

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

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In the Matter of the Arbitration :

- Between - : AGENCY DOCKET 83-4/17

BOARD OF EDUCATION, CITY SCHOOL :
DISTRICT OF JERSEY CITY :

"Board" or "Employer" :

- and - :

NABIL YOUSSEF :

"Youssef" or "Respondent" :

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APPEARANCES

For the Board

SCARINCI HOLLENBECK, LLC
John G. Geppert, Jr., Esq., of Counsel
Shana Don, Esq., of Counsel
Craig Long, Esq., on the brief

For Nabil Youssef

FEINTUCH, PORWICH & FEINTUCH
Philip Feintuch, Esq.
Nabil Youssef, Respondent

BEFORE: HOWARD C. EDELMAN, ESQ., ARBITRATOR

BACKGROUND

The Board of Education served tenure charges on Nabil Youssef on or about April 25, 2017. It contends the charges have been proven and it seeks Youssef's discharge, as a result. Respondent insists they are without merit and asks that I dismiss them.

Nabil Youssef was hired by the Jersey City School District in 1999. Since 2001 he has taught Mathematics at Lincoln High School ("Lincoln"). According to the Board, though a satisfactory teacher from 2001 to about 2012, Youssef's performance, both in the classroom and out, declined substantially from the 2012-13 school year on. Respondent denies these allegations, insisting instead that they were in retaliation for a lawsuit he filed and in violation of accommodations granted him.

The Board brought tenure charges upon Youssef on or about April 25, 2017, pursuant to NJSA 18A: 6-115 et seq. In accordance with the rules of the Commissioner of Education, I was selected to decide the dispute. Hearings were held before me on September 5, 2017; October 5, 6, 12, 2017; November 2, 20, 2017; December 14, 2017 and (telephonically) on

February 2, 2018. Prior to the commencement of the hearings, two pre-trial conferences were held.

The parties submitted briefs on April 2, 2018. When I received them I closed the record. This Opinion and Award follows.

CHARGES

The charges read, in relevant part, as follows:

CHARGE ONE: INEFFICIENCY

1. During the period from September 2013 to the present, Respondent has demonstrated an inability to completely and responsibly execute his duties as a teacher in the following manner:
 - a. The Respondent has failed to implement curricular goals and objective(s).
 - b. The Respondent has failed to design coherent instruction.
 - c. The Respondent has failed to assess student learning.
 - d. The Respondent has failed to create an environment of respect and rapport.
 - e. The Respondent has failed to establish a culture of learning.
 - f. The Respondent has failed to communicate clearly and accurately.
 - g. The Respondent has failed to use questioning and discussion techniques with flexibility and responsiveness.
 - h. The Respondent has failed to engage students in learning.
 - i. The Respondent has failed to provide feedback to students.

- j. The Respondent has failed to attain student achievement that meets or exceeds performance benchmarks.
- k. The Respondent has failed to reflect on teaching.
- l. The Respondent has failed to contribute to the School and District.
- m. The Respondent has failed to grow and develop professionally.
- n. The Respondent has failed to attend professional development meetings.
- o. The Respondent has failed to attend required staff meetings.
- p. The Respondent has failed to attend pre-observation conferences.
- q. The Respondent has failed to attend post-observation conferences.
- r. The Respondent has failed to attend annual summative evaluation conferences.
- s. The Respondent has failed to attend Corrective Action Plan conferences.
- t. The Respondent has failed to demonstrate promptness and attendance.
- u. The Respondent has received an Ineffective Rating for the 2013-2014 School Year in the Annual Summative Evaluation.
- v. The Respondent has received a Partially Effective Rating for the 2014-2015 School Year in the Annual Summative Evaluation.
- w. The Respondent has received a Partially Effective Rating for the 2015-2016 School Year in the Annual Summative Evaluation.

CHARGE TWO: CONDUCT UNBECOMING

- 2. The Board restates the allegations in Charge One and re-alleges and incorporates them by reference as if fully set forth at length herein.

