

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
CARL B. PINNARO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1415-115

At its meeting of September 19, 2014, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had forwarded regarding Carl B. Pinnaro. The Florida Education Practices Commission (FEPC) filed an Administrative Complaint against Pinnaro alleging that he had wrapped tape around a 17-year-old student's head and/or mouth in front of his classmates, forced a 16-year-old to pick up paper from the floor with his mouth in front of his classmates, addressed students with profanity and referred to students as "idiots" or words to that effect. Pinnaro had been terminated from his teaching position as a result of the conduct alleged in the complaint. In June 2014, the FEPC entered into a settlement with Pinnaro and suspended his Florida teaching certificate for two years.

In New Jersey, Pinnaro currently holds a Teacher of Biological Science Certificate of Eligibility, issued in March 2006 and a Teacher of Biological Science certificate, issued in September 2007. Upon review of the above information, at its meeting of October 23, 2014, the Board voted to issue Pinnaro an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Pinnaro the Order to Show Cause by regular and certified mail on October 27, 2014. The Order provided that Pinnaro had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Pinnaro did not respond. Thereafter, on December 4, 2014, the Board sent Pinnaro another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause.

Pinnaro filed a response on December 22, 2014. In that Answer, Pinnaro stated that he chose “not to get into lengthy legal proceedings with respect to the allegations in Florida since my side of the story was not even given the time of day.” (Answer, p. 1). Pinnaro noted that he had repeatedly asked for assistance with behavioral issues in that class “but they fell on deaf ears.” (Answer, p. 1). Pinnaro added that his evaluations over the course of his teaching career “demonstrate that I took my job seriously and had a good rapport with the majority of my students.” (Answer, p. 1). Finally, Pinnaro claimed that he resided full time in Florida and had no intention of returning to New Jersey or teaching there. Pinnaro asked that the matter be closed. (Answer, p. 1). In addition to his Answer, Pinnaro also submitted a reference letter from a former student.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on December 30, 2014, the Board sent Pinnaro a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Pinnaro 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 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 Pinnaro’s offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Pinnaro 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. Pinnaro did not respond.

The threshold issue before the Board in this matter, therefore, is whether Pinnaro's conduct and the suspension of his Florida teaching certificate constitute conduct unbecoming a certificate holder. At its meeting of April 17, 2015, the Board considered the allegations in the Order to Show Cause and Pinnaro's Answer. The Board determined that no material facts related to Pinnaro's offense were in dispute since he did not deny that he had engaged in the alleged conduct or that his Florida teaching certificate had been suspended. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.7(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 Pinnaro's conduct as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.5*. 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:9B-4.5*. "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, 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 matter, Pinnaro's conduct in humiliating a student by taping his mouth, forcing another student to pick up paper from the floor and addressing students with profanity leaves no doubt that he is not a role model for students. The licensing authorities in Florida thought his behavior warranted sanction and this Board agrees.

The Board therefore concludes that the only appropriate response to Pinnaro's breach is the revocation of his New Jersey teaching certificates.

Accordingly, on April 17, 2015, the Board voted to revoke Carl B. Pinnaro's Teacher of Biological Science Certificate of Eligibility and his Teacher of Biological Science certificate. On this 21<sup>st</sup> day of May 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Pinnaro's certificates be effective immediately. It is further ORDERED that Pinnaro return his certificates 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

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