

IN THE MATTER OF	:	NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF	:	STATE BOARD OF EXAMINERS
MICHAEL D. HOGAN	:	ORDER OF REVOCATION
_____	:	DOCKET NO: 1819-155

At its meeting of February 28, 2020, the Hudson County Prosecutor's Office and the Office of Student Protection (OSP) provided information to the State Board of Examiners (Board) regarding Hogan. In September 2018 Hogan was charged with 4 counts of Endangering the Welfare of a Child-Sexual Conduct with a Child (2nd degree), and 4 counts of Endangering the Welfare of a Child – Abuse (2nd degree) after it was alleged that Hogan had several inappropriate conversations with students.

The Institutional Abuse Investigation Unit (IAIU) investigated the matter and substantiated Sexual Abuse/Risk of Sexual Abuse regarding Hogan's conduct. On August 26, 2019, Hogan pled guilty to Endangering – Abuse/Neglect of a Child (3rd degree). He was sentenced to probation for one year and subject to random drug monitoring, counseling and forfeiture of employment. The OSP notified the Board that as a result of his conviction, Hogan is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.*

Michael D. Hogan is the holder of a Teacher of Elementary Grades K-8 Certificate of Eligibility and Teacher of Elementary Grades K-8 certificate.

Hogan 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 May 14, 2020 to issue Hogan an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Hogan the Order to Show Cause by regular and certified mail on June 3, 2020. The Order provided that Hogan had 30 days to respond. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Hogan did not file a response.

Thereafter, on August 12, 2020, the Board sent Hogan another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Hogan did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on October 6, 2020, the Board sent Hogan 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, Hogan 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. Hogan was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned, and the regular mail copy was not returned. Once again, Hogan did not file a response.

The threshold issue before the Board in this matter is whether Hogan's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Hogan 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 January 22, 2021, the Board considered only the allegations in the Order to Show Cause and the information received from the Prosecutor's Office and OSP. The Board concluded that no material facts related to Hogan'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 Hogan engaged in unbecoming conduct.

The Board must now determine whether Hogan'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 to be a danger. Individuals convicted of a crime such as Endangering-Abuse/Neglect of a Child (3rd degree) falls 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, Hogan's conviction for Endangering – Abuse/Neglect of a Child 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 Hogan's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on January 22, 2021, the Board voted to revoke Michael D. Hogan's Teacher of Elementary Grades K-8 Certificate of Eligibility and Teacher of Elementary Grades K-8 certificate. On this 26th day of February 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that Hogan's certificates are revoked, effective immediately. It is further ORDERED that

Hogan 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, Secretary
State Board of Examiners

RS/KG/rg

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.