3. During the period from September 2013 to the present, Respondent has additionally demonstrated unbecoming conduct in the following manner:
 - a. The Respondent has failed to create an environment of respect and rapport.
 - b. The Respondent has failed to engage students in learning.
 - c. The Respondent has failed to contribute to the School and District.
 - d. The Respondent has been insubordinate.
 - e. The Respondent has failed to comply with administrative direction.
 - f. The Respondent has failed to adhere to school policies and procedures.
 - g. The Respondent has failed to follow Board policies and procedures including but not limited to Board Policy No. 4116 "Evaluation"; Board Policy No. 4131/4131.1 "Staff Development."
 - h. The Respondent has failed and refused to attend professional development training sessions.
 - i. The Respondent failed and refused to cooperate in the Board's evaluation process.
 - j. The Respondent has failed and refused to complete required Student Growth Objectives.
 - k. The Respondent has failed and refused to adhere to Board and school policies and procedures regarding attendance.
 - l. The Respondent has failed to comply with Board Policy No. 4119/22/4219.22 "Conduct and Dress."
 - m. The Respondent has engaged in a pattern of behavior contrary to the position of a tenured educator.

CHARGE THREE: CONDUCT UNBECOMING

4. The Board restates the allegations contained in Charge One and Charge Two and re-alleges and incorporates them by reference as if fully set forth at length herein.
5. During the period from September 2013 to the present, Respondent has additionally demonstrated unbecoming conduct by insubordination in the following manner:
 - a. The Respondent has failed and refused to attend professional development sessions;
 - b. The Respondent has failed and refused to comply with administrative directives to attend professional development training;
 - c. The Respondent has failed and refused to attend scheduled staff meetings;
 - d. The Respondent has failed and refused to comply with administrative directives to attend staff meetings;
 - e. The Respondent has failed and refused to submit Student Growth Objectives;
 - f. The Respondent has failed and refused to comply with administrative directives to complete Student Growth Objectives;
 - g. The Respondent has failed and refused to attend pre-observation conferences;
 - h. The Respondent has failed and refused to attend post-observation conferences;
 - i. The Respondent has failed and refused to review and participate in the evaluation process;
 - j. The Respondent has failed and refused to complete Corrective Action Plans; and

- k. The Respondent has failed and refused to adhere to the District's Evaluation Policy.

CHARGE FOUR: CONDUCT UNBECOMING

6. The Board restates the allegations contained in Charge One, Charge Two, and Charge Three and re-alleges and incorporates them by reference as if fully set forth at length herein.
7. During the period from September 2013 to the present, Respondent has additionally demonstrated unbecoming conduct by insubordination in the following manner:
 - l. The Respondent has engaged in a pattern of violation of the School and District's Attendance Policies;
 - m. The Respondent has consistently left the School prior to the contracted end of the school day, without notice to appropriate school personnel and in violation of the School's attendance and sign-out policy, of which he has been repeatedly advised.

CHARGE FIVE: OTHER JUST CAUSE

8. The Board restates the allegations contained in Charges One through Charge Four and re-alleges and incorporates them by reference as if fully set forth at length herein.
9. The Respondent has failed to properly adhere to the Board and school policies and procedures for overseeing students and improving her teaching skills.
10. The Respondent has consistently failed to follow instructions and violated the District's policies and procedures.
11. The cumulative effect of Respondent's misconduct and inefficiency as set forth above constitutes other sufficient cause sufficient to warrant dismissal.

WHEREFORE, Respondent has shown that he is unfit to discharge the duties and functions of the position in which he holds tenure in the School District, and he should be dismissed.

POSITIONS OF THE PARTIES¹

The Board contends that it has proven the charges by a preponderance of the evidence. As to pedagogical matters, it argues that over three years Youssef exhibited poor, incompetent performance on numerous occasions. Specifically, it alleges:

- During a September 19, 2013 walk-through Principal Cheryl Richardson-Evans noted several students sleeping (3T-211)²;
- on December 17, 2013, Assistant Principal Monica Patel observed Youssef's Math class and saw no instructional interaction among students, chairs in rows so that no group work existed and only personal conversations or total inattentiveness (Exhibit R-19). This class was rated ineffective;
- on April 28, 2014, Assistant Principal Chris Gadsen noted no collaboration or interaction in Youssef's class (3T-321);

¹To expedite these findings, I have summarized the parties' positions.

²Numbers in parentheses () refer to the sequence of transcripts and pages therein.

