

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOHN GOMEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 619-04/01-297

At its meeting of April 5, 2001, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on August 24, 2000, John Gomez had pled guilty to charges of criminal sexual contact contrary to the provisions of N.J.S.A. 2C:14-3(b). On November 3, 2000, Gomez was sentenced to three years' probation. The court also ordered him to attend sex therapy for a year, submit to periodic drug testing, find a job within thirty days, remain arrest free and comply with all provisions of Megan's law. The court also decreed that Gomez could no longer be employed as a teacher. Gomez currently holds a Teacher of Social Studies certificate issued in July 1996. Upon review of the above information, at that April 2001 meeting, the State Board of Examiners voted to issue Gomez an Order to Show Cause.

The Board sent Gomez the Order to Show Cause by regular and certified mail on July 19, 2001. The Order provided that an Answer must be filed within 20 days. The regular mail copy was not returned and the certified mail receipt was signed and returned. Gomez did not file an Answer to the Order. On November 2, 2001, the Board provided Gomez an additional ten days to respond to the Order to Show Cause. The Board advised Gomez that if he did not respond, the allegations in the Order would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension based on the evidence before it. Once again, Gomez did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gomez' guilty plea to criminal sexual assault constitutes conduct unbecoming a

certificate holder. At its meeting of November 14, 2002, the State Board of Examiners reviewed the charges in the Order to Show Cause. The Board of Examiners determined that no material facts related to Gomez' offense were in dispute since he never responded to the Order to Show Cause. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. N.J.A.C. 6:11-3.6(a)1.¹

The State Board of Examiners must now determine whether Gomez' offense as set forth in the Order to Show Cause, provides just cause to act against his certificate 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... 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. Gomez' acts are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd., 131 N.J.L. 326 (E & A 1944). In this instance, one need not look any further than Gomez' crime to understand why he should never teach again.

¹ On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

Accordingly, it is therefore ORDERED that John Gomez' Teacher of Social Studies certificate be revoked on this 14th day of November 2002. It is further ORDERED that Gomez return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Michael K. Klavon, Acting Secretary
State Board of Examiners

Date of Mailing: January 27, 2005

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