

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS  
WILLIAM GROSS : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-218

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Union County Prosecutor's Office indicating that on June 24, 2009, William Gross pled guilty to Theft By Deception. On August 28, 2009, Gross was sentenced to two year's probation, ordered to pay \$63,000 restitution and prohibited from having contact with his victim. Gross currently holds a Teacher of Health and Physical Education certificate, issued in August 1975. Upon review of the above information, at its July 28, 2011 meeting, the Board voted to issue Gross an Order to Show Cause.

The Board sent Gross the Order to Show Cause by regular and certified mail on August 1, 2011. The Order provided that Gross must file an Answer within 30 days. The certified mail copy was returned as "unclaimed" and the regular mail copy was not returned. Gross did not respond. Thereafter, on October 7, 2011, the Board sent Gross 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. Once again, Gross did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 4, 2011, the Board sent Gross a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Gross 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 determined to take action against his certificate. It also

explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Gross's offenses warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Gross 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. Gross did not file a response.

The threshold issue before the Board in this matter is whether Gross' conviction constitutes conduct unbecoming a certificate holder. Since Gross failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 19, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Gross' offense were in dispute since he never denied that he had been convicted of the offense charged. Thus, the Board 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 Board must now determine whether Gross' conviction, as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to *N.J.A.C. 6A:9-17.5*. 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: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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Gross' act of Theft By Deception demonstrates a dishonesty that falls

far short of the role model status expected of teachers. Clearly, Gross cannot lay claim to that status.

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, Gross' conviction for Theft By Deception resulted in probation and a substantial restitution payment. His egregious behavior warrants revocation.

Accordingly, on January 19, 2012, the Board voted to revoke Gross' Teacher of Health and Physical Education certificate. On this 1st day of March 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of William Gross' certificate be effective immediately. It is further ORDERED that Gross return his 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

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

RRH:MZ:Gross,William