

THE UNIVERISTY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT

NICOLE WILLIAMS,

Petitioner,

-against-

BOARD OF EDUCATION OF THE
POUGHKEEPSIE CITY SCHOOL DISTRICT,

Respondent.

Appeal No.

**Attorney Affirmation in
Opposition to Petition**

TODD J. ALDINGER, ESQ. being duly sworn, deposes and says:

1. I am an attorney duly licensed to practice in the State of New York.
2. On July 7, 2017 a majority of the Poughkeepsie Board of Education voted to name me Special Counsel and passed the following resolution:

WHEREAS, the Board of Education of the Poughkeepsie City School District (the "Board") has determined to hire special counsel to perform internal investigations surrounding the 2016 and 2017 elections and any other alleged misconduct, fraud or alleged crimes that the Board deems necessary to investigate and to prepare a report of the findings of such investigations, so that the Board may uncover facts and pursue appropriate courses of action; and

NOW, THEREFORE, be it RESOLVED, that the Board will retain the services of Todd J. Aldinger, Esq., as special counsel on July 17, 2017; and be it RESOLVED, that, as special counsel, Todd J. Aldinger, Esq. will perform one or more internal investigations and prepare a report of the findings of such investigations to the Board; and be it RESOLVED, that Todd J. Aldinger, Esq. or any

associate of his shall be compensated at an hourly rate of \$175.00 per hour, and be it

3. During August and September 2017, I performed an internal investigation relating to issues with absentee ballots and other voting irregularities related to the 2016 and 2017 school board elections and prepared reports on my findings.
4. On September 26, 2017, Board President Felicia Watson sent me an email instructing me to contact Dr. Elizabeth Ten Dyke and to conduct an investigation regarding graduations in 2017.
5. Early in October 2017, Dr. Ten Dyke, as directed by the school board, sent me copies of numerous documents related to potentially improper graduations in 2017. Copies of these Documents are attached as **Exhibit A.**
6. On October 12, 2017, I began reviewing these documents.
7. On November 2, 2017, I met with Dr. Ten Dyke to go over my initial analysis of the documents she had provided me.
8. I separately met with members of the Section 504 team that meet on August 15, 2017, Dr. Steve Rappleyea, and Tracy Farrell.
9. On November 14, 2017 I sent a first preliminary report of my findings on potential graduation issues to Board President Watson, who forwarded the same to the other members of the Board and Dr. Williams. A Copy of this report is attached as **Exhibit B.**

10. On November 15, 2017, I attended an executive session of the Poughkeepsie City School District School Board and explained my findings to the members of the Board. In addition I provided them with the documents I had been provided initially by Dr. Ten Dyke.
11. Over the following weeks I received substantive written responses to my report, including from Dr. Ten Dyke (**Exhibit C**), Dr. Rappleyea (**Exhibit D**), Phee Simpson (**Exhibit E**), Dr. Ten Dyke in Response to Phee Simpson (**Exhibit F**), and Tracy Farrell (**Exhibit G**).
12. Dr. Nicole Williams was given the opportunity to provide a response and did so, but her response did not substantively address the specific students' graduations about which questions were raised in my report. A copy of her response is attached as **Exhibit H**.
13. Based on these responses I prepared a second preliminary report on the graduation issue to the Board of Education. A copy of this report is attached as **Exhibit I**.
14. On December 19, 2017, as directed by the School Board, I sent a copy of my Reports (Exhibits B and I) to Roy F. Tario, Principal Professional Conduct Investigator New York State Education Department. I also sent him the more substantive responses by District officials (including Exhibits D, E, F, and G).
15. On December 21, 2017, I had an in-person interview regarding the graduation issues with Dr. Nicole Williams. Dr. Williams failed to

answer basic questions regarding graduation requirements or her duties as superintendent during this interview.

16. On January 3, 2017, I sent Board President Watson a summary of this interview, which she then forwarded to the other Board members. A copy of this summary is attached as **Exhibit J**.

17. I have conducted my investigation in good faith and with the approval of the Board of Education pursuant to the Board Resolution of July 7 appointing me as Special Counsel and to the directives I have received on behalf of a majority of the Board of Education.

WHEREFORE, your deponent respectfully prays that the Commissioner deny Petitioner's application for stay and the Petition should be dismissed.

Dated: January __, 2018
Albany, New York

TODD J. ALDINGER, ESQ.
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