

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CHRISTOPHER GENTILE : ORDER OF REVOCATION
_____ : DOCKET NO: 0607-162

At its meeting of May 1, 2008, the State Board of Examiners reviewed information received from the Somerset County Court indicating that on January 10, 2006, Christopher Gentile had pled guilty to charges of Aggravated Sexual Assault and Endangering the Welfare of a Child. Gentile currently holds a Teacher of Earth Science certificate, issued in February 1991. Upon review of the above information, at its June 5, 2008 meeting, the State Board of Examiners voted to issue Gentile an Order to Show Cause.

The Board sent Gentile the Order to Show Cause by regular and certified mail on June 17, 2008. The Order provided that Gentile's Answer was due within 30 days. Neither copy was returned. Gentile did not file a response. After discovering that Gentile was incarcerated, the Board re-sent the Order to Show Cause to him on January 6, 2009. Gentile responded on January 9, 2009. In that letter, Gentile stated that his criminal conviction was on appeal and asked for a delay in his revocation proceeding until his appeal was resolved. (Response Letter, January 9, 2009.)

Thereafter, on January 15, 2009, the Board sent Gentile another notice by certified and regular mail denying his request and providing him an additional 15 days to respond to the Order to Show Cause. The letter came back because of an incorrect prison address. The Board re-sent the letter on February 26, 2009. The regular mail copy was not returned and the certified mail copy receipt was signed and returned. Gentile did not respond to the notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 3, 2009, the Board sent Gentile a hearing notice by regular and certified mail. The notice explained that it appeared that no

material facts were in dispute. Thus, Gentile 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his conviction warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Gentile was also provided the opportunity to appear before the Board to testify on the sanction issue.

On April 27, 2009, Gentile responded and indicated that he would like to appear before the Board but could not do so until August 2009, when he would be released from prison. (Hearing Response, April 27, 2009.) On May 19, 2009, the Board responded that it would hold Gentile's hearing in abeyance until he was released from prison. On September 3, 2009, the Board notified Gentile by regular and certified mail that his hearing was scheduled for September 17, 2009. Both the regular and certified mail copies were returned. After securing a new address for Gentile, on October 9, 2009, the Board sent him another letter by regular and certified mail, notifying him that his hearing was scheduled for October 22, 2009. Gentile signed and returned the certified mail receipt, but did not appear at the hearing.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Gentile's conviction constitutes conduct unbecoming a certificate holder. At its meeting of October 22, 2009, the State Board of Examiners considered the allegations in the Order to Show Cause and Gentile's letter responses. The Board of Examiners determined that no material facts related to Gentile's offense were in dispute since he never denied that he had pled guilty to the offense 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 Gentile's 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 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. Gentile's acts of aggravated sexual assault and endangering the welfare of a child are inexcusable for any individual, teacher or not. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, Gentile cannot claim status as a role model to anyone.

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, Gentile's conviction for aggravated sexual assault and endangering the welfare of a child demonstrates egregious behavior that warrants revocation.

Accordingly, on October 22, 2009, the Board of Examiners voted to revoke Christopher Gentile's Teacher of Earth Science certificate. On this 2nd day of December 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Gentile's certificate be effective immediately. It is further ORDERED that Gentile

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.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

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

RRH:MZ: