

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA  
CRIMINAL DIVISION

IN RE:

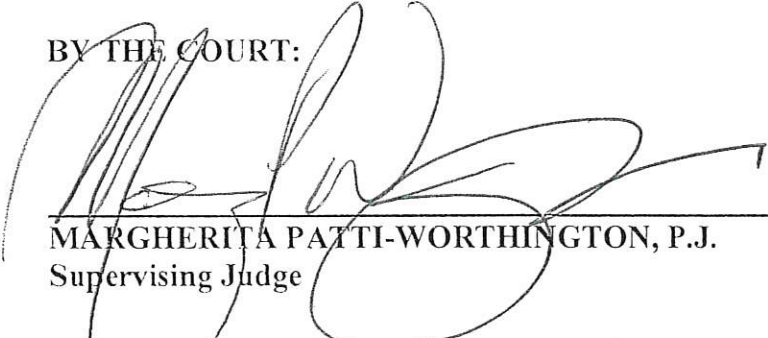
THE EIGHTH MONROE COUNTY : NO. 8/10-2017  
INVESTIGATING GRAND JURY : MD 669-2018

FINDINGS AND ORDER

AND NOW, this 26th day of September, 2018, after having examined the Presentment of the County Investigating Grand Jury No. 8 of Monroe County, #8/10-2017, which recommends that charges be brought against Carole Geary, Christopher Fisher and Joshua Krebs for violating Title 18 Chapter 53. Official Oppression 18 Pa. C.S. 5301; Title 18 Chapter 47 Threats in Official and Political Matters 18 Pa. C.S. 4702; Title 18 Chapter 47 Retaliation for Past Official Action 18 Pa C.S. 4703 and Conspiracy to Commit same as enumerated in the presentment, this Court finds that the said Presentment is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa. CS §§ 4541-4553. In view of these findings, the Court hereby accepts the Presentment and refers this matter to the Attorney for the Commonwealth for further action.

BY THE COURT:

Dated: September 26, 2018

  
MARGHERITA PATTI-WORTHINGTON, P.J.  
Supervising Judge

cc: District Attorney E. David Christine, Jr.

This is to certify that this is a true and correct copy  
of: Order  
Certified From the Record this 15 Day of  
October A.D. 2018  
Court of Common Pleas of Monroe County  
Forty Third Judicial District Commonwealth of Pennsylvania  
George J. Warden, Clerk of Courts & Clerk of Orphans' Court  
By: Robin Crowl, Sr. Deputy  
Robin Crowl, Sr. Deputy Clerk of Courts & Clerk of Orphans' Court

Clerk of Courts  
OCT 15 '18 PM2:27

**IN THE COURT OF COMMON PLEAS OF  
MONROE COUNTY PENNSYLVANIA**

**THE EIGHTH MONROE COUNTY : NO. 8/10-2017**  
**INVESTIGATING GRAND JURY :**  
**(PLEASANT VALLEY**  
**SCHOOL DISTRICT INVESTIGATION) :**

Clerk of Courts  
OCT 15 '18 PM2:28

**IN RE: TO THE HONORABLE MARGHERITA PATTI WORTHINGTON,**  
**SUPERVISING JUDGE**

**INTRODUCTION**

We, the members of the 8<sup>th</sup> Investigating Grand Jury of the Commonwealth of Pennsylvania, County of Monroe, having received and considered evidence supporting a violation of the Pennsylvania Crimes Code, pursuant to Notice of Investigation #8/10-2017; an inquiry into certain allegations involving the Pleasant Valley School District, we hereby make the following findings of fact and recommendation of charges:

**BACKGROUND**

1. This matter was brought to our attention by the filing of a notice of Submission of Grand Jury pursuant to 42 Pa. C.S. § 4550 concerning alleged violations of multiple provisions of the Pennsylvania Crimes Code, including: Bribery in Official and Political Matters (18 Pa. C.S. § 4701), Threats and Improper Influence in Official and Political Matters (18 Pa. C.S. § 4702), Retaliation for Past Official Action (18 Pa. C.S. § 4703), Official Oppression (18 Pa. C.S. § 5301), and violations of the Pennsylvania Wire Tap Act (18 Pa. C.S. § 5701) all occurring within the Pleasant Valley School District consisting of Chestnuthill, Polk, Ross, and Eldred Townships, Monroe County, Pennsylvania beginning on or before January 1, 2010 and continuing.

