

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS  
MICHAEL RITACCO : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1213-121

At its meeting of December 13, 2012, the State Board of Examiners (Board) reviewed information it had received from the United States District Court indicating that on April 5, 2012, Michael Ritacco pled guilty to Scheme to Defraud Public and Conspiracy to Impede and Impair the Functions of the IRS. On September 14, 2012, Ritacco was sentenced to 135 months in federal prison. Ritacco currently holds a Teacher of Elementary School certificate, issued in November 1970, Supervisor and Principal certificates, both issued in December 1975, a School Administrator certificate, issued in May 1980 and an Assistant Superintendent for Business certificate, issued in June 1981. The Board voted to issue Ritacco an Order to Show Cause at its meeting of January 25, 2013.

The Board sent Ritacco the Order to Show Cause by regular and certified mail on January 30, 2013. The Order provided that Ritacco must file an Answer within 30 days. The certified mail receipt was signed and returned and the regular mail copy was not returned. Ritacco did not file a response. Thereafter, on March 7, 2013, the Board sent Ritacco another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned. The regular mail copy was not returned. Ritacco did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on March 26, 2013, the Board sent Ritacco a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Ritacco 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 Ritacco's conduct warranted

action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Ritacco 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, Ritacco did not file a response.

The threshold issue before the Board in this matter is whether Ritacco's conviction constitutes conduct unbecoming a certificate holder. Since Ritacco failed to respond to the Order to Show Cause or the Hearing Notice, at its meeting of July 25, 2013, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Ritacco'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 Ritacco'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, it is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. *See Cox v. State Board of Examiners*, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); *State Board of Examiners v. Krupp*, 3 *N.J.A.R.* 285 (1981). Ritacco has a federal conviction for Scheme to Defraud Public and Conspiracy to Impede and Impair the Functions of the IRS, conduct which implicates his honesty and resulted in a lengthy prison sentence. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his

certificates. *In re Grossman*, 127 *N.J. Super.* 13, 30 (App. Div. 1943), cert. denied 65 *N.J.* 292 (1974). Furthermore, the Commissioner has long held that teachers serve as role models for their students. Clearly, Ritacco's conviction indicates that his actions here are not those of a role model. The Board therefore believes that the only appropriate sanction in this case is the revocation of Ritacco's certificates.

Accordingly, on July 25, 2013, the Board voted to revoke Ritacco's Teacher of Elementary School, Supervisor, Principal, School Administrator and Assistant Superintendent for Business certificates. On this 20th day of September 2013 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Michael Ritacco's certificates be effective immediately. It is further ORDERED that Ritacco 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.

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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