

PATRICK CULLEN :
v. : BEFORE THE SCHOOL
ETHICS COMMISSION
OF NEW JERSEY
STEVEN RODAS, : SCHOOL ETHICS ACT
ADAM PARKINSON, AND
ALLAN ROTH : COMPLAINT FORM

I, Patrick Cullen, residing at 72 67TH ST, West New York, NJ 07093, phone (201) 759-1559 request the School Ethics Commission to consider a complaint against the above-named Respondents, Steven Rodas whose home address is 515 67th Street, West New York, NJ 07093, Adam Parkinson whose home address is 438 54th Street, West New York, NJ 07093 and Allan Roth, whose work address is 6028 Broadway, West New York, NJ 07093, in accordance with the authority of the School Ethics Commission to entertain such complaints under N.J.S.A. 18A:12-21 et seq.

Steven Rodas and Adam Parkinson are West New York Board of Education Trustees.
Allan Roth is a West New York Board of Education School Official.

The facts upon which this complaint is based are as follows:

1. Statement of facts:

Starting on or approximately September 6, 2014, political flyers and a mailing (thereafter, Complainant will refer to these as “political paraphernalia”) were sent and/or distributed on behalf on West New York Board of Education incumbent Trustee/Candidates Steven Rodas and Adam Parkinson. Upon information and belief, Mr Rodas and Mr Parkinson personally distributed these political paraphernalia. These political paraphernalia identify Steven Rodas and Adam Parkinson as West New York Board of Education Trustees and part of the “Democratic Team” with Cory Booker for U.S. Senator, Albio Sires for U.S. Congress and Caridad Rodriguez for (Hudson County) Freeholder. (See Exhibit A)

By explicitly identifying themselves as West New York Board of Education Trustees and part of the “Democratic Team”, Mr Rodas and Mr Parkinson are de facto endorsing Democratic Senator Booker, Democratic Congressman Sires and Democratic Freeholder candidate Rodriguez. The endorsement of Mr Booker, Mr Sires and Mrs Rodriguez could lead members of the public to believe that the endorsement was made by Mr Rodas and Mr Parkinson in their official capacity of West New York Board of Education Trustees.

Date of occurrence: September 6, 2014 - ongoing.

I assert this to be a violation of: N.J.S.A. 18A:12-24(b), N.J.S.A. 18A:12-24.1(e),
N.J.S.A. 18A:12-24.1(f)

2. Statement of facts:

Complainant repeats and reiterates the facts contained in Count #1.

These political paraphernalia identify “WNYDC” or West New York Democratic Committee “Together We Can” as the payor. Also noteworthy is that some of Respondent's political paraphernalia simply omit payor information. The West New York Democratic Committee's Chairperson is West New York Mayor Felix Roque. (See Exhibit B) As of September 28, 2014, there are no reports of contributions and expenditures for WNYDC filed with ELEC. Neither Mr Rodas nor Mr Parkinson have formed or filed a Candidate or Committee report. (See Exhibit C).

Upon information and belief, Mayor Roque and Freeholder candidate Rodriguez are using their campaign funds for Mr Rodas and Mr Parkinson's political paraphernalia.

On June 11, 2014, Mr Parkinson voted in favor of a resolution regarding Brown & Brown Metro for the Insurance Broker Service. (See Exhibit D). Mr Rodas departed the meeting prior to Executive Session and did not see the presentations by Brown & Brown Metro, Alamo Insurance and Acrisure. Mr Rodas did not vote on this resolution.

On June 25, 2014, a member of the public, Frank Ferreiro, spoke in the first public comment period of the West New York Board of Education meeting and urged the board to appoint the “home grown” company for the Insurance Broker Service. Another member of the public, Carlos Betancourt, spoke immediately after and stated the Pablo Fonseca, the West New York Town Spokesperson, had close ties to Alamo Insurance, and urged the Board to reject this request. Subsequently, Mr Rodas, Mr Parkinson and other Board Members appointed by Mayor Roque echoed Mr Ferreiro's sentiment and voted to rescind the above June 11, 2014 resolution. Mr Rodas and Mr Parkinson then voted against soliciting an RFQ for Insurance Brokerage Services again to see these presentations. Mr Rodas and Mr Parkinson then voted in favor of Alamo Insurance for Insurance Broker Service. (See Exhibit E)

Upon information and belief, Mr Fonseca, Mr Alamo, Mayor Roque, Mr Ferreiro or an agent or agents acting on their behalf contacted Mr Rodas and Mr Parkinson to orchestrate events on June 25, 2014 culminating in the vote for Alamo Insurance. In particular, Mr Parkinson did not give a reason for changing his vote from Brown and Brown Metro to Alamo Insurance.

Sometime prior to July 1, 2014, Luis Alamo, principal of Alamo Insurance, made a \$2000 contribution to Caridad Rodriguez for Freeholder. (See Exhibit F) This donation was not disclosed in Alamo Insurance's RFQ. (See Exhibit G)

A year earlier, Brown and Brown Metro wrote a letter to Superintendent John Fauta and Board Secretary Kevin Franchetta accusing Luis Alamo and his business partner of having inappropriate conversations that tainted the open and fair process put forth by the board. (See Exhibit H)

Mr Rodas and Mr Parkinson never asked how much Alamo Insurance's service would cost the district. Complainant believes that given the above facts, Mr Rodas and Mr Parkinson appointed Alamo Insurance based on politics rather than the interests of the district.

Date of occurrence: June 25, 2014.

I assert this to be a violation of: N.J.S.A. 18A:12-24(e) and N.J.S.A. 18A:12-24.1(f).

3. Statement of facts:

Complainant repeat and reiterate the facts contained in Counts #1 and 2.

Bruno Associates Inc. donated \$625 on May 6, 2014 and \$1000 on May 12, 2014 to Roque for Mayor 2015. Spire Group PC donated \$1000 on May 6, 2014 to Roque for Mayor 2015. Maser Consulting PA donated \$1200 on May 28, 2014 to Roque for Mayor 2014. (See Exhibit I)

On June 11, 2014, Mr Parkinson voted for the professional services contracts of Spire Group PC. On June 25, 2014, Mr Rodas and Mr Parkinson voted for the RFQ for Construction Engineering Services for Maser Consulting PA. On June 25, 2014, Mr Rodas and Mr Parkinson voted for the RFQ for Grant Writer Services for Bruno Associates Inc. (See Exhibit J)

Complainant believes that given the above facts, Mr Rodas and Mr Parkinson appointed Bruno Associates, Inc, Sire Group PC and Maser Consulting PA based on politics rather than the interests of the district.

Date of occurrence: June 11, 2014 and June 25, 2014.

I assert this to be a violation of: N.J.S.A. 18A:12-24(e) and N.J.S.A. 18A:12-24.1(f).

4. Statement of facts:

Complainant repeats and reiterates the facts contained in Counts #1, 2 and 3.

On September 10, 2014, West New York Superintendent John Fauta announced that the New Jersey Office of Fiscal Accountability and Compliance was investigating the School Board in the way the insurance firm was hired by the board earlier this summer.

West New York Trustee Matthew Cheng made a motion to terminate Alamo Insurance's services. Trustee Cheng slammed the Board for "making a mockery of the RFQ process" and for repeatedly picking "politically connected companies" instead of looking out for the best interests of the school children. (See Exhibit K)

Mr Rodas voted no to this motion. Once again, Mr Rodas never asked how much Alamo Insurance's service would cost the district.

Complainant believes that given the above facts, Mr Rodas voted no to terminate Alamo Insurance based on politics rather than the interests of the district.

Date of occurrence: September 10, 2014.

I assert this to be a violation of: N.J.S.A. 18A:12-24(e) and N.J.S.A. 18A:12-24.1(f).

5. Statement of facts:

Upon information and belief, on the June 3, 2014 Primary, Mr Rodas worked as a “challenger” at polling locations on behalf of Freeholder candidate Caridad Rodriguez. He was paid \$100 from Roque for Mayor 2015. (See Exhibit H). Many of the polling locations in West New York reside within West New York public schools.

Complainant believes that Mr Rodas being a School Official and serving as a “challenger” for a political candidate in a West New York schools is in substantial conflict with his official duties and that he surrendered his independent judgment to a political group.

Date of occurrence: June 3, 2014.

I assert this to be a violation of: N.J.S.A. 18A:12-24(d) and N.J.S.A. 18A:12-24.1(f).

6. Statement of facts:

Complainant repeats and reiterates the facts contained in Counts #1, 2, 3 and 4.

Allan Roth is a School Official at the West New York Board of Education. His title is Administrative Assistant to Special Services. His “special” role in the district and relationship with Mayor Roque is well documented in OFAC #INV-068-12. (See Exhibit L)

On March 12, 2014, Mr Roth stated at the Board of Education Meeting that the district did not receive notice from the Town with regards to the moving of the School Board Election from April to November (as required by statute). The Board then passed a motion to authorize the Law Firm of Florio, Perrucci, Steinhardt & Fader to file a motion to intervene in the Superior Court in the matter of the Order to Show Cause captioned Francisco Ferreiro vs. The Town of West New York for the issue that the Board of Education did not receive proper notification of the intention to move the school board election from the third Tues in April to the first Tuesday in November. (See Exhibit M)

At the Ferreiro vs Town of West New York trial, the lawyer representing the West New York Board of Education insinuated to Judge Bariso that the West New York Board of Education did in fact receive notice. (See Exhibit N)

On April 25, 2014, Matthew Cheng filed an OPRA request with the Town of West New York and the West New York Board of Education requesting emails between Allan Roth and the West New York Governing Body. The West New York Board of Education responded that there were no responsive documents. On May 16, 2014, Town Clerk Carmela Riccie responded that there was an email but it was attorney work product. (See Exhibit O)

Mr Roth cannot represent both the West New York Board of Education and the Town of West New York in a matter of litigation between the two. Complainant believes that Mr Roth acquired information regarding above not generally available to members of the public for the benefit of Mayor Roque.

Date of occurrence: Unknown. Note: The date and contents of the email are unknown since Cheng vs. Town of West New York is still in litigation. May 16, 2014 is the date of the response from the Town Clerk.

I assert this to be a violation of: N.J.S.A.18A:12-24(d), N.J.S.A.18A:12-24(f) and N.J.S.A.18A:12-24(g).

• 7. Statement of facts:

Complainant repeats and reiterates the facts contained in Counts #1,2, 3, 4, and 6.

On May 8, 2014, Allan Roth wrote a "Rice Notice" to Superintendent Fauta. There are no communications between then President Vilma Reyes and Allan Roth regarding this matter. Mr Roth named this file "Fauta.Rice Notice.non.renewal 050814.doc". The Superintendent's contract expires in June 2015. (See Exhibit P)

According to the May 12, 2014 Minutes of the West New York Board of Eduaction Meeting, Trustee Joan Palermo stated that she was told that Mr Roth gave the order for the Rice Notice and he has no authority to do so. (See Exhibit Q)

The public can reasonably perceive that given OFAC #INV-068-12 and the facts contained in Count #6, Mr Roth acts in advance of the Mayor's interest and policies rather than in the interest of the district.

Date of occurrence: May 8, 2014.

I assert this to be a violation of: N.J.S.A. 18A:12-24(d).

•

WHEREFORE, I, as Complainants, request that the School Ethics Commission find and determine that the above-named Respondent(s) has violated the School Ethics Act and that he or she be subject to such penalty as provided by the Act.

Date 9/29/14

Patrick R. Cullen
Signature of Complainant
or his or her Attorney

CERTIFICATION UNDER OATH

Patrick Cullen of full age, being duly sworn upon his or her oath according to law deposes and says:

1. I am the complainant in this matter.
2. I have read the complaint and aver that the facts contained therein are true to the best of my knowledge and belief and I am aware that the statute that created the School Ethics Commission authorizes the School Ethics Commission to impose penalties for filing a frivolous complaint. N.J.S.A. 18A:12-29(e). I am aware that if the respondent alleges that the complaint is frivolous, I shall have 20 days from receipt of the answer to respond to the allegation.
3. The subject matter of this complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.

Patrick R. Cullen
Signature of Complainant

Date: 9/29/14

Sworn and subscribed to before me this 29th day of Sep, 2014.

Notice: All final decisions issued in connection with complaints that come before the School Ethics Commission for review and determination are public records uniformly posted on the Department of Education's website at <http://www.nj.gov/education/legal/>. As a general rule, selective requests to remove a particular decision for reasons of personal preference are not entertained.



SECRET

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EXHIBIT A

Paid for by WNYDC, "Together We Can"

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NEWARK, NJ 07101

1*2 *****SCH 5-DIGIT 0702*



WEST NEW YORK NJ 07093-1513

Elige el Equipo Niños Primero

West New York Board of Education - Junta de Educación de West New York
VOTE - Tuesday, November 4 - VOTA - Martes 4 de Noviembre

On Tuesday, November 4, 2014 - VOTE DEMOCRAT
VOTE LINE B - VOTA LINEA B
El Martes 4 de Noviembre, 2014 -VOTA DEMOCRATA

Waiting Page 2



Cory Booker
Para el Senado
For Senate



Albio Sires
Para el Congreso
For Congress



Caridad Rodriguez
Para Freeholder
For Freeholder

West New York Board of Education - Junta de Educación de West New York

Elect Children First Team



STEVEN RODAS

2-H



DENNISE E MEJIA

6-H



DAMARYS GONZALEZ

10-H



ADAM PARKINSON

14-H

Elect Children First Team



Steven Rodas

2-H

- BA in Business Administration from Pace University
- CEO & Founder of United Wealth Advisors
- West New York Board of Education Trustee
- Volunteer for Educademy and its Student Internship & Mentorship Program
- Two-time President of Tau Kappa Epsilon



Dennise E. Mejia

6-H

- BA in Criminal Justice from Saint Peter's University
- Currently pursuing a law degree at Seton Hall University School of Law
- President & Trustee to Criminal Justice Students Association
- Volunteer for New City Kids and for the Puerto Rican Family Institute
- Volunteer for AIDS Walk, Boys and Girls Club, March of Dimes, Revlon & Breast Cancer Walk



Damarys Gonzalez

10-H

- Assistant to the Commissioner of Revenue & Finance and Cultural Affairs
- Alternate Chairperson for the Public Entities JIF for the State of New Jersey & Safety Delegate for the Town of West New York
- Lifelong resident of West New York & a product of West New York Public Schools: School No. 6 and Memorial High School
- Director of Business Development for Amerigroup, Inc. and Kessler Rehabilitation Institute of New Jersey
- Graduated from FIT, New York



Adam Parkinson

14-H

- Currently pursuing a BA in Elementary Education from Saint Peter's University
- West New York Board of Education Trustee
- Member of The National Society of Leadership and Success
- Memorial High School's Class of 2013 Valedictorian
- Lifetime resident of West New York

Elige el Equipo Niños Primera



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2-H

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- Miembro de la Junta de Educación de West New York
- Voluntario y mentor del Programa de Estudiante Educademy
- Dos veces Presidente de la Fraternidad Tau Kappa Epsilon



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6-H

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- Voluntaria en las Caminatas de AIDS, Boys and Girls Club, March of Dimes, Revlon & Cancer del Seno



Damarys Gonzalez

10-H

- Asistente de la Comisionada de Ingreso & Finanzas y Actividades Culturales
- Presidenta Alterna de la Entidad Pública JIF del estado de New Jersey & Delegada de Seguridad de la Ciudad de West New York
- Residente de por vida de West New York & producto de las Escuelas Públicas de West New York: Escuela No. 6 y Memorial.
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- Residente de por vida de West New York

habiendo mirado

El martes 4 de Noviembre 2014 elige el **Equipo Demócrata**



Cory Booker
Para el Senado

Caridad Rodriguez
Para Freeholder

Albio Sires
Para el Congreso

Para la Junta de Educación



Damarys Gonzalez

Adam Parkinson



Dennise E. Mejia

Steven Rodas

Paid for by WNYDC "Together We Can"

Fliger Page 1

Sorry we missed you!

Sorry we missed you!

*On Tuesday, November 2014 elect
Democratic Team*



*Cory Booker
For Senate*



*Caridad Rodriguez
For Freeholder*



*Albio Sires
For Congress*

For the Board of Education



Damarys Gonzalez



Adam Parkinson



Dennise E. Mejia



Steven Rodas

Fig 1 Page 2



Hudson County TV

On Tuesday, November 4, 2014 - VOTE DEMOCRAT
VOTE LINE B - VOTA LINEA B
El Martes 4 de Noviembre, 2014 - VOTA DEMOCRATA



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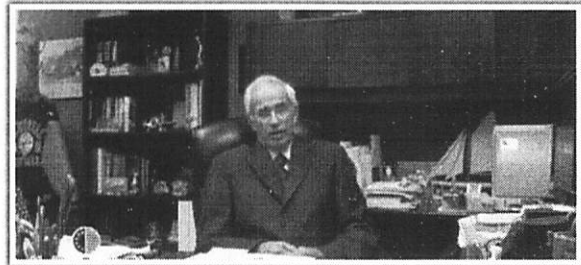
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WEB ADVERTISEMENTS

Elect Children First Team



Steven Rodas 2-H

- BA in Business Administration from Pace University
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- Residente de por vida de West New York

EXHIBIT B



COMMITTEE - SWORN STATEMENT

To be used only by a continuing political committee, political party committee, or a legislative leadership committee
NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
P O Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
www elec state nj us

FORM A-3
FOR STATE USE ONLY

ELEC RECEIVED
JUL 30 2014

PLEASE TYPE OR PRINT

Committee Type (CHECK ONE) [] Continuing Political [X] Political Party [] Legislative Leadership

Committee Name
WEST NEW YORK DEMOCRATIC COMMITTEE "TOGETHER WE CAN"

Address (Number and Street) [] Check if different than previously reported
5301 PALISADE AVE

Calendar Year Period
Jan 1st to Dec 31st, 2014

City, State, Zip Code
WNY NJ 07093

ELEC Identification Number.
H09180311Q2014

Amendment?
[] Yes [X] No

Committee Chairperson and Treasurer Certification

I, the undersigned, do hereby certify as follows: The total amount to be expended by this committee shall be zero, or shall not, in the aggregate, exceed \$5,500 during the calendar year period indicated above. I have read the additional filing information on this form. I certify that my statements on this document are true. I am aware that if any of the statements are willfully false, I may be subject to punishment.

DATE
7-22-14

*DAY TELEPHONE

*EVENING TELEPHONE

DATE
7-22-14

201-906-6009

*DAY TELEPHONE

*EVENING TELEPHONE

COMMITTEE CHAIRPERSON SIGNATURE

FELIX E ROQUE

PRINT COMMITTEE CHAIRPERSON'S NAME

211 60TH STREET

ADDRESS

WNY NJ 07093

CITY STATE ZIP

COMMITTEE TREASURER SIGNATURE

OSVALDO GARCIA

PRINT COMMITTEE TREASURER'S NAME

5701 BLVD EAST APT13H

ADDRESS

WNY NJ 07093

CITY STATE ZIP

Additional Filing Information

In the event the total expended by this committee, in the aggregate, exceeds \$5,500 at any point in the calendar year, this committee is required to file a "Receipts and Expenditures Quarterly Report," Form R-3, on each subsequent quarterly filing date. The first of such reports shall include all activity dating back to January 1st of the current calendar year. The filing dates are April 15, July 15, October 15, and January 15.