- on November 10, 2014, Patel noted a lack of communication between students and teacher (2T 49-50), only simple question and answer recall (2T 52-53);
- on January 10, 2015, Vice-Principal Natasha Walker concluded that Respondent failed to demonstrate familiarity with students' individual needs, as well as a lack of higher order instruction (4T-428);
- similarly, Walker's observation of a class held on February 15, 2016 was devoid of differentiated instruction based on students' needs (District Exhibit 157);
- on April 18, 2016, as in the other observations, Patel noted students inattentive (heads down) and/or personal conversations unrelated to the lesson (2T 69-70);
- on May 12, 2016, Evans indicated that Youssef was only "going through the motions (District Exhibit 121).

These observations were conducted fairly and without regard to any complaints, lawsuits, etc., Youssef filed, the Board insists. In its view, they demonstrate a pattern of incompetent, ineffective teaching performance.

Moreover, the Employer argues, Youssef made no attempt to participate in efforts to improve his teaching. When given his evaluations he refused to discuss them, it insists, blithely discounting their validity (e.g., District Exhibit 109).

Furthermore, Respondent failed to create Student Growth Objectives ("SGOs") for 2014-15, 2015-16 and 2016-17, the Board submits, in spite of repeated admonitions to do so (2T-56, 58, 60). These and other forms of indifference to his duty to improve resulted in ongoing, uncorrected and unacceptable performance, it alleges.

Similarly, the Board asserts, Youssef paid no attention to his obligation to attend most, if not all staff meetings. Citing numerous exhibits, the Employer insists that, "Respondent failed to attend a single meeting over a three year period." Brief, p. 1, emphasis in the original. It sought the assistance of his Union in getting him to attend, it suggests (3T 203-04). In virtually all instances his response was, "Talk to my lawyer (3T 204)," according to various witnesses. Based on this record, the Board concludes that from 2013 on Youssef stopped teaching and stopped trying to improve.

Furthermore, Youssef was progressively disciplined, as the Board sees it. During the last three years of his service at Lincoln he received many warnings and reprimands regarding his failure to meet with school officials regarding the creation of SGOs,

year-end evaluations and other matters directly related to teaching, it argues (e.g., Exhibits B77-79). These and related misfeasance resulted in the withholding of two increments, the Board points out.

Beyond the factors noted above, the Board insists that Youssef failed to attend every department or faculty meeting, beginning with the 2013-14 school year. Attendance was important to apprise teachers of new curricula, technology and other procedures so as to improve his classroom perform, the Board maintains. Respondent's refusal to show up constitutes willful neglect and, given the reminders and reprimands received as a result, gross insubordination, the Employer suggests.

As to Youssef's defenses to the charges, the Board contends they are utterly without merit. It notes Respondent raised the following claims:

- a) The charges were preferred in retaliation for a lawsuit he filed against the District which he refused to withdraw.
- b) He could not make most meetings because they were held in a building different from the one in which he taught and he had received a medical accommodation requiring him not to climb steps or walk significant distances.
- c) he could not upload a number of evaluations on "Teachscape."

In response to these defenses, the Board offers the following:

- a) Youssef's decline in performance and failure to attend meetings arose at least a year before the lawsuit was filed.
- b) Respondent's medical accommodation expired before many of the incidents at issue. In addition, video surveillance shows him climbing steps free of incidents, and he often signed in at one building and taught at the other.³
- c) "Teachscape" contained his evaluations and other performance related documents which were readily accessible online to Youssef.

Additionally, the Board notes that Youssef received three "Partially Effective" or "Ineffective" ratings three years in a row. These evaluations alone warrant his dismissal, pursuant to TEACHNJ. No mitigating factor may alter this finding, it submits. NJSA 18A: 17.3. A wealth of case law supports this view, the Board urges. Accordingly, it asks me to sustain the charges preferred against Respondent and to uphold its decision to seek the termination of his services.

Respondent, via his counsel, seeks the dismissal of all the charges. As to each one individually, he raises the following defenses:

³The buildings in question are the Freshman Academy and the Main building.

1. a. There is no evidence he failed to implement curricular goals and objectives.
- b. The District did not establish that Respondent did not design coherent instruction. It criticized only his failure to use technology in the class.
- c. No testimony was offered regarding the assessment of student learning.
- d. Substantial testimony revealed an atmosphere of student respect and rapport (District Exhibits 29, 52, 58, et al.)
- e. Exhibits P-52, 57, 68, 108, 123, rate Youssef "Effective" with respect to establishing a culture of learning.
- f. No scores demonstrate Respondent failed to communicate clearly and accurately.
- g. Students answered many questions and some responses (District Exhibits 64, 68) resulted in an "Effective" rating for the flexible use of questioning and discussion techniques.
- h. Contrary to the view of District officials, Youssef did engage students in learning. In some instances, he was rated "Effective" in this category (District Exhibits 64, 68).
- i, j, k. - No testimony supports these charges.
- l, m, n, o, p, q, r, s, t.
These allegations are not relevant to Charge 1.
- u, v, w. - The evidence concerning these charges demonstrates that the observation reports did not adhere to the evaluation process.