2. We, the members of the Grand Jury, after due deliberation do find that reasonable grounds exist to believe that violations have occurred. Therefore, we issue the within Presentment recommending that certain persons be charged with Official Oppression, 18 Pa. C.S. § 5301, Threats in Official or Political Matters, 18 Pa. C.S. § 4702, and Retaliation for Past Official Actions, 18 Pa. C.S. § 4703.
3. Diane Siani is currently employed as the Elementary Education Special Ed Supervisor. She began working in the school district in 2002 as a Special Education Teacher in both the Middle School and the Pleasant Valley Intermediate School.
4. In 2008, she received her principal certificate and was also promoted to Assistant Principal at Pleasant Valley Intermediate School. Although she enjoyed the position and performed well, in 2011 she was transferred to the position of Assistant Principal at the Pleasant Valley Elementary School.
5. When asked why she was being transferred, Siani was told by Superintendent Geary and her assistant Chris Fisher that she was needed to “mentor” the newly promoted principal at Pleasant Valley Elementary School, Joshua Krebs. This was the first time she was told of the move and was “blindsided by the thought.”
6. Though Mrs. Siani’s relationship with Mr. Krebs was good early on, things began to quickly deteriorate. Mr. Krebs begun singling her out for criticism which Mrs. Siani felt was unwarranted. He would say things to her like “you know, Diane, nobody here likes you,” or “you’re making people feel bad.”
7. On several occasions Mr. Krebs would reprimand and yell at Mrs. Siani in the presence of other staff before catching himself when he realized the scene he was making.

Additionally, he would often call her into his office and criticize her for various things, frequently raising his voice.

8. Siani related that her mistreatment by Mr. Krebs got to the point where she started to keep a journal to document those times when he would pull her in the office, close the door, and reprimand her. During the end of November 2011 she recalls being called into Mr. Krebs office and questioned about her evaluations of the para-professionals. Krebs criticized her for not giving an opportunity for the teachers to comment. She felt his criticism was unfair because it was never explained to her that is what he wanted.
9. Additionally, he himself never did that in the past when evaluating the para-professionals. Mr. Krebs even wrote up a "Form D memo" outlining his criticism of her; Siani refused to sign it.
10. Siani related that Krebs often assigned her work which the other assistant principal, first Todd VanNortwick and then Erica Greer, did not have to do or simply did not want to do. For instance, she was required to make identification badges because VanNortwick did not want to. When she questioned Krebs and suggested that it would be better for a secretary to be assigned the task, which had been the usual practice, he refused.
11. On another occasion, Krebs denied her request to take several days off of work to attend her son's medal pinning ceremony; the young man had just been awarded his pilot's wings from the Air Force. To Siani it was a 'once in a lifetime' event that she had no control over the scheduling of. Krebs claimed that because Greer was out, Siani would need to remain at work so he would not be the only administrator in the building.
12. Mrs. Siani felt that she could not complain to Superintendent Carole Geary because of Geary's close relationship with Joshua Krebs. Siani characterized Krebs as part of

Geary's "clique" of the favored few in the administration. Siani believed that the Clique included Chris Fisher, Erica (Walters) Greer, Todd VanNortwick, and Roger Pomposello. As a result, Siani was fearful of retribution should she make any complaints. It came to the point where Siani was firmly convinced that Joshua Krebs was trying to break her spirit in order to get her to leave her position.