If contributions from any one source during the calendar year aggregate more than \$300, or the committee receives currency (cash) contributions in any amount, the committee is required to report the contributions to the Commission on "Supplemental Contributor Information," Form C-3, on the next quarterly reporting date. Note that currency (cash) contributions cannot be accepted in excess of \$200.

If the committee receives a contribution in excess of \$1,400 in the aggregate from any one source during the period between the closing date of the last quarterly report through the date of an election in which the committee is contributing or otherwise participating, the committee is required to notify the Commission in writing within 48 hours of the receipt of the contribution. It is permissible for a committee to file a cumulative report on the 11th day prior to an election of contributions in excess of \$1,400 received up to the 13th day before an election. Thereafter, each contribution in excess of \$1,400 must be reported within 48 hours of receipt. Please use the Form C-3, "Supplemental Contributor Information."

If the committee makes, incurs, or authorizes an expenditure of money or other thing of value in excess of \$1,400 in the aggregate from April 1 up to and including the day of any primary election in which the committee is participating, or from October 1 up to and including the day of any general election in which the committee is participating, the committee is required to notify the Commission in writing within 48 hours. It is permissible for a committee to file a cumulative report on the 11th day prior to the primary or general election of expenditures made, incurred, or authorized in excess of \$1,400 up to the 13th day before the election, thereafter, each expenditure in excess of \$1,400 must be reported within 48 hours. Please use the Form E-3, "Supplemental Expenditure Information."

EXHIBIT C

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STATE OF NEW JERSEY
NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE
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2. You have specified too many search parameters. Simplify your search and try again. PLEASE NOTE THAT BEFORE RESTARTING YOUR NEXT SEARCH, YOU MUST EITHER PRESS 'Clear Fields' OR CLICK ON 'Perform a new search'.
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NEW JERSEY CAMPAIGN FINANCING AND LOBBYING DISCLOSURE
ELECTION LAW ENFORCEMENT COMMISSION



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YOUR REQUEST RETURNED NO RESULTS.

This could be because:

1. The candidate or committee name entered, or the PAC name entered, does not match the name under which the entity filed reports or a data entry error occurred. You can clear the field where you entered the name by using the Clear Fields button and select as much information from the other fields as possible. For example, if you are searching for the John Smith Leadership Committee, a legislative leadership PAC, do not enter the PAC name; rather, click on PAC Type and select legislative leadership committee and as many other additional criteria as is known, such as political party. A list of possible entities will appear from which you may select the entity of interest.
2. You have specified too many search parameters. Simplify your search and try again. PLEASE NOTE THAT BEFORE RESTARTING YOUR NEXT SEARCH, YOU MUST EITHER PRESS 'Clear Fields' OR CLICK ON 'Perform a new search'.
3. The database has no records on the information you requested at this time. Please call the staff of the Commission at (609) 292-8700 to verify the filing status of a candidate, committee or PAC.

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New Jersey Election Law Enforcement Commission, P.O. Box 185, Trenton, NJ 08625-0185
Tel. (609) 292-8700 or Toll Free within NJ 1-888-313-ELEC (3532)

EXHIBIT D



Agenda Item Details

Meeting Jun 11, 2014 - Work Session/Business Meeting Agenda
 Category IX. CONSENT RESOLUTIONS
 Subject 5.2 Health Insurance Services
 Type Action (Consent)

WHEREAS, the West New York Board of Education is in need of insurance broker services; and

WHEREAS, the West New York Board of Education publicly solicited Requests for Qualifications for Health Insurance on April 17, 2014 pursuant to NJSA 19:44A-20.5 and the open and fair process; and

WHEREAS, professional services such as above are exempt from the Public Bidding statutes NJSA 18A:18-5 et seq.; and

WHEREAS, the West New York Board of Education has received a proposal from the firm of Brown & Brown Metro, Florham Park, NJ, 07932; and

WHEREAS, this Board has deemed to qualify the above professional based upon their expertise in their field.

NOW THEREFORE, BE IT RESOLVED that, the West New York Board of Education hereby appoints Brown & Brown Metro as Broker for its employee benefit plans, for the 2014-2015 School Year.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the appropriate Insurance Carrier(s) or Fund(s) and shall serve as a Broker of Record designation, in regard to our Health Insurance Plans.

[Jersey Journal Ad for Gen Liab & Health Insur Broker 2014-2015.pdf \(342 KB\)](#)

[Proposal Analysis - Gen Liab & Health Insur Broker 2014-2015.pdf \(21 KB\)](#)

[Letter to Firms regarding Board Interviews.pdf \(1,177 KB\)](#)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Kevin Franchetta on June 12, 2014

EXHIBIT E



Agenda Item Details

Meeting Jun 25, 2014 - Work Session/Business Meeting Agenda
Category X. ITEMS REMOVED FROM CONSENT RESOLUTIONS
Subject B1. Motion to Rescind Appointment - Insurance Brokerage & Health Insurance Services
Type Action (Consent)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Elaine Reiman on July 15, 2014

**Agenda Item Details**

Meeting	Jun 25, 2014 - Work Session/Business Meeting Agenda
Category	X. ITEMS REMOVED FROM CONSENT RESOLUTIONS
Subject	B2. Motion to issue RFP for Insurance Brokerage & Health Insurance Services – MOTION DEFEATED
Type	Action (Consent)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Elaine Reiman on July 28, 2014



Agenda Item Details

Meeting Jun 25, 2014 - Work Session/Business Meeting Agenda
 Category X. ITEMS REMOVED FROM CONSENT RESOLUTIONS
 Subject B.3 Insurance Brokerage & Health Insurance Services
 Type Action

WHEREAS, the West New York Board of Education is in need of insurance brokerage; and

WHEREAS, the West New York Board of Education publicly solicited Requests for Qualifications for Insurance Brokerage Services and Health Insurance Services on April 17, 2014 pursuant to NJSA 19:44A-20.5 and the open and fair process; and

WHEREAS, professional services such as above are exempt from the Public Bidding statutes NJSA 18A:18-5 et seq.; and

WHEREAS, this Board of Education has received a written proposal from the firm of Alamo Insurance Group Inc., of North Bergen, NJ, 07047, indicating the desire to provide Professional Services for the 2014-2015 School Year, as per the terms and conditions of the proposal incorporated herein by reference; and

WHEREAS, this Board has deemed to qualify the above professional based upon their expertise in their field.

NOW THEREFORE, BE IT RESOLVED, that this Board hereby appoints the firm of Alamo Insurance Group, Inc. as Broker for all commercial insurance needs and for employee health benefit plans, for the 2014-2015 school year, and

BE IT FURTHER RESOLVED, that, shall receive commissions and/or risk management consultant fees paid directly by the insurance companies or joint insurance funds at no additional cost to the District. Alamo Insurance Group, Inc. compensation for Property and Casualty lines and Health Insurance Plans for the 2014-2015 term shall be the amount which is based on a percentage of premium and is subject to change if premiums change, at no cost to the Board.

[Jersey Journal Ad for Gen Liab & Health Insur Broker 2014-2015.pdf \(342 KB\)](#)

[Proposal Analysis - Gen Liab & Health Insur Broker 2014-2015.pdf \(21 KB\)](#)

[Letter to Firms regarding Board Interviews.pdf \(1,177 KB\)](#)

Last Modified by Elaine Reiman on July 28, 2014

EXHIBIT F

FORM R-1

REPORT OF CONTRIBUTIONS AND EXPENDITURES

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
 P O Box 185, Trenton, NJ 08625-0185
 (609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
 www.elec.state.nj.us

REPORT (CHECK ONE)

- 29 - DAY PRE-ELECTION
 11 - DAY PRE-ELECTION
 20 - DAY POST-ELECTION
 Apr 15, _____
 July 15, _____
 Oct 15, _____
 Jan 15, _____

CANDIDATE OR COMMITTEE NAME

CARIDAD RODRIGUEZ FOR FREETHOLDER

STREET ADDRESS

6123 Highland Place

Amendment Yes No

CITY

West New York

STATE

NJ

ZIP CODE

07093

COUNTY

Hudson

ELECTION DISTRICT OR MUNICIPALITY

#7

POLITICAL PARTY, IF ANY

DEMOCRATIC

OFFICE SOUGHT

FREE HOLDER

For State Use Only

ELEC RECEIVED

JUL - 1 2014

ELECTION DATE

June 3, 2014

ELECTION TYPE
(CHECK ONE) PRIMARY
 GENERAL MAY MUNICIPAL
 RUN-OFF SCHOOL
 FIRE DISTRICT SPECIAL

SUMMARY TABLES

DO NOT ATTEMPT TO COMPLETE TABLES I AND II UNTIL
APPROPRIATE SCHEDULES HAVE BEEN COMPLETED

TABLE I. RECEIPTS

	THIS REPORT	CUMULATIVE TO DATE
1 MONETARY CONTRIBUTIONS / LOANS OF \$300 OR LESS	\$ 50.00	\$ 16,375.00
2 MONETARY CONTRIBUTIONS IN EXCESS OF \$300 AND ALL CURRENCY CONTRIBUTIONS [Schedule A]	\$ 2000.00	\$ 2,050.00
3 IN-KIND CONTRIBUTIONS OF \$300 OR LESS	\$ 0	\$ 0
4 IN-KIND CONTRIBUTIONS IN EXCESS OF \$300 [Schedule B]	\$ 22,935.00	\$ 22,935.00
5 LOANS RECEIVED IN EXCESS OF \$300 AND ALL CURRENCY LOANS [Schedule C]	\$ 0	\$ 0
6 SUB TOTAL (ADD LINES 1 THRU 5)	\$ 24,985.00	\$ 43,360.00
7 REFUND OF CONTRIBUTIONS [Adjustment Schedule]	(-) \$ 0	\$ 0
8 TOTAL CONTRIBUTIONS	\$ 24,985.00	\$ 43,360.00
9. ADD FUNDS TRANSFERRED FROM PRIOR CAMPAIGN	(+) \$ 0	\$ 0
10 TOTAL RECEIPTS (ADD LINE 8 + LINE 9)	\$ 24,985.00	\$ 43,360.00

TABLE II. EXPENDITURES

1 DISBURSEMENTS - CAMPAIGN EXPENSES [Schedule 1(D)]	\$ 11,817.63	\$ 18,847.63
2 DISBURSEMENTS - OTHER [Schedule 2(D)]	\$ 0	\$ 0
3 DISBURSEMENTS - CONTRIBUTIONS MADE TO OTHER CANDIDATES/COMMITTEES [Schedule 3(D)]	\$ 0	\$ 0
4 CONTRIBUTIONS MADE ON BEHALF OF OTHERS [Pro Rata Amount Schedules 1(D) and 2(D)]	\$ 0	\$ 0
5 IN-KIND CONTRIBUTIONS OF \$300 OR LESS (TABLE I, LINE 3)	\$ 0	\$ 0
6 IN-KIND CONTRIBUTIONS IN EXCESS OF \$300 (TABLE I, LINE 4)	\$ 22,935.00	\$ 22,935.00
7 SUB TOTAL (ADD LINES 1 THRU 6)	\$ 34,752.00	\$ 41,782.63
8 REFUNDED DISBURSEMENTS [Schedule F]	(-) \$ 0	\$ 0
9 TOTAL EXPENDITURES (LINE 7 MINUS LINE 8)	\$ 34,752.63	\$ 41,782.63

SCHEDULE A
Monetary Contributions in Excess of \$300 and All Currency Contributions

CONTRIBUTOR NAME <i>Luis Alamo</i>		EMPLOYER NAME <i>Luis Alamo Agency.</i>		
CONTRIBUTOR ADDRESS <i>8200 Boulevard East</i>		EMPLOYER ADDRESS <i>8419 Bergenline Avenue</i>		
<i>NORTH Bergen NJ 07047</i>		<i>NORTH BERGEN, NJ 07047</i>		
	CHECK IF CURRENCY <input type="checkbox"/>	AGGREGATE AMOUNT \$ <i>2000.00</i>	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD \$ <i>2000 00</i>
OCCUPATION				
CONTRIBUTOR NAME		EMPLOYER NAME		
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS		
	CHECK IF CURRENCY <input type="checkbox"/>	AGGREGATE AMOUNT \$	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD \$
OCCUPATION				
CONTRIBUTOR NAME		EMPLOYER NAME		
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS		
	CHECK IF CURRENCY <input type="checkbox"/>	AGGREGATE AMOUNT \$	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD \$
OCCUPATION				
CONTRIBUTOR NAME		EMPLOYER NAME		
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS		
	CHECK IF CURRENCY <input type="checkbox"/>	AGGREGATE AMOUNT \$	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD \$
OCCUPATION				
CONTRIBUTOR NAME		EMPLOYER NAME		
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS		
	CHECK IF CURRENCY <input type="checkbox"/>	AGGREGATE AMOUNT \$	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD \$
OCCUPATION				
(COMPLETE THIS LINE FOR EVERY PAGE USED)		TOTAL, THIS PAGE	\$ <i>2000 00</i>	
(COMPLETE THIS LINE FOR LAST PAGE USED)		GRAND TOTAL	\$ <i>2000.00</i>	

SCHEDULE B
In-Kind Contributions in Excess of \$300

CONTRIBUTOR NAME <i>ALBIO SIRES / SIRES FOR CONGRESS</i>		EMPLOYER NAME	
CONTRIBUTOR ADDRESS <i>6050 Boulevard East 6-13</i>		EMPLOYER ADDRESS	
<i>West New York, NJ 07093</i>			
	AGGREGATE AMOUNT <i>\$ 8000.00</i>	DATE(S) RECEIVED <i>JUNE 2014</i>	AMOUNT(S) RECEIVED THIS PERIOD <i>\$ 8000.00</i>
OCCUPATION <i>US CONGRESSMAN</i>		<i>PRIMARY</i>	
DESCRIPTION OF IN-KIND CONTRIBUTION(S) <i>SIGNS - CARDS - FLYERS</i>			
CONTRIBUTOR NAME <i>HENRY / JOHN Minella</i>		EMPLOYER NAME	
CONTRIBUTOR ADDRESS <i>PO Box 46</i>		EMPLOYER ADDRESS	
<i>Bayone, N.J. 07002</i>			
	AGGREGATE AMOUNT <i>\$14,935.00</i>	DATE(S) RECEIVED <i>JUNE 2014</i>	AMOUNT(S) RECEIVED THIS PERIOD <i>\$ 14,935.00</i>
OCCUPATION <i>Executive Director</i>		<i>PRIMARY</i>	
DESCRIPTION OF IN-KIND CONTRIBUTION(S) <i>SIGNS - 5 O'CLOCK CARDS - DIRECT MAIL - ROBO CALLS</i>			
CONTRIBUTOR NAME		EMPLOYER NAME	
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS	
	AGGREGATE AMOUNT <i>\$</i>	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD <i>\$</i>
OCCUPATION			
DESCRIPTION OF IN-KIND CONTRIBUTION(S) <i>.</i>			
CONTRIBUTOR NAME		EMPLOYER NAME	
CONTRIBUTOR ADDRESS		EMPLOYER ADDRESS	
	AGGREGATE AMOUNT <i>\$</i>	DATE(S) RECEIVED	AMOUNT(S) RECEIVED THIS PERIOD <i>\$</i>
OCCUPATION			
DESCRIPTION OF IN-KIND CONTRIBUTION(S)			
(COMPLETE THIS LINE FOR EVERY PAGE USED)		TOTAL, THIS PAGE	<i>\$ 22,935.00</i>
(COMPLETE THIS LINE FOR LAST PAGE USED)		GRAND TOTAL	<i>\$ 22,935.00</i>

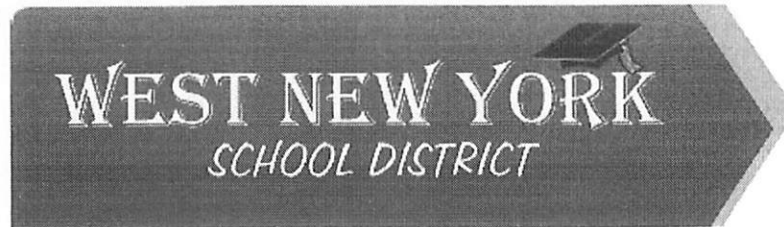
EXHIBIT G



Attn: Tammeisha Smith, Vice President
92 Pulaski Street
Newark, New Jersey 07105
tsmith@alamoinsurance.net
Ph: (877) 552-5266 x9-212

PROFESSIONAL SERVICES SOLICITATION
FOR
INSURANCE BROKER SERVICES

Presented to:



Mr. Kevin Franchetta
School Business Administrator
Board Secretary
West New York Board of Education
6028 Broadway
West New York, NJ 07093-2808

May 7, 2014

THIS DOCUMENT IS THE SOLE PROPERTY OF THE ALAMO INSURANCE GROUP, INC. THE INFORMATION CONTAINED HEREIN IS DEEMED CONFIDENTIAL AND PROPRIETARY. THIS PROPOSAL IS NOT TO BE REPRODUCED OR REDISTRIBUTED IN ANY MANNER WITHOUT THE PRIOR WRITTEN CONSENT OF THE ALAMO INSURANCE GROUP, INC.

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM


Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to the award of the contract.

Part I - Vendor Information

Vendor Name:	The Alamo Insurance Group, Inc.		
Address:	8419 Bergenline Avenue		
City:	North Bergen	State:	NJ
		Zip:	07047

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.


Signature

Tammeisha Smith
Printed Name

Vice President
Title

Part II - Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
The Alamo Insurance Group	Union City First	3/21/12	\$1,200.00

Check here if the information is continued on subsequent page(s)

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to the award of the contract.

Part I - Vendor Information

Vendor Name:	Alamo Insurance Group		
Address:	8419 Bergenline Avenue		
City:	North Bergen	State:	NJ
		Zip:	07047

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Louis Lugo
Signature

Louis Lugo
Printed Name

Director of Operations
Title

Part II - Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
Alamo Insurance Group	Caride for Assembly	4/19/13	\$ 300.00
	Elect Assemblywoman Nellie Pou	10/7/13	500.00
	Union City First	10/30/13	1,000.00

Check here if the information is continued on subsequent page(s)

EXHIBIT H



West New York Board of Education
6028 Broadway
West New York, NJ 07093

Attn: John Fauta, Superintendent of Schools
Kevin Franchetta, Business Administrator & Board Secretary

RE: Insurance Broker Changes – July 25th Board Meeting

Superintendent Fauta and Administrator Franchetta,

It has been Brown & Brown's pleasure to work, in conjunction with Alamo Insurance Group, as the district's insurance broker for many years. We have always enjoyed a professional and collaborative relationship. However, this correspondence is in response to the July 25th decision of the Board of Education to remove Brown & Brown Metro, Inc. as co-broker on the district's Property & Casualty and Prescription insurance. Brown & Brown has maintained its position as the primary broker on your account for approximately ten years. During that time of service, Brown & Brown has done the lions-share of the work in terms of filing paperwork, negotiating renewals, and advising the district on risk management procedures.

