

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
ARTHUR VESPIGNANI : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-222

At its meeting of March 30, 2006, the State Board of Examiners reviewed information received from the Bergen County Prosecutor indicating that on July 31, 2003, Arthur Vespignani had pled guilty to attempted sexual assault and distribution of child pornography. On November 14, 2003, Vespignani was sentenced to three years' imprisonment. The court also barred Vespignani from holding a teaching position in any capacity and ordered him to submit to community supervision for life. Vespignani currently holds a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in September 1998, a Teacher of Biological Science Certificate of Eligibility With Advanced Standing, issued in March 1999 and Teacher of Elementary School and Teacher of Biological Science certificates, both issued in March 2000. Upon review of the above information, at its March 30, 2006 meeting, the State Board of Examiners voted to issue Vespignani an Order to Show Cause. On May 4, 2006, the Board of Examiners formally adopted the written Order to Show Cause.

The Board sent Vespignani the Order to Show Cause by regular and certified mail on May 11, 2006. The Order provided that Vespignani's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Vespignani did not file a response. Thereafter, on June 23, 2006, the Board sent Vespignani a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. Again, the certified mail copy was signed and returned and the regular mail copy was not returned. The notice explained that if he did

not file a response, the allegations in the Order to Show Cause would be deemed admitted and the Board of Examiners would decide the matter based on the evidence before it. Once again, Vespignani did not file an Answer.

At its meeting of September 21, 2006, the State Board of Examiners reviewed the charges in the Order to Show Cause. Since there was no response, the Board of Examiners determined that no material facts related to Vespignani's offense were in dispute since he had never denied that he had pled guilty to the offense and had been sentenced accordingly. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The issue before the State Board of Examiners in this matter, therefore, is whether Vespignani's offense, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. 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. Vespignani's acts of attempted sexual assault and distribution of child pornography, 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, Vespignani's conduct is egregious because it was harmful to children.

Accordingly, on September 21, 2006, the Board of Examiners voted to revoke Vespignani's certificates. On this 2nd day of November 2006, the Board of Examiners formally adopted its written decision to revoke and it is therefore ORDERED that Arthur Vespignani's Teacher of Elementary School Certificate of Eligibility With Advanced Standing, a Teacher of Biological Science Certificate of Eligibility With Advanced Standing, and Teacher of Elementary School and Teacher of Biological Science certificates be revoked effective this day. It is further ORDERED that Vespignani 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.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: NOVEMBER 8, 2006

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