

#151-11 (OAL Decision: Not yet available online)

IN THE MATTER OF THE TENURE HEARING :

OF NATALIZIA BUSNELLI-ALJALLAD : COMMISSIONER OF EDUCATION

SCHOOL DISTRICT OF THE TOWN OF : DECISION

SECAUCUS, HUDSON COUNTY. :

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### SYNOPSIS

The petitioning Board certified charges of conduct unbecoming, incapacity and other just cause against respondent – a tenured secretary employed as administrative assistant to the Superintendent of Schools – for, *inter alia*: sexually harassing a school resource officer employed at Secaucus High School, making false statements about the activities of sitting Board members, and slandering and defaming members of the Board by falsely implicating them in crimes of official misconduct. Respondent admitted making false statements to the school resource officer, but contended that – while it was technically wrong to lie – her behavior was essentially harmless and should not have provoked the reaction of those around her.

The ALJ found, *inter alia*, that: the respondent fabricated a complex tale in which she implicated two Board members in serious misconduct in an attempt to garner attention from and cultivate a relationship with the school resource officer by leading him to believe that he was being investigated by members of the Board; respondent’s testimony was not credible, while witnesses for the Board were credible; and the Board carried its burden to prove that respondent is guilty of unbecoming conduct. Accordingly, the ALJ ordered that respondent be dismissed from her tenured employment.

Upon independent review of the record the Commissioner concurred with the ALJ’s findings, noting that the proven charges in this matter denote outrageously inappropriate behavior clearly inimical to the professional obligations of a confidential secretary in the office of the Superintendent of Schools. Accordingly, the Initial Decision of the OAL was adopted as the final decision in this matter, and the respondent was dismissed from her tenured position.

<p>This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.</p>
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April 12, 2011

OAL DKT. NO. EDU 6890-10  
AGENCY DKT NO. 119-6/10

IN THE MATTER OF THE TENURE HEARING :  
OF NATALIZIA BUSNELLI-ALJALLAD :  
SCHOOL DISTRICT OF THE TOWN OF : COMMISSIONER OF EDUCATION  
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DECISION

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Respondent's exceptions and the District's reply thereto – filed in accordance with the provisions of *N.J.A.C.* 1:1-18.4 – were fully considered by the Commissioner in reaching his determination herein.

Respondent's exceptions essentially recast and reiterate her arguments advanced before the Administration Law Judge (ALJ) below. As it is determined that such arguments were considered and adequately addressed in the Initial Decision, they will not be revisited here.

Upon a considered review of the entire record in this matter – which included transcripts of the hearing conducted at the OAL on October 15, October 26, December 6, December 22, and December 29, 2010 – the Commissioner concurs with the Administrative Law Judge (ALJ) that the District has sustained its burden of establishing respondent's unbecoming conduct as specified in Charges 1, 2, 3, 4 and 6 and that respondent's removal from her tenured position is the appropriate penalty.

In so determining, the Commissioner has given full consideration to all evidentiary proofs comprising the record and is cognizant of the importance of the ALJ's assessment of the credibility of the witnesses. This being the case – and the ALJ having had the

opportunity to assess the credibility of the various witnesses who appeared before her, and having made findings of fact based upon their testimony – the standard governing the Commissioner’s review is clear and unequivocal:

The agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record. (*N.J.S.A.* 52:14B-10(c))

The Commissioner concludes that the record amply supports the ALJ’s ultimate determination with respect to respondent’s credibility, *i.e.* – “I did not deem Aljallad’s testimony to be credible, in large part because she is an admitted and shameless prevaricator,” (Initial Decision at 10) – and her concomitant fact-finding analysis and conclusions as to the truth of the District’s allegations.

Turning to the appropriate penalty to be imposed in this matter, the Commissioner is mindful that “[f]actors to be taken into account in making a penalty determination include the nature and circumstances of the incidents or charges, the individual’s prior record and present attitude, the effect of such conduct on the maintenance of discipline among the students and staff, and the likelihood of such behavior recurring.” *In the Matter of the Tenure Hearing of Deborah Suitt-Green, State-operated School District of the City of Newark, Essex County*, decided by the Commissioner October 14, 1997, slip. Op. at 32, citing *In re Hearing of Ostergren, Franklin School District*, 1966 *S.L.D.* 185; *In re Hearing of Kittell, Little Silver School District*, 1972 *S.L.D.* 535, 541; *In re Fulcomer*, 93 *N.J. Super.* 404 (App. Div. 1967).

The Commissioner finds that the proven charges in this matter denote outrageously inappropriate behavior clearly inimical to the professional obligations of a confidential secretary in the office of the Superintendent of Schools. Also particularly

disquieting is that, notwithstanding that respondent's actions here disrupted the lives – both professionally and personally – of a number of individuals, she has expressed no remorse or contrition nor does she appear able or willing to understand and appreciate the egregiousness of her behavior.<sup>1</sup> These factors lead to the inevitable conclusion that – should respondent be returned to her position – the Commissioner could not harbor any confidence that she would conform her behavior to that dictated for one in such a position which – by its very nature – demands the utmost candor and trustworthiness.

Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter. Natalizia Busnelli-Aljallad is hereby dismissed from her tenured position with the School District of the Town of Secaucus.

IT IS SO ORDERED.<sup>2</sup>

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 12, 2011

Date of Mailing: April 12, 2011

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<sup>1</sup> Indeed, as recognized by the ALJ, “[a] theme in Aljallad’s defense is that although it was technically wrong to lie, it was essentially harmless behavior that should not have provoked the reaction of those around her.” (Initial Decision at 10)

<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)