

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RAYMOND GAMBONE : ORDER OF REVOCATION
_____ : DOCKET NO: 0506-294

At its meeting of June 8, 2006, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on December 18, 2002, Raymond Gambone had pled guilty to a charge of criminal sexual contact. On February 21, 2003, Gambone was sentenced to five years' probation, 180 days in a house arrest program and fined. Gambone currently holds a Junior High School Teacher certificate, issued in October 1968. Upon review of the above information, at its June 8, 2006 meeting, the State Board of Examiners voted to issue Gambone an Order to Show Cause. On July 20, 2006, it formally adopted the written Order to Show Cause.

The Board sent Gambone the Order to Show Cause by regular and certified mail on August 17, 2006. The Order provided that Gambone's Answer was due within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Gambone did not file a response. Thereafter, on September 25, 2006, the Board sent Gambone a second notice by regular and certified mail providing him an additional 15 days in which to file an Answer. 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, Gambone did not file an Answer.

At its meeting of December 7, 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 Gambone'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 Gambone's offense, as set forth in the Order to Show Cause, represents just cause to act against his certificate 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. 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). Gambone's act of criminal sexual contact is inexcusable for any individual, teacher or not.

Accordingly, on December 7, 2006, the Board of Examiners voted to revoke Gambone's certificate. On this 18th day of January 2007 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Raymond Gambone's Junior High School Teacher certificate be effective immediately. It is further ORDERED that Gambone return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, PO Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Acting Secretary
State Board of Examiners

Date of Mailing: JANUARY 25, 2007

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