

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
RYAN GIOVANELLI : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-182

At its meeting of May 12, 2011, the State Board of Examiners (Board) reviewed information received from the Cumberland County Prosecutor's Office (CCPO) indicating that on May 7, 2010, Ryan Giovanelli pled guilty to Conspiracy and Arson. On August 25, 2010, Giovanelli was sentenced to ongoing probation until further court order and ordered to pay restitution of \$9,115.50. Giovanelli currently holds a Teacher of Social Studies Certificate of Eligibility With Advanced Standing, issued in June 2003, a Teacher of Elementary School Certificate of Eligibility With Advanced Standing, issued in August 2003, Teacher of Social Studies and Teacher of Elementary School certificates, both issued in August 2005 and a Principal Certificate of Eligibility, issued in August 2007. Upon review of the above information, at its June 16, 2011 meeting, the Board voted to issue Giovanelli an Order to Show Cause.

The Board sent Giovanelli the Order to Show Cause by regular and certified mail on June 20, 2011. The Order provided that Giovanelli had 30 days to respond. Both the certified mail and the regular mail copies were returned as "Undeliverable as Addressed." After securing a new address for Giovanelli, the Board re-sent the Order to Show Cause by regular and certified mail on June 28, 2011. The certified mail copy was returned as "Attempted-Not Known." The regular mail copy was not returned. After further investigation, the Board secured another address for Giovanelli and re-sent the Order to Show Cause by certified and regular mail on March 15, 2012. The certified mail receipt was signed and returned and the regular mail copy was not returned. Thereafter, on April 19, 2012, the Board sent Giovanelli 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 signed and returned and the regular copy was not returned. Giovanelli did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on May 8, 2012, the Board sent Giovanelli a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts

were in dispute. Thus, Giovanelli 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 determined 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 Giovanelli's offenses warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Giovanelli 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. Once again, Giovanelli did not respond.

The threshold issue before the Board in this matter is whether Giovanelli's conviction constitutes conduct unbecoming a certificate holder. Since Giovanelli failed to respond to the Order to Show Cause or the hearing notice, at its meeting of July 26, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Giovanelli's offense were in dispute since he never denied that he had been convicted of the offense charged. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Giovanelli's conviction, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

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: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. Moreover, the Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher

convicted of Conspiracy and Arson cannot claim status as a role model to anyone. Indeed, the court agreed, ordering an indeterminate probationary term and immediate restitution. Thus, the Board believes that the only appropriate sanction in this case is the revocation of Giovanelli's certificates. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on July 26, 2012, the Board voted to revoke Giovanelli's Teacher of Social Studies and Teacher of Elementary School Certificates of Eligibility With Advanced Standing, his Principal Certificate of Eligibility and his Teacher of Social Studies and Teacher of Elementary School certificates. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Ryan Giovanelli's certificates be effective immediately. It is further ORDERED that Giovanelli return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, 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

Date of Mailing:

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

RRH:MZ:th