13. The trigger date appears to have been Friday, November 30, 2012. On that day at 8:45 in the morning Ms. Amanda Strish, learning support teacher at Pleasant Valley Elementary, sent Ms. Siani an e-mail copying Joshua Krebs. The e-mail expressed appreciation for the evaluations Ms. Siani provided to paraprofessional staff.
14. Later that morning Krebs e-mailed Ms. Siani with a simple "great job!" However, later that day Krebs called Siani into his office and claimed that she had made a teacher feel "attacked" during an IEP. Mr. Krebs took this opportunity to tell her that she was not performing her job well and that he would be placing her on an "improvement plan."
15. He had even written up a multi-page document which he called "professional staff – development plan." The document prepared by Krebs was dated November 29, 2012. The document required that Siani show certain improvement in a wide range of areas. Krebs told Siani that her job was in jeopardy should she not improve. He also scheduled a meeting to take place on Monday, December 10, 2012, where she would be expected to discuss any responses to the plan she had.
16. At that point Mrs. Siani realized she knew she needed legal representation and engaged the services of Attorney Adam D. Meshkov of Easton, Pennsylvania. Attorney Meshkov wrote Joshua Krebs directly under cover letter dated December 5, 2012. Attorney Meshkov requested a delay or postponement of the December 10<sup>th</sup> meeting date citing the

short notice of the plan, the amount of information needed to go through, and that he was, together with Mrs. Siani, preparing a written response. Mrs. Siani did submit a written response to the improvement plan which was also provided to the investigators.

17. Mr. Krebs immediately referred the matter to the administration who then engaged their attorney, Michael Levin, who began discussions with Attorney Meshkov.
18. Days after Attorney Meshkov's December 5<sup>th</sup> letter to Krebs, then Superintendent Dr. Arnold, along with Assistant Superintendent Anthony Fadule, contacted Siani to request that she think about taking a 'newly created' position at the high school. The position was apparently specifically created for her and she could assume it in the middle of the school year. The position would get her out from under the supervision of Joshua Krebs.
19. Siani indicated that she questioned Fadule and Arnold asking, "how does that affect my improvement plan?" Both men indicated that they were unaware of any improvement plan that Krebs had placed her on.
20. Siani told them that her job was supposedly in jeopardy because of the improvement plan. Both Fadule and Arnold said that they were not aware of any improvement plan and that her job was not in jeopardy.
21. Feeling like she had no choice because she could not continue with the pattern of harassment and bullying at the hands of Joshua Krebs, Mrs. Siani accepted the new position.
22. Betty VanHorn is a lifelong resident of the Kunkletown area and is currently employed as a full time custodian at Pleasant Valley High School. VanHorn began her employment at the PVSD substituting in the kitchen, and eventually also began getting substitute assignments for custodial work.

23. However, at some point, she was told by a supervisor that for the “betterment of the school” she would no longer receive any substitute assignments at the Pleasant Valley Elementary School. However, she continued to receive assignments to the other buildings.
24. At one point she asked Joshua Krebs, then Director of Support Services, why she could not get work at PVE. He told her it was because of a “conversation,” but never explained it further.
25. VanHorn even viewed her personnel file at Human Resources, but could find nothing adverse in it. Over a time period of six or seven years, VanHorn applied for multiple full time positions but was not hired. Rather, the District was hiring people who had not done substitute or custodial work for the district over herself and others.
26. In frustration, VanHorn attended a meeting of the School Board on September 24, 2015. On the Agenda was consideration for a hiring a Michele Palmer as a full time custodian. Though, Palmer had never done custodial work at the Pleasant Valley School District before, she had been a prior School Board member. During the Public Comments portion of the meeting VanHorn complained that Palmer was being hired despite a lack of experience while she (VanHorn) was not given a full time position, despite her years of service. The Board did not approve Michele Palmer’s hire.
27. A short while after, VanHorn telephoned Krebs to inquire if they were planning on further interviews.
28. She recalled Krebs telling her that he was not sure he even wanted her working for the District any longer. VanHorn replied: “all I did was went to the board and gave my

opinion.” (SUO p26) Krebs told her she should have gone to him first, following the “chain of command.”

