

139-23

Agency Dkt. No. 45-2/23

## New Jersey Commissioner of Education

### Final Decision

In the Matter of the Tenure Hearing of  
Anselmo Girimonte, School District of the  
Town of Kearny, Hudson County.

For the Petitioner, Kenneth J. Lindenfelser, Esq.

No appearance by or on behalf of Respondent, Anselmo Girimonte

This matter was opened before the Commissioner of Education on February 23, 2023, through tenure charges of unbecoming conduct certified by Flora Encarnacao, Superintendent and Chief Administrator of the Kearny School District (“District”), together with supporting evidence against respondent, Anselmo Girimonte, a tenured teaching staff member in the District’s employ. On February 23, 2023, the District provided respondent with the Sworn Tenure Charges and the Sworn Statement of Evidence with exhibits through a mailing to the respondent’s current address, via certified mail and Federal Express overnight delivery.

This communication clearly provided notice to respondent that, pursuant to N.J.A.C. 6A:3-5.3 and 6A:3-5.4, an individual against whom tenure charges are certified “*shall have 15 days from the day such charges are filed with the Commissioner to file a written response to the charges with the Commissioner,*” and that failure to answer within the prescribed period would – absent granting of an extension for good cause shown – result in the charges being deemed admitted. No reply to the tenure charges was received from or on behalf of the respondent.

The certified tenure charges and statement of supporting evidence filed by the District in this matter indicate that the respondent was employed by the District as a tenured teacher. The Certified Tenure Charges outline various violations of board policy by the respondent, including respondent's failure to report his March 4, 2022, arrest for the distribution of child pornography to the District. A federal grand jury indicted respondent on January 13, 2023, for two counts relating to the possession and distribution of child pornography.

Deeming the allegations to be admitted and noting that the respondent has failed to respond to the charges certified against him at the District level, the Commissioner finds that the District's charge of unbecoming conduct has been proven and overwhelmingly warrants the respondent's dismissal. Accordingly, summary decision is hereby granted to the District, and the respondent is dismissed from his tenured position with the Kearny School District. This matter will be transmitted to the State Board of Examiners for action against respondent's certificate(s) as that body deems appropriate.

IT IS SO ORDERED.<sup>1</sup>

  
ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 9, 2023  
Date of Mailing: May 10, 2023

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<sup>1</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.