

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFIATES OF : STATE BOARD OF EXAMINERS
JOSEPH BENEVUTO : ORDER OF REVOCATION
_____ : DOCKET NO: 1516-221

At its meeting of September 16, 2016, the State Board of Examiners (Board) reviewed information received from the Superior Court-Burlington and Ocean County Vicinages and the Criminal History Review Unit (CHRU) regarding Joseph Benevuto. In the Burlington Vicinage, Benevuto pled guilty to Criminal Mischief on September 8, 2015. He was sentenced to serve six days in custody and pay certain fees and penalties. Benevuto had three convictions in the Ocean Vicinage. On January 5, 2015, he pled guilty to Endangering the Welfare of a Child. He received one year of probation, was required to submit to substance abuse evaluations and random urine screenings and ordered to pay certain fees and penalties. The CHRU notified the Board that, as a result of this conviction, Benevuto was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* On August 24, 2015, Benevuto pled guilty to Criminal Mischief and Contempt for violation of a court order. He was sentenced to 84 days in Ocean County jail and ordered to pay certain fees and penalties. On January 25, 2016, Benevuto pled guilty to Possession of CDS, specifically Ketamine, and was ordered to pay penalties and fees. Benevuto currently holds a Teacher of Elementary School in Grades K-5 Certificate of Eligibility With Advanced Standing, issued in July 2005, a Teacher of Students With Disabilities Certificate of Eligibility, issued in July 2005 and a Teacher of Preschool Through Grade 3 Certificate of Eligibility With Advanced Standing, issued in September 2006.

Benevuto did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of November 1, 2016 to issue Benevuto an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Benevuto the Order to Show Cause by regular and certified mail on November 3, 2016. Both the certified and regular mail copies were returned as "Not Deliverable as Addressed." After securing a new address for Benevuto, the Board re-sent the Order by regular and certified mail on February 2, 2017. The certified mail receipt was signed and returned and the regular mail copy was not returned. Benevuto did not file a response. On March 16, 2017, the Board sent Benevuto 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 copy was not returned. Benevuto did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on April 21, 2017, the Board sent Benevuto a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Benevuto 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 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 his offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Benevuto 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. Once again, Benevuto did not respond.

The threshold issue before the Board in this matter is whether Benevuto’s convictions and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Benevuto failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of July 27, 2017, the Board considered only the allegations in the Order to Show Cause and the information received from the CHRU. The Board concluded that no material facts related to Benevuto’s offenses were in dispute since he never denied that he engaged in the conduct alleged and therefore determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Benevuto had engaged in unbecoming conduct.

The Board must now determine whether Benevuto’s convictions and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the Criminal History Review statute, *N.J.S.A. 18A:6-7.1 et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Endangering the Welfare of a Child, Criminal Mischief, Contempt and Possession of a CDS fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner’s

long-standing belief that teachers must serve as role models for their students. “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 instance, Benevuto’s multiple convictions demonstrate behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Benevuto’s offenses so significant, the Board believes that the only appropriate sanction in this case is the revocation of his certificates.

Accordingly, on July 27, 2017, the Board voted to revoke Joseph Benevuto’s Teacher of Students With Disabilities Certificate of Eligibility and his Teacher of Elementary School in Grades K-5 and Teacher of Preschool Through Grade 3 Certificates of Eligibility With Advanced Standing. On this 15th day of September 2017 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Benevuto’s certificates be effective immediately. It is further ORDERED that Benevuto return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, 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

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.