29. VanHorn questioned Krebs, asking if he was going to “blackball” her now so she would not get work. Krebs reiterated that he was not sure if he wanted her to work at the District any longer.
30. Feeling that she now had nothing to lose, VanHorn went to the next Board Meeting on October 8, 2015. The Minutes reflect that then Board President Russell Gould questioned Carole Geary, asking what steps she would be taking in response to Ms. VanHorn’s concerns. Geary stated that she will meet with the people involved and keep the Board apprised. Although the Minutes are silent on this, VanHorn testified that Geary told the Board members that the allegations were “unfounded.” In any event, Geary never spoke to VanHorn about the issue. Almost one year later, Ms. VanHorn was hired as a full time third shift Custodian.
31. Dawn Wisser is a teacher at the Pleasant Valley Elementary School, currently teaching Special Education to second grade students. She started in the district in 1995.
32. The Step by Step Learning Program (SBSLP) was brought into Pleasant Valley by Carole Geary as a reading professional development program focusing on one grade at a time. The program was first instituted just for kindergarten and would grow year by year, up to the sixth grade. There were numerous complaints from the teachers concerning the program, both in its effectiveness and in the amount of time it pulled teachers from classrooms for training. Carole Geary is currently employed by SBSLP in her retirement.



33. Wisser related that she felt absolutely frustrated because the program was not helping the kids. The students were way behind, not liking school, not liking reading, and complaining of stomachaches or headaches to get out of work.
34. Wisser complained to Russell Gould, Linda Miklos, and Robert Serfass, all members of the Pleasant Valley School Board of Directors. Miklos asked, "can't any of the teachers come to the Board and speak?" Wisser said "absolutely not," indicating that they fear retaliation.
35. Eventually, Administration, including Carole Geary, then Superintendent, and Christopher Fisher, then Director of Support Services, became aware of Wisser's complaints.
36. Members of Administration, including Geary, would tout the accomplishments of the SBSLP and leave out any criticism or concerns about the program.
37. Wisser became increasingly fearful that her own efforts to bring up criticism about SBSLP to the School Board would make her a target of retaliation by the administration. She shared those concerns with her friends and colleagues.
38. In April 2014, Dawn Wisser was falsely accused of cheating on the PSSA Tests. All students, third to eighth grade, even those with disabilities, are required to take the PSSA. One day, Wisser was in her classroom when a friend called saying, "Dawn, they are looking for you...I had to get a sub for you because they want a meeting with you this afternoon." Wisser was then called down to the office by Doug Palmieri and Gail Markoski, the Special Ed Supervisor. Todd VanNortwick was also in the room. Only Mr. Palmieri spoke, telling Wisser that they had gone through her testing materials and that there was "suspicious handwriting" on the scrap papers that the children used for the

PSSA tests. However, Mr. Palmieri was not consistent with the allegation, at times claiming that there was suspicious highlighting in one of the test booklets. Wisser asked for the name of the child, but they refused to give it.

39. Later that same day, Wisser was summoned to the office. The Union President and Vice President were there along with Kenneth Newman and Todd VanNortwick. Wisser requested that Joseph Agolino be present as her building representative. She had previously told him, earlier in the year, that she was going to be targeted.
40. Wisser had also found out that before she was confronted that day, Geary had met with VanNortwick, Markoski, and Palmieri.
41. During the meeting in the office Wisser was accused again. But the allegations still alternated between highlighting and writing. According to Wisser, the administrators violated the rules of the testing protocols by taking one of the test books out of the security room, which is a breach, and looking through it. When pressed by Agolino, Ken Newman said he could not tell if discipline was warranted, stating, "we don't know, we are waiting for the department of education to get back to us."
42. The next day Wisser received a letter, dated April 9, 2014, from Carole Geary called 'Notice of Allegations and of Conference'. The Notice required Wisser to attend a hearing in Huntington Valley, Pennsylvania, on April 16, 2014. The Notice accused Wisser of violating PSSA testing protocols in willful neglect of her duties. Wisser was reminded that she must appear and answer all questions or face additional discipline for insubordination. Wisser was also warned that if found to have violated the test protocols she could lose her job.