We would like to draw your attention to the circumstances surrounding the board's July 25th decision which was made during executive session and closed to the public. It was understood that both Superintendent Fauta and Administrator Franchetta recommended that the co-broker assignment be continued for both Brown & Brown Metro, Inc. and Alamo Insurance Group. This was memorialized in a resolution prepared for the meeting that listed both brokers as it has for the past 10 years. It must be noted that the board's decision required hand-written changes to that resolution. Additionally, we would like to call your attention to the fact that Brown & Brown was the only professional services provider that was removed and/or changed during executive session and deviating from the prepared resolution for full board approval. Also noteworthy is that this change was made after the 7/1/13 renewal of the district's insurance program that was fully negotiated and presented by Brown & Brown. Finally, this decision is further clouded by the fact that this change creates no monetary relief for the district, reduces the complement of services provided, and solely benefits Alamo Insurance Group monetarily.

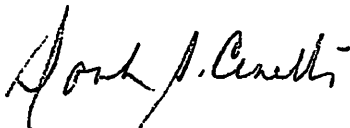
Brown & Brown is a publicly held company, maintains full transparency as required by local, state, and federal law, and is presently the 7th largest insurance intermediary in the United States. Brown & Brown's New Jersey offices represent over 300 public entities throughout the state. Our national and state-wide footprint creates leverage within the market place to negotiate favorable terms for our clients. This leverage has benefitted West New York Board of Education in helping to meet its' 2013-14 budget appropriations for Property & Casualty and Prescription benefits coverage. With specific reference to this year's prescription renewal, Brown & Brown's negotiating leverage was used to reduce the district's incumbent prescription insurer's initial quote to arrive at a final premium that was much more favorable. In addition, we have worked with the labor committee on benefit options and co-pay structures that benefit the employees while alleviating district budget pressures.

Based on the abrupt nature of the change during executive session and without any fair and open interview process we are certain that Louis Alamo and his business partner took part in inappropriate conversations that tainted the open and fair process put forth by the board. Brown & Brown would like to request an open meeting with the full Board and/or the Finance Committee regarding the actions taken at the July 25th meeting. Furthermore, regardless of the board's intention to move forward with just one broker, we request that Brown & Brown be recognized for the work it has done for the 2013-14 insurance program renewal and that we be compensated through the district's insurers for the full year's commissions.

We are certain that this issue can be rectified without further escalation. We would also like to reiterate that we have enjoyed a very favorable relationship with the district for over a decade and would very much like to continue that relationship if at all possible.

Please contact us directly with any questions regarding this correspondence.

Sincerely,



Dominick S. Cinelli
Senior Vice President
Brown & Brown Metro, Inc.



Matthew A. Struck
Public Entity Division Manager
Brown & Brown Metro, Inc.

Cc: West New York Board of Education Members, Alan Roth – Board Attorney, Robert J. Cicchino – Director of the Office of Fiscal Accountability and Compliance (NJDOE)

EXHIBIT I

FORM R-1		REPORT OF CONTRIBUTIONS AND EXPENDITURES		REPORT (CHECK ONE)	
NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION P O Box 185, Trenton, NJ 08625-0185 (609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532) Web site http://www.elec.state.nj.us/				<input type="checkbox"/> 29 - DAY PRE-ELECTION <input type="checkbox"/> 11 - DAY PRE-ELECTION <input type="checkbox"/> 20 - DAY POST-ELECTION <input type="checkbox"/> Apr 15, _____ <input checked="" type="checkbox"/> July 15, 2014 <input type="checkbox"/> Oct 15, _____ <input type="checkbox"/> Jan 15, _____	
CANDIDATE OR COMMITTEE NAME ROQUE FOR MAYOR 2015				Amendment Yes <input type="checkbox"/> No <input type="checkbox"/>	
STREET ADDRESS 211 - 60th Street				For State Use Only ELEC RECEIVED JUL 22 2014	
CITY West New York	STATE NJ	ZIP CODE 07093			
COUNTY HUDSON	ELECTION DISTRICT OR MUNICIPALITY WEST NEW YORK				
POLITICAL PARTY, IF ANY	OFFICE SOUGHT Commissioner				
ELECTION DATE May 2015	ELECTION TYPE (CHECK ONE)	<input type="checkbox"/> PRIMARY	<input checked="" type="checkbox"/> MUNICIPAL	<input type="checkbox"/> GENERAL	<input type="checkbox"/> SPECIAL
		<input type="checkbox"/> RUN-OFF	<input type="checkbox"/> SCHOOL		
SUMMARY TABLES DO NOT ATTEMPT TO COMPLETE TABLES I AND II UNTIL APPROPRIATE SCHEDULES HAVE BEEN COMPLETED					
TABLE I RECEIPTS					
		THIS REPORT		CUMULATIVE TO DATE	
1	MONETARY CONTRIBUTIONS OF \$300 OR LESS	\$	20,080 00	\$	22,530 00
2	MONETARY CONTRIBUTIONS IN EXCESS OF \$300 AND ALL CURRENCY CONTRIBUTIONS [Schedule A]	\$	38,325 00	\$	85,925 00
3	IN-KIND CONTRIBUTIONS OF \$300 OR LESS	\$	0 00	\$	0 00
4	IN-KIND CONTRIBUTIONS IN EXCESS OF \$300 [Schedule B]	\$	0 00	\$	0 00
5	LOANS RECEIVED IN EXCESS OF \$300 AND ALL CURRENCY LOANS [Schedule C]	\$	0 00	\$	0 00
6	SUB TOTAL (ADD LINES 1 THRU 5)	\$	56,405 00	\$	108,455 00
7	REFUND OF EXCESSIVE CONTRIBUTIONS [Adjustment Schedule] (-)	\$	0 00	\$	0 00
8	TOTAL CONTRIBUTIONS	\$	56,405 00	\$	108,455 00
9	ADD FUNDS TRANSFERRED FROM PRIOR CAMPAIGN (+)	\$	0 00	\$	0.00
10	TOTAL RECEIPTS (ADD LINE 8 + LINE 9)	\$	56,405 00	\$	108,455 00
TABLE II EXPENDITURES					
1	DISBURSEMENTS -CAMPAIGN EXPENSES [Schedule 1(D)]	\$	64,953 50	\$	81,737 07
2	DISBURSEMENTS - OTHER [Schedule 2(D)]	\$	0 00	\$	0 00
3	DISBURSEMENTS - CONTRIBUTIONS MADE TO OTHER CANDIDATES/COMMITTEES [Schedule 3(D)]	\$	2,500 00	\$	2,500 00
4	CONTRIBUTIONS MADE ON BEHALF OF OTHERS [Pro Rata Amount Schedules 1(D) and 2(D)]	\$	0 00	\$	1,000 00
5	IN-KIND CONTRIBUTIONS OF \$300 OR LESS (TABLE I, LINE 3)	\$	0 00	\$	0 00
6	IN-KIND CONTRIBUTIONS IN EXCESS OF \$300 (TABLE I, LINE 4)	\$	0 00	\$	0 00
7	SUB TOTAL (ADD LINES 1 THRU 6)	\$	67,453 50	\$	85,237 07
8	REFUNDED DISBURSEMENTS [Schedule F] (-)	\$	0 00	\$	0 00
9	TOTAL EXPENDITURES (LINE 7 MINUS LINE 8)	\$	67,453 50	\$	85,237 07

Roque For Mayor 2015 - Contributor's Report > 300

Tuesday, July 15, 2014

Contributor's Type: Business

2 13 08 PM

Type	Business	Class	A2				
Contributor's Name	Jugando Aprendemos Child Care Cen	Contact Name	Hilda Perez	Date	5/6/2014		
Address	6201 Park Ave	Position	Business Owner	Check No	615		
	West New York NJ 07093	Phone	(201) 854-1945	Amount	\$500 00		
Phone	(201) 854-1945						

Type	Business	Class	A2				
Contributor's Name	Rivertedge Management LLC	Contact Name	Jeff Unger	Date	5/6/2014		
Address	65 Kingsland Ave # 2	Position	Employee	Check No	1813		
	Clifton NJ 07014	Phone	(973) 365-1990	Amount	\$1,000 00		
Phone	(973) 365-1990						

Type	Business	Class	A2				
Contributor's Name	City Erectors, Inc	Contact Name	Joseph Franzaglia	Date	5/6/2014		
Address	44 Fairfield Place	Position	Employee	Check No	19550		
	West Cadwell NJ 07006	Phone	(973) 227-8830	Amount	\$1,000 00		
Phone	(973) 227-8830						

Type	Business	Class	A2				
Contributor's Name	Bruno Associates, Inc	Contact Name	John R Bruno	Date	5/6/2014		
Address	1373 Broad Street, Suite 304	Position	Consulting	Check No	67847		
	Clifton NJ 07013	Phone	(973) 249-6225	Amount	\$625 00		
Phone	(973) 249-6225						

Type	Business	Class	A2				
Contributor's Name	Sol's Interpreting Services	Contact Name	Sol Villon-Rivera	Date	5/6/2014		
Address	PO Box 5053	Position	Court Interpreter	Check No	1199		
	West New York NJ 07093	Phone	(201) 453-0747	Amount	\$500 00		
Phone	(201) 453-0747						

Type	Business	Class	A2				
Contributor's Name	Spire Group P C	Contact Name		Date	5/6/2014		
Address	220 South Orange Avenue Suite 2	Position		Check No	1561		
	Livingston NJ 07039	Phone		Amount	\$1,000 00		
Phone							

Type	Business	Class	A2				
Contributor's Name	Remington, Vernick, & Arango Engin	Contact Name	Joseph M Muniz	Date	5/6/2014		
Address	300 Penhorn Ave 3rd Floor	Position	Business Developmen	Check No	8736		
	Secaucus NJ 07094	Phone	(201) 624-2137	Amount	\$1,000 00		
Phone	(201) 624-2137						

Type Business **Class** A2
Contributor's Name Emenjay LLC **Contact Name** Dawn Taffaro **Date** 5/6/2014
Address PO Box 7 **Position** Project Manager **Check No** 1047
 West New York NJ 07093 **Phone** (201) 863-9001 **Amount** \$1,000 00
Phone (201) 863-9001

Type Business **Class** A2
Contributor's Name David F Corrigan, LLC **Contact Name** **Date** 5/6/2014
Address 548 W Front St **Position** **Check No** 1971
 Keyport NJ 07735 **Phone** **Amount** \$500 00
Phone

Type Business **Class** A2
Contributor's Name NU-Way Concessionaries, Inc **Contact Name** NU -Way Concession **Date** 5/6/2014
Address 339- 345 Bergen Ave **Position** **Check No** 51480
 Kearny NJ 07032 **Phone** (201) 997-4851 **Amount** \$1,000 00
Phone (201) 997-4851

Type Business **Class** A2
Contributor's Name Endosurgical Center of North Jersey **Contact Name** **Date** 5/12/2014
Address 999 Clifton Ave **Position** **Check No** 10440
 Clifton NJ 07013 **Phone** **Amount** \$500 00
Phone (973) 777-3938

Type Business **Class** A2
Contributor's Name Lexington Equities LLC **Contact Name** **Date** 5/12/2014
Address One Carol Place **Position** **Check No** 1790
 Moonachie NJ 07074 **Phone** **Amount** \$1,000 00
Phone

Type Business **Class** A2
Contributor's Name Roth Daquanni LLC **Contact Name** Allan C Roth **Date** 5/12/2014
Address 150 Morris Ave Suite 206 **Position** Attorney **Check No** 2523
 Springfield NJ 07081 **Phone** (201) 264-5998 **Amount** \$500 00
Phone (201) 264-5998

Type Business **Class** A2
Contributor's Name Thomas Degise Election Fund **Contact Name** **Date** 5/12/2014
Address 252A North Street **Position** **Check No** 1095
 Jersey City NJ 07307 **Phone** **Amount** \$500 00
Phone

Type Business Class A2
 Contributor's Name Casa Manito Inc Contact Name Aurelio Perez Date 5/12/2014
 Address 5500 Palisade Ave Position Check No 5741
 West New York NJ 07093 Phone (201) 927-4453 Amount \$1,000 00
 Phone

Type Business Class A2
 Contributor's Name Armando C Hernandez Contact Name Armando Hernandez Date 5/12/2014
 Address 527 42nd Street Position Attorney Check No 41497
 Union City NJ 07087 Phone (201) 348-8110 Amount \$500 00
 Phone

Type Business Class A2
 Contributor's Name Diagnostic Imaging Affiliates, LLC Contact Name Date 5/12/2014
 Address 155 State Street Position Check No 9341
 Hackensack NJ 07601 Phone Amount \$1,500 00
 Phone (201) 487-5300

Type Business Class A2
 Contributor's Name Lisette Castelo Attorney at Law LLC Contact Name Date 5/12/2014
 Address 92 Village Center Drive - Building Position Check No 1979
 Freehold NJ 07728 Phone Amount \$500 00
 Phone

Type Business Class A2
 Contributor's Name Dario, Yacker, Suarez & Albert, LLC Contact Name Anthony R Suarez Date 5/12/2014
 Address 345 Union Street Position Attorney Check No 17890
 Hackensack NJ 07601 Phone (201) 968-5800 Amount \$500 00
 Phone (201) 968-5800

Type Business Class A2
 Contributor's Name Orlando's Service Center Corp Contact Name Date 5/12/2014
 Address 4914 Palisade Ave Position Check No 4280
 West New York NJ 07093- Phone (201) 864-6101 Amount \$500 00
 Phone (201) 864-6101

Type Business Class A2
 Contributor's Name New Jersey Control & Rescue LLC Contact Name Geoffry Santini Date 5/12/2014
 Address 2035 Kennedy Blvd Position Check No 1011
 North Bergen NJ 07047 Phone (201) 801-4444 Amount \$500 00
 Phone (201) 801-4444

Type	Business	Class	A2			
Contributor's Name	Bruno Associates, Inc			Contact Name	John R Bruno	Date 5/12/2014
Address	1373 Broad Street, Suite 304			Position	Consulting	Check No 6763
	Clifton NJ 07013			Phone	(973) 249-6225	Amount \$1,000 00
Phone	(973) 249-6225					
Type	Business	Class	A2			
Contributor's Name	Rose Corporate Holdings LLC			Contact Name	Susan Sapire	Date 5/13/2014
Address	12-56 River Rd			Position	Business Owner	Check No 1177
	FairLawn NJ 07410			Phone	(917) 971-9602	Amount \$1,000 00
Phone	(201) 570-7999					
Type	Business	Class	A2			
Contributor's Name	Law Offices Of Lazaro Carvajal LLC			Contact Name		Date 5/13/2014
Address	21 Main Street Suite 350			Position		Check No 613
	Hackensack NJ 07601			Phone		Amount \$1,000 00
Phone						
Type	Business	Class	A2			
Contributor's Name	Urban Logistics LLC			Contact Name		Date 5/13/2014
Address	34 Edgemere Dr			Position		Check No 1083
	Matawan NJ 07747			Phone		Amount \$1,000 00
Phone						
Type	Business	Class	A2			
Contributor's Name	Douglas M Standriff, ESQ			Contact Name	Douglas Standriff	Date 5/13/2014
Address	60 West Ridgewood Ave			Position	Attorney	Check No 3039
	Ridgewood NJ 07450			Phone	(201) 857-4010	Amount \$1,000 00
Phone	(201) 445-4555					
Type	Business	Class	A2			
Contributor's Name	Jinco Inc			Contact Name	Rene Jinono	Date 5/13/2014
Address	287 Julianne Ter			Position	Builder/ Developer	Check No 3834
	Secaucus NJ 07094			Phone	(201) 873-0852	Amount \$500 00
Phone	(201) 873-0852					
Type	Business	Class	A2			
Contributor's Name	Capodagli Property Company LLC			Contact Name	Geroge M Capodagli	Date 5/13/2014
Address	6035 Park Avenue			Position	Managing Member	Check No 2709
	West New York NJ 07093			Phone	(973) 694-3000	Amount \$1,000 00
Phone	(201) 854-1000					

Type	Business	Class	A2			
Contributor's Name	Paul F Roscitt Electric INC			Contact Name	Paul F Roscitt	Date 5/27/2014
Address	262 Harmon Ave			Position	Electrical Contractor	Check No 24584
	Fort lee NJ 07024			Phone	(201) 941-5768	Amount \$500 00
Phone						
Type	Business	Class	A2			
Contributor's Name	Hymanson, Parnes & Giampaolo, PC			Contact Name		Date 5/27/2014
Address	467 Middletown Lincroft Road			Position		Check No 6018
	Lincroft NJ 07738			Phone		Amount \$500 00
Phone						
Type	Business	Class	A2			
Contributor's Name	Bed Bug Squad, LLC			Contact Name	Anthony Guzman	Date 5/27/2014
Address	4617 Bergenline Ave			Position	Owner	Check No 1412
	Union City NJ 07087			Phone	(201) 815-6858	Amount \$500 00
Phone						
Type	Business	Class	A2			
Contributor's Name	William Katchen, CPA ,LLC			Contact Name		Date 5/27/2014
Address	596 Anderson Ave Suite 303			Position		Check No 4525
	Clkriffside Park NJ 07010			Phone		Amount \$500 00
Phone	(201) 585-2578					
Type	Business	Class	A2			
Contributor's Name	Master Consulting PA			Contact Name		Date 5/28/2014
Address	331 Newman Springs Rd Suite 203			Position		Check No 124966
	Red Bank NJ 07701			Phone		Amount \$1,200 00
Phone	(732) 383-1950					
				Total This Report		\$25,325 00

**Roque For Mayor 2015
Promoter Payment Report - Street Money**

Vendor Type	ID Name	Address	City/Town	Date	Check No	Amount
	Alejandra Arena					
Promoter		410 - 53rd Street	West New York, NJ 07093	6/12/2014	1028	\$100 00
						<u>\$100 00</u>
	Alex Novas					
Promoter		6309 Madison Street	West New York, NJ 07093	6/12/2014	1029	\$150 00
						<u>\$150 00</u>
	Brian Angulo					
Promoter		5108 Hudson Ave - Apt 2A	West New York, NJ 07093	6/12/2014	1030	\$100 00
						<u>\$100 00</u>
	Carmen Alonso					
Promoter		606 - 56th Street Apt 8	West New York, NJ 07093	6/12/2014	1031	\$100 00
						<u>\$100 00</u>
	Carmen Perez					
Promoter		590 62nd Street Apt 10 G	West New York, NJ 07093	6/12/2014	1032	\$100 00
						<u>\$100 00</u>
	Christian Hernandez					
Promoter		304 - 50th Street Apt C3	West New York, NJ 07093	6/12/2014	1033	\$50 00
						<u>\$50 00</u>
	Cleotide Nivar					
Promoter		410 53rd Street	West New York, NJ 07093	6/12/2014	1034	\$100 00
						<u>\$100 00</u>
	Darwyn A Molasco					
Promoter		401 53rd Street Apt 16	West New York, NJ 07093	6/12/2014	1036	\$50 00
						<u>\$50 00</u>
	Davis Hepperle					
Promoter		6805 Madison Street	Guttenberg, NJ 07093	6/12/2014	1037	\$150 00
						<u>\$150 00</u>
	Elida Gomez					
Promoter		6305 Broadway Ave Apt 4	West New York, NJ 07093	6/12/2014	1038	\$100 00
						<u>\$100 00</u>
	Herbeth Munguia					
Promoter		587 55th Street Apt 1	West New York, NJ 07093	6/12/2014	1042	\$50 00
						<u>\$50 00</u>
	Juan Carlos Henao					
Promoter		213 - 53rd Street	West New York, NJ 07093	6/12/2014	1048	\$50 00

