

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
TODD LIPPEN : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 0405-324

At its meeting of July 21, 2005, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on November 3, 2004, Todd Lippen had pled guilty to criminal sexual contact. On April 8, 2005, Lippen was sentenced to two years' probation, ordered to forfeit his teaching license, required to register under Megan's Law, prohibited from having contact with his victim and fined. Lippen currently holds a Teacher of English Certificate of Eligibility With Advanced Standing, issued in March 1997 and a Teacher of English certificate, issued in August 1998. Upon review of the above information, at its July 21, 2005 meeting, the State Board of Examiners voted to issue Lippen an Order to Show Cause.

The Board sent Lippen the Order to Show Cause by regular and certified mail on August 18, 2005. The Order provided that Lippen's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Lippen did not file a response. The Board sent him a second notice by regular and certified mail on October 3, 2005. Again, the certified mail copy was signed and returned and the regular mail copy was not returned. Lippen did not respond to the second notice.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Lippen's guilty plea to criminal sexual contact constitutes conduct unbecoming a certificate holder. Since Lippen did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. *N.J.A.C. 6A:9-17.7(c)*. Since Lippen's offense, as set forth in the Order to

Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.7(c). 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. Lippen’s acts of criminal sexual contact are inexcusable for any individual, teacher or not. Furthermore, 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, the court recognized the egregious nature of Lippen’s behavior when it ordered him to forfeit his teaching license. The Board agrees that the only possible response to Lippen’s breach is the revocation of his teaching certificates.

Accordingly, it is therefore ORDERED that Todd Lippen’s Teacher of English Certificate of Eligibility With Advanced Standing and his Teacher of English certificate be revoked on this 8th day of December 2005. It is further ORDERED that Lippen return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 20 days of the mailing date of this decision.

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Robert R. Higgins, Acting Secretary  
State Board of Examiners

Date of Mailing: DECEMBER 20, 2005

Appeals may be made to the State Board of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.