

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS
JAMES KUNTZ : ORDER OF REVOCATION
_____ : DOCKET NO: 1819-146

At its meeting of January 24, 2019, the State Board of Examiners (Board) reviewed information received from the Office of Student Protection (OSP) regarding James Kuntz. On February 11, 2009, Kuntz was sentenced to 40 months' imprisonment followed by five years of supervised release after pleading guilty in federal court to possession of child pornography in violation of 18 U.S.C. 2252A(a)(5)(B).

The OSP notified the Board that, as a result of his conviction, Kuntz was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Kuntz currently holds a Principal Certificate.

Kuntz did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of March 8, 2019 to issue Kuntz an Order to Show Cause as to why his certificate(s) should not be revoked.

The Board sent Kuntz the Order to Show Cause by regular and certified mail on March 12, 2019. The Order provided that Kuntz had 30 days to respond. The certified mail receipt was received and the regular mail copy was not returned. Kuntz did not file a response.

Thereafter, on April 24, 2019, the Board sent Kuntz 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 received and the regular mail copy was not returned. Kuntz did not file a response.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 3, 2019, the Board sent Kuntz 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, Kuntz 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 credential. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his offense warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Kuntz was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was received and the regular mail copy was not returned. Once again, Kuntz did not file a response.

The threshold issue before the Board in this matter is whether Kuntz's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. Since Kuntz 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 September 19, 2019, the Board considered only the allegations in the Order to Show Cause and the information received from the OSP. The Board concluded that no material facts related to Kuntz's offense were in dispute since he never denied that he had engaged in the conduct alleged and therefore 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 Kuntz had engaged in unbecoming conduct.

The Board must now determine whether Kuntz's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

In enacting the OSP statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger. Individuals convicted of crimes such as Possession of Child Pornography fall squarely within this category. The strong legislative policy statement is also in accord with the Commissioner's long-standing belief that teachers must serve as role models for their students. "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). In this instance, Kuntz's conviction demonstrates behavior that falls far short of a role model.

The strong policy statement on the part of the Legislature set forth in *N.J.S.A.* 18A:6-7.1(b) also offers guidance to the Board as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service in public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Thus, because the Legislature and the Commissioner consider Kuntz's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of his credential.

Accordingly, on September 19, 2019, the Board voted to revoke James Kuntz's Principal Certificate. On this 1st day of November 2019, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kuntz's certificate(s) be effective immediately. It is further ORDERED that Kuntz return his certificate(s) 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, 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.