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December 31, 2015

Via First Class Mail

Melissa Rutkoske
29 Fairways Lane
Beacon, New York 12508

**RE: Matter of CONCERNED PARENTS OF BEACON CITY SCHOOL DISTRICT
requesting New York State Education oversight due to unethical, illegal and
inappropriate conduct of the leadership of the Beacon City School District
APPEAL NO. 20335**

Dear Ms. Rutkoske:

Enclosed please find Respondent's Verified Answer with Affidavit in Support of Answer in connection with the above referenced matter.

Very truly yours,

SHAW, PERELSON, MAY & LAMBERT, LLP

BY: 
MICHAEL K. LAMBERT, ESQ.

MKL/cm
Enclosure

UNIVERSITY OF THE STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of CONCERNED PARENTS OF
BEACON CITY SCHOOL DISTRICT requesting New
York State Education oversight due to unethical, illegal
and inappropriate conduct of the leadership of the
Beacon City School District.

VERIFIED ANSWER
WITH AFFIDAVIT IN
SUPPORT OF ANSWER

APPEAL NO. 20335

Respondent, “leadership of the Beacon City School District¹”, by its attorneys, Shaw, Perelson, May & Lambert, LLP, Michael K. Lambert, Esq., of counsel, answer the allegations in the Petition as follows:

1. The Allegations set forth in Paragraph “1” of the Petition do not require a response from Respondent.
2. The Allegations set forth in Paragraph “2” of the Petition do not require a response from Respondent. However, as described more fully, *infra*, there is, upon information and belief, no organization named the “Concerned Parents of Beacon”. Petitioner has certainly provided no information in the Petition suggesting that such an organization actually exists. It is, at best, an unincorporated association that clearly lacks standing to maintain an appeal to the Commissioner. Moreover, contrary to the assertions of Mrs.

¹ It is unclear as to who the actual Respondent in this matter is. The term, “leadership of the Beacon City School District” is amorphous and has no legal meaning. Does it refer to the Board of Education? Does it refer to the President and Vice President of the Board of Education? Does it refer to the Superintendent of Schools? Does it refer to central office administrative staff? All administrative staff? The failure to properly identify who the Respondent(s) is/are is the first of many bases, both procedural and substantive, that this matter should be dismissed. For now, in an exercise of caution, this response is submitted on behalf of the “leadership of the Beacon City School District”.

Rutkoske, the unverified and undated signatures of the individuals identified on Respondent's Exhibit "A" (many of which are illegible) are evidence of absolutely nothing.

3. Denies knowledge or information sufficient to form a belief as to the allegations set forth in Paragraph "3" of the Petition that, "[s]ince the Spring of 2015, parents in the BCSD have become aware of troubling, unethical, inappropriate and illegal behaviors at several levels of the BCSD leadership." Denies knowledge of any "troubling, unethical, inappropriate and illegal behaviors" engaged in by Respondent during that time period. Indeed, the only "troubling, unethical, inappropriate and illegal behaviors" that Respondent is aware of during this time period involved the illegal procurement of private e-mails of several District staff members – many of the very same e-mails that Petitioner now seeks to use in furtherance of her personally-motivated vendetta against the Superintendent of Schools and any staff, Board members or District consultants that she perceives to be supportive of the Superintendent of Schools.
4. Admits the allegations set forth in Paragraph "4" of the Petition to the extent that it is alleged that parents have spoken at Board meetings since the Spring of 2015. Indeed, parents have been speaking at Board meetings since long before the Spring of 2015. Denies the allegations that "the Board of Education refuses to hear or take action on the issues that they raise." The fact that Petitioner may be dissatisfied with the response of the Board of Education fails to provide any basis for the Commissioner taking action against the Board, the "leadership of the Beacon City School District" (whomever that might be referring to) or anyone else.

