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March 24, 2015

Via Overnight Delivery and Fax 609-633-0279

School Ethics Commission
New Jersey Department of Education
100 Riverview Plaza, P.O. Box 500
Trenton, NJ 08625

Re: Lawrence Wainstein v. Nicholas Sacco et. als.

To Whom it May Concern:

My office represents Mr. Lawrence Wainstein in the above referenced matter. Enclosed for filing is an original Ethics Commission Complaint alleging ethical violations by Respondents. Please file same and advise as to when a hearing on the matter will be held. A copy of this Letter and the Complaint have been forwarded to counsel for the Board of Education via regular mail and fax.

Please call if you have any questions.

Very truly yours,

By: _____

Mario M. Blanch, Esq.

cc: Jack Gillman, Esq., Ryglicki, Jimenez and Gillman, PC, 9019 Old River Road,
Suite 3, North Bergen, New Jersey 07047 and to 201-552-9014

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Attorney for Complainant

| | | |
|------------------------------|---|----------------------|
| LAWRENCE "LARRY" WAINSTEIN | : | Docket Number: _____ |
| | : | |
| | : | |
| COMPLAINANT(S), | : | BEFORE THE SCHOOL |
| | : | |
| v. | : | ETHICS COMMISSION |
| | : | OF NEW JERSEY |
| | : | |
| NICHOLAS SACCO AND THE NORTH | : | |
| BERGEN BOARD OF EDUCATION, | : | |
| HUDSON COUNTY SCHOOLS OF | : | |
| TECHNOLOGY | : | |
| | : | |
| RESPONDENT(S) | : | SCHOOL ETHICS ACT |
| | : | COMPLAINT FORM |

Lawrence "Larry" Wainstein, residing at, 7414 4th Avenue, North Bergen, New Jersey, by and through counsel, Mario M. Blanch, Esq., hereby request the School Ethics Commission to consider a complaint against the above-named Respondent(s) whose addresses are 7317 Kennedy Boulevard, North Bergen, New Jersey, in accordance with the authority of the School Ethics Commission to entertain such complaints under N.J.S.A. 18A:12-21 et seq. state as follows:

FIRST COUNT

1. N.J.S.A. 18A:12-24(b) provides that following that "no school official shall use or attempt to use his official position to secure unwarranted privileges, advantages or employment for himself, members of his immediate family or others."
2. Nicholas Sacco is the Mayor of North Bergen and a State Senator.

3. Upon information and belief, Nicholas Sacco has utilized his position of power as the Mayor of North Bergen and the State Senator for New Jersey to seek unwarranted privileges, advantages or employment for himself and his immediate family.

4. Upon information and belief, Nicholas Sacco has a romantic and personal relationship with Kathryn Somick.

5. Upon information and belief, Nicholas Sacco has utilized his position of power as the Mayor of North Bergen and State Senator for New Jersey to seek unwarranted privileges, advantages or employment for Ms. Somick and her immediate family.

6. All the allegations made in this complaint are ongoing ethical issues that continue as of the date of this Complaint. Specifically, all of the members of the Sacco and Somick families maintain high level positions within the Board of Education of North Bergen and the Hudson County School of Technology.

7. The following is a list of all relatives of Nicholas Sacco and Kathryn Somick who are employed by North Bergen Board of Education:

| <u>Individual</u> | <u>Relationship</u> | <u>Salary</u> |
|--------------------------|--------------------------------------|----------------------|
| Nicholas Sacco, Sr. | Mayor and Senator | \$236,062.00 |
| Nicholas Sacco, Jr. | Son of Mayor and Senator | \$101,000.00 |
| Jennifer Wetzell | Daughter in Law to Mayor and Senator | \$67,770.00 |
| Kathryn Somick | Girlfriend of Mayor and Senator | \$121,900.00 |
| Steven Somick | Son of Kathryn Somick | \$115,680.00 |
| Edward Somick | Son of Kathryn Somick | \$105,150.00 |
| Dawn Somick | Daughter in law of Kathryn Somick | \$82,398.00 |
| James Somick | Son of Kathryn Somick | \$81,226.00 |
| Donna Ensmann | Cousin of Mayor | \$92,400.00 |
| Nicole Bianco | Wife of Mayor's nephew | \$60,690.00 |
| Kevin Bianco | Mayor's nephew | \$66,370.00 |

| | | |
|----------------|-----------------------------------|-------------|
| Nicole Somick | Daughter in law of Kathryn Somick | \$43,818.00 |
| Kathleen Sacco | Ex-Wife of Mayor | \$56,654.00 |
| Paul Ensmann | Husband of Mayor's Cousin | \$56,432.00 |

8. The total salaries derived from the unethical behavior of Nicholas Sacco total approximately \$1,287,550.00. This sum does not include amounts contributed by the Board of Education for retirement, pension, benefits and/or other ancillary benefits of employment for the Board of Education or the Hudson County Schools of Technology.

9. Upon information and belief, if the total of all benefits and salaries are totaled the benefit derived by the relatives and relations of Nicholas Sacco total over \$1.5 million annually.

10. Petitioner contends that the only reason that all of the family members of Nicholas Sacco have high paying positions within the North Bergen Board of Education and/or the Hudson County School of Technology is because Nicholas Sacco has utilized his position of power as Mayor and a State Senator to unethically exert influence and obtain these positions for his family.

SECOND COUNT

11. Petitioner repeats each and every allegation as if set forth at length herein.

12. N.J.S.A. 18A:17-19 provides the cap rate for Superintendent Salaries and Assistant Superintendent Salaries as set forth in the Department of Education guidelines.

13. Prior to having his current position as Director of Elementary Education, Nicholas Sacco was an Assistant Superintendent for the Board of Education of North Bergen.

14. In or about 2012, Nicholas Sacco was earning approximately \$200,000.00 per year as an Assistant Superintendent.

15. In or about 2012, Governor Christie capped Superintendent and Assistant Superintendent salaries in accordance with N.J.S.A. 18A:17-19, which would have caused Nicholas Sacco to incur a significant pay cut.

16. Rather than incur a significant pay cut, Nicholas Sacco and the North Bergen Board of Education invented a position, wherein Nicholas Sacco was the only applicant and there was no public notice of the position.

17. The position is a completely made up position created simply to avoid the cap set forth in N.J.S.A. 18A:17-19.

THIRD COUNT

18. Petitioner repeats each and every allegation as if set forth at length herein.

19. N.J.S.A. 18A:12-24(e) provides that following that

No school official, or member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties

20. Upon information and belief, the main political workers for Nicholas Sacco's campaign are comprised of school aides and teachers.

21. Upon information and belief, if school board employees do not engage in solicitation of voters and political activities they will lose their employment with the Board of Education.

WHEREFORE, IT IS RESPECTFULLY REQUESTED THAT:

- a. The Department of Education find that Respondent's have violated the State's ethical statutes;
- b. That the Department of Education cause Respondent, Nicholas Sacco to forfeit his salary and benefits for all years that exceeded the State Cap.
- c. For the Department of Education to conduct an investigation to determine if the jobs and employment of Nicholas Sacco's family were the by-product of unethical behavior and if so to cause said individuals to relinquish those positions immediately.
- d. For any other relief the Court finds just and equitable;



Mario M. Blanch, Esq.

Dated: March 17, 2015

CERTIFICATION UNDER OATH

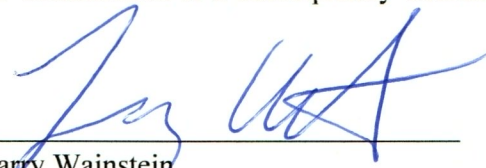
Lawrence "Larry" Wainstein, of full age, being duly sworn upon his or her oath according to law deposes and says:

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.

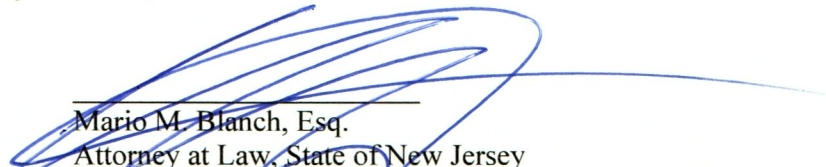
3. The subject matter of this complaint is not pending in any court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.

Date: March 17, 2015



Larry Wainstein

Sworn and subscribed to before me this 17th day of March, 2015



Mario M. Blanch, Esq.
Attorney at Law, State of New Jersey