Vendor Type	ID Name	Address	City/Town	Date	Check No	Amount
						\$100 00
Steven A Rodas						
Promoter		515 - 67th Street	West New York, NJ 07093	6/12/2014	1091	\$100 00
						\$100 00
Teresa Morejon						
Promoter		5001 Park Ave Apt 2L	West New York, NJ 07093	6/12/2014	1060	\$100 00
						\$100 00
Francisco Racchiusa						
Promoter		712 26th Street	Union City, NJ 07087	6/12/2014	1039	\$50 00
						\$50 00
George Payan						
Promoter		617 - 57th Street	West New York, NJ 07093	6/12/2014	1041	\$150 00
						\$150 00
Hiroto Echavarria						
Promoter		31 - 66th Street	West New York, NJ 07093	6/12/2014	1043	\$100 00
						\$100 00
Joseph Menocal						
Promoter		111 Madison Street	West New York, NJ 07093	6/12/2014	1046	\$50 00
						\$50 00
Jepherson Ventura						
Promoter		299 Roseville Ave	Newark, NJ 07105	6/12/2014	1044	\$100 00
						\$100 00
Martha Ferreira						
Promoter		92 Garrison Street	Newark, NJ 07105	6/12/2014	1052	\$100 00
						\$100 00
Tiffany DaSilva						
Promoter		237 Ferry Street	Newark, NJ 07105	6/12/2014	1061	\$100 00
						\$100 00
Ricardo De Jesus						
Promoter		66 Warwick Street	Newark, NJ 07105	6/12/2014	1087	\$50 00
						\$50 00
Moises Romero						
Promoter		283 Clifton Avenue	Newark, NJ 07105	6/12/2014	1055	\$100 00
						\$100 00
Darlin Acosta						
Promoter		5024 Bergenline Ave - Apt 3	West New York, NJ 07093	6/12/2014	1035	\$150 00
						\$150 00

EXHIBIT J



Agenda Item Details

Meeting Jun 11, 2014 - Work Session/Business Meeting Agenda
 Category IX. CONSENT RESOLUTIONS
 Subject 5.8 Professional Services - Contract Renewal (Auditor)
 Access Public
 Type Action (Consent)

Public Content

WHEREAS, the West New York Board of Education is in need of financial auditing services; and

WHEREAS, the West New York Board of Education did not publicly solicit Requests for Qualifications for Auditor pursuant to NJSA 19:44A-20.5 and the closed and fair process; and

WHEREAS, professional services such as above are exempt from the Public Bidding statutes NJSA 18A:18-5 et seq.; and

WHEREAS, this Board of Education has received a proposal from the firm of the Spire Group, 220 South Orange Avenue Suite 100, Livingston, NJ; and

WHEREAS, this Board has deemed to qualify the above professional based upon their expertise in their field.

NOW THEREFORE, BE IT RESOLVED, this Board, upon the recommendation of the Superintendent of Schools, does hereby award a Professional Services contract to the firm of the Spire Group of Livingston, NJ to provide Auditing Services of the June 30, 2014 fiscal year in the amount not exceed \$65,000, during the 2014-2015 school year. (New Jersey Business Registration Certificate #1716956)

Administrative Content

Executive Content

[5.8 Spire Group Contract Extension.pdf \(417 KB\)](#)

[Spire Group \(Auditor\) - Contract Extension - 29 May 2014.pdf \(76 KB\)](#)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately

following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Kevin Franchetta on June 12, 2014

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Agenda Item Details

Meeting Jun 25, 2014 - Work Session/Business Meeting Agenda
Category IX. CONSENT RESOLUTIONS
Subject 5.4 Professional Services - Contract Renewal (Construction Engineering)
Access Public
Type Action (Consent)

Public Content

WHEREAS, the West New York Board of Education is in need of construction engineering services; and

WHEREAS, the West New York Board of Education did not publicly solicit Requests for Qualifications for Construction Engineering Services pursuant to NJSA 19:44A-20.5 and the closed and fair process; and

WHEREAS, professional services such as above are exempt from the Public Bidding statutes NJSA 18A:18-5 et seq.; and

WHEREAS, this Board of Education has received a written proposal from the firm of Maser Consulting P.A., 200 Valley Road Suite 400, Mt. Arlington, NJ, indicating the desire to provide Construction Engineering Professional Services for the period July 1, 2014 to December 31, 2014, as per the terms and conditions of the proposal incorporated herein by reference; and

WHEREAS, this Board has deemed to qualify the above professional based upon their expertise to their field.

NOW THEREFORE, BE IT RESOLVED, that this Board authorizes the award of a Professional Service Contract to Maser Consulting P.A. of Mt. Arlington, NJ, to provide Construction Engineering Consultant Services, for the period of July 1, 2014 to December 31, 2014 in an amount not to exceed \$27,500.

Administrative Content

Executive Content

[Contract Extension Request Letter - Maser.pdf \(412 KB\)](#)

[Maser Consulting - Contract Extension - 23 May 2014.pdf \(40 KB\)](#)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board

member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Elaine Reiman on July 15, 2014



Agenda Item Details

Meeting Jun 25, 2014 - Work Session/Business Meeting Agenda
 Category IX. CONSENT RESOLUTIONS
 Subject 5.7 Professional Services - Contract Renewal (Grant Writer)
 Access Public
 Type Action (Consent)

Public Content

WHEREAS, the West New York Board of Education is in need of grant writing services; and

WHEREAS, the West New York Board of Education did not publicly solicit Requests for Qualifications for Grant Writer Services pursuant to NJSA 19:44A-20.5 and the closed and fair process; and

WHEREAS, professional services such as above are exempt from the Public Bidding statutes NJSA 18A:18-5 et seq.; and

WHEREAS, this Board of Education has received a written proposal from the firm of Bruno Associates Inc. of 1373 Broad Street, Clifton, NJ, indicating the desire to provide Professional Services for the period of July 1, 2014 to December 31, 2014; and

WHEREAS, this Board has deemed to qualify the above professional based upon their expertise in their field.

NOW THEREFORE, BE IT RESOLVED, this Board authorizes the award of a Professional Service Contract to provide Grant Writer Services to Bruno Associates, Inc. of Clifton, NJ, for the period of July 1, 2014 to December 31, 2014 in an amount not to exceed \$25,000.00.

Administrative Content

Executive Content

[Contract Extension Request Letter - Bruno Associates.pdf \(410 KB\)](#)

[Bruno Associates - Contract Extension - 23 May 2014.pdf \(107 KB\)](#)

All matters hereunder are considered to be routine in nature and will be enacted by one motion. Any Board member may request that an item be removed from the Consent Agenda for separate consideration. Any item(s) removed from the Consent Agenda will be discussed and acted upon separately, immediately

following the consideration of the remaining items on the Consent Agenda. A motion or a second is not required to remove an item(s) from the Consent Agenda. All resolutions acted upon at this meeting are available to be viewed this evening and copies can be obtained by contacting the School Board Secretary's Office.

Last Modified by Kevin Franchetta on June 26, 2014

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EXHIBIT K



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WNY BOE trustee slams Alamo Insurance, board still doesn't terminate contract

Posted on [September 16, 2014](#) by [John Heinis](#)

In the midst of another OFAC investigation, West New York Board of Education Trustee Matthew Cheng went off on the RFQ process and questioned how Alamo Insurance was selected as the board's insurance provider in the first place. Despite that fact, the motion to terminate Alamo's contract failed at Wednesday's meeting.

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Cheng slammed the board for “making a mockery of the RFQ process” and for repeatedly picking “politically connected companies” instead of looking out for the best interests of the school children.

Earlier in the meeting, Superintendent of Schools John Fauta announced that the Office of Fiscal Accountability and Compliance – better known as OFAC – is investigating the board for the way insurance firms were selected earlier in the summer, as only Hudson County View has reported.

Editor's Note: The footage obtained for this news clip was obtained from an anonymous viewer and was not shot by any member of the Hudson County View staff.

EXHIBIT L



State of New Jersey
DEPARTMENT OF EDUCATION
PO BOX 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

April 19, 2013

Mr. John Fauta, Superintendent
West New York Board of Education
6028 Broadway
West New York NJ 07093-2802

Dear Mr. Fauta:

SUBJECT: West New York School District – Hiring Practices Review
OFAC #INV-068-12

The Office of Fiscal Accountability and Compliance completed a review of the Hiring Practices Review of the West New York School District. The findings are detailed in the attached Report of Examination. Please provide a copy of the report to each board member.

Utilizing the process outlined in the attached “Procedures for LEA/Agency Response, Corrective Action Plan and Appeal Process,” pursuant to N.J.A.C. 6A:23A-5.6, the West New York School District Board of Education is required to publicly review and discuss the findings in this report at a public board meeting no later than 30 days after receipt of the report. Within 30 days of the public meeting, the board must adopt a resolution certifying that the findings were discussed at a public meeting and the board approved a corrective action plan which addresses the findings raised in the report and/or submit an appeal of any findings in dispute. A copy of the resolution and the approved corrective action plan and/or notice of intent to appeal must be sent to this office within 10 days of adoption by the board. Direct your response to my attention.

Also, pursuant to N.J.A.C. 6A:23A-5.6(c), you must post the findings of the report on your school district’s website. Should you have any questions, please contact Mr. Thomas C. Martin, Manager, Investigations Unit, at (609) 633-9615.

Sincerely,

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

RJC/kf/I:\kfeltes\West New York\West New York #068-12.doc
Attachment

DISTRIBUTION LIST

Christopher Cerf
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Adrienne K. Sires
Stephen Eells

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
INVESTIGATIONS UNIT

WEST NEW YORK SCHOOL DISTRICT
HIRING PRACTICES REVIEW
OFAC CASE #INV-068-12

REPORT OF EXAMINATION
APRIL 2013

**STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
INVESTIGATIONS UNIT**

**REPORT OF EXAMINATION – APRIL 2013
WEST NEW YORK SCHOOL DISTRICT
HIRING PRACTICES REVIEW**

EXECUTIVE SUMMARY

During August 2012, the Office of Fiscal Accountability and Compliance (OFAC) initiated a hiring practices review in the West New York School District (district). The review was initiated based on concerns that some employment decisions were based on political allegiance and a school district employee's willingness to make campaign contributions to municipal officials. The OFAC review was structured to determine if district hiring practices were compliant with applicable educational statute and code and void of undue influence.

The OFAC review included interviews with district administrators and support staff. The OFAC investigators reviewed board policy, board meeting minutes, job postings and descriptions, and applicant responses. The OFAC also reviewed board member financial disclosure forms, employment contracts, payroll records, Election Law Enforcement Commission candidate filings, as well as other documents pertinent to the matter under review.

Based on the information obtained during interviews and the review of official and unofficial documents that support statements made by the interviewees, the current Mayor of West New York, Dr. Felix Roque, has interjected himself into the district's hiring process. Assisted by board members, school administrators and other district employees; family and friends who supported the mayor were hired, promoted or reassigned to more desirable work environments. Likewise, some district employees identified as loyal to the former mayor were identified and selected for termination, demotion or reassignment to less desirable work locations.

The review also confirmed that the Mayor, his aides, board members and district employees actively solicited contributions from district employees who often felt obligated to contribute to ensure continued employment. Individuals interviewed and historical documents that were reviewed by the investigators indicated such a practice has been common place in the West New York school district for many years. However, under the current Mayor, the amount of the contribution solicited from school employees and the method of solicitation raised a new level of concern. According to those interviewed the current Mayor actively solicited school administrators to purchase \$2,000.00 dinner tickets to fund his campaign. Solicitations were conducted on school grounds and during the school day. School administrators stated they were lead to believe that failure to purchase a ticket could adversely affect their employment status.

The OFAC review confirmed several instances of potential retaliation against individuals deemed to be unsupportive of the Mayor. Persons interviewed also indicated board members

- appointed by the current Mayor declined to confirm reappointments contrary to the recommendation of the superintendent.

Based on the information obtained during the OFAC review, the district is directed to prepare a Corrective Action Plan indentifying the measures it will implement to ensure compliance with applicable statute and code regarding hiring and promotion. Specifically the board is instructed to comply with the provisions of N.J.S.A. 18A:27-4.1, Personnel Actions.

In reference to the conduct of certain board members, the OFAC lacks jurisdiction to address issues involving possible board member conflicts of interest and code of conduct violations. Such matters are under the purview of the School Ethics Commission (SEC). Aggrieved individuals may submit a complaint directly to the SEC. Information and instructions for the filing of ethics complaints is available at <http://www.state.nj.us/education/ethics/>.

In reference to potential ethics violations and the abuse of office involving the Mayor and/or other Town of West New York administrative staff, a copy of this report will be forwarded to the Office of the Attorney General and to the Division of Local Government Services, Department of Community Affairs for review.

- The remainder of this report details the investigative process utilized, as well as the information obtained during the investigation that serves as the basis for the OFAC determinations.

INVESTIGATION, CONCLUSIONS AND RECOMMENDATIONS

During July 2012, the Office of Fiscal Accountability and Compliance (OFAC) was alerted to concerns involving political fundraising and inappropriate political involvement with hiring practices in the West New York School District (district). The concerns were forwarded to the OFAC by the Federal Bureau of Investigation (FBI). The FBI had developed information concerning questionable district fund raising and employment practices during an unrelated investigation involving Dr. Felix Roque, the current Mayor of West New York. The OFAC initiated an investigation to determine if district practices were/are compliant with educational statute and code.

Background

The West New York School District is classified as a Type I district as defined by N.J.S.A. 18A:9-2. Members of the board of education in Type I districts are appointed by the Mayor of the municipality for terms of five years.

The town of West New York is governed by a five-member commission. Commission members are elected at-large in nonpartisan elections to serve four-year terms of office on a concurrent basis. Each Commissioner is assigned responsibility for one of five departments. The Commission selects one of its members to serve as Mayor.

From 2007 through 2011, Silverio Vega served as Mayor while also maintaining full-time employment as athletic director for the district. Also serving as a Commissioner was Michelle Lopez Fernandez, also a full-time employee of the district.

In the May 10, 2011, municipal election, a slate of five candidates, led by Dr. Felix Roque, won all five seats on the Town Council, replacing the incumbents. At the May 16, 2011, town council reorganization meeting, the five newly elected Commissioners unanimously voted to appoint Dr. Roque to a four-year term as Mayor of West New York.

- On May 13, 2011, outgoing Mayor Vega appointed two members to the school board. The appointments were contested by Mayor-elect Roque and were subsequently voided by the Commissioner of Education. The newly elected Mayor was then able to appoint two members of his choosing to serve on the board. Mayor Roque was also successful in obtaining town Commissioner approval to expand the number of board members from five to seven. He then appointed two more members of his choosing. These appointments effectively provided the Mayor with a majority voting block on the school board. The newly structured school board supported a reorganization of the district that included new positions, promotions, transfers and demotions of district staff.

Federal Indictment of Mayor Feliz Roque

On May 16, 2011, Mayor Roque and a group of his supporters became disruptive in their opposition to certain members of the Board of Education (board). Minutes of the May 16, 2011 board meeting, as well as a video posted on the internet document activities that were disruptive to the orderly conduct of the business of the board. The meeting was disrupted by unruly and threatening individuals. During the administration of the oath of office for a board member, a member of the crowd grabbed the oath of office from the hands of a board member. Other people in the crowd shouted and threw papers and water bottles at the board members.

These actions and rumors that individuals who did not support the Mayor would be retaliated against led to a recall movement against the Mayor. An internet website, wwwrecallroque.com, was established anonymously supporting the recall. Threats were received by an individual who supported the website and without authorization from the registered owner of the website, the site account was terminated.

The threats and interference with the website prompted an investigation by the FBI. On May 24, 2012, as a result of the FBI investigation, Mayor Roque and his son were arrested as the individuals responsible for terminating the website. Mayor Roque and his son were subsequently indicted on August 9, 2012, on three counts of computer hacking.

During the FBI investigation, district employees claimed the current Mayor utilized school employees to assist in fund raising activities. School employees distributed tickets to co-workers for events planned to raise campaign funds for the Mayor. The solicitations were conducted on school grounds during the school day. Employees indicated it was understood that failure to support the Mayor could result in adverse employment actions. Interviewees reported the Mayor provided a list of employees he wanted terminated, demoted or transferred. Town Hall personnel, reportedly upon the instruction of the Mayor, directed and/or requested friends and supporters be offered jobs with the district.

Following interviews with various individuals it was determined the issues identified did not warrant FBI involvement. The FBI determined the identified concerns should be forwarded to the New Jersey Department of Education for review.

The OFAC Investigation

The OFAC initiated an investigation of the allegations and concerns on August 16, 2012. The investigation included interviews with district administrators and support staff. Board policy, board meeting minutes and video, job postings and job descriptions, and applicant responses were reviewed. The OFAC also reviewed board member financial disclosure forms, employment contracts, payroll records, personnel files, state mandated Financial Disclosure forms as applicable, Election Law Enforcement Commission candidate filings, a criminal complaint titled, *United State of America v. Felix Roque and Joseph Roque*, as well as other documents pertinent to the matter under review.

The comprehensive review confirmed certain district employees were persuaded to support requests from the Mayor, town officials and school staff to acquiesce to actions they did not necessarily support and in some instances were deemed not to be in the best interest of the district. Individuals stated they were requested to financially support Mayor Roque or be subject to adverse employment actions. The investigation also confirmed certain individuals were apparently hired based upon political affiliation and support of the Mayor rather than ability and/or based upon district need.

The following listing is a synopsis of the information obtained by the OFAC investigators during their investigation.

1. Issuance of Mayor's Hit List¹.

- After results of the May 2011 municipal election confirmed that Dr. Roque and his slate were the successful candidates, the outgoing Mayor, Silverio Vega, appointed two members to the board of education with terms that extended through the term of the Mayor-elect. The Vega appointments would maintain the balance of power on the board as it was structured by Mayor Vega. It would prevent the new Mayor from appointing individuals of his choosing, effectively precluding him from obtaining control of the board.

Dr. Roque vehemently opposed the action taken by Mayor Vega and he initiated a successful legal challenge to the appointments. The successful legal challenge provided the opportunity for Mayor Roque to appoint two individuals of his choosing to the board. Mayor Roque was also successful in obtaining Town Commissioner approval to increase the number of board members by two. The four appointments made by the Mayor provided him with a majority of the board members reportedly pledging allegiance to the Mayor. This majority provided the Mayor with the opportunity to influence the employment decisions presented to the board for approval.

Following his appointment as Mayor-elect, Dr. Roque initiated specific actions to reorganize the board and have them implement district staffing changes. To accomplish his objective, the names of certain individuals, referred to as the Mayor's hit list, were forwarded to the district's Human Resources Department and presented to the superintendent by Clara Brito-Herrera, who was then a school principal in the district. Ms. Herrera had been appointed as a director, but was demoted to principal in a reported cost savings action when Mayor Vega took office. Ms. Herrera served as the campaign treasurer for Dr. Roque during his campaign. After the election, she was named liaison between the district and the Mayor-elect.

