

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
LEONARD GNADE : ORDER OF REVOCATION
_____ : DOCKET NO: 0910-168

At its meeting of February 11, 2010, the State Board of Examiners (Board) reviewed information received from the Bergen County Prosecutor's Office indicating that on November 29, 2005, Leonard Gnade pled guilty to a charge of Attempted Criminal Sexual Contact. On February 10, 2006, Gnade was sentenced to three years' probation. Gnade currently holds a Teacher of Health and Physical Education certificate, issued in January 1993 and a Teacher of Driver Education certificate, issued in July 1996. Upon review of the above information, at its April 29, 2010 meeting, the Board voted to issue Gnade an Order to Show Cause.

The Board sent Gnade the Order to Show Cause by regular and certified mail on May 4, 2010. The Order provided that Gnade's Answer was due within 30 days. Both the regular mail copy and the certified mail copy were returned stating that Gnade had moved and the time for forwarding to his new address had expired. The Board then re-sent Gnade the Order to Show Cause by certified and regular mail to his new address on May 12, 2010. The regular mail was not returned and the certified mail receipt was signed and returned. Gnade did not file a response. Thereafter, on June 23, 2010, the Board sent Gnade 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. Gnade did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on July 20, 2010, the Board sent Gnade a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Gnade 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 Board would determine if Gnade's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Gnade 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, Gnade did not respond.

The threshold issue before the Board in this matter is whether Gnade's conviction constitutes conduct unbecoming a certificate holder. Since Gnade failed to respond to the Order to Show Cause or the hearing notice, at its meeting of September 16, 2010, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Gnade'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 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 Board must now determine whether Gnade'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 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: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. Gnade's act of Attempted Criminal Sexual Contact is inexcusable for any individual, teacher or not. The Commissioner has long held that teachers serve as role models for their students. Clearly, Gnade cannot claim status as a role model to anyone. 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). In this instance, Gnade's conviction demonstrates egregious behavior that warrants revocation.

Accordingly, on September 16, 2010 the Board voted to revoke Gnade's Teacher of Health and Physical Education and Teacher of Driver Education certificates. On this 28th day of October 2010 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Leonard Gnade's certificates be effective immediately. It is further ORDERED that Gnade 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:th