

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GUNTER EVDOKIMOFF : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-240

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Essex County Prosecutor's Office indicating that on January 10, 2005, Gunter Evdokimoff had pled guilty to charges of sexual assault and official misconduct. On April 4, 2005, Evdokimoff was sentenced to seven years' incarceration, ordered to comply with the provisions of Megan's Law and fined. Evdokimoff currently holds Secondary School Teacher of French and Secondary School Teacher of German certificates, both issued in June 1966, and a Teacher of Elementary School certificate, issued in September 2004. Upon review of the above information, at its July 20, 2006, meeting, the State Board of Examiners voted to issue Evdokimoff an Order to Show Cause.

The Board sent Evdokimoff the Order to Show Cause by regular and certified mail on July 26, 2006. The Order provided that Evdokimoff's Answer was due within 30 days. Evdokimoff filed his response on March 22, 2007. In that Answer, Evdokimoff admitted that he pled guilty to sexual assault and official misconduct. (Answer, p. 1). Evdokimoff also stated that due to his resignation from teaching, his age and the "various N.J. statutes precluding the notion or desire to ever teach again," it was a moot point to go through with revoking or suspending his certificates. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 29, 2007, the Board of Examiners sent Evdokimoff a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Evdokimoff was offered an 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 Evdokimoff's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. The certified mail receipt was signed and returned and the regular mail copy was not returned. Evdokimoff did not respond to the Hearing Notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Evdokimoff's guilty plea to sexual assault and official misconduct constitutes conduct unbecoming a certificate holder. At its meeting of June 7, 2007, the State Board of Examiners reviewed the charges and papers Evdokimoff filed in response to the Order to Show Cause. After review of Evdokimoff's submission, the Board of Examiners determined that no material facts related to his offense were in dispute since he 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. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Evdokimoff'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. 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. Evdokimoff's acts of sexual assault and official misconduct are inexcusable for any individual, teacher or not. The court recognized this when it sentenced him to a lengthy prison term.

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, Evdokimoff's behavior falls far short of that expected of a role model for students.

Accordingly, on June 7, 2007, the Board of Examiners voted to revoke Evdokimoff's Secondary School Teacher of French, Secondary School Teacher of German, and Teacher of Elementary School certificates. On this 19th day of July 2007 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gunter Evdokimoff's certificates be effective immediately. It is further ORDERED that Evdokimoff return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing: JULY 20th, 2007

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