

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
CARLOS MALDONADO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-121

At its meeting of September 23, 2004, the State Board of Examiners reviewed information received from the Division of Youth and Family Services (DYFS) regarding Carlos Maldonado. DYFS had issued a report substantiating physical abuse charges against Maldonado. The DYFS investigation revealed that Maldonado allegedly had touched one of his students repeatedly on her breasts, buttocks and vaginal area. Maldonado currently holds a Teacher of Physical Education certificate, issued in March 1980. Upon review of the above information, at its September 23, 2004, meeting, the State Board of Examiners voted to issue Maldonado an Order to Show Cause.

The Board sent Maldonado the Order to Show Cause by regular and certified mail on January 13, 2005. The Order provided that Maldonado's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Maldonado did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on August 24, 2005, the Board of Examiners sent Maldonado a second notice by regular and certified mail. The notice explained that Maldonado had an additional 15 days in which to submit an Answer. If he did not do so, the allegations in the Order to Show Cause would be deemed admitted and the Board would decide the matter based on the evidence before it. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. Once again, Maldonado did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Maldonado's conduct in allegedly touching the breasts, buttocks and vaginal area of a female student constitutes conduct unbecoming a certificate holder. At its meeting of November 3, 2005, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since Maldonado had not responded to the Order, the charges were deemed admitted. Thus, the Board

of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*.

The State Board of Examiners must now determine whether Maldonado's conduct as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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. Maldonado's acts of touching a female student on her breasts, buttocks and vaginal area are 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, Maldonado's behavior is not only "sufficiently flagrant," it is also clearly heinous.

Accordingly, it is therefore ORDERED that Carlos Maldonado's Teacher of Physical Education certificate be revoked on this 3rd day of November 2005. It is further ORDERED that Maldonado return his certificate 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.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 2, 2005

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