

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
BRIAN E. HOHMANN : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-222

At its meeting of June 29, 2018, the State Board of Examiners (Board) reviewed information the New Jersey Superior Court-Essex County Vicinage and the Criminal History Review Unit (CHRU) had forwarded regarding Brian E. Hohmann. On September 14, 2017, Hohmann was arrested and charged with two counts of Resisting Arrest/Eluding Law Enforcement, Aggravated Assault on Law Enforcement and Obstructing the Administration of Law. While on a motor vehicle stop, Hohmann had allegedly driven away from a police officer after being ordered to come to a stop while the officer tried to check Hohmann's credentials. In addition, Hohmann attempted to slam a door on the law enforcement officer while he was attempting to arrest Hohmann at his place of residence. Hohmann slammed the door on the officer's foot and pushed him. On January 26, 2018, Hohmann received an Order of Postponement and was entered into a Pre-Trial Intervention program for a period of 24 months. He also had his driver's license suspended and was ordered to perform community service, attend an anger management program and pay fines and assessments.

Hohmann currently holds a Teacher of Social Studies Certificate of Eligibility and a Teacher of Social Studies certificate. Upon review of the above information, at its September 21, 2018 meeting, the Board voted to issue Hohmann an Order to Show Cause as to why his certificates should not be revoked.

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

Thereafter, on January 17, 2019, the Board sent Hohmann another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail was returned as "Attempted-Not Known" and the regular mail copy was not returned. Hohmann did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 15, 2019, the Board sent Hohmann 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, Hohmann 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. Hohmann was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned as “Unclaimed” and the regular mail copy was not returned. Once again, Hohmann did not file a response.

The threshold issue before the Board in this matter is whether Hohmann’s conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Hohmann 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 May 17, 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 Hohmann’s offense were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board 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 Hohmann had engaged in unbecoming conduct.

The Board must now determine whether Hohmann’s conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that it does.

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:9B-*

4.4. “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). Hohmann’s actions in leaving a motor vehicle stop after being ordered to stop by a police officer as well as slamming a door on a police officer’s foot and pushing him clearly demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificates.

Accordingly, on May 17, 2019, the Board voted to revoke Brian E. Hohmann’s Teacher of Social Studies Certificate of Eligibility and his Teacher of Social Studies certificate. On this 28th day of June 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Hohmann’s certificates are hereby revoked, effective immediately. It is further ORDERED that Hohmann 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.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Mailing:
Via 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.