

UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

NICOLE WILLIAMS,

Appeal No. 20813

Petitioner,

VERIFIED REPLY

-against-

BOARD OF EDUCATION OF THE
POUGHKEEPSIE CITY SCHOOL DISTRICT,

Respondent.

From actions of the Board of Education violating
Petitioner's statutory authority with respect to
the Board's investigation of compliance with
graduation requirements.

Petitioner, Dr. Nicole Williams, by her attorney, Stanley J. Silverstone, Esq., as and for her
Verified Reply, respectfully states as follows:

1. Respondents' allegation that "Petitioner was given ample time to investigate the graduation issue but chose not to do so" (Verified Answer ¶ 6) is false. Petitioner was not given *any* opportunity to investigate the graduation issue, and never chose not to investigate. *See* Petitioner's Reply Affidavit.

2. Respondents allege that Petitioner's statement that Special Counsel Aldinger is a "first-year attorney" (Verified Petition ¶ 16) is a "personal attack on Special Counsel Aldinger" and is "inappropriate and irrelevant to this proceeding." (Verified Answer ¶ 16). However, first, calling Special Counsel Aldinger a "first-year attorney" is a fact, not a "personal attack." According to the records of the New York State Office of Court Administration, Mr. Aldinger was admitted to the New York Bar on January 11, 2017, which made him, at the time of the filing of the Petition, a first-year attorney. Second, Petitioner's statement is appropriate and relevant to this appeal in at least two ways. First, this appeal concerns the manner in which the Board conducted its graduation

investigation, and the choice of the investigator himself is certainly material to that issue. Second, a major theory of the Petitioner is that the Board is conducting an ongoing and illegal campaign to undermine her authority. *See, e.g.*, Commissioner’s Decision No. 17298 dated December 22, 2017 in *Appeal of Williams*, Appeal No. 20750. The fact that the Board hired a relatively inexperienced attorney to conduct an investigation is also material to this claim. Finally, questioning the credentials of professionals on whom public money is spent should always be fair grounds for inquiry to keep favoritism and bias in check.

3. It is Petitioner’s position that the Board’s investigation is flawed, and it is relevant to this argument that, in choosing counsel to lead its investigation, the Board did not retain a lawyer or law firm with significant relevant legal experience. There can be no question that the Board’s choice of counsel raises a red flag.

4. Respondents’ allegation that “Petitioner was repeatedly put on notice prior to November 15, 2017 that many students may not have been properly awarded diplomas and Petitioner chose not to investigate the matter” (Verified Answer ¶ 19) is false. There is no evidence that Petitioner was put on notice *even once* that “many students may not have been properly awarded diplomas.” *See* Petitioner’s Reply Affidavit. Respondents’ own papers have proven, in fact, that Dr. Williams was *specifically denied* notice of the issue. While none of the e-mails between Dr. Ten Dyke and Dr. Watson on which Dr. Williams was copied contain any allegation of wrongdoing, the one sent secretly from Dr. Ten Dyke’s personal email account to Dr. Watson’s personal email account on September 14, 2017, without copying Dr. Williams, states concerns of irregularities and calls for a private investigation. This proves beyond any doubt that the Respondents intentionally excluded Dr. Williams from notice. *See* Petitioner’s Reply Affidavit ¶ 5.

5. In response to the Respondents’ Third Affirmative Defense, Petitioner’s appeal is not time-barred. Petitioner claims that the Board violated her statutory authority by denying her access

to counsel and directing her not to conduct her own investigation into the graduation of the 2013 cohort. By email dated December 15, 2017, the Board directed Petitioner not to conduct any investigation into the graduation allegations. (Verified Petition ¶ 34). Petitioner's appeal was brought within 30 days of the Board's December 15, 2017 directive. Further, the Board's conduct in excluding the Petitioner from the investigation is a continuing violation that has continued to the present.

6. Respondents' Fourth Affirmative Defense asserts that the petition should be dismissed for failure to join Attorney Aldinger as a necessary party. This defense has no merit. Petitioner does not have a claim against Mr. Aldinger personally. Petitioner's claims are against the Respondents, and Mr. Aldinger acts as counsel for the Respondents. There are no separate claims against Mr. Aldinger personally.

7. Therefore, for the reasons stated herein, in the accompanying Reply Affidavit of the Petitioner, and in the Verified Petition and its supporting documents, the Petitioner respectfully submits that she is entitled to the relief requested in the Petition herein.

Dated: February 5, 2018

Respectfully submitted,



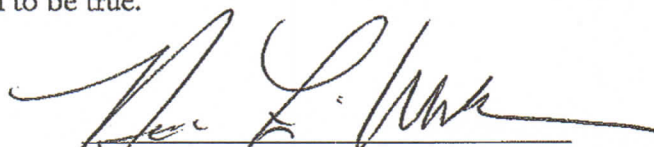
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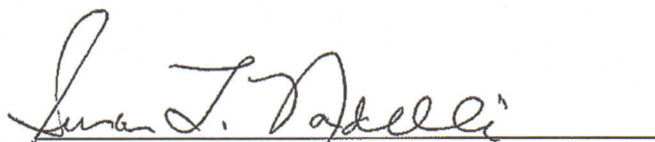
VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF DUTCHESS)

NICOLE WILLIAMS, being duly sworn, deposes and says that she is the petitioner in this proceeding; that she has read the annexed Reply and knows the contents thereof; that the same is true to the knowledge of deponent except as to matters therein stated to be alleged upon information and belief, and as to those matters she believes them to be true.


NICOLE WILLIAMS

Sworn to before me this
5th day of February, 2018


NOTARY PUBLIC

