

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
CHRISTOPHER J. HUTTON : ORDER OF REVOCATION
_____ : DOCKET NO: 1617-202

At its meeting of September 15, 2017, the State Board of Examiners (Board) reviewed information it had received from the Camden County Prosecutor's Office and the Criminal History Review Unit (CHRU) regarding Christopher J. Hutton. On or about October 16, 2016, Hutton was arrested and charged with Aggravated Assault and Endangering the Welfare of a Child after he choked and beat the female victim while she was holding a child. On May 1, 2017, Hutton received an Order of Postponement and was accepted into a Pretrial Intervention program (PTI) for 36 months.

Hutton currently holds a Substitute Credential, which expires in July 2020. Upon review of the above information, the Board voted at its meeting of November 1, 2017 to issue Hutton an Order to Show Cause as to why his credential should not be revoked.

The Board sent Hutton the Order to Show Cause by regular and certified mail on November 2, 2017. The Order provided that Hutton must file an Answer within 30 days. Hutton filed an Answer on December 1, 2017.

Since there were material facts in dispute, the Board transmitted the matter to the Office of Administrative Law (OAL) for hearing as a contested case. On September 13, 2018, the OAL returned the case to the Board after Hutton failed to appear for a scheduled hearing on August 29, 2018. Pursuant to *N.J.A.C. 1:1-3.3*, the Administrative Law Judge assigned to the case had provided Hutton with 13 days to submit an explanation for his nonappearance. Hutton did not submit an explanation or otherwise respond to that notice. At its meeting of December 17, 2018,

the Board voted not to retransmit the matter to OAL. On December 21, 2018, the Board sent Hutton a notice by regular and certified mail providing him an additional 15 days to provide an explanation of why the Board should consider his previously submitted Answer considering his failure to appear. The Board also advised Hutton that if he did not respond, his Answer would be stricken from the record and the allegations in the Order to Show Cause would be deemed admitted. The certified mail copy was returned as "Unclaimed" and the regular mail copy was not returned. Hutton did not respond to the notice.

Thereafter, pursuant to *N.J.A.C.* 6A:9B-4.6(e), on February 5, 2019, the Board sent Hutton a hearing notice by regular and certified mail informing him that there were no material facts in dispute and that his Answer was stricken from the record. Hutton was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause for the Board to take action against his credential. Hutton was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was returned as "Unclaimed" and the regular mail copy was not returned. Once again, Hutton did not respond.

The threshold issue before the Board in this matter is whether Hutton's conduct as outlined in the Order to Show Cause constitutes conduct unbecoming a certificate holder or other just cause. Since Hutton did not appear at his hearing, and his Answer was subsequently stricken from the record, at its meeting of May 17, 2019, the Board considered only the allegations in the Order to Show Cause. Moreover, since Hutton is deemed to have failed to file an Answer, the allegations contained in the Order to Show Cause are deemed admitted. *N.J.A.C.* 6A:9B-4.6(c). Thus, since no material facts related to Hutton's offense were in dispute, 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 Hutton had engaged in unbecoming conduct.

The Board must now determine whether Hutton's conduct, as set forth in the Order to Show Cause, represents just cause to act against his credential pursuant to *N.J.A.C.* 6A:9B-4.5. 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: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, the Commissioner has long held that teachers serve as role models for their students. 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 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this case, the record established that Hutton was arrested and charged after choking and beating the female victim while she was holding a child. Hutton's conduct falls far short of that expected of a role model and the Board believes that the only appropriate response to his breach is the revocation of his credential.

Accordingly, on May 17, 2019, the Board voted to revoke Christopher J. Hutton's Substitute Credential. On this 28th day of June 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Hutton's credential is revoked, effective immediately. It is further ORDERED that Hutton return his credential 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.