

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
GREG EISENSTEIN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0708-108

At its meeting of February 21, 2008, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Greg Eisenstein was convicted in 2007 for endangering the welfare of children. As a result of such conviction, Eisenstein was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Eisenstein currently holds a School Business Administrator certificate, issued in March 2004. Eisenstein did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Eisenstein an Order to Show Cause at its meeting of February 21, 2008.

The Board sent Eisenstein the Order to Show Cause by regular and certified mail on February 29, 2008. Neither copy was returned. The Order provided that Eisenstein must file an Answer within 30 days. When Eisenstein failed to file an Answer to the Order a Second Notice was sent to him by regular and certified mail on April 18, 2008. Once again, neither copy was returned nor did Eisenstein respond to the notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(c)*, on May 23, 2008, the Board sent Eisenstein a notice by regular and certified mail providing him the opportunity to file a written submission with regard to the appropriate sanction in the event that the Board found just cause to revoke his certificate. The notice also allowed Eisenstein to appear to offer testimony on the sanction issue. Eisenstein did not file a response to this notice either.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Eisenstein's disqualifying offense constitutes conduct unbecoming a certificate holder.

Since Eisenstein failed to respond to the Order to Show Cause or the hearing notice, the State Board of Examiners considered only the allegations in the Order to Show Cause.

At its meeting of September 11, 2008, the State Board of Examiners reviewed the charges alleged in the Order to Show Cause. After review of the Order, the Board of Examiners determined that no material facts related to Eisenstein's offense were in dispute since he never denied that he had committed the offense, and did not deny that he had been disqualified because of it. 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 Eisenstein's disqualification, which was predicated on the same offense as was 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.

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 dangerous. Individuals convicted of a crime that endangers the welfare of children fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for 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.

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). Accordingly, the State Board of Examiners finds that Eisenstein's disqualification from service in the public schools of this State because of his conviction for endangering the welfare of children provides just cause to take action against his certificate.

That 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 State Board of Examiners 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 considers Eisenstein's offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his School Business Administrator certificate.

Accordingly, on 11<sup>th</sup> of September 2008 the Board of Examiners voted to revoke Greg Eisenstein's School Business Administrator certificate. On this 16th day of October 2008 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Eisenstein's certificate be effective immediately.\* It is further ORDERED that Eisenstein 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

\*Decision ratified on January 13, 2009

**Date of Mailing:**

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

RRH:MZ:RMG