

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
STEVEN GONZALEZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-132

At its meeting of October 16, 2008, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on June 27, 2008, Steven Gonzalez had pled guilty to charges of Aggravated Assault. Gonzalez currently holds a Teacher of the Handicapped certificate, issued in July 1995. Upon review of the above information, at its January 13, 2009 meeting, the State Board of Examiners voted to issue Gonzalez an Order to Show Cause.

The Board sent Gonzalez the Order to Show Cause by regular and certified mail on January 14, 2009. The Order provided that Gonzalez' Answer was due within 30 days. Neither copy was returned. Gonzalez did not file a response.

Thereafter, on March 10, 2009, the Board sent Gonzalez another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The regular mail copy was not returned and the certified mail copy was returned unsigned. Gonzalez did not respond to the second notice either.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 6, 2009, the Board sent Gonzalez a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute, and thus, Gonzalez 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 his conviction warranted action against his certificate. Thereupon, the Board of

Examiners would also determine the appropriate sanction, if any. Gonzalez was also provided the opportunity to appear before the Board to testify on the sanction issue. Neither copy was returned nor did Gonzalez file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gonzalez' conviction constitutes conduct unbecoming a certificate holder. Since Gonzalez failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 28, 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 Gonzalez' 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 Gonzalez' conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. Gonzalez' acts of aggravated assault are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve

as role models for their students. Clearly, Gonzalez cannot claim status as a role model to anyone.

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). 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, Gonzalez' conviction for aggravated assault demonstrates egregious behavior that warrants revocation.

Accordingly, on July 28, 2009, the Board of Examiners voted to revoke Steven Gonzalez' Teacher of the Handicapped certificate. On this 17th day of September 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gonzalez' certificate be effective immediately. It is further ORDERED that Gonzalez return his certificate 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:6-28.

RRH:MZ: