

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MARIANN C. BALMANN : ORDER OF REVOCATION
_____ : DOCKET NO: 2021-131

At its meeting of February 26, 2021, the State Board of Examiners (Board) reviewed information received from the Ocean County Prosecutor's Office and the Office of Student Protection (OSP) regarding Mariann C. Balmann. On October 13, 2020, Balmann pled guilty to a charge of Theft by Deception-Third Degree. The OSP notified the Board that, as a result of her conviction, Balmann is disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Balmann currently holds a Teacher of Mathematics certificate.

Balmann did not challenge the accuracy of her criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of April 1, 2021 to issue Balmann an Order to Show Cause as to why her certificate should not be revoked.

After obtaining a corrected address, the Board sent her the Order to Show Cause by regular and certified mail on April 29, 2021. The Order provided that Balmann had 30 days to respond.

On May 3, 2021, Balmann submitted an Answer via electronic mail. In her Answer she indicated that she has dedicated her whole life to teaching inner-city at-risk students. She admitted that in 2012 she bought a home that was supposed to be a shore/vacation home, but then decided to make it a permanent home. She was personally living in the home doing renovations while her family resided in Bridgewater, New Jersey. She was going to transfer her kids to school in the town where the shore home was located, but Hurricane Sandy destroyed the home she had just renovated. The damage was severe, and insurance did not cover the cost to rebuild. She states that her insurance agent told her to apply for the funding because she was living in the home at the time. She says she now lives in the rebuilt home as intended with her family and several years later she received notice that she fraudulently used money from FEMA.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on May 25, 2021, the Board sent Balmann a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in

dispute. Thus, Balmann 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 her certificate. It also explained that, upon review of the charges against her and the legal arguments tendered in her defense, the Board would determine if her offense warranted action against her certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Balmann was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail tracking indicates that the letter was left with an individual at the address and the regular mail copy was not returned. Balmann did not file a response.

The threshold issue before the Board in this matter is whether Balmann's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder or other just cause. At its meeting of July 30, 2021, the Board considered the allegations in the Order to Show Cause. The Board determined that no material facts related to Balmann's offense were in dispute since she was convicted of the conduct and did not deny that she pled guilty to Theft as alleged in the Order to Show Cause. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

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

In enacting the Criminal History Review 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 inappropriate role models for them. Individuals such as Balmann, convicted of a crime involving theft, 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 exemplars 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, Balmann'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 herself out as a teacher. Thus, because the Legislature and the Commissioner consider Balmann's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of her certificate.

Accordingly, on July 30, 2021, the Board voted to revoke Mariann C. Balmann's Teacher of Mathematics certificate. On this 17th day of September 2021, the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Balmann's certificate be effective immediately. It is further ORDERED that Balmann return her 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, Secretary
State Board of Examiners

RS/KAG/cf

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.