

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
FREDERICK ECKE : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1516-205

At its meeting of June 23, 2016, the State Board of Examiners (Board) reviewed information the Superior Court of New Jersey-Monmouth Vicinage had forwarded regarding Frederick Ecke. On December 23, 2015, Ecke pled guilty to Receiving Stolen Property. On April 8, 2016, Ecke was sentenced to two years' probation, fined and ordered to perform 192 hours of community service. Ecke currently holds a Teacher of Physical Education Certificate of Eligibility With Advanced Standing, issued in June 2009. Upon review of the above information, at its September 16, 2016 meeting, the Board voted to issue Ecke an Order to Show Cause as to why his certificate should not be revoked.<sup>1</sup>

The Board sent Ecke the Order to Show Cause by regular and certified mail on September 22, 2016. The Order provided that Ecke had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ecke did not file a response.

Thereafter, on November 9, 2015, the Board sent Ecke another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as "Unclaimed" and the regular copy was not returned. Ecke did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on December 6, 2016, the Board sent Ecke a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Ecke was offered an opportunity to submit written arguments on the issue of whether the conduct as set forth in the Order to Show Cause provided just cause to take action against his certificate, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificate. Ecke was also offered the opportunity to appear before the Board to provide testimony on the

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<sup>1</sup> Although Ecke was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*, the Board did not have that information before it during the revocation hearing process prior to issuing the Order to Show Cause and thus, did not consider that factor in issuing its decision in this case.

sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Ecke did not respond.

The threshold issue before the Board in this matter is whether Ecke's conduct and conviction constitute conduct unbecoming a certificate holder or other just cause. Since Ecke failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Consequently, at its meeting of March 3, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the Superior Court. The Board concluded that no material facts related to Ecke's offense were in dispute since he never denied that he engaged in the conduct alleged or was convicted and therefore determined that summary decision was appropriate in this matter. *N.J.A.C.* 6A:9B-4.7(h). After reviewing the allegations, the Board found that Ecke had engaged in unbecoming conduct.

The Board must now determine whether Ecke's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C.* 6A:9B-4.4. The Board finds that it does.

The Board 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:9B-4.4. "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. Moreover, 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). Ecke's conduct and conviction for Receiving Stolen Property is conduct that indicates a serious lapse in judgment. Ecke has demonstrated that he is ill fit to be a role model for students and the Board therefore concludes that the appropriate response to his breach is the revocation of his teaching certificate.

Accordingly, on March 3, 2017, the Board voted to revoke Frederick Ecke's Teacher of Physical Education Certificate of Eligibility With Advanced Standing. On this 6th day of April 2017 the Board

voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ecke's certificate be effective immediately. It is further ORDERED that Ecke return his certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Robert R. Higgins, Secretary  
State Board of Examiners

RRH/MZ/th

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.