

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION  
THE CREDENTIAL OF : STATE BOARD OF EXAMINERS  
MARTIN GENDEL : ORDER OF REVOCATION  
\_\_\_\_\_ : DOCKET NO: 1011-194

At its meeting of June 16, 2011, the State Board of Examiners (Board) reviewed information received from the Office of Criminal History Review (OCHR) regarding Martin Gendel. The OCHR notified the Board that Gendel was convicted of 2<sup>nd</sup> degree Theft By Deception in November 2010. As a result of the conviction, Gendel was disqualified from public school employment pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Gendel currently holds a Substitute Credential, which expires in January 2015.

Gendel did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the Board voted at its meeting of July 28, 2011 to issue Gendel an Order to Show Cause why his credential should not be revoked.

The Board sent Gendel the Order to Show Cause by regular and certified mail on August 11, 2011. The Order provided that Gendel must file an Answer within 30 days. The certified mail receipt was signed and returned. The regular mail copy was not returned. Gendel did not file a response. Thereafter, on October 7, 2011, the Board sent Gendel another notice by certified and regular mail providing him an additional 15 days to respond to the Order to Show Cause. The certified mail receipt was signed and returned and the regular mail copy was not returned. Gendel did not respond to the second notice.

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on November 4, 2011, the Board sent Gendel a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Gendel 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 credential. 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 disqualifying offense

warranted action against his credential. Thereupon, the Board would also determine the appropriate sanction, if any. Gendel 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. Once again, Gendel did not respond.

The threshold issue before the Board in this matter is whether Gendel's conviction and subsequent disqualification constitute conduct unbecoming a certificate holder. Since Gendel failed to respond to the Order to Show Cause or the hearing notice, at its meeting of January 19, 2012, the Board considered only the allegations in the Order to Show Cause. The Board determined that no material facts related to Gendel's offense were in dispute since he never denied that he had been convicted of the offense charged. 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 Gendel's conviction and resulting disqualification, as set forth in the Order to Show Cause, represent just cause to act against his credential pursuant to *N.J.A.C. 6A:9-17.5*. 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 a danger. Individuals convicted of a crime such as Theft By Deception fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-standing belief 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. Clearly, Gendel's actions here are not those 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 himself out as a teacher. Thus, because the Legislature considers Gendel's offense so significant, the Board believes that the only appropriate sanction in this case is the revocation of Gendel's credential.

Accordingly, on January 19, 2012, the Board voted to revoke Martin Gendel's Substitute Credential. On this 1st day of March 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Martin Gendel's credential be effective immediately. It is further ORDERED that Gendel return his credential 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.

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Robert R. Higgins, Secretary  
State Board of Examiners

Date of Mailing:

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