

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
TIMOTHY EISENHAUER : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-315

At its meeting of July 21, 2005, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that the Hudson County Prosecutor had charged Timothy Eisenhauer with endangering the welfare of a child, aggravated criminal sexual contact, child abuse, attempted child endangerment, attempted aggravated criminal sexual contact and attempted child abuse. On April 15, 2005, Eisenhauer was allowed to enter the Pre-Trial Intervention Program (PTI). His enrollment into the program required him to forfeit his public employment and to surrender his teaching certificates. Eisenhauer currently holds Teacher of English and Teacher of Elementary School certificates, both issued in April 1992. Upon review of the above information, at its July 21, 2005 meeting, the State Board of Examiners voted to issue Eisenhauer an Order to Show Cause.

The Board sent Eisenhauer the Order to Show Cause by regular and certified mail on August 24, 2005. The Order provided that Eisenhauer's Answer was due within 20 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Eisenhauer did not file a response. On October 3, 2005, the Board sent Eisenhauer a second notice by certified and regular mail. Again, Eisenhauer signed and returned the certified mail receipt. The regular mail copy was not returned. Eisenhauer did not file a response to the second notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Eisenhauer's entry into PTI because of his conduct as well as his agreement to forfeit his public employment and teaching certificates constitutes conduct unbecoming a certificate holder. Since Eisenhauer did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

*N.J.A.C.* 6A:9-17.7(c). Since Eisenhower's conduct, as set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether his conduct constitutes a sufficient basis to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.7(c). It finds 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.* 6A:9-17.5. "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. Furthermore, 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 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, Eisenhower's acts of sexual abuse are inexcusable for any individual, teacher or not. His behavior demonstrates that he is unfit to serve in any of New Jersey's classrooms. The court recognized this when it required him to forfeit his public employment and surrender his teaching certificates as a condition of his entry into PTI.

Accordingly, it is therefore ORDERED that Timothy Eisenhower's Teacher of English and Teacher of Elementary School certificates be revoked on this 8th day of December 2005. It is further ORDERED that Eisenhower return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 20, 2005

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