Respondent acknowledges I am without authority to second-guess evaluations in their assessment of teachers' classroom performance. However, he urges, I am empowered to overturn those assessments if I determine they are arbitrary, capricious or in

violation of NJSA 18A: 6-17.2 by failing to provide a corrective action plan ("CAP"). That his evaluations fall into one of these categories may be gleaned from the following evidence, in Respondent's view:

- His summative evaluation for 2014-15 should have been 2.64, not 2.4 and it did not include an SGO score. Had it been correctly computed he would have received an "Effective" for that year.
- No SGO score was given for 2015-16.
- No CAP was ever provided.
- A review of Patel's testimony reveals substantial inconsistencies. She also did not know if he ever attended meetings at the Freshman Academy.
- Many of Patel's comments are merely quotes from the Danielson rubric.
- Gadsen's testimony covered a two day observation; yet his report referred only to one day.
- The 2015-16 summative evaluation score should have been 2.60, not 2.40.
- Evans inferentially agreed with Youssef when she indicated she gets teachers' SGOs after they are sent to Patel. She has no knowledge if corrected SGOs are returned to the teacher (58-716).
- Jesse Prokopczyk, a Math supervisor, reported an Effective rating for the lesson observed on March 27, 2016. Respondent's Exhibit 8. Prokopczyk had no reason to offer suspect or biased testimony.
- Youssef never received a long observation. All he got were results of visits lasting approximately fifteen minutes.
- The District never questioned or criticized Youssef's students' results. These positive outcomes reveal that his instruction was generally effective.

- Despite having the credentials, he was improperly denied the position of SIG supervisor (T6-545).
- It was futile for him to discuss his performance with his supervisors because they were named defendants in a lawsuit he filed.

Respondent asks me to credit his testimony. Moreover, he insists, other evidence, similarly detailed, reveals his evaluations were arbitrary and/or capricious. Also, he urges, he never received a CAP, as required by statute. Thus, he concludes, he is not culpable of poor or ineffective teaching performance.

With respect to allegations relating to the attendance at meetings, Youssef cites the accommodation he received as a result of an injury. Contrary to the Board's insistence, he maintains it did not have an end date. As such, he should not have been required to walk up steps and/or between buildings in order to attend before or after school meetings.⁴ He also insists that the requirement to attend frequent meetings violated the Collective Bargaining Agreement between the Board and the JCEA. As noted above, he urges that it would have been

⁴ Moving between the Freshman Academy and the main building requires both activities.

futile to attend post-observation conferences with administrators who were named in his lawsuit.

Finally, like the Board, Respondent cites a number of decisions in which teachers were not discharged, even where, in his view, the charges were more serious than the ones leveled against him. Consequently, he concludes, these allegations should be dismissed or, at worst, he should receive a minor penalty.

DISCUSSION AND FINDINGS

The charges preferred against Respondent fall, generally, into three categories. The first relates to classroom performance. The second involves the failure to attend post-observation conferences, faculty meetings and department meetings. The third concerns administrative procedures; either failing to sign out or leaving early without notifying proper personnel.

Normally, my Opinion and Award would deal with the most important issues before lesser ones. Here, however, it is necessary to address charges which, even if proven, would result in a minor penalty.

After all, the real, underlying issue here is whether Respondent should be discharged or not.

The third category is the least significant. The allegations that are included therein generally involve leaving the school toward the end of the day. They do not include claims that Youssef left his class unattended. As such, I find, if proven they would yield a relatively minor penalty. In light of these factors and my determination reached on the more serious charges, I make no finding, neither express nor implied, on these lesser ones.

The remaining allegations center on classroom performance and the obligation to attend meetings. They will be analyzed separately.

As to the former, I am convinced that, with some reservations noted below, Youssef is culpable of poor teaching, as delineated in these charges. Most telling, in this regard, is Evans' testimony. She observed Respondent's class on April 28, 2015; November 13, 2015; and May 12, 2016. While the first one noted that Youssef demonstrated proficiency in Mathematics, he failed to deploy technology to enhance instruction (District Exhibit 68).

