

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ROBERT HULITT : ORDER OF REVOCATION
_____ : DOCKET NO: 528-06/99-215

At its meeting of June 17, 1999, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on March 31, 1999, Robert Hulitt had pled guilty to charges of criminal sexual contact in the fourth degree. On May 14, 1999, Hulitt was sentenced to 364 days' incarceration in the Cumberland County jail; three years' probation and fined \$155. Hulitt was also ordered to have no contact with his victims; ordered to submit to a psychological examination and follow any recommended treatment and ordered to enroll in a sex offenders treatment program after his release from jail. He was also to comply with all applicable provisions of Megan's Law, N.J.S.A. 2C:7-1, et seq., although he was not sentenced to lifetime supervision. Hulitt currently holds Teacher of English and Teacher of Elementary School certificates. Upon review of the above information, at its June 17, 1999 meeting, the State Board of Examiners voted to issue an Order to Show Cause to Respondent.

The Board sent Hulitt the Order to Show Cause by regular and certified mail on July 29, 1999. The Order provided that an Answer to the Order must be filed within 20 days. On August 11, 1999, Hulitt filed his Answer. In that Answer, Hulitt admitted all of the charges in the Order to Show Cause. As to the Board of Examiners' charges that it had a sufficient basis to seek the suspension or revocation of Hulitt's certificates, Hulitt responded that he would like to receive a limited provisional certificate in order to be able to teach in correctional facilities. Hulitt added that he had been teaching inmates in the Cumberland County Jail. (Answer, ¶ 1).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on September 24, 1999, the Board of Examiners sent Hulitt a hearing notice. The notice explained that, since it appeared no material facts were in dispute, respondent had the 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. 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 Hulitt's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Hulitt did not respond to the Hearing Notice. Therefore, on December 23, 1999, Hulitt was advised that he had an additional 10 days to respond to the Hearing Notice. Hulitt did not respond to that notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Hulitt's guilty plea to criminal sexual contact constitutes conduct unbecoming a certificate holder. At its meeting of April 6, 2000, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After review of Hulitt's submissions, the Board of Examiners determined that no material facts related to respondent's offense were in dispute since Hulitt admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Hulitt's offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

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. 6:11-3.4. Teachers of the State of New Jersey "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. Hulitt's acts of criminal sexual contact are inexcusable for any individual, but become even more heinous given his status as a teacher. His violation of the sacred trust between student and teacher is inexcusable and belies the notion that he should be a role model for children.

In addition, Hulitt's request that he should be allowed to teach inmates can not be granted, even if the Board of Examiners were so inclined. Pursuant to N.J.A.C. 6:11-4.1 et seq., standard certificates issued by the Board of Examiners do not contain any limitations on the population that may be served by

the certificate holder. Even if certificates were limited in that way, Hulitt is not an individual who exemplifies the best of the teaching profession.

Finally, 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 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, one cannot dispute that Hulitt's violation is a sufficient predicate for the revocation of his teaching certificates.

Accordingly, it is therefore ORDERED that Robert Hulitt's Teacher of English and Teacher of Elementary School certificates be revoked on this 6th day of April, 2000. It is further ORDERED that Hulitt return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: September 26, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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