

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

RECEIVED
MAY 29 2012
SCHOOL ETHICS
COMMISSION

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: On this date, at the conclusion of a personnel committee meeting held in the superintendent's conference room, Mr. Puccio began speaking to Dr. Janine Caffrey (superintendent), Ms. Bernice Marshall (human resources manager), and Ms. Isabel Machado (BOE attorney) about principals Dr. Lorraine Morgan and Dr. Myrna Garcia. Mr. Puccio was standing by the door to the conference room, appearing to leave, when he turned around and began talking about Morgan and Garcia. He became quite agitated and spoke in a very loud volume about wanting to fire both women. He stated that they had been responsible for causing a problem on his job as a police officer. He stated that he believed they had complained to the police department that he was spending time on school board business when he was actually on the job as a juvenile detective. He continued screaming for several minutes and said, "If it is the last thing I do as a board of education member, I will see them get fired." He continued ranting about wanted them to be fired saying, "This is personal." Dr. Morgan had previously expressed concerns to Dr. Caffrey about Mr. Puccio's frequent visits to her school and that she felt intimidated by him. At a principals' meeting a few weeks later, Mr. Puccio appeared at the window of the conference room. Dr. Morgan immediately burst into tears and ran out of the room. She stated that just the sight of him makes her extremely nervous and anxious.

2. Date of occurrence: February 22, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24(c) (No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment.); (2)

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.); (3) 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 (4) N.J.S.A. 18A:12-24.1 (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. Puccio, accompanied by BOE President, Samuel Lebreault, attended a meeting of the Perth Amboy Federation, a local chapter of the American Federation of Teachers (AFT). The union president, Donna Chiera, called this "emergency" meeting of the union leadership in response to the superintendent's return to work, following an order from the Commissioner of Education that overturned the Board of Education's resolution to place the superintendent on a paid leave of absence. Chiera led the meeting, which was an effort to create a "vote of no confidence" for the superintendent. Puccio and Lebreault joined the group after Chiera was having difficulty convincing the leadership in attendance to organize the vote. She stated they were in attendance "to answer any questions we had," according to a teacher in attendance at the meeting. At the meeting, Mr. Puccio stated to the union members that he believed he and other board members were being "targeted" by the superintendent, just as the teachers were. He reassured the group that the BOE was going to "see this through" referring to removing complainant as superintendent.

Date of occurrence: May 9, 2012.

I assert this to be a violation of: (1) N.J.S.A. 18A:12-24(g) (No school official or business organization in which he has an interest shall represent any person or party other than the school board or school district in connection with any cause, proceeding, application or other matter pending before the school district in which he serves or in any proceeding involving the school district in which he serves or, for officers or employees of the New Jersey School Boards Association, any school district.); (2) 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.); (3) N.J.S.A. 18A:12-24.1(i) (I will support and protect school personnel in proper performance of their duties.); (4) 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 (5) 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 these dates, Mr. Puccio directed the Board Secretary, Derek Jess and Assistant Business Administrator Richard Grobelny, to issue "Rice" notices to the superintendent. The role of President has been in question in our district, so the superintendent sought clarification from the BOE attorney. She advised the superintendent that Mr. Samuel Lebreault is the BOE President. However, Mr. Puccio directed Mr. Jess, and later Mr. Grobelny to schedule two special meetings of our BOE, and send a Rice notice to the superintendent. There have been a total of eleven special meetings scheduled since July 1, 2011. The superintendent has received a total of six Rice notices. There was one additional attempt to send a Rice notice that was stopped through

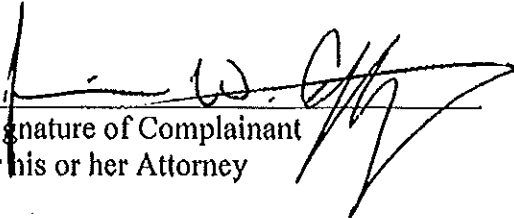
attorney intervention. (Please see documentation attached.) Four of the actual notices, and the one attempt, were initiated by Mr. Lebreault, acting as BOE president. However, many BOE members were not even aware this was happening at the time. The most recent two Rice notices were issued at the direction of Mr. Puccio, despite the fact that he is not the BOE president. (Please see attached email correspondence from BOE attorney Isabel Machado.) In fact, President Lebreault stated to the media that he was not even aware there was a meeting scheduled for the 29th. (Please see Star Ledger article attached.)

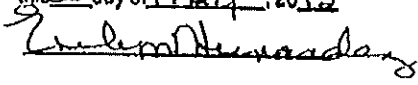
Dates of occurrence: May 10 and May 22, 2012.

I assert this to be a violation of 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.).

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.

Date 5/25/12


Signature of Complainant
or his or her Attorney

Sworn to and subscribed before me
this 25 day of May, 2012


EVELYN HERNANDEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 1, 2018

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.

ADDENDUM C21-12

At its August 28, 2012 meeting, the Commission found probable cause to credit the allegation that the respondent violated N.J.S.A. 18A:12-24(c) in Count 1, but no probable cause to credit the allegations that the respondent violated N.J.S.A. 18A:12-24(b) and (g) in Count 2. The Commission also found probable cause to credit the allegation that the respondent violated N.J.S.A. 18A:12-24.1(d), (e) and (f) in Count 1, and N.J.S.A. 18A:12-24.1(d), and (e), but not (i) in Count 2 and dismissed Count 3 for lack of jurisdiction. The Commission also determined that the complaint was not frivolous and voted to transmit the matter to the Office of Administrative Law (OAL).