In her capacity as liaison, she delivered personnel action requests sought by the Mayor elect. One such action was to promote Ms. Herrera to the title of assistant superintendent with an

¹ During interviews with district administrators and staff, the OFAC investigators were informed that a list of names submitted to the superintendent for employment action was commonly referred to as the Mayor's Hit List.

increase in annual compensation totaling \$45,500. Another requested action included a restructuring of the district organization chart that placed Ms. Herrera as second in command. Two existing assistant superintendents who previously reported to the superintendent were now listed as subordinate to Ms. Herrera.

The hit list included the names of the individuals the Mayor-elect reportedly wanted terminated, transferred, demoted or promoted. Interviewees stated the Mayor had openly indicated his election was a mandate from the voters to ensure change was implemented in the district. The Mayor expressed the opinion he was empowered to provide advice regarding budget and personnel decisions, based on his appointment as a member of the Board of School Estimate. As part of the Mayor's employment status revisions, the superintendent was instructed to issue Rice notices to five employees. The Rice notices would alert those individuals their employment with the district would be discussed at a board meeting. It's the perception of district employees being the recipient of a Rice notice is often indicative of an adverse employment action.

As directed, the superintendent did issue Rice letters to several employees, but advised the employees he would ensure no adverse action would be implemented. Despite considerable pressure applied by Mayor-elect Roque, the superintendent refused to recommend terminations.

Mayor Roque, via district intermediaries including Ms. Herrera and Allan Roth, assistant to the director of special education, forwarded a request to certain district employees to meet with the Mayor. The requests were channeled through the Town Administrator, Joseph DeMarco. The individuals were instructed to contact Mr. DeMarco who would schedule an interview with the Mayor. The individuals slated for interviews indicated they felt intimidated and believed they had to acquiesce to the request to maintain their employment status. The OFAC was unable to determine any legitimate basis for requiring employees to submit to be interviewed by the Mayor.

In addition to directing the superintendent to implement specific status changes to existing employees, it was reported the Mayor directed the superintendent to hire specific individuals. Additional instruction was given as to the titles the individuals should be given. At least four recommendations were structured to provide compensation that was above the normal entry level compensation. Recommendations were submitted regarding the employment status and compensation for Rueben Vargas, Clara Perez, and Edelma Acosta. Their employment actions are discussed in more detail in the remainder of this report.

2. Directive to Interview with the Mayor.

The OFAC investigators were informed by district administrators and staff that individuals whose names appeared on the "hit list" were instructed to contact Mr. DeMarco at Town Hall to schedule a meeting with the Mayor.

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During the interviews, the Mayor indicated he wanted to determine if the employees were supportive of his efforts to improve the district. Most interviewees expressed the opinion the Mayor was using the authority of his office to ensure employees supported his candidacy. It was noted the relationships between the district administration and the Mayor had become extremely adversarial. A movement was initiated to seek the Mayor's recall.

3. Political fund raising activities involving school district employees.

School administrators told the investigators they are routinely asked to contribute to political campaigns. The persons interviewed indicated such solicitations have been commonplace in the district for many years. While some district employees stated they willingly contributed, others indicated they did so under the perception that failure to contribute would negatively impact their employment. This concern was greatest when the contributions were solicited for or by a district administrator or a district employee. Some recipients of the solicitations complained to the superintendent. The superintendent issued three memorandums to all district employees reminding them such activity on school grounds and during the school day violates school policy.

The OFAC investigators were told the dollar value of the contribution corresponds to the compensation received by the individual or the employment status of the contributor. The solicitations were generally in the form of purchasing tickets to various affairs. Ticket prices for Mayor Roque affairs were as little as \$150.00 for support personnel and \$2,000.00 for administrators.

Regarding senior administrators, individuals who did not respond were personally contacted by the Mayor during the school day via their district issued cell phones. The conversation included a reminder the individual had been sent an invitation and the Mayor was expecting the individual to attend the event.

Interviewees told the OFAC investigators some district employees conducted sales of the tickets during working hours despite the board policy prohibiting the sales on school grounds. The investigators obtained a memorandum issued by the superintendent to all employees reminding them board policy prohibits such fund raising activities on the school grounds.

4. Appointment of Clara Brito-Herrera.

- Upon appointment as Mayor, Dr. Roque was able to expand the number of members who serve on the board of education. The expansion, along with two prior appointments he selected provided him with effective control of the board. Since the board has the authority to approve or disapprove the superintendent's employment recommendations, his influence over decisions, can have a dramatic effect on district operations.

After Dr. Roque was appointed Mayor, he instructed Superintendent Fauta to appoint Clara Herrera as the Assistant Superintendent for Educational and Personnel Services. As a result

of the appointment, her annual salary was increased by approximately \$45,000.00. The superintendent accepted the instruction and recommended the personnel action under the presumption such action would appease the Mayor and result in a reduction of hostilities.

The investigators noted the board approved a November 9, 2011 resolution establishing the position of Assistant Superintendent for Educational and Personnel Services. The same resolution appointed Ms. Herrera to the new position in an acting capacity as the superintendent completes interviewing candidates for permanent selection.

The position was listed in the district as a vacancy on November 17, 2011. The application submission deadline was December 9, 2011. Also on November 17, 2011, the district posted an in-district vacancy announcement for Ms. Herrera's position as Principal.

Ms. Herrera was the only person to apply for the assistant superintendent's position. On December 14, 2011, the board approved a resolution appointing Ms. Herrera to the position with a pro-rated salary of \$185,000 and an effective date of December 16, 2011 through June 30, 2012.

5. Accelerated Tenure award for Clara Brito-Herrera.

On April 11, 2012, the board approved a resolution granting tenure to Ms. Herrera in her newly appointed position as Assistant Superintendent for Educational and Personnel Services with an effective date of April 12, 2011. The resolution indicated such action was permissible under provisions of N.J.S.A. 18A:28-6(a).

The investigators questioned the validity of the board resolution granting tenure to Ms. Herrera. The superintendent initially indicated that based upon information he received from human resources, such action was permitted under the provisions of the statute. However, upon further review, and under existing circumstances, the superintendent stated the statute did not allow for tenure. As such, the resolution had no meaning or effect.

6. Employment of Reuben Vargas.

Following Dr. Roque's appointment as Mayor, he directed the district to hire Town Commissioner Reuben Vargas in some capacity. The request was channeled through district employee Allan Roth. According to statements made by Mr. Roth and Superintendent Fauta, the Mayor was adamant that Mr. Vargas obtain employment with the district.

The superintendent stated he was fearful that unless he agreed to hire Mr. Vargas it would be extremely difficult to properly manage the district. He explained the Mayor had considerable influence over the majority of the board members who must approve his recommendations.

The superintendent felt it best to choose the battles he would fight and he agreed to hire Mr. Vargas. He discussed employment positions with Mr. Roth and Mr. Gagliardi who was the

director of human resources. It was decided Mr. Vargas would be offered a position as a secretary to the supervisor of transportation. Although this would be a new position, it could be justified since the supervisor of transportation did not have any support staff. The OFAC investigators interviewed the supervisor of transportation; he confirmed the need for the position.

On August 22, 2012, the OFAC investigators interviewed Mr. Vargas concerning his employment with the district. Mr. Vargas stated his title is, assistant to the supervisor of transportation. He became aware of the position through a friend who is a bus driver and was obtaining employment with the district. He visited the board office and obtained an application, was interviewed by the superintendent and received his job orientation from Ms. Herrera. The December 14, 2011 board minutes indicate Mr. Vargas was hired as the Administrative Assistant to Transportation effective December 16, 2011 through June 30, 2012. He was approved to receive an annual prorated salary of \$40,000.00. Although at the time of the interview he had been employed for seven months, he had difficulty articulating his job responsibilities and hours of employment. It should be noted Mr. Vargas was placed on unpaid administrative leave for 21 working days starting March 23, 2012, when it was determined he had not received the required criminal history approval to work in the district. The lack of approval was due to a procedural error. When corrected by Mr. Vargas, he received approval and resumed working in his assigned title.

District staff provided a copy of the job description for Mr. Vargas' title. The job description is titled, Secretary Clerk. Qualifications for the position include: High school diploma or equivalent, good word processing skills, knowledge of automated office equipment and efficient office procedures, and the ability to communicate effectively. Mr. Vargas stated he does not possess a high school diploma. He has not obtained a GED. He is not computer literate other than his ability to access the Internet. He has not held a prior position that would provide him with the experience needed for his current position. Mr. Vargas was unable to identify any experience, special skills or licenses that would support his selection for the position. He stated he does not have a New Jersey bus driver endorsement. As such, he does not serve as a substitute driver. He also lacks any familiarity with school transportation issues.

The investigators obtained a copy of pertinent sections of the West New York Education Association salary guide listing the salaries for secretarial positions such as that held by Mr. Vargas. The union salary guide indicated a new employee hired at step one of the salary guide would receive a salary of \$36,716.00. A 12 month employee would not receive a salary of \$40,000 until the employee had attained step eight on the guide.

- Superintendent Fauta, Human Resources Director Gagliardi and Administrative Assistant Alan Roth indicated Mr. Vargas was appointed to a position with a non-union title. As such, the administration could recommend a higher salary than the salary listed in the guide.

The OFAC was also informed on occasion Mr. Vargas left his assigned work station at the transportation office on 53rd Street without authorization to engage in activities outside his

area of responsibility. Superintendent Fauta stated he informed Mr. Vargas if he needed to leave his work site he was to inform his supervisor and duly record his absence on his daily attendance record. The investigators obtained photocopies of the cards utilized to verify attendance. The reliability of the attendance records are in question since the records, signed by Mr. Vargas are missing dates, indicate hours of employment in July that do not match the hours the office was open, and on the date of the review, August 29, 2012, included dates for September 16, 2012, through September 29, 2012.

- During the fall of 2012, the superintendent asked Mr. Vargas to resign or face termination under the 60 day termination clause in his contract. The superintendent explained the basis for the recommendation to board members in closed session. The board did not approve the recommendation. The board directed the superintendent to allow Mr. Vargas reasonable time to present proof of his qualifications.

7. Request for preferential treatment.

On or about Friday, September 21, 2012, Rueben Vargas contacted a member of the custodial staff and requested the office provide at least three days of substitute custodian work to a particular individual. Mr. Vargas has no authority to make such a request whether it is based on his district employment as the Administrative Assistant to Transportation or as a Commissioner for the Town of West New York.

The procedure to assign substitute custodians has been in place for approximately five years. The procedure requires vacancies to be filled on a rotating basis so as to afford each substitute custodian an equal opportunity to obtain work.

8. Mayor Roque's threats for failure to promote Reuben Vargas.

- In early December 2012, Rueben Vargas contacted the superintendent and requested appointment as the Warehouse Manager. The position was vacant due to the death of the former manager who had been with the district for many years. The former manager possessed skills specific to the appointment and due to his longevity was receiving annual compensation totaling \$90,000.00.

The superintendent informed Mr. Vargas the annual compensation for the warehouse manager position would be \$40,000, the same amount he was paid in his current title. Mr. Vargas was also informed he lacked the skills necessary for the position.

On Thursday, December 13, 2012, Town Administrator Joseph DeMarco called Allan Roth, assistant to the director of Special Services, and informed him the Mayor wanted Commissioner Rueben Vargas appointed as district warehouse manager with annual compensation of \$90,000.

- Mr. DeMarco informed Mr. Roth the Mayor wanted the board to appoint Mr. Vargas as Warehouse Manager. Mr. DeMarco identified the request as a “final test” and if not complied with Mr. Roth would be terminated along with Clara Herrera and the superintendent. Additionally, Ms. Adrienne Sires would be removed as board president at the May 2013, reorganization meeting.

9. Mayor’s request to meet with the superintendent.

On September 14, 2012, the OFAC investigators conducted a telephone interview with Superintendent Fauta. During the interview, the superintendent provided some historical information regarding items placed on the agenda for the September 13, 2012 board meeting.

Superintendent Fauta indicated the Mayor was angry, claiming Ms. Herrera had become disloyal and was distancing herself from the Mayor. She served previously as campaign treasurer for Dr. Roque’s campaign, served as his liaison to the district when he was candidate elect, and received a \$45,521.00 increase in basic compensation when she was appointed as an assistant superintendent after the election.

- The claim of being disloyal to the Mayor is presumed to have occurred after Ms. Herrera resigned as campaign treasurer in June 2012 and had been distancing herself from the Mayor. Her resignation as treasurer and disassociation with the Mayor coincided with the timing of the FBI investigation and a series of confrontations between the Mayor, the Mayor’s supporters and the district. Interactions between the superintendent and the Mayor became more adversarial as the superintendent chose not to comply with the Mayor’s attempts to control certain personnel decisions, including suggestions as to staff hires.

Prior to the September 13, 2012 board meeting, the Mayor indicated he sought to ensure the board awarded professional services contracts to firms of his choosing. The Mayor also wanted the board to withhold approval of the contract renewals for the three assistant superintendents, to deny the superintendents’ request to hire a specific individual as a security officer, and not modify the district organization chart.

Despite the Mayor’s request, the superintendent included agenda items recommending the approval of the three contracts, a modified organization chart and a recommendation to hire a particular individual as District Security Officer. The recommendations, if approved by the board, would include increases in annual compensation for each assistant superintendent. The modification to the organization chart would have altered the lines of authority in the district among the assistant superintendents. The position of director of security was requested as a cost saving measure.

- During the September board meeting, Board Vice-President Vilma Reyces obtained approval to remove the three assistant superintendent’s employment contracts renewal recommendations from the consent agenda. Ms. Reyces also obtained approval to remove the organization chart from the agenda. As such, each of those matters was to be voted on

separately. The contracts were approved with four ayes, two nays and one abstention. The resolution to approve a new organization chart failed when only three members voted to approve, three voted against and one member abstained. The final matter to approve the employment of the director of security was withdrawn by the superintendent based on concerns that it would fail. The superintendent explained to the OFAC the individual he selected for the position had fallen into disfavor with the Mayor.

On the morning of September 13, 2012, district employee Allan Roth received a telephone call on his cell phone from Mayor Roque. According to Mr. Roth, as a result of his various district duties and his association with the Mayor, it was not unusual for the Mayor to contact him directly concerning district matters. The purpose of the call was to discuss topics on the agenda of the September 12, 2012, board meeting.

Mr. Roth indicated the Mayor was upset over the re-affirmation of the contracts for the assistant superintendents, the submission of the organization chart and the recommendation to hire a particular individual as director of security. The Mayor asked what the superintendent was doing. He stated he wanted to meet with him (Mr. Roth) and the superintendent to discuss personnel and budget issues.

Mr. Roth expressed the belief the Mayor either said or implied that as a member of the board of school estimate, he had some control over personnel hiring and the budget process. The Mayor indicated, as he had done in prior conversations, he could have some input as to the need for personnel and salaries.

Mr. Roth informed the Mayor he had the right to sit with the superintendent; however, Mr. Roth's schedule would not accommodate such a meeting. The Mayor was upset and aggressive in his tone so Mr. Roth did not comment as to whether the superintendent desired to sit with him or to indicate the superintendent was not obligated to meet with the Mayor.

After a brief reference to the possibly the FBI recorded conversations, the Mayor asserted he was doing nothing illegal. The Mayor also asked how much longer Ms. Sires would serve as president of the Board of Education.

10. Employment of Clara Perez.

Ms. Herrera recommended the superintendent hire Clara Perez as a matron assigned to work at the board office as a confidential employee. The OFAC was informed Mrs. Perez is the mother of the Mayor's fiancée. The superintendent indicated designating an individual as a confidential employee, a non-union title, provides latitude to establish a starting salary higher than the established starting salary for a secretary.

A current employee was transferred from the board office to another position to accommodate the request. The rationale presented for the transfer was because a female employee was needed at the middle school to monitor the girls' locker room. The Superintendent agreed to

the transfer and the new hire stating the assignment would placate the Mayor and would serve a legitimate district need. The superintendent indicated Ms. Perez was qualified and since being hired has met district performance requirements.

The OFAC reviewed payroll information and noted the individual who was transferred had been with the district for 12 years, served in a union title and received annual compensation totaling \$26,202.00. Ms. Perez was hired in a non-union title and awarded a starting salary of \$28,403.00.

11. Request to employ the wife of the Deputy Mayor.

The superintendent stated to the OFAC investigators that shortly after Mayor Roque won election; he received a request from Deputy Mayor, Silvio Acosta as to the possibility of obtaining district employment for his wife. The Mayor and Ms. Herrera may also have suggested the hiring of Mrs. Acosta.

The superintendent instructed the Human Resources Department to process the individual for employment as a secretary. The individual submitted the paperwork required as part of the hiring process during the later part of March and early April 2012. An employment start date was scheduled for May 1, 2012.

Prior to the approach of the employment start date, the superintendent reviewed district staffing needs. He did not want to spend education dollars on a non-education position; as such, he decided this particular appointment was unnecessary. The individual was not hired.

12. Denial of Re-Appointment of Roberto Sanchez and Stacey Olivero.

As stated previously, when Silvio Vega was appointed as Mayor, he eliminated the director's position held by Clara Herrera. Two other assistant superintendents, Roberto Sanchez and Stacy Olivero were not affected. With the appointment of Dr. Roque as Mayor, the board was restructured and a third assistant superintendent position was added. The district organizational chart was amended to reflect the new position and the lines of authority and reporting responsibility were redrawn.

Under the new organization, Assistant Superintendents Sanchez and Olivero were now subordinate to Ms. Herrera. It also became apparent that Ms. Herrera, with her close ties to the Mayor and the Mayor's new control over the board, wielded considerable authority in the district.

13. Denial of Re-Appointment of Scott Cannao.

Mr. Scott Cannao has been employed with the West New York School District since the 2003-2004 school year. During the 2010-2011 school year he was employed as the principal

of the high school and was renewed in that capacity for the 2011-2012 school year. Mr. Cannao anticipated receiving tenure in his position as principal.

Following Dr. Roque's successful campaign, the names of certain non-tenured staff members were submitted to the superintendent. The instructions that accompanied the submitted names were the non-tenured personnel were to receive a non-tenure letter. The letter would place them on notice they would not be offered tenure in their current position with the district.

Upon his appointment as Mayor, Dr. Roque scheduled public events to fund his political activities. Tickets to attend the events were circulated in the district and information circulated among staff members included statements to the effect non-tenured employees who failed to buy a ticket to Mayor Roque's fundraising event would probably not receive reappointment for the following year. Specifically, Clara Herrera commented to the district's supervisor of human resources that such action was likely.

Mr. Cannao is of the opinion he was selected for non-renewal as principal since he questioned the assignment of two individuals who were closely tied to the Mayor. One employee was selling tickets for the Mayor's events on-site during school hours. The other individual is the former Mayor's ex-wife. She works as a teaching staff member and although she is paid over \$100,000.00 per year, she is not assigned to teach any classes. The superintendent indicated the individual is a longtime employee who is a permanent substitute. Her salary is commensurate with her degree and longevity.

Mr. Cannao also declined a request to purchase a \$2,000.00 ticket to the Mayor's political dinner. The ticket was handed to him by another school principal. Prior to the ticketed event, he received a text message from the Mayor on his district issued cell phone that was a follow-up to the ticket he was given by the principal. The message was a reminder he should attend.

He declined another political solicitation. This solicitation involved a request to support Congressman Albio Sires. The congressman's wife, Adrienne Sires, was appointed as board president after Mayor Roque's election. When Mr. Cannao failed to purchase the ticket he received a voice message from Congressman Sires' aid seeking confirmation that he would be attending the congressman's event.

Mr. Cannao stated to the best of his knowledge six or seven names were on the non-tenured hit list. Only two individuals declined to purchase tickets to the political events, he and Ms. Michelle Lopez. Coincidentally, he and Ms. Lopez were the only individuals that were non-renewed. As such, he and Ms. Lopez have submitted complaints to the Department of Education's Office of Controversy and Disputes.

Mr. Cannao also asserts he received information from different sources that town hall, meaning the Mayor's office, wanted him removed as principal. The Mayor's office and Ms. Sires wanted another individual appointed as the principal.

Despite pressure from the Mayor's office, Superintendent Fauta stated to the OFAC investigators he saw no reason not to recommend the reappointment of Mr. Cannao. He did so on three separate occasions; however, the board failed to approve his recommendation and Mr. Cannao was returned to his prior position as assistant principal with an annual loss of about \$17,000 in compensation.

14. Transfer of Michelle Lopez.

Ms. Michelle Lopez had been employed by the West New York School District for 11 years. She had been appointed as the supervisor of the Gifted and Talented Program but was demoted after Mayor Roque was elected. When interviewed on August 29, 2012, she was assigned as a third grade teacher. She was one of the individuals on the hit list.

Ms. Lopez was a former commissioner with the town, serving from May 2007 until her defeat in May 2011 election. Following the appointment of Dr. Roque as Mayor, she learned her name was included on the mayor's hit list. She also stated her husband who worked for the town was demoted and his working hours were reduced. He has subsequently been terminated.

Her sister, who worked in the district for 13 to 15 years, was transferred in December 2011 from her position as a secretary in the board office. Her new assignment is a door monitor at School #1.

Ms. Lopez stated while at School #2, she was approached with a request she purchase a ticket to the Mayor's political fundraiser. She declined. Subsequently, she received a Rice letter in June, 2012. Despite favorable evaluations and recommendations from the superintendent for reappointment, similar to Mr. Cannao, she failed to gain approval from the board for reappointment.

The demotion resulted in a reduction of approximately \$27,000.00 in annual compensation. After her demotion, she was informed that if she would call the Mayor and pledge her allegiance she may get her job back. She declined and has submitted a complaint to the Department of Education's Office of Controversy and Disputes alleging her transfer was arbitrary and capricious.

15. Allan C. Roth, Administrative Assistant to the Director of Special Education Services.

During the OFAC review it became apparent a district employee, Allan C. Roth, was actively involved in district employment decisions. The OFAC investigators were informed Mr. Roth is a practicing attorney who has been employed by the district since the 2004-2005 school year.

The OFAC investigators were informed Mr. Roth has a special employment relationship with the district. His duties include appointment as the affirmative action officer, evaluation of

special education IEP's, and providing an analysis and review of legal expenses. On occasion he has served as an interim board secretary.

His current employment contract requires he work a minimum of 20 hours per week. Mr. Roth indicated he often works well in excess of 20 hours and has documented the time he devotes to district issues by the submission of time reports to Mr. Patrick Gagliardi, Director of Human Resources.

Mr. Roth was interviewed on August 22, 2012 and provided information regarding his employment actions and his knowledge regarding organizational changes that were attempted or implemented following the successful appointment of Dr. Rogue as Mayor. Mr. Roth also provided information concerning the restructuring of the board to afford the Mayor a controlling majority of members.

Mr. Roth indicated when the Mayor appointed new members to the board, Adrienne Sires was elected president. Ms. Sires wanted changes made in the district's organization chart to reflect the structure in place when she was the assistant superintendent. It should be noted that during various interviews with other staff members, it was represented that Ms. Sires and Ms. Herrera are close friends, as well as friends of the Mayor.

Mr. Roth's recollection of events was, the Mayor or as it was sometimes represented, town hall, requested specific actions regarding certain employment decisions. Those requests involved the termination, demotion, promotion and transfers of specific individuals. One immediate action involved the appointment of Clara Herrera as assistant superintendent. She was to be the right hand to the superintendent. At the same time she was closely aligned with the new Mayor and was named as the liaison between the district and town hall.

Mr. Roth explained that historically changes would be implemented with a change in the administration at town hall. With Mayor Roque's appointment and his successful restructuring of the board that included the removal of individuals the Mayor thought were disloyal, numerous recommendations were provided.

Among the initial actions called for by the Mayor's office was the issuance of non-renewal letters to non-tenured staff members. Mr. Roth stated the superintendent was extremely uncomfortable issuing the letters to many of the individuals, especially in midyear. He recalled many conversations with the superintendent and other staff members as how the district could properly balance the specific requests while not harming qualified employees.

The superintendent complied with the request to issue the letters in a manner that would place the least number of employees in jeopardy. Mr. Roth stated while Ms. Herrera served as liaison to town hall, she arrived at the board office with a list of about one-half dozen names. His name was on the list with a big question mark. Ms. Herrera asked what specific position the individuals held and whether or not they could be demoted or fired. In addition to individuals targeted for termination or demotion, the superintendent indicated the Mayor's

office was seeking employment positions for several individuals. Beside Ms. Herrera's appointment as assistant superintendent, he was familiar with positions sought for Rueben Vargas, a Town Commissioner and Edelma Acosta, the wife of the deputy Mayor.

Mr. Roth also indicated he was aware some of the individual's whose name appeared on the list were directed to contact town hall and make an appointment to meet with the Mayor. He did not know how many people met with the Mayor. He is unaware of anything happening after the meetings. He did not meet with the Mayor, but has spoken with him regarding district operations. He was involved in discussions concerning employment positions for Mr. Vargas and Mrs. Acosta. He was also responsible for determining Mr. Vargas' title, duties, salary and the development of his job description.

Mr. Roth was questioned about Mr. Vargas' qualifications for the position he was appointed to fill. The job description required a high school diploma or equivalent. When asked how Mr. Vargas could be hired when he did not meet that requirement, Mr. Roth indicated the job description allowed for equivalent training as a substitute. He explained equivalent training as business office experience.

In reference to solicitations to purchase event tickets, Mr. Roth stated that has purchased tickets to various events. During 2011 he spent \$4,000.00 when he purchased two \$2,000.00 tickets to attend the Mayor's dinners. He was of the opinion that his purchases were, "the cost of doing business."

16. Patrick Gagliardi - district employment.

Mr. Gagliardi has been employed by the district for more than 19 years. When interviewed on August 20, 2012, he served as the Director of Human Resources.

Mr. Gagliardi stated after the May 2011 election, there was a campaign of harassment and bullying by town hall to gain influence in the district. The board office received phone calls and visits from personnel from town hall in an attempt to direct district employment actions. The individuals generally responsible included Joseph DeMarco, Town Administrator and Allan Roth who has worked in the district for 20 years.

Mr. Gagliardi stated he received daily phone calls from the superintendent regarding requests for terminations, transfers, and new hires. He was informed by the superintendent the requests were coming from the Mayor's office.

During his employment he was also provided tickets for various fund raisers. He was asked to contribute to the Mayor Roque's political fund. He attempted to contribute by issuing a \$1,000.00 check. The check was not accepted and was returned to him. He was told since he was a friend of the former Mayor he was not welcome at the Mayor's dinner.

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17. Modification to the district organization chart.

The OFAC reviewed the district organization charts as they existed and were modified for the time period prior to the election of Mayor Roque to the present day, February 2013. It was noted that initially, the two individuals assigned as assistant superintendent had lines of authority connected to the superintendent. Both individuals were on the same level.

The chart was revised after the election of Mayor Roque to add Clara Herrera as a third assistant superintendent. Each assistant had a line of authority that connected to the superintendent. Each assistant superintendent was on the same level.

Subsequently, on December 14, 2011, the board modified the organization chart to indicate that Ms. Herrera was a direct report to the superintendent. The remaining superintendents reported to Ms. Herrera.

The superintendent informed the OFAC he was not aware of the modification until after the agenda was prepared. Human Resources indicated the modification was prepared under the direction of Mr. Roth who was serving as Board Secretary.

• The superintendent recommended and the board approved a recent revision of the organization chart on December 14, 2012. The organization chart now indicates each assistant superintendent has equal authority and each has a direct line of authority and communication to the superintendent.

18. The conduct of Mayor Roque and Commissioner Vargas may violate the New Jersey Criminal Code.

As stated in the preceding paragraphs, Mayor Roque sought, requested, and pressured the superintendent of the West New York School District in an effort to obtain approval for adverse employment actions against individuals who supported the prior Mayor and/or individuals who failed to support his candidacy.

Similarly, Rueben Vargas used his position as Commissioner of the Town of West New York to seek employment positions with the district knowing he lacked the required qualifications.

New Jersey Statutes Annotated, specifically N.J.S.A. 2C:30-2 addresses conduct of a public servant that is illegal. The statute reads in part, “A public servant is guilty of official misconduct when, with purpose to . . . injure or to deprive another of a benefit:

- a. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or,

- b. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a crime of the second degree.

19. Mayor Roque and Commissioner Vargas' district interventions appear contrary to N.J.S.A. 40A:9-22.5, governing the conduct of local government officers.

N.J.S.A. 40A:9-22.5 reads in part, Local government officers . . . shall comply with the following provisions:

- c. No local government officer . . . shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

Jurisdiction to determine violations of N.J.S.A. 40A:9-22.5 are under the purview of the Local Finance Board in the Division of Community Affairs.

Conclusion

For the reasons set forth in this report the OFAC investigators have confirmed the West New York Board of Education permitted the Office of the Mayor to unduly influence district employment decisions. Based upon information divulged during interviews with district staff and other corroborating information, the Mayor utilized his authority and influence to direct board actions concerning employment decisions in the district. The OFAC concluded the superintendent acquiesced to the wishes of the Mayor based upon fear noncompliance with Mayor Roque's requests would adversely affect district employees and operations.

The information obtained as a result of employee interviews also established a pattern of coercion of staff to contribute to fund the Mayor's campaign or face possible retribution. Such action may have violated provisions of the School Ethics Act.

- The OFAC has also concluded sufficient verifiable evidence exists to support a referral to the Office of the Attorney General and the Local Finance Board in the Department of Community Affairs Division of Local Government Services. The Office of the Attorney General has jurisdiction over matters involving violations of the criminal code. The Local Finance Board has jurisdiction over matters involving the conduct of local government officers.

Recommendation

The district is directed to prepare a Corrective Action Plan indentifying the measures it will implement to ensure compliance with the provisions of N.J.S.A. 18A:27-4.1, Personnel Actions.

In reference to the conduct of certain board members, the OFAC lacks jurisdiction to address issues involving possible board member conflicts of interest and code of conduct violations.

- Such matters are under the purview of the School Ethics Commission (SEC). Aggrieved individuals may submit a complaint directly to the SEC. Information and instructions for the filing of ethics complaints is available at <http://www.state.nj.us/education/ethics/>.

In reference to potential ethics violations and abuse of office involving Mayor Rogue and Commissioner Vargas, and/or other Town of West New York administrative staff, a copy of this report will be forwarded to the Office of the Attorney General and the Division of Local Government Services, Department of Community Affairs for review.

Submitted by:

Thomas Martin (RJC)

Thomas C. Martin, Manager
Investigations Unit

Approved by:

Robert J. Cicchino

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

Investigator

Dino P. Dettorre
Karl T. Feltes

I:\kfeltes\West New York\Hiring Practices 068-12\West New York ROE2.doc

EXHIBIT M

West New York Board of Education
Work Session/Business Meeting Minutes
March 12, 2014, 5:30 p.m.

The Work Session/Business Meeting of the West New York Board of Education was held in the Auditorium of Albio Sires Elementary School (PS #4), 6300 Palisade Avenue, West New York, New Jersey. The order of business and agenda for the meeting were:

I. CALL TO ORDER

At 5:37 P.M. the meeting was called to order.

II. FLAG SALUTE

The Pledge of Allegiance to the Flag of the United States of America was recited.

III. ROLL CALL

President Reyes	Present
Vice President Dr. Piscitelli	Present
Trustee Acosta	Absent
Trustee Alam	Present
Trustee Cheng	Present
Trustee Duval	Present
Trustee Gastanadui	Absent during Roll Call - Arrived at 7:10 p.m.
Trustee Palermo	Present
Trustee Parkinson	Present

Also Present: Mr. John Fauta, Superintendent
Ms. Clara Brito Herrera, Assistant Superintendent Educational and Personnel Services
Ms. Anastasia Olivero, Assistant Superintendent for Curriculum & Instruction
Mr. Robert Sanchez, Assistant Superintendent for Administrative Services
Ms. Beverly Lazzara, Director of Special Services
Mr. Kevin J. Franchetta, School Business Administrator/Board Secretary
Mr. Allan Roth, Administrative Assistant to Special Services
Ms. Jenna Rottenberg, Attorney - Florio, Perrucci, Steinhardt & Fader, LLC

IV. OPEN PUBLIC MEETING STATEMENT –

The New Jersey Open Public Meetings Law was enacted to ensure the right of the Public to have advance notice of and to attend the meetings of any public bodies at which any business affecting their interest is discussed and acted upon. In accordance with the provisions of the act, the School Business Administrator/Board Secretary has caused notice of this meeting to be sent to the following, announcing time and place thereof, agenda, etc.

the Jersey Journal
the Administration Bulletin Board
the District Website

V. COMMUNICATIONS (Board Secretary)

A. Interim Executive County Superintendent Appointment of Vice President of the Board of Education

Mr. Franchetta announced that he had received a letter from the Interim Executive County Superintendent (Ms. Monica Tone) dated February 24, 2014 appointing Dr. Christine D. Piscitelli vice president until the organization meeting following the next annual school election in November 2014. Mr. Franchetta congratulated Dr. Piscitelli on her appointment as vice president.

XIII.

PUBLIC COMMENTS

In accordance with West New York Board of Education Bylaw #0167 (Public participation in board meetings – Adopted April 22, 2009) each participant shall be limited to three minutes' duration.

1. Patrick Cullen

Mr. Cullen questioned that since the town moved the school election to November and that the town acted without public comment at the Town Council Meeting, and for other issues, and the Board didn't approve the town's actions and the Mayor and the Council Members have relatives working for the district, shouldn't the Board attorney represent the Board and join Mr. Frank Ferriero's lawsuit. He said it would be incumbent upon this Board to join the lawsuit. He asked for Board member comments to this issue.

Mr. Cheng asked if the district received notification of the meeting from the Town of West New York. Mr. Roth replied that the district did not receive notice from the Town. Mr. Cheng stated that no member of the public permitted to speak at the Town Meeting. Ms. Reyes said she didn't attend that meeting, but generally as a member of the public, she does attend the town meeting.

Ms. Rottenberg stated that she would contact the Town attorney to confirm if the Board of Education was served notice of the Town's intent to move the election.

2. Danny Perralis

Mr. Perralis commented that Lester Taylor stated that he would be attending future West New York Board of Education Meetings as Paul Sangillo is no longer employed by Florio, Perrucci, Steinhardt & Fader at the last board meeting but now tonight is a different attorney from the firm. He asked the Board to have continuity in their legal counsel.

Dr. Piscitelli stated that she shares Mr. Perralis' concern of continuity of legal service for the Board.

3. Maria Leon

Ms. Leon requested that the Board to stop wasting our money to fight this matter (i.e., moving of the school board election date).

4. Francisco Ferriero

Mr. Ferriero stated that he is seeing great progress on this Board; he is seeing democracy in action. He stated that democracy should not be stopped since it cost money. Mr. Ferriero asked if Mr. Ruben Vargas is still employed by the Board.

Mr. Fauta responded that Mr. Vargas employment with the Board was terminated.

XIV.

BOARD OF EDUCATION STATEMENTS

A. Board Member Comments

- Mr. Parkinson said that last month he did not have his resume, but he has it tonight. He said this is an attempt by some Board members to defame him and his character. He reviewed his resume. He thanked Ms. Herrera, Ms. Lazzara, and Ms. Olivero for the great things they spoke about at tonight's meeting regarding great happenings in the district. He reviewed the impressive award the high school received including an award from the Advanced Placement College Board. He reviewed statistics for graduates from Memorial High School. He will not tolerate being told what to do, by community members or fellow board members.

- Ms. Palermo had no idea what Mr. Parkinson is stating. She resents accusations that he is making against her. Mr. Parkinson apologized to Ms. Palermo as he was not accusing her. She accepted his apology.

**Item # 2.10 (District Evaluation Advisory Committee/WNYEE4NJ - REVISION)
removed from the Consent Agenda**

Request by: Adam Parkinson

Board Secretary: Motion to accept the consent agenda as presented or modified

Motion made by: SA NA MC **AD** SG JP AP CP VR
Seconded by: SA **NA** MC AD SG JP AP CP VR

Trustee	Ayes	Nays	Abstain
Trustee Acosta	Absent		
Trustee Alam	✓		
Trustee Cheng	✓		
Trustee Duval	✓		
Trustee Gastanadui	✓		
Trustee Palermo	✓		
Trustee Parkinson			✓
Vice President Dr. Piscitelli	✓		
President Reyes	✓		

Motion to Intervene –

The Board authorizes the Law Firm of Florio, Perrucci, Steinhardt & Fader to file a motion to intervene in the Superior Court in the matter of the Order to Show Cause captioned Francisco Ferreiro vs. The Town of West New York for the issue that the Board of Education did not receive proper notification of the intention to move the school board election from the third Tuesday in April to the first Tuesday in November.

Request by: Matthew Cheng

Motion made by: SA NA **MC** AD SG **JP** AP CP VR
Seconded by: SA NA **MC** AD SG JP AP CP VR

Trustee	Ayes	Nays	Abstain
Trustee Acosta	Absent		
Trustee Alam	✓		
Trustee Cheng	✓		
Trustee Duval		✓	
Trustee Gastanadui	✓		
Trustee Palermo	✓		
Trustee Parkinson			✓
Vice President Dr. Piscitelli	✓		
President Reyes			✓

Motion carries.

EXHIBIT N

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CIVIL FAMILY PART
BERGEN COUNTY
DOCKET NO. HUD-L-1077-14
APP. DIV. NO. _____

FRANCISCO A. FERRIERO,

Plaintiff,

vs.

TOWN OF WEST NEW YORK,
COMMISSIONERS ROQUE,
VARGAS, WILEY, RODRIGUEZ,
WEST NEW YORK TOWN CLERK
CARMELLA RICCI and HUDSON
COUNTY CLERK,

Defendants.

TRANSCRIPT OF PROCEEDINGS

MOTIONS

Place: Administration Building
595 Newark Avenue
Newark, NJ 07306

Date: March 14, 2014

B E F O R E:

HONORABLE PETER F. BARISO, JR., A.J.S.C.

TRANSCRIPT ORDERED BY:

JENNIFER A. SHAW, ESQ.,
(Florio, Perrucci, Steinhardt & Fader, LLC)

A P P E A R A N C E S:

FRANCISCO A. FERREIRO, Pro Se,
Plaintiff.

Audio Recorded By: C. Ortiz

TAPE REPORTERS, INC.
Charlene P. Scognamiglio
29 Beach Road
Monmouth Beach, NJ 07750
732-263-1191

A P P E A R A N C E S: (Continued)

SEAN D. DIAS, ESQ.,
(Scarinci Hollenbeck)
Attorney for the Defendant Town of West New York and
Commissioners Roque, Vargas, Wiley and Rodriguez.

DENNIS MURPHY, ESQ.,
(Schwartz, Simon, Edelstein & Celso, LLC)
Attorney for Defendant Carmella Ricci.

MARK E. MORCHEL, ESQ.,
Deputy County Counsel,
Attorney for Defendant Hudson County Clerk.

JENNIFER A. SHAW, ESQ.,
(Florio, Perrucci, Steinhardt & Fader, LLC),
Attorney for potential intervener West New York
Board of Education.

TAPE REPORTERS, INC.
Charlene P. Scognamiglio
29 Beach Road
Monmouth Beach, NJ 07750
732-263-1191

1 present that night if they will help my case. And the
2 Board Attorney obviously said no. But one of the Board
3 Members brought a motion in front of the Board, and
4 that's how this got passed that Mrs. Shaw is here.

5 Because the Board Members passed the
6 resolution five --

7 THE COURT: Mrs. Shaw --

8 MR. FERREIRO: -- to one.

9 THE COURT: Mrs. Shaw -- or Ms. Shaw --
10 counsel is not taking your position. They are not
11 asserting that the resolution was improper and not
12 within 60 days. They are not taking that position.

13 MR. FERREIRO: Yes. No, Your Honor, --

14 THE COURT: So they're not agreeing with you.

15 MR. FERREIRO: Well, Your Honor, they're --

16 THE COURT: All they'll --

17 MR. FERREIRO: Mrs. Shaw --

18 THE COURT: -- telling me is --

19 MR. FERREIRO: -- is here representing the --

20 THE COURT: All they're telling me is --

21 MR. FERREIRO: -- Board by resolution.

22 THE COURT: -- we went through our drawers
23 and couldn't find the piece of paper. They're not
24 telling me they didn't have notice. You know why?
25 They can't.

1 MR. FERREIRO: Well, I -- Your Honor, --

2 THE COURT: And if they could, the attorney
3 to your left would have given me a certification that
4 says that. They're not saying that.

5 MR. FERREIRO: Well, Your Honor, that's what
6 the Board Members are saying.

7 THE COURT: No, they are --

8 MR. FERREIRO: Ms. --

9 THE COURT: -- not.

10 MR. FERREIRO: Ms. Shaw doesn't have the --

11 THE COURT: Ms. Shaw, --

12 MR. FERREIRO: -- the -- the --

13 THE COURT: -- is your client saying they had
14 no notice of this meeting?

15 MS. SHAW: They did not have the -- our --
16 our client is taking the position that they did not
17 have notice as required by the statute --

18 THE COURT: Well, I didn't ask you that.

19 MS. SHAW: -- of the meeting.

20 THE COURT: I'll decide what's required by
21 the statute.

22 MS. SHAW: Of the meeting. Not the --

23 THE COURT: Did they have notice of the
24 meeting?

25 MS. SHAW: The position is that they did not

1 have prior notice of the meeting.

2 THE COURT: And you --

3 MS. SHAW: And which --

4 THE COURT: -- have someone who's going to
5 come to this Court and say that under oath?

6 MR. FERREIRO: There's three of --

7 MS. SHAW: They --

8 MR. FERREIRO: -- them here -- oh, I'm sorry.

9 THE COURT: I want the Business Administrator
10 here Monday morning ten o'clock.

11 MS. SHAW: No. The Board -- Your Honor, --

12 THE COURT: Counsel, you're threading on thin
13 ice now. Let's not play games.

14 MS. SHAW: No. I --

15 THE COURT: This is a direct question. Is
16 your client representing to this Court they did not
17 have notice of the meeting?

18 MS. SHAW: The Board --

19 THE COURT: It's yes or no. Did they have
20 prior notice of the meeting?

21 MS. SHAW: They did not have prior written
22 notice of the meeting, Your Honor.

23 THE COURT: Okay. That's what I've been
24 saying when we started this. The only thing the
25 certification says is they can't find the piece of

1 paper. Despite the fact that I have a certification
2 that has an email printed to them, a Lawyer Service
3 delivery sheet that has their name, and a certification
4 that an ad was placed in The Jersey Journal four days
5 before the vote, and they're going to come in here and
6 tell me they had no idea that Council was voting on
7 this?

8 MS. SHAW: No.

9 THE COURT: No. They couldn't find the piece
10 of paper?

11 MS. SHAW: That's correct.

12 THE COURT: That's what they're telling me?

13 MS. SHAW: That's correct.

14 THE COURT: And that's what I dislike.

15 MR. FERREIRO: That's not what they're
16 saying, Your Honor.

17 THE COURT: Mr. --

18 MR. FERREIRO: I'm sorry, --

19 THE COURT: -- Ferreiro, --

20 MR. FERREIRO: -- Your Honor.

21 THE COURT: -- this is their attorney. She
22 speaks for them.

23 MR. FERREIRO: I was at --

24 THE COURT: That's what she --

25 MR. FERREIRO: -- at the meeting, Your Honor.

1 THE COURT: -- said at the record.
2 MR. FERREIRO: About the 18th, correct.
3 MS. SHAW: Your Honor, --
4 THE COURT: Mr. Ferreiro, --
5 MR. FERREIRO: Well, I would like --
6 THE COURT: -- with all due respect --
7 MR. FERREIRO: -- to call those --
8 THE COURT: -- to you, --
9 MR. FERREIRO: -- some members as witnesses.
10 THE COURT: -- you are not the Board of
11 Education. And -- are you an attorney?
12 MR. FERREIRO: No, I am not, Your Honor.
13 THE COURT: Then you cannot represent the
14 Board.
15 MR. FERREIRO: No.
16 THE COURT: This is their attorney. I read
17 the certification. I know what it means. And she just
18 said what it means.
19 MR. FERREIRO: Well, I -- I'm sorry. I'm
20 just saying that I was at the meeting, and that's not
21 what the -- her Board Members wanted her --
22 THE COURT: Were Board --
23 MR. FERREIRO: -- to do.
24 THE COURT: -- Members at the meeting?
25 MR. FERREIRO: Yes, of course.

1 THE COURT: How did they know about the
2 meeting?
3 MR. FERREIRO: It's the monthly meeting of
4 the West New York Board of Ed.
5 THE COURT: Hello.
6 MR. FERREIRO: Oh, no. Your Honor, but the
7 statute says they -- they -- they're the --
8 THE COURT: Do they go to every meeting?
9 MR. FERREIRO: No. Only --
10 THE COURT: Or did they go to this meeting --
11 MR. FERREIRO: Only two.
12 THE COURT: -- because there was a
13 resolution.
14 MR. FERREIRO: Only two always go to the
15 meetings.
16 THE COURT: And did they go to this meeting
17 knowing there was a resolution?
18 MR. FERREIRO: Yes.
19 THE COURT: Thank you. That's --
20 MR. FERREIRO: But --
21 THE COURT: -- called notice.
22 MR. FERREIRO: But -- but -- but, Your Honor,
23 it says that the -- the -- the statute states that they
24 -- the Board itself -- all the members of the Board
25 must be notified --

1 THE COURT: No, it doesn't.
2 MR. FERREIRO: -- specifically.
3 THE COURT: No, it doesn't.
4 MR. FERREIRO: Yeah. The statute says that.
5 THE COURT: It says the Board of Education
6 must be notified. You know how you notify the Board of
7 Ed, you notify who?
8 MR. FERREIRO: I -- I'm -- I don't want -- I
9 -- I'm not 100 percent sure, Your Honor. I would like
10 to --
11 THE COURT: When you --
12 MR. FERREIRO: -- double check it.
13 THE COURT: -- want to the Town ---
14 MR. FERREIRO: But I think it --
15 THE COURT: -- to have notice --
16 MR. FERREIRO: -- says the Board Members.
17 THE COURT: When you want the Town to have
18 notice, how do you think the Town has notice? You
19 think you have to go to every Commissioner and --
20 MR. FERREIRO: No.
21 THE COURT: -- give them --
22 MR. FERREIRO: No. Of course not, --
23 THE COURT: Who do you give it to?
24 MR. FERREIRO: -- Your Honor. I had to go to
25 every Commissioner on my --

1 THE COURT: Well, because you named them.
2 MR. FERREIRO: -- on my notices.
3 THE COURT: You named them.
4 MR. FERREIRO: Well, but I -- I believe the
5 statute says the Board Members --
6 THE COURT: Is that the position of the Board
7 of Ed that every Board Member is supposed to have
8 notice?
9 MS. SHAW: The Board of Education. And --
10 THE COURT: And who's the Board of Education?
11 MS. SHAW: The Board Secretary/Business
12 Administrator accepts official notice on behalf of the
13 Board.
14 THE COURT: Okay. So the email that's been
15 provided by Ms. Ricci, and the Lawyer Service delivery
16 slip provided by Ms. Ricci correctly identifies who's
17 supposed to get notice at the Board of Ed, correct?
18 MS. SHAW: Correct.
19 MR. FERREIRO: I'm sorry. What was that,
20 Your Honor? I'm sorry. Could you repeat that one
21 right there?
22 THE COURT: That the certification from Ms.
23 Ricci, in which she gives a copy of the email with the
24 addresses, and the Lawyer Service with the name and the
25 address correctly identifies the individual who was

1 legally responsible to accept service for the Board of
2 Education.

3 MR. FERREIRO: Yes. And this individual --

4 THE COURT: And that's what the attorney
5 said. And the attorney has also said that not every
6 member has to be served.

7 MR. FERREIRO: Now the attorney might be
8 incorrect on it.

9 THE COURT: Well, it might be. But she's the
10 attorney for the Board --

11 MR. FERREIRO: Okay.

12 THE COURT: -- of Ed.

13 MR. FERREIRO: And, Your Honor, Kevin
14 Franchetta, the Business Administrator, has also
15 certified that he not -- did not receive any notice.

16 MR. DIAS: I'm going to object --

17 MR. FERREIRO: And the Board Members --

18 MR. DIAS: -- to his characterization of
19 certification, Your Honor.

20 MR. FERREIRO: And the Board Members --

21 THE COURT: Do you want me to call him here
22 Monday morning? You're the Board of Education. Do you
23 want him to take the stand here Monday morning?

24 UNIDENTIFIED SPEAKER: Yes.

25 UNIDENTIFIED SPEAKER: Yes.

1 MR. FERREIRO: They're the Board --

2 THE COURT: Counsel, --

3 MR. FERREIRO: -- of Education, Your Honor.

4 THE COURT: I am not -- look, this is not a
5 Council meeting. This is not a majority rules. This
6 is a Court of law. This is the representative for the
7 Board of Education. She is the attorney.

8 Do you want him here Monday morning?

9 MS. SHAW: Your Honor, --

10 THE COURT: And if he does, I expect under
11 oath to hear something different than what I've been
12 saying since 12:40.

13 MS. SHAW: Your Honor, the resolution passed
14 by the Board of Education authorized our firm to advise
15 the Court simply that it did not believe it received
16 written notice of the meeting --

17 THE COURT: Okay.

18 MS. SHAW: -- at which the resolution was
19 going to be passed.

20 THE COURT: All right.

21 MS. SHAW: That is it.

22 THE COURT: That's it?

23 MS. SHAW: The Board takes no position as to
24 whether or not the relief sought is proper. Because,
25 as you mentioned earlier, the Board voted four/four,

1 and did not either say affirm or deny --

2 THE COURT: Okay.

3 MS. SHAW: -- the change in the election
4 date.

5 THE COURT: All right.

6 MR. FERREIRO: Your Honor, I'd just like to
7 add into this real quick that I -- I feel from being at
8 the meeting, and I -- I -- you could ask some of the
9 Board Members --

10 THE COURT: It's called --

11 MR. FERREIRO: -- that their --

12 THE COURT: -- an application --

13 MR. FERREIRO: -- attorney is not
14 representing them properly --

15 THE COURT: It's called an application in
16 lieu of prerogative writs. That all I will tell you.
17 If you think counsel is misrepresenting what the Board
18 did, I suggest you hire an attorney and look at the
19 Court --

20 MR. FERREIRO: No.

21 THE COURT: -- Rules.

22 MR. FERREIRO: I don't have money to hire an
23 attorney, Your Honor.

24 THE COURT: Mr. Ferreiro, I'm not here to
25 tell you what to do. I'm not your attorney. Okay. A

1 lot of things go on every day in life that people don't
2 like. I don't get involved in all of those
3 disagreements.

4 MR. FERREIRO: I understand.

5 THE COURT: You brought an application to me
6 to find that they violated the statute and to restrain
7 their vote, which I'm not going to do. That's the only
8 application in front of me. If you feel that the Board
9 of Ed -- that counsel for the Board of Ed is not
10 representing what was passed at the Board of Ed
11 meeting, I suggest you either retain an attorney or
12 familiarize yourself with the Court Rules as to what
13 application you can make.

14 If you're seeking a special election, I
15 suggest the same thing. Check the statutes, check the
16 rule book, and see what kind of application you need.

17 MR. FERREIRO: I don't think there's such a
18 thing.

19 THE COURT: Well, there is such a thing.

20 MR. FERREIRO: All right. I -- Your Honor,
21 you know, so you're not accepting my -- my answer to
22 their brief and my new relief sought?

23 THE COURT: I'm accepting your answer to
24 their brief. I just read it and I accepted it. But
25 that's not what's before me. What's before me is an

EXHIBIT O

PART 1: CONTACT INFORMATION

1. GRC Complaint Number: 2014-213
2. Name of Complainant: Matthew Cheng
3. Name of (Alleged) Custodian: Carmela Riccie
Job Title of (Alleged) Custodian: Town Clerk
4. Custodian's Public Agency: Town of West New York
Address: Municipal Building
428 60th Street
West New York, NJ 07093
Phone: (201)295-5090
Fax: (201)861-2576
E-mail: criccie@westnewyorknj.org
5. Name of Custodian's Legal Counsel: Sheri K. Siegelbaum, Esq.
Address: Scarinci Hollenbeck
1100 Valley Brook Avenue - P.O. Box 790
Lyndhurst, NJ 07071-0790
Phone: (201)896-4100
Fax: (201)806-3500
E-mail: ssiegelbaum@scarincihollenbeck.com

PART 2: ABOUT THE DENIAL OF ACCESS COMPLAINT

- 6. Attach a copy of the OPRA records request upon which this Complaint is based. Please mark this attachment "Item 6."
- 7. Indicate the date on which the Custodian received the OPRA records request upon which this complaint is based. (If the Custodian did not receive an OPRA records request, simply indicate "None received.")

April 25, 2014

- 8. Indicate the date on which the Custodian responded to the OPRA records request upon which this complaint is based. Provide all written documentation supporting the Custodian's response. If you use additional pages to respond, please mark each page "Item 8." (If the Custodian did not respond to the OPRA records request, simply indicate "No response was given.")

May 14, 2014 and May 16, 2014

- 9. In keeping with the GRC's statutory mandate to investigate alleged denial of access complaints pursuant to N.J.S.A. 47:1A-7.e. and the court's instruction that all Custodians responding to denial of access complaints provide a document index containing certain information to the GRC pursuant to its decision in John Paff v. N.J. Dep't of Labor, 392 N.J. Super. 334 (App. Div. 2007), the Custodian must provide the document index table below. The document index table is required in the table format presented below. Please mark the table "Item 9."

An example of the required document index in table format is as follows:

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
<u>Example:</u> Closed session minutes for the May 15, 2006 Council Meeting	Must be retained by agency permanently. Disposition Schedule: May be archived only (destruction not allowed)	Closed session minutes provided with redactions on June 20, 2007 (3 business days after receiving the OPRA request).	Redactions were made only to delete the discussion of the Council members regarding the personnel matter of Jane Doe.	N/A	<u>N.J.S.A. 47:1A-9.a.</u> (allows exemptions from disclosure contained in other state statutes to apply under OPRA) and <u>N.J.S.A. 10:4-12</u> (allows

E-mail between Allan Roth, Esq. and Gilberto Garcia, Esq.	3 years	None	Not applicable	Attorney client privileged e-mail	E-mail is atty client privileged communication under N.J.S.A. §2-1A-1.1
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For more clarification of the information required in the document index in table format:


- A. An itemized list of all records responsive to the Complainant's OPRA request that were made, maintained, kept on file or received by your agency on the date of the request, regardless of whether you deem such records are exempt from disclosure.
 - B. State the agency's Records Retention Period (in years) and Destruction Schedule (in years) for each record responsive to the request as established and approved by the New Jersey Department of Treasury, Records Management Services.
 - C. Of the records responsive to the request, indicate which records, if any, were provided to the Complainant, in their entirety or with redactions, and the dates such records were provided.
 - D. Of the records responsive to the request and provided to the Complainant with redactions, give a general nature description of the redactions.
 - E. Of the records responsive to the request, and *not* provided to the Complainant in their entirety, give a general nature description of the record.
 - F. Specifically state the legal explanation and statutory citation (to OPRA or other law that applies) for such denial based on a public agency's burden of proving that all denials of access are authorized by law pursuant to N.J.S.A. 47:1A-6 and the court's instruction to provide same in John Paff v. N.J. Dep't of Labor, 392 N.J. Super. 334 (App. Div. 2007).
10. Specifically describe the search undertaken to satisfy the records request upon which this complaint is based. Searched e-mail records.
 11. Specifically state the last date on which documents that may have been responsive to the request were destroyed in accordance with the Records Destruction Schedule established and approved by New Jersey Department of Treasury, Records Management Services. N/A
 12. Provide all facts and legal arguments in support of the Custodian's actions with regard to the handling of the OPRA records request upon which this complaint is based on an attached written statement marked "Item 12."

E-mail between Allan Roth, Esq. and Gilberto Garcia, Esq., Town of West New York attorney, involved communication concerning West New York legal action and is therefore attorney client privileged.

If the Custodian fails to complete this form completely and accurately (responding to each numbered item specifically as directed and providing a document index in table format), this form will be returned to the Custodian for proper completion thus prolonging the adjudication of the complaint.

By signing this Statement of Information, I certify that:

- I am the Custodian charged by the public agency with the responsibility for responding to the request for records on which this complaint is based; or
- ~~I am the alleged Custodian of an organization I do not believe to be a public agency subject under the provisions of OPRA, XXXXX~~
- The documents attached hereto are true copies of all documents sent or received by the Custodian or the Custodian's staff (records the custodian claims are privileged or not accessible to the public under OPRA are not included);
- A copy of this Statement of Information will be provided to the Complainant simultaneously with it being provided to the GRC; and
- The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to the New Jersey Court Rule 1:4-4.

Signature: 

Printed Name: Carmela Riccio

Job Title: Town Clerk, West New York

Date: 6/13/14

Response to Question # 7

TOWN OF WEST NEW YORK - TOWN CLERK'S OFFICE
428-60TH STREET, WNY, NJ 07093

Tel (201) 295-5090

Fax (201) 861-2576

E-mail: townclerk@westnewyorknj.org

Tracking # 5051

REQUEST FOR PUBLIC RECORDS

Requestor's Name: Matthew Cheng Company: _____

Address: 6124 Madison St

Telephone: 212 655 4417 Fax: 212 208 4369

E-mail address: mcheng@ecoupon.com

Copy of Minutes [specify board or entity, date, topic or other identifying information]

Copy of Ordinance/Resolution [specify board or entity, date, topic or other identifying information]

License Information [specify type, name, number, and location]

Information on a Specific Property [specify address, block number/lot number, information sought and time period]

Other [specify] Please see attached

RECEIVED
APR 25 A 10:08
TOWN CLERK'S OFFICE
WEST NEW YORK, N.J.

The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available. You will be notified of the cost. The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, or any other State of the United States and it is not seeking government records containing personal information pertaining to the victim or victim's family as provided by N.J.S.A. 47:1A-1 et seq.

A request for access to or for a copy of Government Records pursuant to OPRA should be submitted on this form, which has been adopted by the Municipal Clerk as the Custodian of Records, or in a letter that describes the public records sought with specificity indicating that such request is made pursuant to OPRA. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. Your request is not considered filed until the Municipal Clerk's Office has received the request form. All materials requested will be discarded if not picked up within thirty (30) days from when the request is made. Telephone requests will not be accepted.

- The fees for duplication of a government record in printed form are listed on the next page of this form. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payments shall be made by cash, check, or money order payable to the Town of West New York.
- Records which are not readily available or which require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven (7) business days indicating the time that will be required to provide the records.
- Where there is a request for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.
- If your request for access to a government record has been denied or unfiled within the time permitted by law, you have a right to challenge the decision by the Municipal Record Custodian to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) located in the Department of Community Affairs. You must contact the (GRC) by telephone at (866) 850-0511 or www.state.nj.us/grc.

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 47:1A-1. The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law. Information submitted to the agency may be a public record and available for public review.

Estimated Cost: _____

Expected Delivery Date: 5/6/14

Mad Lal
Requestor's Signature

John Walsh
Received By (Town Clerk's Office)

Date: 4/25/14

Date: 4/25/14

OFFICE USE ONLY			
Total Pages: _____	Deposit: _____	Balance Due: _____	Balance Paid: _____
Ready Date: _____			
Total Cost: _____			
Check One: <input type="checkbox"/> Denied <input type="checkbox"/> Filled <input type="checkbox"/> Partially Filled			

ACKNOWLEDGEMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedures for any appeal of the determination.

Date

Requestor's signature

Fees will be charged at a rate of 5¢ per letter size page or smaller and 7¢ per legal size page or larger. Delivery/postage may apply depending upon delivery type requested. Town ordinances establish special service charges for requests that require an extraordinary amount of time and effort to fulfill. Deposits will be required for requests of voluminous documents. Fees must be paid in full prior to the receipt of the documents requested.

Proceeding to challenge denial of access to record (C. 47:1A-6)

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

- Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or
- In lieu of filing an action in Superior Court, file a complaint with the Government Records Council (GRC) established pursuant to section 8 of P.L. 2001, c.404 (C.47:1A-7).
- The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

(1) Emails between Alan Roth and any of the following:

Mayor Roque
Commissioners Frias
Commissioners Rodriguez
Commissioners Vargas
Commissioners Wiley
Gilberto Garcia
Joe Demarco
Silvio Acosta

regarding changing the date of the School Board Election from April to November
for the time period of January 28, 2014 and March 31, 2014.

Response to Question # 8

Carmela Riccio

From: Carmela Riccio <criccio@westnewyorknj.org>
Sent: Wednesday, May 14, 2014 3:46 PM
To: 'Matthew Cheng'
Cc: 'lwalsh@westnewyorknj.org'; Laura M. Miller (LMiller@scarinci-hollenbeck.com); aplaza@westnewyorknj.org
Subject: OPRA request #5051

Mr. Cheng:

After conferring with and upon advice of corporation counsel, please be advised that no documents responsive to your OPRA request #5051 exist except for one email, which has been deemed excluded from this OPRA request as attorney work product.

Carmela Riccio
Town Clerk – West New York
Telephone: 201-295-5090
Fax: 201-861-2576
E-mail: criccio@westnewyorknj.org

Response to Question #8

Carmela Riccio

From: Carmela Riccio <criccie@westnewyorknj.org>
Sent: Friday, May 16, 2014 10:42 AM
To: 'Matthew Cheng'
Cc: 'lwalsh@westnewyorknj.org'; 'Laura M. Miller'; 'aplaza@westnewyorknj.org'
Subject: RE: OPRA request #5051

Mr. Cheng:

I have been advised by Corporation Counsel Laura Miller to respond to your below inquiry as follows:

As I indicated to you previously Corporation Counsel has advised me that the email responsive to your OPRA Request (#5051) is deemed excluded as attorney work product. As such, it is a legal conclusion that is not in the purview of my Office to address.

Carmela Riccio
Town Clerk – West New York
Telephone: 201-295-5090
Fax: 201-861-2576
E-mail: criccie@westnewyorknj.org

From: Matthew Cheng [mailto:mcheng@ecoupons.com]
Sent: Wednesday, May 14, 2014 3:56 PM
To: Carmela Riccio
Cc: lwalsh@westnewyorknj.org; Laura M. Miller; aplaza@westnewyorknj.org
Subject: RE: OPRA request #5051

Hi Ms Riccio,

Mr Roth is not the West New York Board of Education attorney.

Can you please have corporation counsel advise why the email in question is attorney work product.

Thanks,
Matthew

-----Original Message-----

From: "Carmela Riccio" <criccie@westnewyorknj.org>
Sent: Wednesday, May 14, 2014 3:45pm
To: "Matthew Cheng" <mcheng@ecoupons.com>
Cc: lwalsh@westnewyorknj.org, "Laura M. Miller" <LMiller@scarincihollenbeck.com>, aplaza@westnewyorknj.org
Subject: OPRA request #5051

Mr. Cheng:

After conferring with and upon advice of corporation counsel, please be advised that no documents responsive to your OPRA request #5051 exist except for one email, which has been deemed excluded from this OPRA request as attorney work product.

Carmela Riccio
Town Clerk – West New York
Telephone: 201-295-5090
Fax: 201-861-2576
E-mail: criccio@westnewyorknj.org

OPRA Request - 11 April 2014

From: Kevin Franchetta

Sent: Wed, Apr 16, 2014 at 2:37 pm

To: Matthew F. Cheng (mcheng@ecoupons.com)

OPRA Request - Cheng, Matthew - 2014 Apr 11.pdf (949.4 KB)

Mr. Cheng,

In response to your OPRA request dated 11 April 2014 (copy attached), a check of my records and Mr. Roth's records indicate that no text messages and/or emails exist that meet the criteria you are seeking.

Thank you,

Kevin Franchetta

This e-mail, including any attachments, may contain confidential and/or privileged information and may be subject to OPRA. It is for the sole use of the intended recipient. If you are not said recipient, please notify the sender immediately and destroy this e-mail. Any unauthorized copying, disclosure, distribution, use or retention of this e-mail is strictly forbidden. Please be aware that the entire content of this e-mail and replies to it may be monitored by the sender's company for quality assurance, policy compliance and/or security purposes.



**WEST NEW YORK BOARD OF EDUCATION
OPEN PUBLIC RECORDS ACT REQUEST FORM**
 6028 Broadway, West New York, New Jersey 07093-2808
www.wnyschools.net
 Telephone Number: (201) 563-4000 Fax Number: (201) 902-2299
 Contact: Kevin Franchetta
 email: kfranchetta@wnyschools.net



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Matthew MI _____ Last Name Cheng
 E-mail Address mcheng@ecoupons.com
 Mailing Address 6124 Madison St
 City WNY State NJ Zip 07093
 Telephone 212 655 4417 FAX 212 208 4369
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail X
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature [Signature] Date 4/10/14

Payment Information

Maximum Authorization Cost \$ 100.00
 Select Payment Method
 Cash Money Order
 Fees: \$0.05 per letter size page
 \$0.07 per legal size page
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Please see attached.

District USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.
 In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

1. Text Messages between Town Clerk Carmela Riccio and West New York Administrative Assistant to Special Services Alan Roth between February 12, 2014 and February 19, 2014 regarding the intent of the governing body to consider a resolution to change the date of the School Board Election from April to November.
2. Text Messages between Town Clerk Carmela Riccio and West New York Board Secretary Kevin Franchetta between February 12, 2014 and February 19, 2014 regarding the intent of the governing body to consider a resolution to change the date of the School Board Election from April to November.
3. Text Messages between Town Clerk Carmela Riccio, West New York Board Secretary Kevin Franchetta and West New York Administrative Assistant to Special Services Alan Roth between February 12, 2014 and February 19, 2014 regarding the intent of the governing body to consider a resolution to change the date of the School Board Election from April to November.
4. Emails between Kevin Franchetta and Town Clerk Carmela Riccio between February 12, 2014 and February 19, 2014 regarding the intent of the governing body to consider a resolution to change the date of the School Board Election from April to November.



**WEST NEW YORK BOARD OF EDUCATION
OPEN PUBLIC RECORDS ACT REQUEST FORM**
6028 Broadway, West New York, New Jersey 07093-2808
www.wnyschools.net
Telephone Number: (201) 683-4000 Fax Number: (201) 802-2299
Contact: Kevin Franchetta
email: kfranchetta@wnyschools.net



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Matthew MI _____ Last Name Cheng
 E-mail Address mcheng@ccarpens.com
 Mailing Address 6124 Madison St
 City West New York State NJ Zip 07093
 Telephone 212 6554417 FAX 212 2084369
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Matthew Cheng Date 8/14/14

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash _____ Check _____ Money Order _____

Fees: \$0.05 per letter size page
 \$0.07 per legal size page

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

1. all communications between Vilma Reyes and Ailon Roth, Clara Brito-Herrera or any West New York Board of Education employee regarding the "Rice Notice" to Superintendent Fauts dated on or approximately May 9, 2014.

District USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

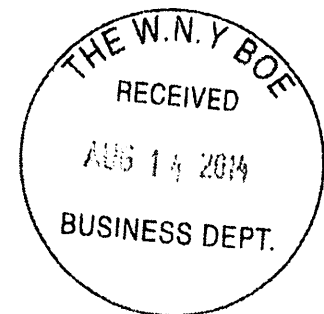


EXHIBIT P

Kevin Franchetta

From: Allan Roth, Esq. <aroth@rdlegal.net>
Sent: Thursday, May 08, 2014 2:46 PM
To: Kevin Franchetta
Subject: Fauta.Rice Notice.non.renewal 050814.doc
Attachments: Fauta.Rice Notice.non.renewal 050814.doc

Kevin: .

Here's John's Rice letter.

Allan C. Roth

Allan C. Roth, Esq.
Administrative Assistant/
Affirmative Action Officer
West New York Board of Education
6028 Broadway
West New York, N.J. 07093
(P) 201.264.5998

NOTICE:

The information contained in this electronic message is legal, privileged and confidential information. It is intended only for the use of the individual named above. If the reader of the message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this electronic message is prohibited. If you received this message in error, please immediately notify us by telephone, return the original message to us and delete the message from your computer system.

.

DATE

VIA HAND DELIVERY, REGULAR AND CERTIFIED MAIL/RRR

NAME

ADDRESS

ADDRESS

**RE: Board Meeting:
May 12, 2014, 5:30 p.m. at P.S. #4
6300 Palisades Avenue, NJ**

Dear Mr. Fauta:

Please be advised that during its meeting on May 12, 2014 at the above referenced time, the West New York Board of Education may discuss matters related to the terms and conditions of your employment with the Board, i.e., whether the Board will renew your employment agreement with the Board pursuant to *NJSA 18A:17-20.1*.

Since this is a personnel matter, the Board intends to discuss this matter during its executive session, which shall be closed to the public. You have the right to attend the executive session and may bring a representative if you so choose. Action, if any, will be taken in public. You also have the right to request, in writing, that the Council conduct its discussion concerning your employment in public pursuant to the provisions of the Open Public Meetings Act (*NJSA 10:4-6 et seq.*) and *Rice v. Union County Regional High School Bd. Of Ed.*, 155 NJ Super 64 (App. Div. 1977); cert. den., 76 NJ 238 (1978). If you decide to exercise this right, you must notify me, in writing, by returning a copy of this letter, no later than 12:00 p.m. on Monday, May 12, 2014. If you do not inform me of your election by the date and time noted herein, it will be assumed that you wish any discussion regarding the terms and conditions of your employment by the Board will be held in executive session.

Kevin Franchetta

From: Kevin Franchetta
Sent: Thursday, May 08, 2014 3:27 PM
To: 'Allan Roth, Esq.'
Subject: RE: Fauta.Rice Notice.non.renewal 050814.doc
Attachments: Fauta, John - Rice Notice - 8 May 2014.pdf

Allan,
Here is an electronic copy for your records. I will hand it to John in a few minutes.

Thank you,
Kevin

From: Allan Roth, Esq. [<mailto:aroth@rdlegal.net>]
Sent: Thursday, May 08, 2014 2:46 PM
To: Kevin Franchetta
Subject: Fauta.Rice Notice.non.renewal 050814.doc

Kevin:

Here's John's Rice letter.

Allan C. Roth

Allan C. Roth, Esq.
Administrative Assistant/
Affirmative Action Officer
West New York Board of Education
6028 Broadway
West New York, N.J. 07093
(P) 201.264.5998

NOTICE:

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Maximizing all students' potential
for success in an ever-changing world.

Kevin Franchetta
School Business Administrator/
School Board Secretary

Office: (201) 553-4000 x30063
Fax: (201) 902-2299
Email: kfranchetta@wnyschools.net

May 8, 2014

VIA HAND DELIVERY

John N. Fauta



**RE: Board Meeting:
May 12, 2014, 5:30 p.m. at P.S. #4
6300 Palisades Avenue, West New York, NJ**

Dear Mr. Fauta:

Please be advised that during its meeting on May 12, 2014 at the above referenced time, the West New York Board of Education may discuss matters related to the terms and conditions of your employment with the Board, i.e., whether the Board will renew your employment agreement with the Board pursuant to *NJSA 18A:17-20.1*.

- Since this is a personnel matter, the Board intends to discuss this matter during its executive session, which shall be closed to the public. You have the right to attend the executive session and may bring a representative if you so choose. Action, if any, will be taken in public. You also have the right to request, in writing, that the Board conduct its discussion concerning your employment in public pursuant to the provisions of the Open Public Meetings Act (*NJSA 10:4-6 et seq.*) and *Rice v. Union County Regional High School Bd. Of Ed.*, 155 NJ Super 64 (App. Div. 1977); cert. den., 76 NJ 238 (1978). If you decide to exercise this right, you must notify me, in writing, by returning a copy of this letter, no later than 12:00 p.m. on Monday, May 12, 2014. If you do not inform me of your election by the date and time noted herein, it will be assumed that you wish any discussion regarding the terms and conditions of your employment by the Board will be held in executive session.

Sincerely,

Kevin J. Franchetta, CPA
Board Secretary

Cc: Board of Education Members
Lester Taylor, Board Attorney

EXHIBIT Q

West New York Board of Education
 Work Session/Business Meeting Minutes
 May 12, 2014, 5:30 p.m.

The Work Session/Business Meeting of the West New York Board of Education will be held in the Auditorium of the West New York Middle School, 201 – 57th Street, West New York, New Jersey. The order of business and agenda for the meeting are:

I. CALL TO ORDER

At 5:30 P.M. the meeting will be called to order.

II. FLAG SALUTE

The Pledge of Allegiance to the Flag of the United States of America will be recited.

III. ROLL CALL

President Reyes	Present
Vice President Dr. Piscitelli	Present
Trustee Acosta	Present
Trustee Alam	Present
Trustee Cheng	Present
Trustee Duval	Present
Trustee Palermo	Present
Trustee Parkinson	Present

Also Present: Mr. John Fauta, Superintendent
 Ms. Clara Brito Herrera, Assistant Superintendent Educational and Personnel Services
 Ms. Anastasia Olivero, Assistant Superintendent for Curriculum & Instruction
 Mr. Robert Sanchez, Assistant Superintendent for Administrative Services
 Ms. Beverly Lazzara, Director of Special Services
 Mr. Rick Solares, Supervisor of Facilities
 Mr. Kevin J. Franchetta, School Business Administrator/Board Secretary
 Ms. Jenna Rottenberg, Attorney - Florio, Perrucci, Steinhardt & Fader, LLC
 Mr. Allan Roth, Administrative Assistant to Special Services

IV. OPEN PUBLIC MEETING STATEMENT –

The New Jersey Open Public Meetings Law was enacted to ensure the right of the Public to have advance notice of and to attend the meetings of any public bodies at which any business affecting their interest is discussed and acted upon. In accordance with the provisions of the act, the School Business Administrator/Board Secretary has caused notice of this meeting to be sent to the following, announcing time and place thereof, agenda, etc.

the *Jersey Journal*
 the Administration Bulletin Board
 the District Website

B. N. Casey - NJSSWA Social Worker of the Year (B. Lazzara)

Mr. Fauta introduced Beverly Lazzara, who spoke on behalf of Ms. Nikki Casey. Ms. Casey was recognized by the New Jersey School Social Worker Association as Social Worker of the Year in the State of New Jersey.

C. Monthly Reports (these reports are on file and recorded)

- Employee Accident Reports
- Student Accident Reports
- Violence, Vandalism, and Substance Abuse, Anti Bullying Incident Reports and Nurse's/ Physicians Reports
- Enrollment Reports

Mr. Fauta discussed that his current contract expires on June 30, 2015. New Jersey State Statute requires notification to superintendents 30 days for each year of their contract. Therefore notification should be made to Mr. Fauta during January/February 2015. Ms. Palermo said the Rice Notice can only be authorized by the Board. Ms. Palermo stated that she was told that Mr. Roth gave the order for the Rice Notice and he has no authority to do so. Ms. Palermo questioned at whose command Mr. Roth gave authorization for the Rice Notice. President Reyes responded that she authorized the Rice Notice without discussion with other Board Members. Ms. Rottenberg said the Rice Notice was authorized by the Board President. Ms. Palermo believes under the law that the Board President cannot solely issue a Rice Notice. In fact, Ms. Palermo mentioned that there is pending litigation on this very issue in question (i.e., whether the board president or individual member can issue Rice Notices on their own) and that it was unclear whether President Reyes had the authority to do so at that time. Ms. Palermo believes that the discussion was illegal and premature and then asked counsel for an advisory opinion. Ms. Rottenberg stated that this topic is still pending in the courts, so currently there is no prohibition from the Board President or a sole Board member from ordering the issuing of a Rice Notice.

Mr. Fauta discussed his accomplishments during his term (2010-2014).

Motion Not to Discuss Superintendent Contract at this time.

Motion made by: SA NA MC AD JP AP CP VR
Seconded by: SA NA MC AD JP AP CP VR

Trustee	Ayes	Nays	Abstain
Trustee Acosta	✓		
Trustee Alam	✓		
Trustee Cheng	✓		
Trustee Duval	✓		
Trustee Palermo	✓		
Trustee Parkinson	✓		
Vice President Dr. Piscitelli	✓		
President Reyes			✓

Moved to future date. Motion carried.