

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
WAYNE ERRICKSON : ORDER OF REVOCATION
_____: DOCKET NO: 0405-245

At its meeting of May 5, 2005, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on October 4, 2004, Wayne Errickson had pled guilty to charges of endangering the welfare of a child. On January 25, 2005, Errickson was sentenced to 364 days' incarceration in the Somerset County jail, three years' probation, and community supervision for life under Megan's Law. Errickson currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing. Upon review of the above information, at its May 5, 2005, meeting, the State Board of Examiners voted to issue Errickson an Order to Show Cause.

The Board sent Errickson the Order to Show Cause by regular and certified mail on May 18, 2005. The Order provided that Errickson's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Errickson did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 27, 2005, the Board of Examiners sent Errickson a second notice by regular and certified mail. The notice explained that Errickson had an additional 15 days in which to submit an Answer. If he did not do so, the allegations in the Order to Show Cause would be deemed admitted and the Board would decide the matter based on the evidence before it. Once again the certified mail copy was signed and returned and the regular mail copy was not returned. Errickson did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Errickson's guilty plea to endangering the welfare of a child constitutes conduct unbecoming a certificate holder. At its meeting of September 22, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Errickson had not responded to the Order, the charges were deemed admitted. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Errickson's offense as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board 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. Errickson’s acts underlying his conviction of endangering the welfare of a child are inexcusable for any individual, teacher or not.

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 instance, the court concluded that Errickson’s actions were egregious enough to warrant his registration as a sex offender under Megan’s Law and his supervision for life. The only appropriate response to Errickson’s heinous act is the revocation of his teaching certificate.

Accordingly, it is therefore ORDERED that Wayne Errickson’s Teacher of Elementary School Certificate of Eligibility With Advanced Standing be revoked on this 22nd day of September, 2005. It is further ORDERED that Errickson return his certificate 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 15, 2005

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