

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
HENRY J. BAUMAN, JR. : ORDER OF REVOCATION
_____ : DOCKET NO. NSC 06/99-11

At its meeting of May 14, 1998, the State Board of Examiners voted to issue an Order to Show Cause to Henry J. Bauman, Jr. The Order was based upon information contained in a Commissioner of Education's decision that indicated that Bauman had breached test security procedures of the New Jersey Early Warning Test in 1994, 1995 and 1996. As a result of that breach, the Hackensack Board of Education had certified tenure charges against Bauman. The case was ultimately settled and Bauman agreed to resign and retire effective November 30, 1997. Bauman holds a Teacher of Elementary Grades certificate in New Jersey.

The Order to Show Cause was mailed to Bauman by regular and certified mail on June 9, 1998. Although the regular mail copy was not returned and the certified mail card was signed and returned, Bauman did not respond. On November 2, 1998, Bauman was provided an additional ten days to respond to the Order. On November 12, 1998, Bauman's attorney, William J. DeMarco, Esq., indicated that Bauman wished to voluntarily resign and surrender his teaching certificate. On November 16, 1998, the Board Secretary informed DeMarco that there was no statute or regulation authorizing voluntary surrender. Consequently, she sent DeMarco suggested language for incorporation into an affidavit for purposes of revocation. No response was received.

Subsequently, on January 27, 1999, DeMarco was informed that his client had an additional ten days to respond to the Secretary's correspondence of November 16, 1998 before the matter would proceed to hearing. Since the Board did not receive a reply, on March 23,

1999, Bauman was issued a hearing notice by regular and certified mail. Although the certified card was signed and the regular mail was not returned, Bauman did not respond. On April 28, 1999, Bauman was sent a second hearing notice and given an additional ten days to respond. He was informed that if no response was forthcoming, the matter would be referred back to the Board of Examiners for hearing based upon the response to the Order to Show Cause.

On May 7, 1999, DeMarco submitted an affidavit on behalf of Bauman to the State Board of Examiners. That affidavit waived Bauman's right to a hearing pursuant to N.J.A.C. 6:11-3.6 and acknowledged that the surrender of his certificate would have the force and effect of a revocation. The affidavit was reviewed at the June 17, 1999, State Board of Examiners meeting.

Having confirmed that the certificate holder agreed to the revocation of his certificate, it is therefore, ORDERED, that Henry J. Bauman, Jr.'s Teacher of Elementary Grades certificate be revoked on this 17th day of June, 1999. It is further ORDERED that Andrew Phillips return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, P.O. Box 500 Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: August 6, 1999

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