

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
SALVATORE N. ARRIGO : ORDER OF REVOCATION
_____ : DOCKET NO: 1718-131

At its meeting of November 1, 2018, the State Board of Examiners (Board) reviewed information the Bergen County Superior Court and the Criminal History Review Unit (CHRU) had forwarded regarding Salvatore N. Arrigo. On October 18, 2016, Arrigo was indicted on charges of Burglary (3rd degree) and Theft by Unlawful Taking (3rd degree). Arrigo and a co-defendant allegedly had unlawfully entered the victim's dwelling and stolen property. On January 1, 2017, he was indicted on a charge of Possession of CDS (3rd degree). On October 2, 2017, Arrigo was accepted into a Pre-Trial Intervention program for a period of 18 months.

Arrigo currently holds a Teacher of Elementary School in Grades K-6 Certificate of Eligibility. Upon review of the above information, at its December 17, 2018 meeting, the Board voted to issue Arrigo an Order to Show Cause as to why his certificate should not be revoked.

After securing a correct address for Arrigo, the Board sent him the Order to Show Cause by regular and certified mail on January 24, 2019. The Order provided that Arrigo had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Arrigo did not respond. Thereafter, on March 7, 2019, the Board sent another notice providing Arrigo an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Once again, Arrigo did not respond.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on March 28, 2019, the Board sent Arrigo a hearing notice by regular and certified mail. The notice explained that the allegations in the Order to Show Cause were deemed to be admitted as a result of his failure to file an Answer. Thus, Arrigo 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 found just cause to take action against his certificate. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Arrigo's offense warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Arrigo 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 returned. Once again, Arrigo did not file a response.

The threshold issue before the Board in this matter is whether Arrigo's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Arrigo failed to respond to the Order to Show Cause, the allegations therein are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of June 28, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the Superior Court and the CHRU. The Board concluded that no material facts related to Arrigo's offense were in dispute since he never denied that he had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Arrigo had engaged in unbecoming conduct.

The Board must now determine whether Arrigo's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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:9B-4.4*. "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, 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Arrigo's actions of illegally entering the victim's dwelling and stealing property as well as his later possession of CDS clearly

demonstrate conduct that is unacceptable for a role model. The Board therefore concludes that the appropriate response to his breach is the revocation of his certificate.

Accordingly, on Jun 28, 2019, the Board voted to revoke Salvatore N. Arrigo's Teacher of Elementary School in Grades K-6 Certificate of Eligibility. On this 1st day of August 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Arrigo's certificate is hereby revoked, effective immediately. It is further ORDERED that Arrigo return his certificate to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Rani Singh, Acting Secretary
State Board of Examiners

Date of Mailing:
Via certified and regular mail

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