5. Admits the allegations set forth in Paragraph “5” of the Petition to the extent that it is alleged that Petitioner has attended several Board meetings since the Spring of 2015 and that she spoke at several such meetings during the public comment section of such meetings.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph “6” of the Petition. Respondent respectfully maintains, however, that an Education Law Section 310 appeal, particularly one so lacking in merit as the instant one, is not a proper method of “impact[ing] change” of the type that Petitioner apparently seeks.
7. Denies the allegations set forth in Paragraph “7” of the Petition. Petitioner has cited to no “incompetent, unethical, inappropriate and illegal behaviors” on the part of anyone associated with the leadership of the Beacon City School District. Moreover, Petitioner has provided absolutely no support for the assertion that any such actions are “ongoing and continuous”. Rather, Petitioner has, in large part, used illegally procured personal e-mails to construct, through self-serving intimation, a shameless narrative intended to advance the change that she seeks to achieve – the compulsory replacement of the Superintendent of Schools with someone more to her liking.
8. No response is required as to the allegations set forth in Paragraph “8” of the Petition. However, Respondent asserts that there is absolutely no legal or factual basis for granting any of the relief requested and that such Petition should be in all respects dismissed.
9. Denies the allegations set forth in Paragraph “9” of the Petition.

10. Denies the allegations set forth in Paragraph “10” of the Petition.
11. Admits the allegations set forth in Paragraph “11” of the Petition to the extent it is alleged that the allegations set forth in Paragraphs ‘9” and “10” of the Petition appear petty. Denies the remaining allegations set forth in Paragraph “11” of the Petition.
12. Admits the allegations set forth in Paragraph “12” of the Petition to the extent that it is alleged that the District’s Superintendent of Schools, Dr. Barbara Walkley, and the former Beacon Teachers’ Association (hereinafter “BTA”) President, Kimberly Pilla (formerly known as Kimberly Atwell) have a close personal friendship and that Ms. Pilla resigned from her position as BTA President in August of 2015. Denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph “12” of the Petition.
13. Denies the allegations set forth in Paragraph “13” of the Petition. In fact, Dr. Walkley was appointed by resolution 072214c as Interim Superintendent of Schools effective August 1, 2014 through August 1, 2015. Thereafter, on February 23, 2015, she was appointed as Superintendent of Schools effective March 1, 2015 through June 30, 2018.
14. Denies the allegations set forth in Paragraph “14” of the Petition.
15. Denies the allegations set forth in Paragraph “15” of the Petition.
16. Respondent is unable to respond to the allegations set forth in the first sentence of Paragraph “16” of the Petition, as Respondent does not understand what is being alleged. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph “16” of the Petition. Respondent further

lacks any understanding as to the basis for Petitioner making representations as to the content of the e-mails in Ms. Pilla's union e-mail account. Has Petitioner unlawfully accessed these e-mails also, or is this simply another is a series of baseless claims intended to buttress her personal vendetta against the Superintendent of Schools?

17. Denies the allegations set forth in Paragraph "17" of the Petition and respectfully refers the Commissioner to the Board of Education policy book for a true and complete rendition of the policies adopted by the Board of Education. Respondent would, however, note the irony of Petitioner advancing her claim of purported unethical conduct through the use of illegally procured private e-mails.

18. Although none of Petitioner's business, Respondent admits that Dr. Walkley and Ms. Pilla accompanied two members of Dr. Walkley's family on a ski trip on or about January 1, 2015 through January 4, 2015. The costs of the trip were split 4 ways. Respondent denies the remaining allegations set forth in Paragraph "18" of the Petition.

19. Denies the allegations set forth in Paragraph "19" of the Petition. *See* response to Paragraph "18" of the Petition.

20. Denies the allegations set forth in Paragraph "20" of the Petition and respectfully refers the Commissioner to Petitioner's Exhibit J for a full and accurate account thereof.

21. Denies the allegations set forth in Paragraph "21" of the Petition and respectfully refers the Commissioner to Petitioner's Exhibit J for an accurate account thereof. Denies the allegation that Dr. Walkley paid or pays for Ms. Pilla's cell phone bill.

22. Denies the allegations set forth in Paragraph "22" of the Petition.

23. Denies the allegations set forth in Paragraph “23” of the Petition and respectfully refers the Commissioner to Petitioner’s Exhibit E for a full and accurate account thereof.
24. Denies the allegations set forth in Paragraph “24” of the Petition and respectfully refers the Commissioner to Petitioner’s Exhibit E for a full and accurate account thereof. No response is required to the rhetorical questions posed in the last 2 sentences of Paragraph “24” of the Petition.
25. No response is required as to the self-serving argument contained in Paragraph “25” of the Petition. However, while acknowledging that Ms. Pilla was one of many individuals who has provided advice to the Superintendent of Schools, Respondent denies that there was anything “illegal” concerning the relationship between Dr. Walkley and Ms. Pilla during the time that Ms. Pilla was the BTA President (or at any other time).
26. Denies knowledge or information sufficient to form a belief as to the truth of the allegation set forth in Paragraph “26” of the Petition that Ms. Pilla “was privy to significant confidential information in the BCSD.” Upon information and belief, Ms. Pilla has been employed by the District for more than 20 years and, for a several year period through September, 2015, served as the BTA President. Presumably, she had access to certain confidential information as a result of her time and position in the District. Denies knowledge or information sufficient to form a belief as to the truth of the allegations with respect to what the Petitioner’s perception was as to the relationship between Dr. Walkley and Ms. Pilla. Denies knowledge or information sufficient to form a belief as to the allegations relating to what the BTA members believed with respect to the relationship between Dr. Walkley and Ms. Pilla, what actions that they took or what

their goals were with respect to such actions. Denies knowledge or information sufficient to form a belief as to what, if anything, Ms. Pilla “disclosed” to the BCSD regarding her relationship with Dr. Walkley, or that there was anything “notable” for Dr. Walkley to so disclose.

27. Denies the allegations set forth in Paragraph “28” of the Petition and respectfully refers the Commissioner to Petitioner’s Exhibit F for a full and accurate account thereof. However, Petitioner’s apparent attempt to suggest through innuendo something salacious regarding the relationship between Dr. Walkley and Ms. Pilla is both outrageous and offensive.

28. Admits the allegations set forth in Paragraph “28” of the Petition to the extent that it is alleged that, on or about February 15, 2015, Dr. Walkley sent Ms. Pilla a private e-mail with the subject line, “Houses”. Petitioner does not identify how she came into possession of this private e-mail. Upon information and belief, such e-mail was maliciously provided to Petitioner and several other individuals by Ms. Pilla’s estranged husband while in the midst of a very contentious divorce in an effort on the part of Ms. Pilla’s estranged husband to inflict harm upon both Ms. Pilla and Dr. Walkley, who was acting as a friend to Ms. Pilla during a period of extreme emotional difficulty.

29. Denies the allegations set forth in Paragraph “29” of the Petition and respectfully refers the Commissioner to Petitioner’s Exhibit G for a full and accurate account thereof. Respondent, however, must point out the fundamental injustice that Petitioner is attempting to achieve in this matter. Taking a private e-mail illegally obtained by Ms. Pilla’s husband and thereafter provided to Petitioner, and without any context whatsoever

as to what was going on between Ms. Pilla and her husband at that time or what Dr. Walkley was trying to accomplish by providing Ms. Pilla with an alternative to remaining in her current location with her estranged spouse, Petitioner intimates a salacious and improper relationship between Dr. Walkley and Ms. Pilla that renders suspect all of Dr. Walkley's actions as Superintendent of Schools. Using this type of character assassination as a means to compel the Board of Education to make a decision that is fully within their prerogative – the selection of the Superintendent of Schools – is, as previously noted, both outrageous and offensive.

30. Denies the allegations set forth in Paragraph “30” of the Petition and respectfully refers the Commissioner to Petitioner's Exhibit H for a full and accurate account thereof.
31. Denies the allegations set forth in Paragraph “31” of the Petition.
32. Denies the allegation set forth in Paragraph “32” of the Petition that any of the e-mail communications between Dr. Walkley and Ms. Pilla violated District policy or misused any taxpayer resources. Indeed, Petitioner fails to cite to any District policy that was allegedly violated or any taxpayer funds that were allegedly misused in connection with such e-mail communications.
33. Admits the allegations set forth in Paragraph “33” of the Petition that Ms. Pilla's estranged husband presented certain information to the District's attorney, that the District's attorney conducted an investigation and that no disciplinary action was thereafter taken against either Dr. Walkley or Ms. Pilla. Denies the remaining allegations set forth in Paragraph “33” of the Petition.

34. No response is required as to the self-serving arguments contained in Paragraph "34" of the Petition. However, Respondent asserts that there was no basis upon which to take any disciplinary action against either Dr. Walkley or Ms. Pilla.

35. No response is required as to the self-serving arguments set forth in Paragraph "35" of the Petition. However, with all due respect to the legal knowledge that Petitioner has acquired in the area of Family Law since being admitted to the bar in 2007, Respondent's legal counsel, possessing decades of experience in the field of education law as well as the actual facts surrounding this subject matter, was in a far better position to determine how to properly advise the Board as to their legal options in this matter than was Petitioner- whose judgment clearly appears to be clouded by a personal issue involving the Superintendent and a member of the Petitioner's family. In the interest of decency (a decency that is very much lacking in Petitioner's actions), Respondent will refrain from providing additional detail regarding the basis for Petitioner's vendetta.

36. Admits, upon information and belief, that Petitioner's Exhibit J was sent by the attorney for Dr. Walkley to Ms. Pilla's ex-husband in response to what Dr. Walkley believed to be defamatory statements that Ms. Pilla's ex-husband was making regarding Dr. Walkley. Denies the remaining allegations set forth in Paragraph "35" of the Petition and respectfully refers the Commissioner to Petitioner's Exhibit J for an accurate account thereof.

37. Admits the allegations set forth in Paragraph "37" of the Petition to the extent that it is alleged that Ms. Pilla's ex-husband has been a teacher in the District for approximately 27 years. Denies the remaining fanciful allegations set forth in Paragraph "37" of the

Petition.

38. Admits the allegations set forth in Paragraph “38” of the Petition to the extent that it is alleged that a close personal relationship between employees of a school district is not “illegal”. Denies the remaining allegations set forth in Paragraph “38” of the Petition.
39. Admits the allegations set forth in Paragraph “39” of the Petition to the extent that it is alleged that Ms. Pilla did not work as a Teacher on Special Assignment/Instructional Support Teacher until after Dr. Walkley began serving as Superintendent of Schools. Denies the allegation that Ms. Pilla began serving as a Teacher on Special Assignment/Instructional Support Teacher in September, 2014. Prior to working as a Teacher on Special Assignment/Instructional Support Teacher, Ms. Pilla served as a physical education teacher with 1 – 2 release periods to perform her duties as BTA President. She did not receive any additional compensation for working as a Teacher on Special Assignment/Instructional Support Teacher and, upon her resignation as BTA President, ceased receiving any release time.
40. Admits the allegations set forth in Paragraph “40” of the Petition to the extent that it alleged that the public asked questions concerning the Teacher on Special Assignment/Instructional Support Teacher positions, that such questions were answered and that the teachers appointed to fill those positions get paid. Denies the remaining allegations set forth in Paragraph “40” of the Petition and affirmatively states that there were always job descriptions for the positions dating back to before the time that they were posted.

41. Admits the allegations set forth in Paragraph “41” of the Petition to the extent that it is alleged that Meredith Hewer made a statement at an August, 2015 Board meeting regarding the Beacon Arts and Education Foundation. Denies the remaining allegations set forth in Paragraph “41” of the Petition.

42. Admits the allegations set forth in Paragraph “43” of the Petition to the extent that it is alleged that Ms. Pilla performed an administrative internship in the District office. Denies the remaining allegations set forth in Paragraph “43” of the Petition.

43. Denies the allegations set forth in Paragraph “43” of the Petition.

44. Admits the allegations set forth in Paragraph “44” of the Petition to the extent that it is alleged at, in or about August, 2015, Ms. Pilla and her estranged husband had a disagreement as to where one of her children would attend school, that such dispute was determined by the Deputy Superintendent and thereafter by the Superintendent. Denies the remaining allegations set forth in Paragraph “44” of the Petition.

45. The allegations set forth in Paragraph “45” of the Petition regarding an alleged conflict of interest state legal conclusions as to which no answer is required. However, Respondent denies the allegations set forth in Paragraph “45” of the Petition and respectfully refers the Commissioner to Petitioner’s Exhibit J for a full and accurate account of the letter sent by Dr. Walkley’s attorney to Mr. Atwell.

