

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
SCOTT E. LODGEK : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1718-232

At its meeting of June 29, 2018, the State Board of Examiners (Board) reviewed information the Superior Court of New Jersey, Cape May Vicinage and the Criminal History Review Unit (CHRU) had provided regarding Scott E. Lodgek. On February 2, 2018, Lodgek pled guilty to a third-degree charge of Theft By Unlawful Taking. On March 23, 2018, Lodgek was sentenced to two years' probation and ordered to forfeit current and future public employment. The CHRU notified the Board that, as a result of his conviction, Lodgek was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Lodgek currently holds a Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and a Supervisor certificate.

Lodgek 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 September 21, 2018 to issue Lodgek an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Lodgek the Order to Show Cause by regular and certified mail on September 28, 2018. The Order provided that Lodgek had 30 days to respond. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Lodgek did not file a response.

Thereafter, on November 8, 2018, the Board sent Lodgek 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” and the regular mail copy was not returned. Lodgek did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on December 18, 2018, the Board sent Lodgek a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Lodgek 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 offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Lodgek 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, Lodgek did not file a response.

The threshold issue before the Board in this matter is whether Lodgek’s conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Lodgek failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of March 8, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Superior Court and the CHRU. The Board concluded that no material facts related to Lodgek’s offense were in dispute since he never denied that he had engaged in the conduct alleged and had been convicted and therefore determined that summary decision was appropriate in this matter.

*N.J.A.C.* 6A:9B-4.6(h). After reviewing the allegations, the Board found that Lodgek had engaged in unbecoming conduct.

The Board must now determine whether Lodgek'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:9B-4.4. 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 were not proper examples for them. Individuals convicted of crimes such as Theft by Unlawful Taking fall squarely within this category. The strong legislative policy statement is also 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. Moreover, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this instance, Lodgek's conviction for Theft by Unlawful Taking demonstrates behavior that falls far short of a role model.

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 and the Commissioner consider Lodgek's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on March 8, 2019, the Board voted to revoke Scott E. Lodgek's Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and his Supervisor certificate. On this 12th day of April 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Lodgek's certificates be effective immediately. It is further ORDERED that Lodgek return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

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Rani Singh, Acting Secretary  
State Board of Examiners

RS/MZ/th

**Date of Mailing:**  
**By Certified and Regular Mail**

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