

ROBERT IAROSSI	:	BEFORE THE SCHOOL
	:	ETHICS COMMISSION
v.	:	
	:	Docket No. C62-06
JOSEPH CASAPULLA,	:	
<i>ELMWOOD PARK</i>	:	DECISION
<i>BOARD OF EDUCATION</i>	:	
<i>BERGEN COUNTY</i>	:	

**PROCEDURAL HISTORY**

This matter arises from a complaint filed on December 11, 2006 by Robert Iasrossi alleging that Joseph Casapulla, Superintendent of the Elwood Park School District (“District”) violated the School Ethics Act (Act), N.J.S.A. 18A:12-21 et seq., by directing that false information be submitted to the New Jersey Department of Education regarding the instructional certificate of a teacher in the District’s high school. The complainant, however, failed to specify what portion of the Act he believed the respondent violated. By letter dated January 3, 2007 from the Commission, the complainant was so informed and instructed that he must amend his complaint accordingly. The letter references enclosure of a copy of the Act. By letter dated March 26, 2007, the complainant was again provided an opportunity to amend his complaint. By letter dated April 4, 2007, the Commission informed the complainant that “the only provisions that Mr. Casapulla could have violated fall under N.J.S.A. 18A:12-24.” The complainant was again instructed to set forth the provisions of the Act that he maintained were violated by the respondent.

The complainant’s ensuing submission consisted of a photocopy of the Act, submitted by facsimile, with *all* provisions set forth in N.J.S.A. 18A:12-21 et seq. circled. To the extent he was specifically instructed to set forth violations under N.J.S.A. 18:12-24, it is only those potential violations, *i.e.*, N.J.S.A. 18A:12-24(a) through (k) that are considered herein.

Through his attorney, the respondent filed an Answer to the Complaint, together with Affirmative Defenses and also requested that the Commission strike confidential personnel information from the public record. The complaint and the answer were considered at the Commission’s September 25, 2007 meeting, at which time the Commission voted to dismiss the complaint. At its December 18, 2007 meeting, the Commission voted to adopt this decision.

**THE PLEADINGS**

The complainant alleges that the respondent, through his secretary, Ms. Beverly Brancaccio, directed him to file false information with the New Jersey Department of Education on a staff certificate survey. This false information, the complainant contends, concerned the certification of one of the District’s teachers employed at the Memorial

High School. The complainant claims that this teacher did not hold a teaching certificate, yet the complainant was instructed to indicate on the survey that this teacher had a standard instructional certificate.

The complainant further alleges that the high school principal called the college that the teacher was attending and was told that the teacher should be certified by January 2007. The complainant maintains that the high school principal shared this information with the respondent in September or October 2006, so the respondent was aware that the teacher did not hold the proper certification.

In his answer, the respondent initially notes that the complainant was formerly employed by the District as the Technology Coordinator; his employment was terminated in February 2007 as a result of a decision made by the respondent in December 2006. The respondent further states that the complainant has improperly released confidential employee information to which he had access when he was employed.

The respondent specifically denies that, through his secretary, he directed the filing of false information. The respondent avers that he never instructed the complainant directly or indirectly to file false information on the certificated staff form. In this connection, the respondent provides a certification from his secretary, Ms. Brancaccio, who affirmed that she was never directed by the respondent to advise the complainant to file false information regarding any teaching staff member, including the teacher identified in the complaint, with the New Jersey Department of Education. Ms. Brancaccio further affirmed that she never directed the complainant to file any document indicating that the named teacher had a standard teaching certificate; nor was there any communication between Ms. Brancaccio and the respondent concerning this matter. As to the complainant's allegations regarding the high school principal's conversation with the college that the teacher attended, the respondent denies the allegation, as stated.

## **ANALYSIS**

The Commission reviewed the pleadings and considered the facts in the light most favorable to the complainant. Nonetheless, even if the facts as alleged by the complainant were found to be true, these facts would not constitute violations of N.J.S.A. 18A:12-24(a) through (k). Specifically, the complainant fails to allege any facts, which, if true, would establish that: the respondent used, or attempted to use, his position as Superintendent of Schools to secure unwarranted privileges or advantages for himself, members of his immediate family, for a board member or others as contemplated by N.J.S.A. 18A:12-24(a) through (c); the Superintendent has undertaken employment or service that would prejudice his judgment, in violation of N.J.S.A. 18A:12-24(d); the Superintendent, or a member of his family, or a business in which he has an interest, has solicited or accepted any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based upon the understanding that such gift or thing of value was offered for the purpose of influencing him in the discharge of his official duties, in violation of N.J.S.A. 18A:12-24(e); the Superintendent used his

employment or any information, not generally available to the members of the public, which he received or acquired in the course of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated, as would be prohibited by N.J.S.A. 18A:12-24(f); or the respondent was serving in any capacity other than that of the Superintendent in connection with any cause, proceeding, application or other matter pending before the District or in any proceeding involving the District, as would be prohibited by N.J.S.A. 18A:12-24(g). Finally, inasmuch as N.J.S.A. 18A:12-24(h) through (k) do not contain substantive prohibited acts, the respondent could not have violated these provisions.

## **DECISION**

Based upon the foregoing, the Commission determines to dismiss the complaint. This is a final decision of an administrative agency, appealable to the Superior Court, Appellate Division. See, New Jersey Court Rule 2:2-3(a).

## **REQUEST TO STRIKE PERSONNEL INFORMATION FROM THE PUBLIC RECORD**

The respondent asserts it is “troubling and disconcerting” that the complainant named a specific individual who had been employed with the District and, further, that the complainant used confidential information to describe circumstances surrounding the individual’s professional credentials. Therefore, the respondent requests that all references to the named individual in the complaint be stricken for confidentiality reasons. The Commission grants the respondent’s request.

Paul C. Garbarini  
Chairperson

## Resolution Adopting Decision – C62-06

**Whereas**, the School Ethics Commission has considered the pleadings filed by the parties; and

**Whereas**, the Commission finds that, even accepting as true all allegations in the complaint, such facts could not support violations of the School Ethics Act by Joseph F. Casapulla; and

**Whereas**, the Commission has reviewed the proposed decision of its staff; and

**Whereas**, the Commission agrees with the proposed decision;

**Now Therefore Be It Resolved** that the Commission hereby adopts the proposed decision dismissing the complaint and striking all personnel information from the public record as its final decision on the matter and directs its staff to notify all parties to this action of the Commission's decision herein.

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Paul C. Garbarini, Chairperson

I hereby certify that the Resolution was duly adopted by the School Ethics Commission at its public meeting on December 18, 2007.

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Joanne Boyle, Executive Director  
School Ethics Commission