

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
CHRISTOPHER M. MARTINELLI : ORDER OF REVOCATION
_____ : DOCKET NO: 1415-152

At its meeting of January 23, 2015, the State Board of Examiners (Board) reviewed information the staff of the Office of Certification and Induction had forwarded regarding Christopher M. Martinelli. In 2014, Martinelli pled *nolo contendere* in Pennsylvania to Unlawful Contact with a Minor-Sexual Offenses. Martinelli was originally charged with Involuntary Deviate Sexual Intercourse with a Person Less Than 16 Years of Age, Statutory Sexual Assault, Unlawful Contact with a Minor-Sexual Offenses, Corruption of Minors and Criminal Use of a Communication Facility. In New Jersey, Martinelli currently holds a Teacher of Social Studies certificate, issued in May 2000. Upon review of the above information, at its meeting of March 12, 2015, the Board voted to issue Martinelli an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Martinelli the Order to Show Cause by regular and certified mail on March 17, 2015. The Order provided that Martinelli had 30 days to respond. The certified mail receipt was returned and the regular mail copy was not returned. Martinelli did not respond. Thereafter, on April 21, 2015, the Board sent Martinelli 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 copy was not returned. Martinelli did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.7(e)*, on May 14, 2015, the Board sent Martinelli a hearing notice by regular and certified mail. The notice explained that it appeared

that no material facts were in dispute. Thus, Martinelli 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 Martinelli's offenses warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Martinelli 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, Martinelli did not respond.

The threshold issue before the Board in this matter, therefore, is whether Martinelli's conduct and his plea to Unlawful Contact with a Minor-Sexual Offenses constitute conduct unbecoming a certificate holder. Since Martinelli never responded to the Order to Show Cause, at its meeting of July 30, 2015, the Board had only the allegations contained in the Order to Show Cause to consider. The Board determined that no material facts related to Martinelli's offense were in dispute since he did not deny that he had pled to the offense charged. 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 Martinelli's conduct and his plea, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.5*. The Board finds that they do.

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, Martinelli’s conduct leaves no doubt that he is unfit to be a teacher. The Board therefore concludes that the only appropriate response to Martinelli’s breach is the revocation of his teaching certificate.

Accordingly, on July 30, 2015, the Board voted to revoke Christopher M. Martinelli’s Teacher of Social Studies certificate. On this 17th day of September 2015 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Martinelli’s certificate be effective immediately. It is further ORDERED that Martinelli 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

RRH/MZ/th

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

Date of mailing: