

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL GUDEWITZ : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-226

At its meeting of March 30, 2006, the State Board of Examiners reviewed information received from the Ocean County Prosecutor indicating that on November 18, 2002, Michael Gudewitz had pled guilty to endangering the welfare of a child. On May 9, 2003, Gudewitz was sentenced to five years' probation. The court ordered him to obtain full-time employment, and to have no professional contact with any individual under 18 years old. Gudewitz was also ordered to comply with the address registration provisions of Megan's Law and is subject to community supervision for life. Additionally, the court ordered him to forfeit his teaching certificates. Gudewitz currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in April 1994 and a Teacher of Elementary School certificate, issued in May 1996. Upon review of the above information, at its March 30, 2006 meeting, the Board of Examiners voted to issue Gudewitz an Order to Show Cause. On May 4, 2006, it formally adopted the written Order to Show Cause.

The Board sent Gudewitz the Order to Show Cause by regular and certified mail on May 10, 2006. The Order provided that Gudewitz' Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Gudewitz did not file a response. Thereafter, on June 23, 2006, the Board sent Gudewitz a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. Again, the certified mail copy was signed and returned and the regular mail copy was not returned. The notice explained that if he did not file a

response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Gudewitz did not file an Answer.

At its meeting of September 21, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Gudewitz' offense were in dispute since he had never denied that he had pled guilty to the offense and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Gudewitz' offense and the forfeiture of his certificates, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Gudewitz' act of endangering the welfare of a child, is inexcusable for any individual, teacher or not.

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, Gudewitz' conduct is egregious because he harmed a child.

Accordingly, on September 21, 2006, the State Board of Examiners voted to revoke Gudewitz' Teacher of Elementary School Certificate of Eligibility With Advanced Standing and Teacher of Elementary School certificate. On this 2nd day of November, 2006 the Board voted to adopt its formal written decision and it is therefore ORDERED that Michael Gudewitz' certificates be revoked effective this day. It is further ORDERED that Gudewitz return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 8, 2006

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.