

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
MICHAEL MAURER : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-208

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) indicating that respondent Michael Maurer pled guilty in April 2009 to two counts of Falsifying or Tampering with Records in the fourth degree. On June 1, 2009, Maurer was sentenced to two years' probation and ordered to forfeit his public employment. Additionally, the court forever barred Maurer from holding public office pursuant to *N.J.S.A. 2C:51-2d*. As a result of the conviction, Maurer was also disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Maurer currently holds Teacher of Elementary School and Teacher of Social Studies Certificates of Eligibility, both issued in November 1997, Teacher of Elementary School and Teacher of Social Studies Certificates of Eligibility With Advanced Standing, both issued in January 1999, a Teacher of Elementary School certificate, issued in March 2000 and a Principal Certificate of Eligibility, issued in October 2003. Maurer did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of July 28, 2011 to issue Maurer an Order to Show Cause why his certificates should not be revoked.

The Board sent Maurer the Order to Show Cause by regular and certified mail on August 1, 2011. The Order provided that Maurer must file an Answer within 30 days. The certified mail copy was returned marked as "Unable to Forward." The regular mail copy was not returned. After securing a new address for Maurer from the Motor Vehicle Commission, the Board re-sent the Order to Show Cause to Maurer by regular and certified mail on October 27, 2011. Maurer responded on November 2, 2011. In that Answer, Maurer admitted his guilty plea and sentence but stated that revocation of his certificates was not part of his plea agreement. (Answer, ¶¶ 3-5). Maurer noted that he was not barred from employment in private schools or another state. (Answer, ¶ 5). He added that he had served his sentence

and was released early from probation. (Answer, ¶ 6). Maurer stated that he regretted his actions and assured the Board that “nothing like this will ever happen again.” (Answer, ¶ 7). He noted that he had been a successful teacher and argued that “a brief lapse in judgment should not incur a life sentence of being unable to work in the profession I love in private schools or in another state.” (Answer, ¶ 7). Finally, Maurer suggested that “a lengthy probationary period would be a more reasonable ruling.” (Answer, ¶ 7).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 23, 2011 the Board sent Maurer a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Maurer 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. Maurer was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Maurer submitted a written response on December 8, 2011. He also asked to appear before the Board.

In his written response, Maurer explained that his aberrational behavior came at a time he was embroiled in a contentious divorce and custody battle and was not thinking clearly. (Hearing Response, p. 1). He took full responsibility for his actions and noted that “this incident has effectively caused the loss of my marriage, my home, my family.” (Hearing Response, p. 1). Maurer recounted his love of teaching and added that he had taught middle school math and science in an urban setting for approximately 10 years “without a single blemish on my record.” (Hearing Response, p. 1). Maurer also discussed his volunteer activities and reiterated his regret at his actions and desire to prove himself. (Hearing Response, pp. 1-2).

In his testimony, Maurer argued that revocation of his certificates would be unduly punitive as he did not harm children, but only the taxpayers. He stated that he wanted to teach in a private school and that the penalty should not carry over to a private school setting or another state. Maurer reiterated that this was a lapse in judgment that will never happen again and noted that although he received two years' probation, his probation was lifted after one year. He added that his offense was one of the fourth degree and that he had been a successful teacher for ten years. Maurer also explained that he had paid a horrible price for his lapse in judgment, suffering the loss of his marriage, his son and his job, and added that he was meant to be a teacher.

The threshold issue before the Board in this matter is whether Maurer's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. At its meeting of March 1, 2012, the Board considered the allegations in the Order to Show Cause, Maurer's Answer, Hearing Response and testimony. The Board determined that no material facts related to Maurer's offense were in dispute since he never denied that he had been convicted of the offense charged and 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 Maurer'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:9-17.5*. 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 dishonest. Individuals convicted of a crime such as Falsifying or Tampering with Records, whether by jury verdict or guilty plea, fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief that teachers must serve as role models 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. Clearly, Maurer’s conviction indicates his actions here are not those of a role model. Indeed, the court agreed, ordering that he forfeit his public employment and be forever barred from holding public office pursuant to *N.J.S.A.* 2C:51-2d.

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 considers Maurer’s offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Maurer’s certificates.

Accordingly, on March 1, 2012, the Board voted to revoke Michael Maurer’s Teacher of Elementary School, Teacher of Social Studies and Principal Certificates of Eligibility, his Teacher of Elementary School and Teacher of Social Studies Certificates of Eligibility With Advanced Standing, and his Teacher of Elementary School certificate. On this 2nd day of April 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Michael Maurer’s certificates be effective immediately. It is further ORDERED that Maurer 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.