

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
CHRISTOPHER MARINELLI : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 668-12/01-316

At its meeting of December 6, 2001, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on January 12, 2001, Christopher Marinelli had pled guilty to charges of luring and enticing a child and endangering the welfare of a child. On May 16, 2001, Marinelli was sentenced to 364 days of incarceration, five years of probation, fined, ordered to undergo DNA testing and to comply with the provisions of Megan's Law. The court also ordered Marinelli to forfeit his public employment and permanently barred him from holding any office or position of honor trust or profit under this State or any of its administrative or political subdivisions. Marinelli is currently the holder of a Teacher of Mathematics certificate and a Teacher of Elementary Education certificate, both issued in December 1996. Upon review of the above information, at that December meeting, the State Board of Examiners voted to issue Marinelli an Order to Show Cause as to why his certificates should not be suspended or revoked.

The Board sent Marinelli the Order to Show Cause by regular and certified mail on April 5, 2002. The Order provided that Marinelli's Answer must be filed within 20 days. The certified mail copy was returned as unclaimed and the regular mail copy was not returned. As Marinelli did not file an Answer, on March 7, 2003, the Board sent him a second notice by regular and certified mail indicating that he had not responded to the Order and allowing him an additional ten days to do so. Marinelli did not return either copy although the Office of Licensure and Credentials has not received a signed certified mail receipt card. Marinelli has not filed a response to the Order.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Marinelli's guilty plea to luring and enticing a child and endangering the welfare of a child constitutes conduct unbecoming a certificate holder. Since Marinelli 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. 6:11-3.6(a)1.<sup>1</sup> Since Marinelli's conduct, which was predicated on the same conviction as was 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. 6:11-3.6(a)1. We find 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. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). "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. There can be no dispute that Marinelli's criminal conviction for luring and enticing a child and endangering the welfare of a child negates any claim he can have to being a role model for students. Moreover, Marinelli's acts are inexcusable for any individual, teacher or not. Thus, the only proper response to Marinelli's breach is revocation.

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<sup>1</sup> On January 20, 2004, the State Board of Education adopted a new administrative code governing professional licensure and standards. N.J.A.C. 6A:9-1 et seq. Although this decision was mailed after the effective date of the new code, the Board of Examiners' decision in this case predates the effective date of the new code and was therefore decided under the old code. All citations in this decision therefore are to the prior administrative code.

Accordingly, it is therefore ORDERED that Christopher Marinelli's Teacher of Mathematics and Teacher of Elementary School certificates be revoked on this 8th day of May 2003. It is further ORDERED that Marinelli return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

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Michael K. Klavon, Acting Secretary  
State Board of Examiners

Date of Mailing: November 17, 2004

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