

Revision of Complaint filed 7-2-12

NAME OF

COMPLAINANT(S), Alvaro J. Cores, BEFORE THE SCHOOL
Principal of Dr. Herbert N. Richardson School

v. : ETHICS COMMISSION
OF NEW JERSEY

NAME OF RESPONDENT(S) : SCHOOL ETHICS ACT

Kenneth Puccio, Milady Tejada, Israel Varela, : COMPLAINT FORM

and Samuel Lebreault, Board members.

I, Alvaro Cores, residing at [redacted] request the School Ethics Commission to consider a complaint against the above-named Respondent(s) whose home address is [redacted]

[redacted] 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 regarding Kenneth Puccio:

Date of occurrence: 6-25-12

I assert this to be a violation of: see below.

Board member Kenneth Puccio was present at a personnel committee meeting which was held on June 25, 2012, in Perth Amboy, NJ. Also present at the meeting was Superintendent Janine Caffrey, Business Administrator Derek Jess, Human Resources Director Bernice Marshall, and Board members Israel Varela, Mark Carvajal, and Board President Samuel Lebreault.

CA According to rumors heard by several employees in the district, Mr. Puccio made malicious, false statements regarding interviews recently held at Richardson School for a vacant secretarial position. He alleged that I asked another secretary, Hector Mufiz, to be part of my interview panel. Hector, as the purported salesman of alcohol (coquito) at my school, had a say in terms of who was recommended for the position. The decision to allow Hector onto my interview panel was clear evidence of my poor judgment as principal, according to Mr. Puccio. He then lobbied others present at the meeting to have the recommended candidate removed from the June 28th Board agenda. Said candidate, Michelle Diaz, was removed from the Board agenda, thereby leaving my school with only one full-time secretary, when we are accustomed to having three full-time secretaries. Mr. Puccio's actions violate NJSA 18A:12-24.1 b, c, d, f, and h.

Mr. Puccio's statements were false, malicious, and part of an on-going character assassination campaign against me that began with Susan Nieves and Board member Israel Varela back in April of 2012. Contrary to his statement, the only two members of the interview panel were the

b building principal (me) and vice principal (Karen Moffatt). This can be verified by interviewing the candidates and reviewing the interview sheets. This is further witnessed by candidate Diaz, who sat in the outer office with Mr. Muñiz after she had her interview, as she executed her duties as a substitute secretary in the presence of Mr. Muñiz, a full time secretary at my school. His actions violate: 18A:12-24.1 f, h, i, and j.

c Mr. Puccio's statements are also evidence of a continued character assassination campaign against Hector Muñiz, a secretary at my school, who has been the target of a police investigation headed by Mr. Puccio's police partner, Detective Cruz. This is a major conflict of interest which the City of Perth Amboy and the Board of Education have chosen to ignore. Not only is Mr. Puccio part of a hostile faction on the board of education which has continuously undermined the superintendent of schools and building principals, but he also seems to be part of a faction on the police force which has apparently undermined and contradicted Police Chief Ruiz.

According to Detective Cruz, the original police report/complaint filed against Mr. Muñiz, Ms. Moffatt, and me, which lead to my suspension as principal, was filed on May 1, 2012. This was the very day I was suspended by interim Superintendent Dr. Vivian Rodriguez, at the request of the hostile Board faction. This suspension occurred only 6 days after Janine Caffrey was suspended by the hostile faction. According the Police Chief Ruiz, via a press article and TV interview on May 2nd, 2012, there was no such report, complaint, or investigation regarding the sale of alcohol at Richardson School. When asked on 5/31/12, in the presence of my PSA attorney, Bob Schwartz, why Detective Cruz was contradicting Chief Ruiz, he had no response and looked at the ground. Mr. Puccio's use of his police partner to retaliate against Hector Muniz and Alvaro Cores violates 18A:12-24 a & b and 18A:12-24.1 f & e.

d To this date, the superintendent of schools has been unable to secure a copy of said police report. I have called both the court in Perth Amboy and the police department during the week following my suspension and they had no record of a report, complaint, or investigation. I sent an individual on my behalf to the police station and the police were unaware of any investigation, complaint, or report. I believe that it plausible that a faction on the police force has falsified the dates and/or content of internal documents in order to further the political agenda of Mr. Puccio and his faction on the Board. Contrary to Detective Cruz's false allegation of a May 1 date, the police investigation began in mid May due to immense political pressure from Board solicitor Machado, which radiated down through the prosecutor's office and into the police department. Mr. Puccio's and Detective Cruz's falsification of police records to retaliate against Hector Muniz and Alvaro Cores violates 18A:12-24 a & b and 18A:12-24.1 f & e.

Mr. Puccio may have used his position as a police officer as leverage for political gain. His partner not only investigated Hector Muñiz and interrogated him for 3 hours, but questioned me on 5/31/12 regarding the alleged sale of alcohol in my building, after calling my school building during business hours and informing Mr. Muñiz that he was "looking for me." Mr. Puccio's partner read me my Miranda rights and treated me like a common criminal, causing my attorney to interrupt him and place him in check. Detective Cruz falsely informed us when we entered the police station that I was not a target; he then proceeded to treat me like one. His actions were part of a psychological warfare tactic that is being waged against me as retribution for discipline that was meted out to Ms. Nieves during the school year.

