

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
PAMELA BALOGH : ORDER OF REVOCATION
_____ : DOCKET NO: 0708-153

At its meeting of March 27, 2008, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on December 6, 2007, Pamela Balogh was convicted of sexual assault, aggravated sexual contact, sexual contact and endangering the welfare of a child. On May 9, 2008, Balogh was sentenced to seven years' imprisonment and fined. She was also sentenced to parole supervision for life. Balogh currently holds a Teacher of Health and Physical Education Certificate of Eligibility, issued in March 2006. Upon review of the above information, at its March 27, 2008 meeting, the State Board of Examiners voted to issue Balogh an Order to Show Cause.

The Board sent Balogh the Order to Show Cause by regular and certified mail on April 7, 2008. The Order provided that Balogh's Answer was due within 30 days. Neither copy was returned. Balogh did not file a response. On June 20, 2008 the Board sent Balogh a second notice giving her an additional opportunity to respond to the Order to Show Cause. Once again, Balogh did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(c)*, on August 15, 2008, the Board of Examiners sent Balogh a hearing notice by regular and certified mail. The notice explained that since Balogh did not respond to the Order to Show Cause, the allegations contained in the Order were deemed admitted. It also provided Balogh an opportunity to file a written submission with regard to the appropriate sanction if the Board chose to take action against her certificate. Balogh was also provided with the opportunity to appear and testify with regard to the sanction issue. Once again, Balogh did not respond to the notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether the conduct underlying Balogh's conviction for sexual assault, aggravated criminal sexual contact, endangering the welfare of a child and criminal sexual contact constitutes conduct unbecoming a certificate holder. At its meeting of March 27, 2008, the State Board of Examiners reviewed the charges in the Order to Show Cause and supporting documents. The Board of Examiners determined that no material facts related to Balogh's offense were in dispute since she never denied that she had been convicted of the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners 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 State Board of Examiners must now determine whether Balogh's offense as set forth in the Order to Show Cause, provides just cause to act against her 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. Balogh's acts of criminal sexual contact, aggravated criminal sexual contact, endangering the welfare of a child and sexual assault are inexcusable for any individual, teacher or not.

Moreover, the Commissioner has long held that teachers serve as role models for their students. By her actions, Balogh has long lost the right to claim status as a role model for anyone.

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, Balogh's actions inflicted great harm upon a child and the only possible response to her breach is the revocation of her teaching certificate.

Accordingly, on January 13, 2009 the Board of Examiners voted to revoke Balogh's Teacher of Health and Physical Education Certificate of Eligibility. On this 23rd day of February 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pamela Balogh's certificate be effective immediately. It is further ORDERED that Balogh return her 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 State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.

RRH:MZ: