

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
PETER C. IAPPELLI : ORDER OF SUSPENSION
_____ : DOCKET NO: 1718-250

At its meeting of June 29, 2018, the State Board of Examiners (Board) reviewed information the Division of Criminal Justice and the Criminal History Review Unit (CHRU) had forwarded regarding Peter C. Iappelli. On September 30, 2017, Iappelli was charged with Simple Assault and Disorderly Conduct after he allegedly cursed and grabbed a minor-age flag football coach in a choke hold during a game when Iappelli became upset about coaching decisions. The participants on the flag football team were between 6 and 8 years old and the minor coach was 16 years old. Iappelli's charges were downgraded and remanded to Municipal Court, where he received a conditional discharge of the Disorderly Conduct charge. The Simple Assault charge was dismissed.

Iappelli currently holds a School Business Administrator Certificate of Eligibility, a Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and School Business Administrator and Teacher of Elementary School in Grades K-8 certificates. Upon review of the above information, at its September 21, 2018 meeting, the Board voted to issue Iappelli an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Iappelli the Order to Show Cause by regular and certified mail on September 28, 2018. The Order provided that Iappelli had 30 days to respond. Iappelli filed an Answer on October 26, 2018.

In that Answer, Iappelli admitted that the charges against him were "that he allegedly cursed and allegedly grabbed a minor at a flag football game. The simple assault charge relating to allegedly grabbing a minor was dismissed." (Answer, ¶ 3). Iappelli also admitted that he pled guilty to a petty disorderly persons charge for cursing on a field, for which he received a conditional dismissal. (Answer, ¶ 4). He added that if he did not violate the program during the pendency period, the charges would be dismissed on or about January 25, 2019. (Answer, ¶ 4). He also noted that the charge to which he pled guilty "neither

subjects Respondent to forfeiture of his certificates nor touches his employment, as required by N.J.S.A. 2C:51-2 for revocation of his certificates.” (Answer, ¶ 4). Iappelli denied that there was just cause for consideration of the revocation of his certificates. (Answer, ¶ 4). In Separate Affirmative Defenses, Iappelli claimed that the charges were arbitrary and capricious and not supported by the actual facts in this matter. (Affirmative Defenses, ¶ 2).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on January 7, 2019, the Board sent Iappelli a hearing notice by regular and certified mail. The notice explained that there appeared to be no material facts in dispute. Thus, Iappelli was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause provided just cause to take action against his certificates as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Iappelli’s offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Iappelli was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Iappelli filed a written response on February 6, 2019.

In that response, Iappelli reiterated that he pled guilty to a petty disorderly persons charge of Disorderly Conduct and that the Simple Assault charge was dismissed. (Hearing Response, p. 1). He added that, pursuant to the conditional dismissal program, his remaining charge was dismissed on or about January 25, 2019 and he was now eligible “to have [my] arrest file and all records of the cursing charge fully expunged.” (Hearing Response, p. 1). Iappelli added that, on the day in question, he was asked to help coach his son’s flag football team and aided the assistant coach who filled in for the Head Coach, who was absent. (Hearing Response, p. 2). Iappelli stated he made a comment to the assistant coach about his coaching style on offense in response to a “rude and dismissive hand gesture” that the assistant coach made to him. (Hearing Response, p. 2). He stated that the assistant coach later complained about Iappelli using profanity and Iappelli was charged. (Hearing Response, p. 2). Iappelli also noted that he had been the School Business Administrator in Closter since 2007 and received no discipline in the 11 years that he was

employed there. (Hearing Response, p. 2). He emphasized that the conduct in which he engaged did not rise to the level warranting any adverse action against his certificates and that both of the charges were dismissed, one immediately and the other through a Conditional Dismissal. (Hearing Response, p. 3). Finally, Iappelli argued that his “long record with the Closter school district, the de minimus nature of the incident on the field, and the fact that the charges against [me] were dismissed, one immediately and the other through a Conditional Dismissal,” supported his position that no action should be taken against his certificates. (Hearing Response, p. 3). Iappelli requested to appear before the Board. (Hearing Response, p. 3).

The hearing was scheduled for the Board’s June 28, 2019 meeting. Prior to that meeting, by letter dated June 24, 2019, Mr. Iappelli notified the Board that he no longer wished to appear and that the matter could be decided upon the papers submitted.

The threshold issue before the Board in this matter is whether Iappelli’s conduct constitutes conduct unbecoming a certificate holder or other just cause. At its meeting of August 1, 2019, the Board considered the allegations in the Order to Show Cause as well as Iappelli’s Answer, Hearing Response and testimony. The Board determined that no material facts related to Iappelli’s offense were in dispute since he admitted that he had engaged in the alleged conduct. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*. After reviewing the allegations, the Board found that Iappelli had engaged in unbecoming conduct.

The Board must now determine whether Iappelli’s conduct, as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. 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: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. 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). Iappelli's conduct in using profanity in front of minors as young as six years old and being charged accordingly, clearly indicates a serious lapse in judgment. However, given his otherwise long unblemished record and his fulfillment of the sanctions imposed on him under the Conditional Dismissal program, the Board therefore concludes that the appropriate response to his breach is a three year suspension of his certificates.

Accordingly, on June 28, 2019, the Board voted to suspend Peter C. Iappelli's School Business Administrator Certificate of Eligibility, Teacher of Elementary School in Grades K-8 Certificate of Eligibility with Advanced Standing and his School Business Administrator and Teacher of Elementary School in Grades K-8 certificates for a period of three years. On this 1st day of August, 2019 the Board voted to adopt its formal written decision and it is therefore ORDERED that Iappelli's certificates are hereby suspended for a period of three years, effective immediately. It is further ORDERED that Iappelli return his 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.

Rani Singh, Acting 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.