

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GASPARE GAMBINO : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-111

At its meeting of November 1, 2018, the State Board of Examiners (Board) reviewed information the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Commonwealth of Pennsylvania Professional Standards and Practices Commission (Commission) had forwarded regarding Gaspare Gambino. On May 31, 2018, Gambino surrendered his Pennsylvania teaching certificate following his April 2018 conviction for Invasion of Privacy. Gambino had secretly taken photos and videos of the intimate parts of female students on his school-issued iPad.

In New Jersey, Gambino currently holds Teacher of Spanish Certificate of Eligibility with Advanced Standing, and Teacher of Spanish, Teacher of Elementary School in Grades K-6 and Teacher of Elementary School with Subject Matter Specialization: Social Studies in Grades 5-8 certificates. Upon review of the above information, at its December 17, 2018 meeting, the Board voted to issue Gambino an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Gambino the Order to Show Cause by regular and certified mail on December 20, 2018. The Order provided that Gambino had 30 days to respond. The certified mail receipt was signed and returned and the regular mail copy was not returned. Gambino did not respond. On January 29, 2019, the Board sent Gambino 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 and the regular mail copy was not returned. Gambino did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 15, 2019, the Board sent Gambino 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, Gambino 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 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 Gambino's offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Gambino 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, Gambino did not file a response.

The threshold issue before the Board in this matter is whether Gambino's conduct constitutes conduct unbecoming a certificate holder or other just cause. Since Gambino 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 May 17, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the Commission. The Board concluded that no material facts related to Gambino's offense were in dispute since he never denied that he had engaged in the conduct alleged. 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 Gambino had engaged in unbecoming conduct.

The Board must now determine whether Gambino's conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates 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). Gambino's actions in secretly taking photos and videos of the intimate parts of female students on his school-issued iPad clearly

demonstrate conduct that is unacceptable for a role model. Those actions, coupled with his conviction for Invasion of Privacy and the surrender of his Pennsylvania certificate, lead the Board to conclude that the appropriate response to his breach is the revocation of his New Jersey certificates.

Accordingly, on May 17, 2019, the Board voted to revoke Gaspare Gambino's Teacher of Spanish Certificate of Eligibility with Advanced Standing and his Teacher of Spanish, Teacher of Elementary School in Grades K-6 and Teacher of Elementary School with Subject Matter Specialization: Social Studies in Grades 5-8 certificates. On this 28th day of June 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Gambino's certificates are hereby revoked, effective immediately. It is further ORDERED that Gambino return his certificates 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.