46. Denies the self-serving and argumentative allegations set forth in Paragraph “46” of the Petition.

47. Admits the allegations set forth in Paragraph “47” of the Petition that numerous teachers

were advised at the end of the 2014-2015 school year that they were going to be reassigned effective September, 2015. Denies the remaining allegations set forth in Paragraph “47” of the Petition.

48. Admits the allegations set forth in Paragraph “48” of the Petition to the extent that it is alleged that a small number of e-mails were forwarded by Dr. Walkley’s Beacon e-mail account to a private e-mail account. Denies the remaining allegations set forth in Paragraph “48” of the Petition.

49. Admits the allegations set forth in Paragraph “49” of the Petition to the extent that it is alleged that Ms. Pilla forwarded the name of an Athletic Director candidate to Dr. Walkley and that such candidate was thereafter hired as Athletic Director. What Petitioner conveniently leaves out is that there was a hiring committee who interviewed the candidates for the Athletic Director position and unanimously recommended that Mr. Nemecek be offered the position. Dr. Walkley accepted that recommendation and forwarded the recommendation to the Board, who offered the position to Mr. Nemecek.

50. Denies the allegations set forth in Paragraph “50” of the Petition that the leadership of the Beacon City School District engaged in any “unethical, illegal, inappropriate behavior”. Once again, the irony of Petitioner advancing such a claim through illegally-obtained e-mails might be perceived as comical if the subject matter of Petitioner’s vendetta were not so serious, and so potentially damaging to the personal and professional reputations of the targets of Petitioner’s innuendo campaign.

51. No answer is required as to the self-serving and argumentative arguments contained in

Paragraph “51” of the Petition.

52. No answer is required as to the self-serving arguments contained in Paragraph “52” of the Petition. However, Respondent must point out something that is apparently not clear to the Petitioner – while she is entitled to have an opinion as to who should serve as Superintendent of Schools and to express that opinion, it is the Board of Education who determines whether a particular individual is a “good fit for this District” to serve as Superintendent of Schools.

AS AND FOR A FIRST DEFENSE

53. The Petition should be dismissed for failing to comply with Part 275 of the Commissioner’s Regulations. In this regard, Petitioner fails to identify who the actual Respondent is in this matter, in violation of Section 275.1 of the Commissioner’s Regulations. This is no small omission, as Petitioner is seeking serious relief while depriving necessary respondents of the right to respond, or even to know if a response and defense was required to be entered. In addition, the Petition fails to contain “the name, post office address and telephone number of the party submitting the same”, in violation of Section 275.4(a) of the Commissioner’s Regulations.

AS AND FOR A SECOND DEFENSE

54. The Petition should be dismissed for failure to join necessary parties. In this regard, the law is clear that a party whose rights would be adversely affected by a determination of an appeal in favor of a petitioner is a necessary party and must be joined as such. *See, e.g., Appeal of Samuel*, 45 Ed. Dept. Rep. 418; *Appeal of Meringolo*, 45 Ed. Dept. Rep.

128; *Appeal of Kelly*, 45 Ed. Dept. Rep. 38.

55. Joinder requires that an individual be clearly named as a respondent in the caption and served with a copy of the Notice of Petition and Petition to inform the individual that he or she should respond to the Petition and enter a defense. *See, e.g., Appeal of Samuel, supra; Appeal of Meringolo, supra; Appeal of Kelly, supra; Appeal of K.S.*, 43 Ed. Dept. Rep. 492; *Appeal of Lawson*, 38 Ed. Dept. Rep. 713; *Appeal of Heller*, 38 Ed. Dept. Rep. 335.

56. In the instant case, it is apparent that, at a minimum, the Board of Education, Dr. Walkley, Ms. Pilla and the firm of Shaw, Perelson, May & Lambert, LLP were and are necessary parties that have not been joined. Therefore, the appropriate remedy is dismissal of the Petition.