Mr. Puccio's partner also happens to be the high school friend of Susan Nieves, the individual who was named in a prior ethics charge, as the employee responsible for the genesis of the character assassination campaign against me. She has cooperated fully with the hostile faction to which Board members Puccio and Varela belong. Detective Cruz has been to my school on more than one occasion, hugged Susan Nieves in my presence, and reminisced about his high school

buddies with her. On 6/27/12, I was served with a frivolous lawsuit from Ms. Nieves which falsely alleges that I harassed her as retribution for her reporting the alcohol incident. She reported neither the actual sale of alcohol nor a flyer advertising the sale thereof. She has blatantly lied in order to aid and abet this hostile faction in their nefarious undertakings by creating and promoting the coquito controversy and then portraying herself as an aggrieved whistleblower.

I have been besieged as the Principal of Richardson School and I am asking that the School Ethics Commission take action against Kenneth Puccio. As an outsider, I feel like I am taking on the entire city of Perth Amboy and this is taking a significant toll on me. Mr. Puccio has made false statements about an act that did not occur, disparaged my character and judgment, used his status as a police officer to retaliate against me, and went about sabotaging a personnel recommendation. It should further be noted that the candidate for whom he was a reference, came to the interview in jeans and a tee shirt and spoke ungrammatical English. I suppose that our refusal to hire this person further angered Mr. Puccio.

2. Statement of facts regarding Kenneth Puccio, Israel Varela, Samuel Lebreault, and Milady Tejada; Date of occurrence: 6-28-12

I assert this to be a violation of: see below.

Board member Kenneth Puccio called the Board into executive session during a regularly scheduled Board meeting. When returning to the public session, Board member Varela stated that he wanted the Principal of Richardson School to be terminated. Mr. Lebreault, seeing that Mr. Varela committed an indiscretion in public session, gave Mr. Varela leading questions to get him to recant his illegal statement. Mr. Lebreault stated, "Are you sure that you don't want to abstain since your wife is a teacher at Richardson School?" Mr. Varela quickly changed his story and opted to abstain since he had just committed a major gaff in public session. Other Board members, at the request of Board President Lebreault, voted individually on each administrator. They then voted to terminate my employment. These members are Samuel Lebreault, Milady Tejada, and Kenneth Puccio. The only other administrator singled out in this manner was Michelle Velez, the Principal of Ceres School. She was also targeted for her vigorous walk-thrus in response to Dr. Caffrey's reform agenda, which angered teachers in both of our schools (see #3).

After returning from executive session, I was targeted for termination by the hostile faction on the Board. It is reasonable to believe that my employment was discussed in executive session, without the execution of a proper Rice notice, and that there were adverse comments made regarding me by the hostile faction. Furthermore, the members of the hostile faction, openly stated in public session that they wished to see my employment terminated. I was not presented with a Rice notice and was, therefore, denied an opportunity to defend myself in both the executive and public session. As such, my rights as an employee have been clearly violated. Moreover, I have been further discredited in the eyes of my staff and the community by virtue of the Board's actions. On this evening, the Board of Education was supposed to ratify the PSA contract and approve the entire list of administrators for re-employment during the 2012-2013 school year. In a normal district, this would be a routine event which would have taken place without much fanfare. Instead, this meeting was used as a venue to further decimate my professional reputation and jeopardize my employment status by a hostile faction on the Board which is completely out of control. Failure to provide me Rice notice and taking adverse action without the recommendation of the superintendent violates NJSA 18A:12-24.1 b, c, d, f, h, & i. This also violates the Open Public Meetings Act, N.J.S.A 10:4-6.

Finally, under *N.J.S.A.* 18A:27-10, the Board of Education, based on the recommendation of the superintendent of schools, was required to notify me as a non-tenured, certificated staff member, that I would be not be renewed for the 2012-2013 school. Since the superintendent has not made a recommendation of non-renewal with regards to my contract, and since I have not been notified in writing by May 15th 2012 of my non-renewal status, the nay votes which were recorded on 6/28/12 by the hostile faction are illegal, null, and void. To the contrary, their failure to provide me with said notice has placed the Board in a position where they have issued a *de facto* renewal of my employment contract. I accepted this offer via a letter given to Dr. Caffrey on May 18, 2012. These negative votes constitute and additional violation of my rights as an employee and are further evidence of the ongoing campaign of defamation, harassment, and political retribution which is being waged against me. On 6/29/12, I was informed by Dr. Myrna Garcia, Vice President of Perth Amboy PSA, that I should not report to work on Monday because the Board had no intent to pay me. Apparently, the Board has engaged in a rogue termination without notice of many non-tenured administrators in the district. It should also be noted that this was the same day that I was served with the frivolous lawsuit by Susan Nieves. The termination of my employment outside of the parameters allowed by the law, and the rejection of my letter reaccepting employment violate *NJSA* 18A: 27-10, 18A:27-10-12, *NJSA* 10:4-6, and 18A:12-24.1 a, b, c, d, e, f, & h.

