

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ERIC JOHANSEN : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-109

At its meeting of September 17, 2009, the State Board of Examiners reviewed information received from the Atlantic County Prosecutor's Office indicating that on November 26, 2001, Eric Johansen pled guilty to charges of Criminal Attempt-Endangering the Welfare of a Child. On March 15, 2002, Johansen was sentenced to 364 days incarceration in the Atlantic County jail, two years' probation and fined. In May 2002, Johansen's jail term was reduced to 210 days and he was ordered to submit to community supervision for life. Johansen currently holds a Teacher of Social Studies certificate, issued in June 1972, a Principal/Supervisor certificate, issued in July 1980 and a School Administrator certificate, issued in December 1987. Upon review of the above information, at its October 22, 2009 meeting, the State Board of Examiners voted to issue Johansen an Order to Show Cause.

The Board sent Johansen the Order to Show Cause by regular and certified mail on November 18, 2009. After the mail was returned for an incorrect address, the Board secured Johansen's proper address from the Motor Vehicles Commission. The Board re-sent Johansen the Order to Show Cause by regular and certified mail on January 14, 2010. The Order provided that Johansen's Answer was due within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Johansen did not file a response. Thereafter, on April 6, 2010, the Board sent Johansen a second notice by regular and certified mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Johansen did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 11, 2010, the Board of Examiners sent Johansen a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Johansen 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 as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. 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 Johansen's offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Johansen was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Johansen did not respond.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Johansen's conviction constitutes conduct unbecoming a certificate holder. Since Johansen failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 22, 2010, 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 Johansen's offense were in dispute since he never denied that he had pled guilty to the offense 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 Johansen's conviction, 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 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. Johansen's act of Criminal Attempt-Endangering the Welfare of a Child is inexcusable for any individual,

teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Johansen cannot claim status as a role model to anyone.

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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Johansen's conviction for Criminal Attempt-Endangering the Welfare of a Child led the court to conclude that he should be subject to community supervision for life. Clearly his offense demonstrates egregious behavior that warrants revocation.

Accordingly, on July 22, 2010, the Board of Examiners voted to revoke Johansen's Teacher of Social Studies, Principal/Supervisor and School Administrator certificates. On this 16th day of September 2010 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Eric Johansen's certificates be effective immediately. It is further ORDERED that Johansen return his 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

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.

RRH:MZ: