingly causing serious bodily injury to Kimberly McCauley; and knowingly possessing a weapon with the purpose to use it against another person.
3. On or about February 7, 2006 respondent plead guilty to Attempted Murder, first degree, in violation of N.J.S.A. 2C:5-1 (Criminal Attempt); and Endangering Welfare of Child, second degree, in violation of N.J.S.A. 2C:24-4a; N.J.S.A. 9:6-1 (Abuse, Abandonment, Cruelty and Neglect of Child) and N.J.S.A. 9:6-3 (Cruelty and Neglect of Children).

4. On or about June 9, 2006 respondent was sentenced to the custody of the Commissioner of the Department of Corrections for one count of attempted murder (a first degree crime) and for two counts of endangering the welfare of a child (a second degree crime). The sentencing period was set for thirteen and one half (13 ½) years, 85 percent of which is to be served before eligibility for parole would apply, with 763 days of credit applying towards the sentence for jail time already served. Additionally, five years of parole supervision was imposed along with penalties to be paid to the Victim Compensation Board and other recipients. Respondent was directed to submit a specimen to the DNA database and ordered not have contact with any of the victims, except as allowed by a family court order.

5. On or about June 9, 2006 a Judgement of Conviction and Order for Commitment was issued by the New Jersey Superior Court, Law Division, Criminal Part, Passaic County.

DISCUSSION

Respondent was convicted of attempting to murder his ex wife in the presence of the couple's two children on May 7, 2004. During the time of the unlawful conduct described above, respondent was a Certified Social Worker, with an active certification. Respondent last renewed his social work certification on September 1, 2002, and the certification expired on August 31, 2004. Pursuant to N.J.S.A. 45:1-7.1, any professional or occupational license or certification not renewed within 30 days of its expiration shall be suspended without a hearing. Accordingly, respondent's certification is presently suspended by operation of law.

Respondent remains incarcerated as of the date of this Provisional Order of Discipline, at the Northern State Prison, P.O. Box 2300, Newark, New Jersey 07114, Essex County, SBI Number 000317893B.

CONCLUSIONS OF LAW

Respondent's conviction for attempted murder and endangering the welfare of his children, constitute convictions for crimes involving moral turpitude and relate adversely to the practice of social work pursuant to N.J.S.A. 45:1-21(f). Additionally respondent's conviction is grounds for the Board to refuse to reinstate respondent's expired certification.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's certificate to practice social work in the State of New Jersey was entered on August 22, 2007 and a copy was personally served on respondent at Northern State Prison, Newark, New Jersey. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The certification of service by Eugene Marchione indicates that respondent was personally served with the Provisional Order of Discipline at Northern State Prison on Friday, September 14, 2007. Respondent acknowledged the service by signing and dating a copy of the first page of the Provisional Order. Although respondent received the Order, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary as respondent's conviction provides ample basis to support the revocation of his certification to engage in the practice of social work and that therefore the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 30th day of April, 2008,

ORDERED that:

1. Respondent's certificate to practice social work in the State of New Jersey shall be and is hereby revoked.

NEW JERSEY STATE BOARD OF
SOCIAL WORK EXAMINERS

By: 
Doreen J. Bobby, MSW, LCSW
Board President