

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
MARK KISSELBACH : ORDER OF REVOCATION
_____ : DOCKET NO: 1112-101

At its meeting of September 15, 2011, the State Board of Examiners (Board) reviewed information it had received from the Warren County Prosecutor's Office (WCPO) regarding Mark Kisselbach. The WCPO informed the Board that on October 24, 2002, Kisselbach pled guilty to Endangering the Welfare of a Child (Possession of Child Pornography). On January 31, 2003, Kisselbach was sentenced to three years' probation and fined. Kisselbach currently holds a Teacher of English certificate, issued in July 1992. Upon review of the above information, at its November 1, 2011 meeting, the Board voted to issue Kisselbach an Order to Show Cause.

The Board sent Kisselbach the Order to Show Cause by regular and certified mail on April 17, 2012. The certified mail receipt was signed and returned. The regular mail copy was not returned. The Order provided that Kisselbach must file an Answer within 30 days. Kisselbach did not file an Answer. Thereafter, on May 23, 2012, the Board sent Kisselbach another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. Kisselbach filed an Answer on May 30, 2012.

In that Answer, Kisselbach assured the Board that he would not use his certificate to teach as that was in his past. (Answer, p. 1). He noted that he had served his probation and did everything that he was ordered to do. (Answer, p. 1). Kisselbach also admitted all of the allegations in the Order to Show Cause and stated that he would not hinder the Board in revoking his certificate. (Answer, ¶¶ 1-6). He added that he had not taught since 2002 and did not expect to teach in the future. (Answer, p. 1). He added that he had been a model citizen since his conviction and did not consider himself a threat to anyone. (Answer, p. 1). Kisselbach stated that he had made a mistake and regretted it and he just wanted to live his life and put this behind him. (Answer, p. 1).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on June 14, 2012, the Board sent Kisselbach a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts

were in dispute. Thus, Kisselbach 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 determined 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 Kisselbach's conduct warranted action against his certificate. Thereupon, the Board would also determine the appropriate sanction, if any. Kisselbach 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. Kisselbach did not file a response.

The threshold issue before the Board in this matter, therefore, is whether Kisselbach's conviction constitutes conduct unbecoming a certificate holder. At its meeting of September 21, 2012, the Board considered the allegations in the Order to Show Cause as well as Kisselbach's Answer. The Board determined that no material facts related to Kisselbach's offense were in dispute since he admitted that he had been convicted of the offense charged and had been sentenced accordingly. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Kisselbach's conviction, as set forth in the Order to Show Cause, provides just cause to act against his New Jersey certificate pursuant to *N.J.A.C. 6A:9-17.5*. 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:9-17.5*. "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. Kisselbach's act of Endangering the Welfare of a Child (Possession of Child Pornography) is inexcusable for any individual, teacher or not.

The Commissioner has long held that teachers serve as role models for their students. Clearly, a teacher convicted of Endangering the Welfare of a Child (Possession of Child Pornography) cannot claim status as a role model to anyone. Kisselbach's conviction therefore warrants revocation. *In the Matter of the Certificates of Kevin Jordan*, Dkt. No. A-0155-08T3 (App. Div. October 5, 2009) (Unpublished Opinion).

Accordingly, on September 21, 2012, the Board voted to revoke Mark Kisselbach's Teacher of English certificate. On this 30th day of November 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Kisselbach's certificate be effective immediately. It is further ORDERED that Kisselbach return his certificate to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.