43. On April 16, 2014, Wisser was questioned for about 3 hours. She defended against the allegations, pointing out where in the law and on the district website the accommodations are detailed, and provided the names of other teachers who were doing the same process. Despite that, Wisser was told that she would be suspended for a period of time without pay, transferred to the high school, have to pay back insurance monies, would receive a negative letter in her file, and given a poor performance evaluation.
44. Initially, they had offered her a 3 day suspension which would include the poor performance evaluation, the negative letter, and also the transfer to high school. When Wisser refused to agree, they lowered the offer to a 1 day suspension, moving her to the high school, and the letter in her file. Wisser still refused to agree.
45. By letter dated April 23, 2014, signed by Superintendent Geary, Wisser was disciplined with a 5 day unpaid suspension, a letter of reprimand was placed in her permanent file, and she was to receive an unsatisfactory evaluation for the 2013-2014 calendar year. Wisser promptly filed a grievance. The grievance was denied at the initial levels and then proceeded to arbitration.
46. While the grievance was pending, Wisser was involuntarily transferred from the Pleasant Valley Intermediate School to the Pleasant Valley Elementary School. She was being moved to a significantly smaller classroom that was, "completely alienated from all other classrooms."
47. On April 30, 2015, Wisser won her grievance at arbitration and the district never appealed. The district never implemented their suspension and gave her a satisfactory evaluation that year.

48. Jennifer Weaver was hired by the Pleasant Valley School District in August 1999 and has served nineteen (19) years as a fifth grade teacher. Eighteen (18) of those years has been at the Pleasant Valley Intermediate School.
49. On September 27, 2012, Ms. Weaver was part of a group of teachers being instructed by Helen Bispel on the new DIBELS system as a part of SBSLP. Ms. Weaver asked, "how exactly this program was benefiting our students?" Ms. Keri Ramsay, the teaching reading instructor at the time, appeared visibly agitated and red in the face. Following lunch, Mr. Doug Palmieri warned Ms. Weaver that she should be careful of her facial expressions and mannerisms because she was being watched.
50. The following day, September 28, 2012, Mrs. Weaver was summoned to a meeting with the Assistant Principal, Todd VanNortwick, Keri Ramsay, and Doug Palmieri to address what had occurred the prior day. Two members of Ms. Weaver's team, Gene Transue and Jason Lagowy, had been summoned prior to Ms. Weaver. They alerted Ms. Weaver that the administrators were accusing Weaver of acting "unprofessional" during the meeting. At that point, Ms. Weaver requested union representation, asking building representative Mr. Joseph Agolino to accompany her.
51. At the meeting, Mr. VanNortwick told Ms. Weaver that Ramsay accused her of being unprofessional. Mr. Agolino asked if Ms. Weaver was being charged with insubordination for making facial expressions, i.e. rolling her eyes, and the administrators told him she was not.
52. On October 4, 2012, Ms. Weaver was telephoned by the PSEA Union president, Wayne Davenport. Mr. Davenport specifically questioned Ms. Weaver about Joseph Agolino's representation of her at the meeting on September 28, 2012. Ms. Weaver explained that

Joseph Agolino did an excellent job representing her and was very professional. She added that she was confident that the result would have been different if he were not there. Mr. Davenport advised that Todd VanNortwick stated that Agolino was “unprofessional” and “threatening.” Mrs. Weaver felt both those allegations were untrue.

