

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BETH GURTOV : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-227

At its meeting of May 1, 2008, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on May 8, 2007, Beth Gurtov had pled guilty to Theft By Deception. On June 22, 2007, Gurtov was sentenced to three years probation and ordered to forfeit her public employment. Gurtov was also forever disqualified from holding any office or position of honor, trust or profit under this state or any of its administrative or political subdivisions pursuant to *N.J.S.A. 2C:51-2c*. Gurtov currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 1997 and a Teacher of Elementary School certificate, issued in July 1998. Upon review of the above information, at its June 5, 2008 meeting, the State Board of Examiners voted to issue Gurtov an Order to Show Cause.

The Board sent Gurtov the Order to Show Cause by regular and certified mail on June 11, 2008. The Order provided that Gurtov's Answer was due within 30 days. Neither copy was returned. Gurtov did not file a response. Thereafter, on November 10, 2008, the Board sent Gurtov another notice by certified and regular mail providing her an additional 15 days to respond to the Order to Show Cause. Neither mail copy was returned. Gurtov did not respond to the second notice either.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on February 3, 2009, the Board sent Gurtov a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute and Gurtov 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 her and the legal arguments tendered in her defense, the State Board of Examiners would determine whether the conduct underlying her offense and resulting disqualification warranted action against her certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Gurtov was also provided the opportunity to appear before the Board to testify on the sanction issue. Once again, Gurtov did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gurtov's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Gurtov failed to respond to the Order to Show Cause or the hearing notice, at its meeting of May 11, 2009, the State Board of Examiners considered only the allegations in the Order to Show Cause. The Board of Examiners determined that no material facts related to Gurtov's offense were in dispute since she never denied that she 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)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether Gurtov's conviction and disqualification, predicated on the same offense set forth in the Order to Show Cause, represent just cause to act against her certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Gurtov’s acts of theft by deception are inexcusable for any individual, teacher or not.

It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Gurtov’s actions here are not those of a role model and the only appropriate response to her breach is the revocation of her certificates.

Accordingly, on May 11, 2009, the Board of Examiners voted to revoke Beth Gurtov’s Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School certificate. On this 22nd day of June 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gurtov’s certificates be effective immediately. It is further ORDERED that Gurtov return her certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

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

RRH:MZ:
Date of Mailing: