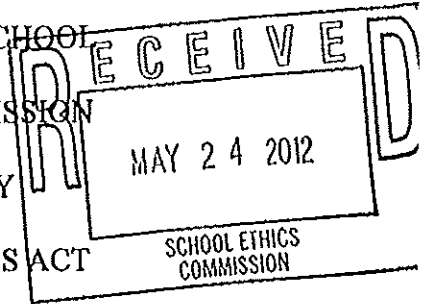


NAME OF :
COMPLAINANT(S), Janine Walker Caffrey : BEFORE THE SCHOOL
v. : ETHICS COMMISSION
OF NEW JERSEY
NAME OF RESPONDENT(S) : SCHOOL ETHICS ACT
Israel Varela : COMPLAINT FORM



I, Janine Walker Caffrey residing at [REDACTED] request the School Ethics Commission to consider a complaint against the above-named Respondent(s) whose home address is [REDACTED] in accordance with the authority of the School Ethics Commission to entertain such complaints under N.J.S.A. 18A:12-21 et seq.

The facts upon which this complaint is based are as follows: (Please print additional pages as needed. Students should be identified by initials only.)

1. **Statement of facts:** In December, 2011, Mr. Eddie Suriel, a substitute bus driver, met with the complainant to discuss why he was not being recommended for a permanent bus driver position. Dr. Caffrey gave him feedback on the application and interview process and encouraged him to reapply when new positions would be available in the near future. Mr. Suriel became rather agitated and interrupted Dr. Caffrey several times. He then stated, "I know how this game is played. I will just get a board member to tell you to hire me. At the next board meeting on December 15, 2011, when another candidate, Beverly Williams, was on the agenda for approval, Mr. Varela and another board member (Samuel Lebreault) attempted to block the hiring of this candidate. He instead wanted the complainant to hire Mr. Suriel. Mr. Varela attempted to convince other Board members to vote against the appointment of Ms. Williams, citing differences in the amount of substitute work each candidate had done. The complainant provided information regarding the selection process and clearly communicated the rationale related to the recommendation. The Board tabled the vote at that meeting, following the motion of Mr. Varela. The complainant offered to have staff meet with board members to discuss the process used to make the selection. However, no members pursued this option. The complainant put Ms. Williams on the agenda for the next meeting. Additionally, she provided written details to Board members regarding the process that was used to make this recommendation. There has been ongoing dialogue about the practice of using substitute time as the sole criteria for hiring in permanent positions. Mr. Varela has frequently said that we should hire certain individuals who have been "in line" for a longer period of time. However, Board policy does not make this requirement. During an executive session at the January 12, 2012 Board meeting, Mr. Varela and Mr. Lebreault again attempted to table the appointment of Ms. Williams. However, other members were

able to convince the Board to allow the vote to occur. Ms. Williams was appointed at that meeting. Minutes from January 12 Executive Session are attached.

Date of occurrence: December 15, 2011 and January 12, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24(b) (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) N.J.S.A. 18A:12-24.1(h) (I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer); (3) N.J.S.A. 18A:12-24.1(f) (I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.); (4) N.J.S.A. 18A:12-24.1(e) (I recognize that authority rests with the board of education and will make no personal promises or take any private action that may compromise the board.); and (5) N.J.S.A. 18A:12-24.1(i) (I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.).

2. Statement of facts: On this date, Mr. Varela entered the Richardson School and walked through the school unescorted, without signing in or following appropriate security procedures. An administrator from the school alerted the complainant of this matter. Despite numerous conversations, warnings, and training from the New Jersey School Boards Associations specifically about Board member visits to schools, Mr. Varela continues to ignore proper procedures. Email from vice principal Karen Moffatt is attached.

Date of occurrence: March 8, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24.1(e) (I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.); (2) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); (3) N.J.S.A. 18A:12-24.1(d) (I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.); and (4) N.J.S.A. 18A:12-24(b) (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.).

3. Statement of facts: On this date, a statement made by Mr. Varela appeared in the Amboy Guardian newspaper. Among other things, Mr. Varela stated, "If Caffrey doesn't like you she'll be on you like an angry beaver!" This statement was clearly sexist and crude, using a slang word representing female anatomy. This statement was not supportive of complainant in her role as superintendent. A copy of the article is attached.

Date of occurrence: April 25, 2012

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24(a) (I will support and protect school personnel in proper performance of their duties).

WHEREFORE, I, as Complainant, 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.

For Agency Use Only
Docket Number: _____

Date 5/21/12

[Signature]
Signature of Complainant
or his or her Attorney

CERTIFICATION UNDER OATH

(Name of Complainant), 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.

EVELYN HERNANDEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 1, 2016

Sworn to and subscribed before me
this 21 day of May, 2012

[Signature]

[Signature]
Signature of Complainant

Date: 5/21/12

Sworn and subscribed to before me this 21 day of May, 2012.

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.

ADDENDUM C17-12

At its August 28, 2012 meeting, Commission found probable cause to credit the allegation that the respondent violated N.J.S.A. 18A:12-24(b) in Counts 1 and 2 and N.J.S.A. 18A:12-24.1(d), (e) and (h) in Count 1, but found no probable cause as to the allegation of a prohibited act in Count 3 or Code of Ethics violations in Count 2. The Commission further found that the complaint is not frivolous in accordance with the standard set forth at N.J.A.C. 6A:28-1.2. In accordance with procedures set forth at N.J.A.C. 6A:28-10.7(c)2, the Commission voted to transmit the matter to the Office of Administrative Law (OAL) for plenary hearing.