

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GINA CINOTTI : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-226

At its meeting of May 24, 2018, the State Board of Examiners (Board) reviewed information it received from the Commissioner of Education and the Netcong School District (Netcong) regarding a tenure matter involving Gina Cinotti. The Netcong Board of Education (Netcong BOE) certified tenure charges against Cinotti for unbecoming conduct after she allegedly created a contentious relationship with the Netcong BOE, improperly used her position to direct the School Business Administrator (SBA) to pay for home instruction services not rendered, made false statements to the public regarding potential special education placement(s), sent out Rice letters under the SBA's signature without authorization, and shared confidential legal information with Board staff and her family. On or about March 6, 2018, Cinotti entered into a settlement with Netcong BOE regarding the tenure charges and thereafter, Cinotti resigned her position. *In the Matter of the Tenure Charges Against Gina Cinotti*. Agency Ref. No. 254-11/17 (Stipulation of Settlement, March 6, 2018).

Specifically, the Netcong BOE alleged that during the 2015-2016 and 2016-2017 school years, Cinotti created an ongoing and contentious relationship with the Netcong BOE, as a whole and with individual members who expressed any disagreement with her; she vocally and openly disagreed with the Netcong BOE members in public meetings; she publicly engaged in outbursts and chastised the Netcong BOE and would not listen to the Netcong BOE's point of view; she developed such a contentious relationship with the Netcong BOE president, David Costanzo, that attorneys needed to become involved in order to develop strategies to better communicate and to

develop a more productive and peaceful working relationship; she hired an independent investigator to conduct an investigation, during school hours and without authorization, into Costanzo's presence at the school after she barred him from the premises, although the Netcong BOE had done its own investigation; and she brought criminal trespassing charges against Costanzo.

The Netcong BOE also alleged that Cinotti used her position as Chief School Administrator (CSA) to direct the SBA, Nicole Sylvester, to pay for home instruction services to a teacher who never actually provided the services to the student in question. And that when Sylvester questioned Cinotti's directive, Cinotti ordered Sylvester to comply, knowing full well that the teacher was not entitled to payment from the district.

The Netcong BOE further alleged that Cinotti made false statements at Netcong BOE meetings whereby she told members of the public that, if the Netcong BOE did not approve the creation of two classrooms, all of the district's classified students would be given out-of-district placements without regard to the content of their Individualized Education Plans (IEPs).

Further, the Netcong BOE alleged that Cinotti directed a secretary in the Business office to send Rice notices, to then Netcong employees that Netcong BOE would be considering personnel action, to several teachers under the SBA's signature even though Cinotti did not consult with the SBA prior to sending out the Rice notices and did not have the authority to send out notices under the SBA's signature.

Lastly, the Netcong BOE alleged that Cinotti shared confidential legal information with a teacher whose contract was not renewed and had started legal action against the Netcong BOE; blind copied her brother on an email to the Netcong BOE even though her brother was not a district employee; failed to inform the Netcong BOE of the district's budgetary needs in the 2015-16 and

2016-17 school years and include the Netcong BOE on budgetary decisions for those years; and, in an attempt to harass the district and the Netcong BOE, filed an OPRA request for investigation materials that had previously been provided to her attorney and, when the request was denied, filed a complaint with the Government Records Council resulting in a claim to the district's insurance carrier.

Cinotti currently holds a Teacher of Mathematics Certificate of Eligibility with Advanced Standing, a standard Teacher of Mathematics certificate, a Student Personnel Services certificate, a Director of Student Personnel Services certificate, a Supervisor certificate, a Principal Certificate of Eligibility, a School Administrator Certificate of Eligibility, a School Business Administrator Certificate of Eligibility, and a standard School Administrator certificate. After reviewing the above information, at its June 29, 2018 meeting, the Board voted to issue an Order to Show Cause (OSC) to Cinotti as to why her certificates should not be revoked.

On July 3, 2018, the Board sent Cinotti the OSC by regular and certified mail. The OSC provided that Cinotti must file an Answer within 30 days pursuant to *N.J.A.C. 6A:9B-4.6(b)*. On July 20, 2018, Cinotti submitted an answer in which she admitted that the tenure charges filed against her had been settled and that she had resigned her position, but denied any wrongdoing and denied she engaged in any unbecoming conduct whatsoever. Moreover, counsel for Cinotti advised that there was pending civil litigation regarding the facts of this matter. Accordingly, the OSC was placed in abeyance pending the outcome of that litigation. Thereafter, counsel for Cinotti provided information regarding a settlement of the civil litigation.

As there were material facts in dispute, on June 8, 2021, the Board transmitted the matter to the Office of Administrative Law (OAL) for a hearing.

The hearing in this matter was held on November 3, 2022; December 21, 2022; March 6, 2023; and July 26, 2023. The record closed on February 26, 2024. On March 15, 2024, Administrative Law Judge (ALJ) Kimberly A. Moss issued an Initial Decision in the case. *In the Matter of the Certificates of Gina Cinotti*, OAL Dkt. No. EDE 05049-21 (Initial Decision, March 15, 2024).

During the hearing, the ALJ heard testimony from eleven witnesses. *Id.* at 2-23. After reviewing the testimony, the ALJ found two of the witnesses, David Costanzo and Bernadette D'Alesandro, to be less credible than the other witnesses because she found their testimony conflicted with that of the other witnesses. *Id.* at 24. Further, she found that many of the witnesses testified that D'Alesandro wanted control and could be a bully. *Ibid.*

As to the facts, the ALJ found that Cinotti and the Netcong BOE did not have a good relationship. *Id.* at 25. There was a disagreement regarding the Annex, which was not a priority for Cinotti, even though the insurance company stated it could not fully insure the Annex without necessary repairs. *Id.* at 26. Cinotti asked Nicole Sylvester to pay a teacher for home instruction for services not provided due to a cancellation by the parents, and Cinotti was upset when Sylvester refused to pay the teacher. *Ibid.* Cinotti sent out Rice notices using Sylvester's signature, without Sylvester's consent to use her signature, which upset Sylvester. *Ibid.*

The ALJ also found that Costanzo requested inappropriate things and yelled and cursed at Cinotti and that Cinotti became fearful of Costanzo. *Id.* at 27. Cinotti had Costanzo banned from the school and called the police due to him standing three feet from her and Elizabeth Julainao in an intimidating manner with his arms across his chest glaring and breathing heavily. *Ibid.* Cinotti filed harassment and trespass charges against Costanzo for entering the school after he was banned from entering. *Ibid.* The Netcong BOE hired a licensed private investigator to look into

allegations that Costanzo was not following the guidelines regarding entering the school and the investigation was inconclusive. *Id.* at 27-28. Cinotti challenged the findings of the report and hired an educator to investigate, without authorization or notice to the Netcong BOE. *Id.* at 28.

The ALJ further found that Cinotti did blind copy her brother on emails to the Board even though her brother was not a member of the Board. *Ibid.* There was no evidence that she shared confidential legal information with a teacher whose contract was not renewed. *Ibid.* Cinotti was not the superintendent when the 2015-2016 budget was prepared or approved by the Netcong BOE. *Ibid.* Cinotti filed an OPRA request regarding the private investigator's investigation, which was denied because the documents were advisory, consultative, deliberate material relating to an investigation. *Ibid.* The Netcong BOE had twenty superintendents in twenty-five years and was extremely difficult to work for and had its own agenda. *Ibid.*

As to the first charge in the Order to Show Cause, the ALJ found that there was no testimony that Cinotti engaged in public outburst or chastised the Netcong BOE; Cinotti filed harassment and criminal charges against Costanzo, which necessitated an attorney becoming involved; and Cinotti hired an educator to investigate Costanzo, but there was no evidence that the Netcong BOE paid for it. *Id.* at 32. The ALJ concluded that these actions do not rise to the level of unbecoming conduct. *Ibid.*

As to the second charge, the ALJ found that Cinotti requesting Slyvester pay a teacher for home instruction after cancellation on short notice was not conduct unbecoming. *Ibid.* As to the third charge, regarding Cinotti stating that if the Board did not approve the creation of two classrooms, then all classified students would be given out of district placements regardless of their IEPs, the ALJ found that Cinotti provided three proposals to address the space issue and that one of the options was that the learning language disabled (LLD) student be placed out of district

because there was no room at the school. *Id.* at 33. The ALJ concluded that such actions were not unbecoming conduct. *Ibid.*

As to the fourth charge, the ALJ found that it was undisputed that Cinotti sent out Rice notices to teachers using Sylvester's signature, without Sylvester's permission, and concluded that Cinotti's actions were unbecoming conduct. *Ibid.* As to the fifth charge, the ALJ found that there was no evidence to verify D'Alesandro's testimony that Cinotti provided Bret Huss with insider information regarding a Donaldson hearing. *Ibid.* However, Cinotti did blind copy her brother, who is not a district employee, on board emails and the ALJ concluded this was unbecoming conduct. *Id.* at 34.

