

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
FREDERICK NOWOTARSKI, JR.: ORDER OF REVOCATION
_____ : DOCKET NO: 1011-238

At its meeting of July 28, 2011, the State Board of Examiners (Board) reviewed information regarding Frederick Nowotarski, Jr. On February 26, 2001, the Pennsylvania Professional Standards and Practices Commission accepted the surrender of Nowotarski's Pennsylvania certificates. On December 24, 2008, Nowotarski surrendered his New York teaching certificates based on sexual misconduct that did not result in a criminal conviction. In addition, on December 21, 2006 a Pennsylvania federal court jury rendered a judgment against Nowotarski in a civil suit filed by a former student who alleged that Nowotarski had been involved in a sexual relationship with her starting when she was 12. In New Jersey, Nowotarski currently holds a Teacher of Music Certificate of Eligibility With Advanced Standing, issued in August 1993. Upon review of the above information, at its September 22, 2011 meeting, the Board voted to issue Nowotarski an Order to Show Cause.

The Board sent Nowotarski the Order to Show Cause by regular and certified mail on January 10, 2012. The Order provided that Nowotarski must file an Answer within 30 days. The certified mail copy was returned as unclaimed. The regular mail copy was returned with a handwritten notation that Nowotarski no longer lived at that address. After securing a new address for Nowotarski, the Board re-sent the Order to Show Cause by regular and certified mail on February 17, 2012. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Nowotarski did not file an Answer. Thereafter, on March 27, 2012, the Board sent Nowotarski another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail copy was returned as unclaimed. The regular mail copy was not returned. Nowotarski did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 19, 2012, the Board sent Nowotarski a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Nowotarski 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 certificate. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Nowotarski's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Nowotarski was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Nowotarski did not file a response.

The threshold issue before the Board in this matter, therefore, is whether the surrender of Nowotarski's Pennsylvania licenses, the surrender of his New York license due to sexual misconduct and his conduct in engaging in a sexual relationship with a student constitute conduct unbecoming a certificate holder. Since Nowotarski failed to respond to the Order to Show Cause or the hearing notice, at its meeting of June 21, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Nowotarski's conduct were in dispute since he never denied that he had surrendered his certificates in Pennsylvania and New York or that he had engaged in a sexual affair with a student beginning when she was 12. 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 Nowotarski's conduct and the surrender of his Pennsylvania and New York certificates, as set forth in the Order to Show Cause, provide just cause to act against his New Jersey certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that they do.

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. Nowotarski's acts

of engaging in a sexual relationship with a student starting when she was 12 are inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher who has engaged in a sexual relationship with a student cannot claim status as a role model to anyone. Nowotarski's conduct therefore warrants revocation.

Accordingly, on June 21, 2012, the Board voted to revoke Frederick Nowotarski Jr.'s Teacher of Music Certificate of Eligibility With Advanced Standing. On this 26th day of July 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Nowotarski's certificate be effective immediately. It is further ORDERED that Nowotarski 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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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