This is a legitimate criticism, I find. Contrary to Respondent's suggestion, District officials may require teachers to incorporate its use into their lessons.

A similar view, though unrelated to technology, appeared in Evans' evaluation of the November 13, 2015 class. He did not incorporate new techniques, such as detailing real life problems, into the classroom (District Exhibit 108).

It was also legitimate to conclude, as Evans did, that Respondent was "going through the motions" while she observed him on May 12, 2016. Criticism that he did not provide challenging work for students and did not circulate among them while the lesson was taught are valid, I find (District Exhibit 126).

Assistant Principal Monica Patel went into Youssef's class on a number of occasions: December 17, 2013; November 10, 2014; April 18, 2015. Not all of Patel's comments were helpful. For example, mere recitation of the Danielson rubric is certainly problematic. However, her conclusion that students were not engaged in the lessons - i.e., involved in personal conversations (2T-27, 30); had their head down (2T-30, 69), constitutes fair criticism, which, I

am convinced, was made objectively and without malice. Clearly, such disengagement contributes substantially to an overall poor lesson. Also, Natasha Walker found a lack of instruction based on students' individual needs (Observation of January 10, 2015) though, to Youssef's credit, she found the class "materially challenging" (4T 429).

In my view, what this all means is that Respondent was a marginal teacher. Though his classes were not chaotic, many students were not engaged nor challenged. Thus, I conclude, the Board has amply demonstrated his culpability of poor teaching performance, as alleged.⁵

The issue of SGOs and CAPs is relevant. I disagree with Youssef that he completed all SGOs as required. District Exhibit 18 and Evans' testimony convinces me Youssef did not complete and submit these documents. Patel credibly affirmed this failure. While he made some attempt to make appropriate SGO data more recently, he did not supply added information as directed.

⁵I reach this conclusion without re-calculating summative scores. The more significant factors are the events which occurred in the classroom on the dates cited.

As to the CAP, the record reveals that these are accessible online (5T-713, 735). While Youssef claimed no knowledge of the ability to view them in this manner, his failure to attend a meeting with Patel to discuss his 2015-16 CAP is likely the reason for his ignorance. He cannot be excused for his lack of knowledge by deliberately shirking his obligation in this regard.

My determination that Youssef failed to teach his classes competently⁶ should not be misinterpreted. Until the 2013-14 school year his performance was deemed satisfactory. Even Prokopczyk's evaluation found him effective, and it is entitled to some consideration.

Nevertheless, it is likely that the introduction of the Danielson rubric and related protocol affected his performance, especially since, as noted herein, he made virtually no effort to modify his pedagogy in accord with its dictates. Stated differently, Youssef had the potential to perform adequately but stuck to his own pre-Danielson methodology which prevented him from doing so.

⁶See specific ruling on each charge, below.

There remains the issue of Respondent's failure to attend meetings to consider. The abject disregard for simple clear directives to attend them is, to a large extent, more worthy of condemnation than his problematic teaching.

The record contains overwhelming evidence that Youssef knew of scheduled and required staff and professional development meetings. It contains similar evidence that he simply refused to attend all or virtually all of them. I credit Evans' recall that she "begged" him to attend the professional development ones and that his response each time was, "Talk to my lawyer." It matters little whether Youssef failed to show up at 64 of these meetings during the period 2013-16, as Patel claimed, or whether the number was somewhat less (2T 43-44). There remains a single incontrovertible fact. On a consistent and repeated basis Respondent routinely failed to appear at numerous meetings of various types, despite being on clear notice of his obligation to do so. Indeed, the Union sought to get him to attend, but to no avail.

No teacher sets his/her own rules. So long as the obligations do not endanger his safety, compliance

is required. Failure to comply constitutes insubordination. Youssef's was manifest during the period in question.

Respondent raised five defenses to these charges. He insisted he did attend a number of them; that he could not attend many because he had to move from one building to another; that it was futile to meet with officials who were named defendants in the lawsuit; that the charges were in retaliation for having filed it; and that the Union contract limited the number of meetings he had to attend.

