

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
JOHN HILKEVICH : ORDER OF REVOCATION
_____ : DOCKET NO: 708-04/02

On April 11, 2002, the State Board of Examiners voted to issue an Order to Show Cause to John Hilkevich as to why his certificates should not be revoked as a result of his conviction for sexual offenses. The matter was subsequently placed into abeyance pending his appeal of the convictions. On appeal, the convictions were overturned on procedural grounds, and a new trial was scheduled. In October 2006, following a new trial, Hilkevich was convicted of nine counts of Aggravated Sexual Assault, Sexual Assault, Endangering the Welfare of a Child, Aggravated Criminal Sexual Contact, and Criminal Sexual Contact. The Board continued to hold this matter in abeyance pending Hilkevich's appeal of those convictions. In April 2008, the Appellate Division of the New Jersey Superior Court affirmed the convictions but vacated the sentences imposed for the two Aggravated Sexual Assault convictions and remanded the matter to the trial court for resentencing. Hilkevich was resentenced on July 11, 2008 to 30 years' imprisonment. On March 31, 2009, the New Jersey Supreme Court denied his petition for certification. Hilkevich currently holds a Teacher of Science certificate, issued in September 1978 and a Teacher of Elementary School certificate, issued in August 1994. Upon review of the above information, at its meeting on January 7, 2010, the Board vacated the Order to Show Cause that it had issued in April 2002 and issued a new Order to Show Cause on the basis of the new convictions.

The Board sent Hilkevich the Order to Show Cause by regular and certified mail on January 13, 2010. The Order provided that Hilkevich's Answer was due within 30 days. Hilkevich submitted a response on February 12, 2010. In that Answer, Hilkevich admitted that

he had been convicted and sentenced to 30 years' imprisonment. (Answer, ¶¶ 4, 5.) In the remainder of his Answer, Hilkevich denied that there was just cause to revoke his certificates. (Answer, ¶¶ 6, 7.) He also claimed that the Order to Show Cause was premature because he had a pending appeal "challenging his criminal sentence and conviction on both substantive and procedural grounds." (Answer, Fifth Separate Defense.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 12, 2010, the Board of Examiners sent Hilkevich a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Hilkevich 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 Hilkevich's offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Hilkevich was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. On April 15, 2010, May 6, 2010, and May 21, 2010, counsel for Hilkevich responded to the Hearing Notice. In all three letters, Hilkevich's counsel asked that the matter be held in abeyance as Hilkevich had appealed his resentencing order before the Appellate Division and the Supreme Court of New Jersey. Hilkevich also submitted copies of the briefs he had filed in his criminal appeal. Hilkevich's Petition for Certification was denied by the Supreme Court on June 1, 2010. *State of New Jersey v. Hilkevich*, 2010 *N.J. Lexis* 532 (June 1, 2010).

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Hilkevich's conviction constitutes conduct unbecoming a certificate holder. At its meeting of July 22, 2010, the State Board of Examiners reviewed the charges and papers Hilkevich filed in response to the Order to Show Cause. The Board of Examiners determined that no material facts related to Hilkevich's offense were in dispute since he did not deny that he had been convicted 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 Hilkevich's conviction, as set forth in the Order to Show Cause, represents 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. Hilkevich's acts of Aggravated Sexual Assault, Sexual Assault, Aggravated Criminal Sexual Contact, Criminal Sexual Contact and Endangering the Welfare of a Child are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Hilkevich 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, Hilkevich's convictions for numerous sexual offenses demonstrates egregious behavior that warrants revocation.

Accordingly, on July 22, 2010 the Board of Examiners voted to revoke Hilkevich's Teacher of Science and Teacher of Elementary School 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 John Hilkevich's Teacher of Science and Teacher of Elementary School certificates be effective immediately. It is further ORDERED that Hilkevich 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: