

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
JOSEPH OHRT : ORDER OF REVOCATION
_____ : DOCKET NO: 2324-125

At its meeting of March 1, 2024, the State Board of Examiners (Board) reviewed information from the National Association of State Directors of Teacher Education and Certification (NASDTEC) and the Office of Student Protection (OSP) regarding Joseph Ohrt. Ohrt currently holds a standard Teacher of Music certificate.

On or about February 8, 2022, Ohrt was charged in Pennsylvania with Invasion of Privacy, 18 Pa. Code § 7507.1; Tampering With/Fabricating Physical Evidence, 18 Pa. Code § 4910; Intercepting Communications, 18 Pa. Code § 5703; and Possession of Device for Intercepting Communication, 18 Pa. Code § 5705. On or about March 7, 2022, Ohrt was also charged in Pennsylvania with Indecent Assault, 18 Pa. Code § 3126(a)(6); and Corruption of Minors, 18 Pa. Code § 6301(a). It was alleged that Ohrt engaged in sexual contact with two minor male students. Specifically, it was alleged that Ohrt put his hand down two different student's pants and touched their penis and/or intimate areas and filmed a student, without his knowledge, as the student undressed. It was also alleged that Ohrt destroyed, concealed, or removed computers, portable hard drives, hidden cameras, clothing and other items with intent to impair its verity or availability during an investigation.

On July 22, 2022, the Commonwealth of Pennsylvania, Professional Standards and Practices Commission (Pennsylvania) directed the Pennsylvania Department of Education to suspend Ohrt's educator certificates while criminal charges were pending against him.

On October 13, 2022, Ohrt pled no contest to two counts of Corruption of Minors, 18 Pa.

Code § 6301(a); and two counts of Indecent Assault, 18 Pa. Code § 3126(a)(6). On or about June 12, 2023, Ohrt was sentenced to a maximum of five (5) years in prison and 5 years of probation in the Bucks County Court of Common Pleas after pleading no contest. Subsequently, on November 22, 2023, Ohrt surrendered his Pennsylvania educator certificates.

Upon review of the above information, the Board voted, at its meeting of April 11, 2024, to issue Ohrt an Order to Show Cause as to why his certificate should not be revoked. The Board sent Ohrt the Order to Show Cause by regular and certified mail on April 22, 2024. The Order provided that Ohrt had 30 days to respond pursuant to *N.J.A.C. 6A:9B- 4.6(b)*. The certified mail copy was signed and returned and the regular mail was not returned. On June 2, 2024, Alison Paglin, Power of Attorney on behalf of Ohrt, filed a response that stated Ohrt did not contest his New Jersey teaching certificate being revoked.

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(c)*, on July 10, 2024, the Board sent Ohrt a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Ohrt 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 certificate. 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 certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Ohrt was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail was marked “Return to Sender – Refused” and the regular mail copy was marked “Return to Sender – Unclaimed[.]” Ohrt did not file a response, nor did he notify the Board that he wished to appear

for a hearing.

The threshold issue before the Board in this matter is whether Ohrt's actions here constitute conduct unbecoming a certificate holder or other just cause. Because Ohrt's Answer did not contest the allegations in the Order to Show Cause, the allegations are deemed admitted. *N.J.A.C. 6A:9B-4.6(c)*. Consequently, at its meeting of September 19, 2024, the Board considered only the allegations in the Order to Show Cause and the information received from NASDTEC and the OSP. The Board concluded that no material facts related to Ohrt's offense were in dispute because he never denied that he had engaged in the alleged conduct. Thus, since no material facts related to Ohrt's conduct are in dispute, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. The Board finds that Ohrt engaged in conduct unbecoming of an educator. Indecent assault on minors and corruption of minors are abhorrent behaviors and clearly unbecoming conduct and provides the basis for the Board's finding.

The Board must now determine whether Ohrt's conduct, Nolo Contendere pleas, and action on his Pennsylvania certificates, as set forth in the Order to Show Cause, represent just cause to act against his certificate pursuant to *N.J.A.C. 6A:9B-4.4*. 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)). 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); accord *Bound Brook Bd. of Educ.*, 228 N.J. at 13. 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).

Under Pennsylvania law, “[w]hile a nolo [contendere] plea is indisputably tantamount to a conviction, it is not necessarily tantamount to an admission of factual guilt. *United States v. Poellnitz*, 372 F.3d 562, 566 (3rd Cir., 2004), citing *United States v. Adedoyin*, 369 F.3d 337 (3rd Cir. 2004). 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 a danger. A conviction for Corruption of Minors, 18 Pa. Code § 6301(a); and Indecent Assault, 18 Pa. Code § 3126(a)(6), is clearly a crimes from which the Legislature sought to protect public school pupils.

In this instance, the Board finds that Ohrt’s conduct in indecently assaulting two minors and filming another as he undressed provides just cause to take action against his certificate. The record established that, as a result of his nolo contendere plea, Ohrt was sentenced to incarceration for a maximum of five (5) years as well as a maximum of five (5) years of probation thereafter. Ohrt’s conduct here is abhorrent behavior and not that of a role model. Further, Pennsylvania took action to immediately suspend his certificates pending the criminal charges and Ohrt subsequently surrendered his Pennsylvania certificates.

As to the appropriate penalty to be applied, 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. In this instance, Ohrt has

stated that he does not contest the revocation of his certificate. The Board concludes that the appropriate response to Ohrt's breach in conduct of an educator is revocation of his certificate.

Accordingly, on September 19, 2024, the Board voted to revoke Joseph Ohrt's standard Teacher of Music certificate. On this 1st day of November 2024, the Board voted to adopt its formal written decision, and it is therefore ORDERED that Ohrt's certificate be REVOKED, effective immediately. It is further ORDERED that Ohrt return his 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

Date of Mailing:
By 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.