AS AND FOR A THIRD DEFENSE

57. The Petition should be dismissed as Petitioner lacks standing to bring this matter. Upon information and belief, there is no organization called the “Concerned Parents of Beacon City School District”. The Petition contains no information that would lead to a conclusion that such an organization actually exists. This entity is, at best, an unincorporated association that lacks standing to maintain an appeal to the Commissioner. *See, e.g., Appeal of John L. Beilman, on behalf of Lancaster Taxpayers Association, from action of the Board of Education of the Lancaster CSD regarding a bond proposition*, 38 Ed. Dept. Rep. 644; *Appeal of the Parent-Student Coalition of Fallsburg*, 37 Ed. Dept. Rep. 522; *Appeal of Concerned Taxpayers Awareness Group*, 35

Ed. Dept. Rep. 448; *Appeal of the Plaza School Playground Committee*, 35 Ed. Dept. Rep. 83.

58. The law is likewise clear that an individual representative of an unincorporated association has no greater standing to maintain an appeal pursuant to Education Law Section 310 than does the association itself. *See, e.g., Appeal of Ben-Reuben, et al.*, 33 Ed. Dept. Rep. 299; *Appeal of Mezzapelle*, 33 Ed. Dept. Rep. 490; *Appeal of Barse*, 54 Ed. Dept. Rep. ____; *Appeal of Beillam, supra*.

AS AND FOR A FOURTH DEFENSE

59. The Petition should be dismissed based upon lack of proper service. Service is required upon each named respondent. If Petitioner intended that the Board of Education be the Respondent, service was not completed in accordance with Section 275.8(a) of the Commissioner's Regulations, which requires that service be made personally by delivering a copy of the Petition to the District Clerk, to any trustee or any member of the board of education, to the Superintendent or to an individual in the office of the Superintendent who has been designated by the board to accept service. *See Appeal of Peterson*, 48 Ed. Dept. Rep. 530; *Appeal of Naab*, 48 Ed. Dept. Rep. 330.

60. In the instant case, service of the Petition was accomplished by delivering a copy thereof to the District Treasurer as she was leaving the District Office. No effort was made by Petitioner to serve any of the individuals identified in Section 275.8(a) or the Commissioner's Regulations or to determine whether the Treasurer was an individual in the office of the Superintendent who had been designated by the Board of Education to

accept service. She was not. *See* Affidavit of Sandra Martel, attached hereto.

AS AND FOR A FIFTH DEFENSE

61. The instant Petition should likewise be dismissed as untimely. An appeal to the Commissioner must be commenced within 30 days from the making of the decision or the performance of the act complained of, unless excused by the Commissioner for good cause. *See* Section 275.16 of the Commissioner's Regulations; *Appeal of Saba*, 36 Ed. Dept. Rep. 233. In this case, all of the allegations set forth in the Petition occurred more than 30 days prior to the initiation of the Petition. Petitioner makes no effort to establish good cause for the untimely Petition, other than the bare claim that "[t]he incompetent, unethical, inappropriate and illegal behaviors presented within this petition are ongoing and continuous" and "this petition is timely due to the ongoing nature of the allegations set forth within." *See* Paragraph "7" of Petition.

AS AND FOR A SIXTH DEFENSE

62. The instant Petition should also be dismissed as moot. Throughout the Petition, Petitioner asserts the claim that the close relationship between the Superintendent and the BTA President was improper. However, as noted by the Petitioner, Ms. Pilla ceased being President of the BTA in September, 2015.

63. It is well-settled that the Commissioner will determine only matters in actual controversy and will not ordinarily render a decision upon a state of facts that no longer exist or which subsequent facts have laid to rest. *See, e.g., Appeal of Brewer*, 35 Ed. Dept. Rep. 196; *Appeal of Stopka*, 34 Ed. Dept. Rep. 157; *Appeal of Brown*, 34 Ed. Dept. Rep. 33;

Appeal of Payne, 33 Ed. Dept. Rep. 241; *Appeal of Langenmayr*, 30 Ed. Dept. Rep. 322; *Appeal of Vachon*, 28 Ed. Dept. Rep. 276.

AS AND FOR A SEVENTH DEFENSE

64. In an appeal to the Commissioner of Education, Petitioner has the burden of establishing the facts upon which she seeks relief. In this case, the Petitioner has failed to meet the burden of establishing the facts upon which she seeks relief (*Appeal of Robert D. and Barbara D.*, 38 Ed. Dept. Rep. 18; *Appeal of Gaynor*, 36 Ed. Dept. Rep. 126; *Appeal of Nash*, 35 Ed. Dept. Rep. 203; *Appeal of Goldman*, 35 Ed. Dept. Rep. 126; *Appeal of Amoia*, 28 Ed. Dept. Rep. 150), and has failed to meet the burden of demonstrating a clear legal right to the relief requested (*see Appeal of Gaynor, supra; Appeal of Marcia E.*, 35 Ed. Dept. Rep. 331 [1995]; and *Appeal of Timbs*, 29 Ed. Dept. Rep. 392 [1989]). Indeed, Petitioner has failed to demonstrate misconduct of any kind on the part of any of the individuals or entities mentioned in the Petition (regardless of whether they were named Respondents).
65. For the reasons set forth above, Respondent respectfully requests that the Commissioner of Education deny the Petition herein and dismiss it in its entirety.

DATED: DECEMBER 30, 2015

SUBMITTED BY:

A handwritten signature in dark ink, appearing to be 'M. K. Lambert', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

**SHAW, PERELSON, MAY & LAMBERT, LLP
(Michael K. Lambert, Esq., of counsel)
ATTORNEYS FOR RESPONDENT²
Office and Post Office Address
21 Van Wagner Road
Poughkeepsie, New York 12603
Telephone: (845) 486-4200**

**TO: MELISSA RUTKOSKE, ESQ.³
BOARD OF EDUCATION
DR. BARBARA WALKLEY**

² See footnote 1.

³ Ms. Rutkoske failed to provide her post office address and telephone number with the Petition, as required by Section 275.4(a) of the Commissioner's regulations. The address to which this Answer was served was obtained through PowerSchool, the District's Student Information System.

VERIFICATION

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

DR. BARBARA WALKLEY, being sworn says:

1. I am the Superintendent of Schools for the Beacon City School District.
2. I have read the annexed **VERIFIED ANSWER WITH AFFIDAVIT IN SUPPORT OF ANSWER**, know the contents thereof and the same are true to my knowledge, except those matters which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon the books, records and other documents maintained by the School District.


BARBARA WALKLEY

Sworn to before me this
30th day of December, 2015


NOTARY PUBLIC

KELLY POLOGE
Notary Public, State of New York
Lic. No. 01PO6218514
Qualified in Dutchess County
Commission Expires March 8, 2018

UNIVERSITY OF THE STATE OF NEW YORK
STATE EDUCATION DEPARTMENT

In the Matter of CONCERNED PARENTS OF
BEACON CITY SCHOOL DISTRICT requesting New
York State Education oversight due to unethical, illegal
and inappropriate conduct of the leadership of the
Beacon City School District.

AFFIDAVIT IN
SUPPORT OF ANSWER

APPEAL NO. 20335

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

SANDRA MARTEL, being duly sworn, deposes and says:

1. I am the Treasurer of the Beacon City School District (hereinafter "Respondent" or "District") and have served in this position since August of 2000. I have also served as a Principal Account Clerk in the District since November, 1983.
2. I am not employed in the Office of the Superintendent and have not been designated by the Board of Education to receive service of process on behalf of the District.
3. On December 14, 2015, at approximately 5:00 p.m., I was leaving work by the front entrance to the District Office located at 10 Education Drive, Beacon, New York 12508.
4. Two women who I do not know were coming up the front steps as I was exiting. I advised the two women that pretty much everyone in the building was gone and asked who they were looking for. One of them responded that they just had to drop off a package at the board office. I took the package and indicated that I would bring it to the

business official. The two women then said "Thank You" and left.

5. I immediately provided the package that I received from the two women to Deputy Superintendent Ann Marie Quartironi.

DATED: BEACON, NEW YORK

DECEMBER 29, 2015


SANDRA MARTEL

Sworn to before me this
29th day of December, 2015


NOTARY PUBLIC

KELLY POLOGE
Notary Public, State of New York
Lic. No. 01PO6218514
Qualified in Dutchess County
Commission Expires March 8, 2018