After the hearing in this matter, the ALJ found that the evidence demonstrated that Cinotti committed conduct unbecoming a teacher warranting a reprimand. *Id.* at 33-35. In so doing, she found that Cinotti sent out the Rice notices and that Cinotti used the SBA's signature on the notices without the SBA's consent or permission. *Id.* at 33. Further, she found that Cinotti blind copied her brother, who was not a district employee, on district emails. *Id.* at 34. As to these acts of unbecoming conduct, the ALJ found that a "suspension or revocation of a teaching certificate was not warranted in this case and would be unfairly harsh and not commensurate with the conduct." *Id.* at 35. The ALJ concluded that the appropriate penalty for Cinotti blind copying her brother on emails and signing the SBA's name on the Rice notices without the SBA's approval was a reprimand. *Ibid.*

Cinotti filed Exceptions which agree with the ALJ that "neither suspension of any length nor especially revocation of her certificates is appropriate." *See* Respondent's Exceptions, p. 1. She also agrees that "the ALJ found she was subject to a reprimand for only including her brother on emails and using the B.A.'s electronic signature on a notice to an employee[,]" but claims they

were both “innocuous events.” *Id.* at 2. Cinotti argues that her certificates should not be impacted in any way because the “facts in this case are light years away from the cases relied on by the [Deputy Attorney General representing the Board,]” and that departing from the ALJ’s finding that a reprimand is appropriate is *ultra vires*. *Id.* at 2-3.

Cinotti then argues that the OSC should never have been issued. *Id.* at 3. Specifically, she argues that there is no authority for the Board to issue an OSC in this case “under the regulation which guides the Board of Examiners’ actions in tenure settlements” and cites to *N.J.A.C. 6A:3-5.6*. *Ibid.* Cinotti argues in detail why she believes the subsections of that regulation do not provide the authority for the Board to issue an OSC. *Id.* at 3-5. Lastly, Blaha argues that “certificates of teachers who are found guilty of a sole charge of Disorderly Conduct are not affected.” *Id.* at 6.

The Deputy Attorney General (DAG) representing the Board also filed Exceptions which argue that Cinotti is culpable of conduct unbecoming warranting revocation of her certificates and that the ALJ erroneously issued a penalty of a reprimand. *See* Petitioner’s Exceptions at p. 2. Further, the DAG takes exception with the ALJ dismissing “all of the allegations in the [OSC] other than Cinotti’s use of [the SBA’s] signature on the Rice notices and Cinotti’s blind copying her brother to emails to the Board.” *Id.* at 12. Specifically, the DAG argues that the ALJ found that Cinotti attempted to pay teachers for services not rendered and that such is clearly unbecoming conduct warranting a severe penalty. *Id.* at 14. The DAG also argues that Cinotti committed multiple instances of insubordination requiring action against her certificates. *Id.* at 17.

In support of the allegation of insubordination, the DAG points to the trespass and harassment charges against the district’s board of education president that were investigated by the district board, which found he was not trespassing, and that Cinotti chose to ignore and hire a

separate investigator, which was not authorized by the district board. *Id.* at 17-20. Further, the DAG argues that Cinotti stated that if the district board did not approve her plan, she would send all of the classified students to out-of-district placements. *Id.* at 17.

Lastly, The DAG takes exception to the ALJ's finding that a suspension or revocation would be too harsh and incommensurate with Cinotti's unbecoming conduct. *Id.* at 23. The DAG also argues that the law does not provide for a penalty of a reprimand. *Ibid.* Specifically, *N.J.S.A.* 18A:6-38 states the Board may revoke teaching certificates under the rules and regulations prescribed by the Board. *Ibid.* And that *N.J.A.C.* 6A:9B-3.2(b) states that the Board may suspend or revoke certificates and does not provide authority for any other form of penalty. *Ibid.* The DAG argues that these incidences in this case indisputably establish that Cinotti committed unbecoming conduct warranting the revocation of her certificates. *Id.* at 22-24.

Cinotti filed reply exceptions arguing that the DAG distorted the record and attempts to rely on testimony that the ALJ discredited. *See* Respondent's Reply Exceptions, p. 2. Cinotti also argues that, regarding the use of the electronic signature of the SBA, she could have, as the superior administrator, simply signed the letters herself. *Ibid.* Cinotti further argues that she was never charged with insubordination and is "guilty of no significant misconduct." *Ibid.* Lastly, Cinotti argues that the ALJ's decision is supported by substantial credible evidence in the record, including her successes, and the negative experiences in the district are all distinguishable and irrelevant from the cases the DAG cites. *Id.* at 2-3.

The Board must now determine whether to adopt, modify, or reject the Initial Decision in this matter. At its meeting of May 23, 2024, the Board reviewed the Initial Decision, Exceptions filed by both parties, and the Reply Exceptions filed by Cinotti. After full and fair consideration

of the Initial Decision and submissions, the Board voted to adopt the Initial Decision, with modification as to penalty.