None of these assertions withstands scrutiny. Teachers signed attendance sheets for virtually all meetings. Youssef's name did not appear on any of them.⁷ Even if he came in late at various times, as he insisted, it would have been an easy matter to sign at the bottom of the list. That teachers complained about his failure to appear is further evidence, though hearsay, that he routinely absented himself. Nor does the JCEA labor contract offer a valid excuse for his non-attendance. The workplace adage, "Obey, then grieve" required his presence. He could not engage in self-help in violation of directives.

⁷ There may be one or two exceptions. No matter.

Youssef also asserted he had a medical accommodation which absolved him from walking up steps or long distances (District Exhibit P-204). The wording of the document states the accommodations "will be valid for the next six months."⁸ However, more important is that other evidence conclusively demonstrates his physical condition did not prevent him from attending the meetings he missed.

A contemporaneous video shows Youssef walking up and down a flight of seven or eight steps a number of times in a period of a half hour or so. Also, for a substantial period after the accommodation was granted, he was assigned to the Freshman Academy. Youssef signed in at the main building and walked to the Academy. I see no reason why, under these circumstances, he could not walk back to attend a meeting at the end of the day in the building where he signed in.

Nor does his filing of the lawsuit absolve Youssef of the obligation to attend the meetings in question, I am convinced. It is rank speculation that it was "futile" to conference with administrators who were named defendants. It is equally speculative to

⁸The letter was transcribed in February 2015.

conclude that the poor evaluations he received resulted from retaliation by these individuals. He simply may not use the lawsuit as a shield to insulate himself from meeting his professional obligations. Thus, I conclude, there existed no valid reason for Respondent's failure to appear at numerous meetings which other faculty were required to attend.

What is the appropriate penalty for Respondent's misfeasance? In my view, the Board's decision to terminate his services must be upheld. As I suggested above, were his misfeasance grounded only in poor performance, a penalty less than dismissal, accompanied by appropriate remediation, might be warranted. This is so notwithstanding the statutory language that three ratings below "Effective" requires discharge.

Here, however, the record is far more incriminating. Youssef, though properly credentialed and schooled in his subject, demonstrated total indifference to and rejection of his professional obligations. He was progressively disciplined, having received numerous warnings and, most telling, a withholding of an increment. He had to know that further dereliction of duty would result in his

dismissal. Yet he continued to be insubordinate and scornful of the basic requirements of his job.

I reach this determination notwithstanding the Arbitration Awards cited by Respondent. Though in some cases teachers were returned to service despite individual acts which could be categorized as more egregious than Youssef's, none reveals a three year continuing course of conduct which so blatantly evinces a complete disregard for a teacher's professional obligations.⁹

Accordingly, and for the foregoing reasons, I conclude that Nabil Youssef is to be dismissed from service upon the Board's receipt of this Opinion and Award.

⁹The Award page sets forth my findings as to each specification.

AWARD

CHARGE ONE

1. Respondent Nabil Youssef is culpable of Specifications 1(a), (b), (d), (e), (f), (g), (h), (i), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w) as set forth in the charges preferred against him on or about April 25, 2017.

CHARGE TWO

2. Respondent Nabil Youssef is culpable of Specifications 2 (a-w), with the exception of 2(c) and 2(j), as set forth above.
3. Respondent Nabil Youssef is culpable of CHARGE TWO, Specifications 3(a) through 3(k), with the exception of 2(c) and 2(j) and 3(l) and 3(m).
4. Respondent Nabil Youssef is culpable of CHARGE THREE to the extent indicated with respect to CHARGES ONE and TWO.
5. Respondent Nabil Youssef is culpable of CHARGE THREE; Specifications 5(a) through 5(k).

6. Respondent Nabil Youssef is culpable of CHARGE FOUR to the extent indicated in (1), (2) and (3) above.
7. I make no determination as to Respondent Nabil Youssef's culpability of CHARGE FOUR - Items 7(1) and 7(m).
8. CHARGE FIVE merely restates other charges.
9. Respondent Nabil Youssef is not culpable of CHARGE ONE 1(c) and (j) and CHARGE TWO 3(1) and (m).

The appropriate penalty for Respondent Nabil Youssef's culpability of the charges set forth above is dismissal from service.

DATE: April 23, 2018

Howard C. Edelman
Howard C. Edelman, Esq.

State of NY)
) ss:
County of New York)

On this, the 23rd day of April, 2018, before me the undersigned Howard C. Edelman, personally appeared, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

Mary Halberstadt
Notary Public

