

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MICHAEL P. ETTZ : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-188

At its meeting of March 1, 2018, the State Board of Examiners (Board) reviewed information the Bergen County Prosecutor's Office and the Criminal History Review Unit (CHRU) had submitted regarding Michael P. Ettz. On September 22, 2017, Ettz pled guilty to Assault by Auto. Ettz had been driving while intoxicated and struck a police officer's car, injuring the officer. Ettz fled the scene on foot and was apprehended a short time later. On January 5, 2018, he was sentenced to four years in prison and fined. The CHRU notified the Board that, as a result of his conviction, Ettz was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Ettz currently holds Teacher of Mathematics Certificate of Eligibility with Advanced Standing and Teacher of Mathematics and Supervisor certificates. Upon review of the above information, the Board voted at its meeting of April 13, 2018 to issue Ettz an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Ettz the Order to Show Cause by regular and certified mail on April 18, 2018. The Order provided that Ettz must file an Answer within 30 days. After receiving an extension of time, Ettz filed an Answer on June 18, 2018.

In his Answer, Ettz admitted that he pled guilty to Assault by Auto and was sentenced to a four-year prison term. (Answer, ¶ 3). He denied that he fled the scene but stated that he wandered around aimlessly for some amount of time because he was dazed and in shock. (Answer, ¶ 3b). Ettz also emphasized that he never took off running or attempted to flee and was not convicted of fleeing the scene or leaving the scene of an accident. (Answer, ¶¶ 3a, b). Ettz added that the police officer's car was not in the shoulder but in an active lane of traffic and that the officer was not wearing a seatbelt at the time his car was struck. (Answer, ¶ 3d). Ettz denied that he was disqualified from public employment as a result of his conviction, noting that his crime was not among the list of disqualifying convictions in *N.J.S.A. 18A:6-7.1*. (Answer, ¶ 4). He noted that he did not intentionally hit the officer and attempted to avoid a collision by

swerving away but was unsuccessful. (Answer, ¶ 4). He also stated that the officer's vehicle did not have any headlights, taillights or emergency flashers on and that the officer's failure to wear a seatbelt contributed greatly to his injuries. (Answer, ¶¶ 4b, c). Ettz added that he took full responsibility for his actions and accepted that his conduct was a "horrible lapse in judgment." (Answer, ¶ 5). He hoped that the Board would take into consideration the conduct he displayed throughout his career and his commitment to his students and the community at large. (Answer, ¶ 5). He also listed many of his career and community accomplishments and noted his outstanding evaluations. (Answer, ¶¶ 5a-k).

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on October 4, 2018, the Board sent Ettz a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ettz 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 found just cause 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 his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ettz was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Ettz responded on November 2, 2018.

In that response, Ettz admitted that he was driving while intoxicated and struck a police officer's car, thereby injuring the officer. (Hearing Response, pp. 1-2). He added that he had been sentenced to prison and was currently in a half-way house awaiting release on parole. (Hearing Response, p. 2). Ettz argued that his crime was not disqualifying but conceded that the Board could take action against his certificates pursuant to *N.J.A.C.* 6A:9B-4.4 for conduct unbecoming or other just cause. (Hearing Response, p. 3). Ettz argued that the information and documentation he had submitted in response to the Order to Show Cause supported a minimal suspension rather than more serious action. (Hearing Response, pp. 3-4). In addition, Ettz submitted an additional character reference letter and his own letter of explanation. (Ettz letter). In that letter, he indicated that he made the biggest mistake of his life when he

decided to drink and drive and added that he would live with the regret those choices had on two families, his students, colleagues and community. (Ettz letter, p.1). Ettz acknowledged that he deserved the punishment he was given by the court and hoped that he could be forgiven one day. (Ettz letter, p. 1). He added that he had learned from the mistake he had made and was taking advantage of every opportunity to better himself “through many meeting and counseling sessions.” (Ettz letter, p. 2). He noted that several former students came to visit him and talked about how they had learned from his mistake as well. (Ettz letter, p. 2). Ettz indicated that he wanted the Board to have a better understanding that he was a good person and would never “intentionally do anything to harm another human being.” (Ettz letter, p. 2). Finally, he stated that he was not defending his conduct, but rather hoping that the Board would not base its judgment on the one terrible mistake he made on one particular night. (Ettz letter, p. 2). He also asked the Board to consider the good he had done throughout his career and the positive impact he had made on his students. (Ettz letter, p. 2). Ettz also requested to appear before the Board.

Ettz’s attorney, Edward W. Cillick, appeared before the Board and stated that Ettz was a good person who made a bad mistake on one day in his life and noted that the police officer whom he hit was not wearing a seat belt at the time. He argued that the crime Ettz pled guilty to, 3<sup>rd</sup> degree Assault by Auto, was not a disqualifying offense and should not result in an automatic revocation. He asked the Board to consider leniency and, while not minimizing Ettz’s actions, noted that he had already lost everything. His attorney also stated that Ettz had been the Bergen County Teacher of the Year and was rated as a top teacher for many years.

The Athletic Director (AD) of Lodi also testified on Ettz’s behalf. He noted that he had known Ettz for many years as a student, athlete and friend. He said that when Ettz became a teacher, he reignited the AD’s love of teaching. The AD also said that you could not pick out one student to say anything negative about Ettz and that he was a man of quality, honesty and integrity. The AD stated that Ettz was not an alcoholic, but rather a man who made a bad decision on one night and that the Board should not define his whole life by that one terrible action. He also noted that Ettz spent his time in prison tutoring other prisoners, so they could earn their High School diplomas.

In his testimony, Ettz stated that he was now living in a halfway house and was no longer in prison. He noted that he had testified on behalf of the victim in the victim's civil suit. Ettz added that he wanted to teach students about the meaning of second chances and hoped that the Board saw that he deserved one too. He said he had devoted his whole life to teaching and coaching and had received a lot of community support after the incident. He added that he never drinks any more and never plans to drink.

The threshold issue before the Board in this matter is whether Ettz's convictions and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of January 24, 2019, the Board considered the allegations in the Order to Show Cause as well as Ettz's Answer, Hearing Response and testimony. The Board determined that no material facts related to Ettz's offense were in dispute since he admitted that he had pled guilty to the offense charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

Although Ettz argued that his crime was not disqualifying, there is no record that he followed through on his appeal with the Commissioner challenging that finding even when he was instructed on how to do so. Accordingly, the Board is compelled to treat his conviction as a disqualifying offense.

The Board must now determine whether Ettz's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be inappropriate role models for them. Individuals convicted of a crime such as Assault by Auto, fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as exemplars for their students. "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). In this instance, Ettz's conviction demonstrates behavior that falls short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Ettz's offense so significant and the Board must render its determination within the confines of his disqualification, it believes that the only appropriate sanction in this case is the revocation of Ettz's certificates.

Accordingly, on April 12, 2019, the Board voted to revoke Michael P. Ettz's Teacher of Mathematics Certificate of Eligibility with Advanced Standing and his Teacher of Mathematics and Supervisor certificates. On this 17th day of May 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ettz's certificates be effective immediately. It is further ORDERED that Ettz return his certificates 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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Rani Singh, Acting Secretary  
State Board of Examiners

**Date of Mailing:**  
**Via certified and regular mail**

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