3. Statement of facts regarding Kenneth Puccio:

Date of occurrence: 1-12-12

I assert this to be a violation of: see below.

Linda Nagy, a guidance counselor at Richard School, spoke during the public comments portion of a regular Board meeting. She alleged that since administrators used walk-thru tools in order to provide teachers feedback on their instruction, this made administrators bullies who intimidated their staff. It is a well known fact in the district that I created the most advanced and rigorous walk-thru tool. It is also a well known fact that I conduct numerous walk-thrus on teaching staff, as a formative feedback measure that is non-evaluative and is solely used for coaching purposes. In addition, there was an incident this year whereby kindergarten teachers at my school cried after receiving the results of one of the administrative instructional rounds conducted by Karen Moffatt. Finally, it also a well known fact in the district that my walk-thru tool embodies the essential elements which Dr. Caffrey has brought forth in order to improve the instruction in the district, such as the focus on the Danielson Rubrics 3B & 3C. Another school with a similar approach is Ceres Elementary School. The vigorous implementation of Dr. Caffrey's reform agenda via teacher walk-thrus and other methods, lead to retaliation against both the Principals of Ceres School and Richardson School, as they were the only administrators singled out at the 6/28 Board meeting.

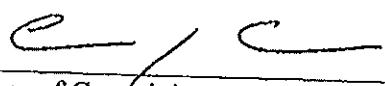
After Ms. Nagy made these outrageous statements, she then proceeded to compare administrators with Fidel Castro and Adolf Hitler. According to her, the citizens of Cuba and Germany were not "too happy with the change" brought forth by these individuals. I was deeply offended by the fact that I was compared to a madman and a murderer who slaughtered millions of innocent people during the Holocaust.

Mr. Puccio, instead of censuring this staff member for her inflammatory comments, applauded her efforts. He stated, "Hats off to teachers who approached the microphone. Staff is scared to go to work. It is important not to bully staff. I'm with you...I know you're disgruntled. I'm glad you had the guts to speak. You need to get more (staff) to speak...strength in numbers. I know morale in pits...no one is listening. Good point about the bullying Ms. Nagy. (They) shouldn't write up staff and beat them over the head."

As the guidance counselor in my school, Ms. Nagy projected an image at a public Board meeting that bullying and harassment was occurring at Richardson School via a walk-thru tool, a tool for which my school had achieved great notoriety. The superintendent of schools even went so far as to identify this tool as an instructional gem (per Instructional Rounds vernacular). By virtue of her job title and her comments, Ms. Nagy insinuated that I was a dictator and a bully. Furthermore, by virtue of his public approbation, Mr. Puccio lent credence to the fact that I was a dictator and a bully. As a member of the Board, Mr. Puccio should have attempted to shield the reputation of one of his employees from defamatory statements. Instead, he relished in the moment which is viewable at www.paps.net (click Bd. Education tab and Board meetings and minutes link). Mr. Puccio's endorsement of these outrageous statements by Linda Nagy in public session further damaged my reputation in the school district and is a violation of NJSA 18A: 12-24.1 f, g, and i.

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.


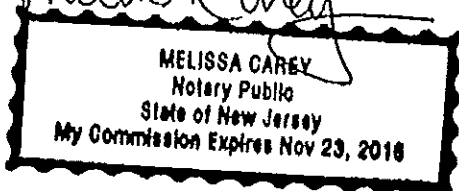
Date 7-11-12


Signature of Complainant
or his or her Attorney

CERTIFICATION UNDER OATH

Alvaro Cores, 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.



Signature of Complainant

Date: 7-11-12

Sworn and subscribed to before me this 11 day of July, 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 C25-12

At its August 28, 2012 meeting, the Commission dismissed the allegations in Paragraphs 5 and 6 of Count 1 that Respondent Puccio violated N.J.S.A. 18A:12-24(a) and (b) for lack of jurisdiction as to prohibited acts; and dismissed the allegations under the Code in Paragraphs 5 and 6 of Count 1 for lack of jurisdiction; and dismissed Count 2 for lack of jurisdiction as to all respondents: Puccio, Varela, Tejada and Lebreault. The Commission also found that the complaint was not frivolous.

The Commission determined that Kenneth Puccio is the sole remaining respondent and voted to transmit this matter to the OAL for plenary hearing, now bearing the caption, "Alvaro Cores v. Kenneth Puccio."

Pursuant to N.J.S.A. 18A:12-29(b), the complainant has the burden to prove factually under the Code the remaining allegations that Respondent Puccio violated N.J.S.A. 18A:12-24.1(b), (c), (d), (f), (h), (i), and (j) as alleged in Paragraphs 2 and 3 of Count 1 and N.J.S.A. 18A:12-24.1 (f), (g), and (i) as alleged in Count 3.