The Board, in reviewing the matter, does not find that the ALJ's factual findings to be arbitrary or not based on sufficient credible evidence. Further, the ALJ's credibility determinations were well supported by the facts in the record and based on her first-hand observations. Accordingly, the Board is constrained by the ALJ's findings of facts and credibility determinations in this matter. The Board does not find a sufficient basis by which it could overturn same. *N.J.A.C.* 1:1-18.6(b).

The Board's long-standing belief is 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. A "violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct" may provide the basis for a finding of unbecoming conduct. *Bound Brook Bd. of Educ. v. Ciripompa*, 228 N.J. 4, 14 (2017) (quoting *Karins v. City of Atlantic City*, 152 N.J. 532, 555 (1998)) (internal quotation marks omitted). The "elastic" concept of "conduct unbecoming" includes "conduct which adversely affects the morale or efficiency" of the public entity or "which has a tendency to destroy public respect for . . . [public] employees and confidence in the operation of [public] services." *In re Emmons*, 63 N.J. Super. 136, 140 (App. Div. 1960) (internal quotations and citations omitted); see also *Bound Brook Bd. of Educ.*, 228 N.J. at 13.

As noted above, after reviewing the record, the ALJ made findings of fact based on her credibility determinations and concluded that Cinotti committed conduct unbecoming an educator

when she sent out Rice notices to teachers, using the SBA's signature without the SBA's permission, and blind copied her brother, who was not a district employee, on emails with the Netcong BOE. The Board agrees with the ALJ that using the SBA's signature without her permission to send out Rice notices is conduct that is not acceptable, as it is essentially forgery. Further, her disclosure of communications with the Netcong BOE by blind copying a family member is equally unacceptable. Such conduct has the tendency to destroy public respect for school administrators and confidence in the operation of public schools.

The ALJ did not find unbecoming conduct relating to Cinotti actions in filing harassment and criminal charges against Costanzo, which necessitated an attorney becoming involved; hiring an educator to investigate; requesting the SBA pay a teacher for home instruction that was not provided due to cancellation; and providing three alternatives regarding the space issue, one of which was that the LLD students be placed out of district. The Board agrees that the filing of harassment and criminal charges against Costanzo when she felt threatened is not unbecoming conduct. As there was no evidence that the Netcong BOE had to pay for the investigation Cinotti started, the Board also agrees this was not unbecoming conduct.

However, the Board disagrees that directing your staff to pay a teacher for home instruction they did not provide is not unbecoming conduct as it destroys confidence in the operation of public schools. Further, the Board disagrees that suggesting an option regarding the space issue where LLD students be placed out of district is not unbecoming conduct because it violates the students IEPs and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq., which require the least restrictive environment. Thus, suggesting an option that the LLD students be placed out of district due to a space issue is unbecoming conduct.

Accordingly, the Board finds Cinotti engaged in unbecoming conduct. As to the appropriate penalty, the Board rejects the ALJ's determination that a reprimand was appropriate for the conduct. The Board finds that neither the applicable statutory authority, nor the Board's regulations, permit the imposition of a reprimand for unbecoming conduct. *See N.J.S.A. 18A:6-38; N.J.A.C. 6A:9B-3.2(a); N.J.A.C. 6A:9B-4-4.* More importantly, Cinotti's conduct here warrants a suspension of her teaching certificates. Copying her brother on emails regarding the district board of education, particularly to the extent she disclosed confidential information, is completely inappropriate. Signing someone else's signature without their permission and directing your staff to pay a teacher for home instruction they did not provide are likewise inappropriate and not conduct we would expect of a CSA. Further, suggesting an option where LLD students are placed out of district thereby violating the students IEPs and the IDEA is completely inappropriate. Cinotti's actions here had the potential to compromise the operation of the public school. Thus, the Board finds that a one-year suspension is warranted in this matter.

Accordingly, on May 23, 2024, the Board voted to adopt the Initial Decision with modification as to penalty and ordered a one-year suspension of Cinotti's certificates from the date of this Decision. On this 27th day of June, 2024, the Board formally adopted its written decision to adopt, with modification as to penalty, the Initial Decision in this matter and it is therefore ORDERED that Gina Cinotti's Teacher of Mathematics Certificate of Eligibility with Advanced Standing, Teacher of Mathematics certificate, Student Personnel Services certificate, Director of Student Personnel Services certificate, Supervisor certificate, Principal Certificate of Eligibility, School Administrator Certificate of Eligibility, School Business Administrator Certificate of Eligibility, and School Administrator certificate are hereby SUSPENDED for a period of one year, effective immediately. It is further ordered that Cinotti return her 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.

A handwritten signature in blue ink, appearing to read "Rani Singh", is positioned above a horizontal line.

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.