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| IN THE MATTER OF | : | NEW JERSEY DEPARTMENT OF EDUCATION |
| THE CERTIFICATE OF | : | STATE BOARD OF EXAMINERS |
| BRYAN M. CAPUTO | : | ORDER OF REVOCATION |
| _____ | : | DOCKET NO: 1617-208 |

At its meeting of March 3, 2017, the State Board of Examiners (Board) reviewed information received from the Criminal History Review Unit (CHRU) regarding Bryan M. Caputo. On September 6, 2016, Caputo pled guilty in the New York Supreme Court to Money Laundering and Criminal Possession of Stolen Property. Caputo was one of several individuals indicted in connection with an international cybercrime ring that took over StubHub user accounts, stole personal information, used victims' credit cards to make fraudulent electronic ticket purchases and transferred the proceeds through a global network of accomplices. Caputo currently holds a Teacher of Business: Finance/Economics/Law Certificate of Eligibility, issued in October 2009. Upon review of the above information, at its meeting of April 6, 2017, the Board voted to issue Caputo an Order to Show Cause as to why his certificate should not be revoked.

The Board sent Caputo the Order to Show Cause by regular and certified mail on April 10, 2017. The Order provided that Caputo must file an Answer within 30 days. Caputo filed an Answer on May 5, 2017. In that Answer, Caputo admitted to the allegations in the Order to Show Cause. (Answer, ¶¶ 1-3). However, he also noted that the conduct for which he pled guilty occurred over one month and not the 10 months as stated in the Indictment. (Answer, ¶ 3(a)). Caputo also stated that he was not charged with crimes that were brought against most of the other defendants. (Answer, ¶ 3(a)). Caputo also indicated that he had entered a conditional plea of guilty and added that, if he was not re-arrested for one year, he would be able to withdraw his prior plea and enter a new plea to only a misdemeanor. (Answer, ¶ 3(b)). Caputo

therefore asked the Board not to revoke his certificate since after the year he would have only a conviction for a misdemeanor. (Answer, ¶ 4).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on August 1, 2017, the Board sent Caputo a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Caputo 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 found just cause 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 his offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Caputo 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. Caputo did not respond.

The threshold issue before the Board in this matter, therefore, is whether Caputo's conduct and conviction constitute conduct unbecoming a certificate holder. At its meeting of November 1, 2017, the Board considered the allegations in the Order to Show Cause and Caputo's Answer. The Board determined that no material facts related to Caputo's offense were in dispute since he admitted to all of the allegations in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Caputo's conduct and conviction, 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-4.4*. 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-4.4*. “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 case, Caputo has been convicted of an offense involving theft and dishonesty. The Board therefore finds that the only appropriate response to Caputo’s conduct is the revocation of his certificate.

Accordingly, on November 1, 2017, the Board voted to revoke Caputo’s certificate. On this 8th day of December 2017, the Board formally adopted its written decision to revoke and it is therefore ORDERED that Bryan M. Caputo’s Teacher of Business: Finance/Economics/Law Certificate of Eligibility be revoked, effective immediately. It is further ORDERED that Caputo return his certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, PO 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

Date of Mailing:
via certified and regular mail

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