53. Mr. Joseph Agolino is currently a social studies teacher at the Pleasant Valley High School.
54. Mr. Agolino recalled representing Mrs. Weaver: “Jennifer Weaver contacted me, called me in my classroom. She said to me— she calls me ‘Agolino’. She goes ‘Agolino, I’m being called in; they want to see me at the end of the day. I need you to go with me,’ ...she said two other teachers are being called in as well.” Mr. Agolino met Weaver and proceeded into the meeting.
55. The Administration was represented by the Principal at the time, Todd VanNortwick, the Assistant Principal, Doug Palmieri, and the Reading Supervisor, Kerri Ramsay. They accused Weaver of “rolling her eyes” during a SBSLP training. Mr. Agolino remembers that Ms. Ramsay was particularly aggressive in her accusations. When she started to “get loud,” Agolino responded in kind. Eventually, Agolino told them: “If you’re going to charge her with something and I need to get the union attorney, this meeting is over. They didn’t answer us. We got up and we walked out.”
56. Two days after the Weaver meeting, Mr. Agolino was in attendance at in-service day training. A speaker was there lecturing the faculty. While he sat at a table with paperwork from a quiz that he was looking over, Carole Geary walked up to him and questioned what he was doing. Agolino responded that he was making up a quiz. Geary then knocked all the papers off the table onto the floor, yelling that he was not getting paid to

make up a quiz but to listen to a speaker. Geary's outburst occurred in front of the entire faculty. Agolino was embarrassed.

57. On June 11, 2014, a luncheon occurred for the retirement of several teachers, including Anita Borger. The environment was lighthearted and involved speeches by the retiring teachers and jokes, some of which were off-color. When it was time for Anita Borger the following, according to the testimony of Joseph Agolino, took place:

Anita Borger was, still is, very humorous. And she thought what she would do is she would take items in her desk that she accumulated for years and she was bequeathing them as gifts to people. Like, she is like so and so, here is my fly swatter. Well, I'm sitting there eating, and I almost choked on my food when she said "and here are two golf balls. I'm bequeathing them to Mr. Agolino to give to Mr. Davenport, (the then Union President), because he needs a set of these. And I'm also giving Mr. Agolino my share of the money for my retirement which was \$150.00 and I would like him to throw a pizza party in my honor next year."

The room erupted in laughter. Mr. Agolino was given a bag containing two golf balls and the money. As he left the luncheon, he walked by a female co-worker, who seeing him with money and the golf balls gave him a curious look. In response Mr. Agolino joked: "what do you want, the money or the balls?"

58. The next day at around 11:00 AM, one of the last days of the school year, Mr. Agolino was packing his classroom. The children were there helping him. At that time the Assistant Principal, Doug Palmieri, appeared along with Officer Lynn Courtright, a retired Pennsylvania State Trooper. Courtright advised Agolino that Mr. Fisher and Dr. Burrus were in the office waiting to see him. Agolino was then brought to the office.

59. When he saw both Mr. Fisher and Dr. Burrus there, Agolino asked if he needed a union representative. Fisher replied "you're the big union man around here you can't defend yourself?" Agolino was then advised that a complaint of sexual harassment had been

made against him. Agolino urged them to bring the female co-worker in to clear everything up. Fisher cut him off saying it does not work that way, "you committed a very serious offense here."

60. Agolino was then told to go home, he would not be allowed back in his classroom to say goodbye to the children for the school year. He requested his medication and a binder but they would not let him get those items. Rather, the items were brought to him. Agolino was told to sign out, go home and "think about what he did."
61. The next day Dr. Burrus called him to say that they did not want him to come to work the next day either and further advised him that he was placed on paid administrative leave until further notice. He was sent written notice that allegations of sexual harassment were made against him and he was required to appear for a hearing which took place on July 2, 2014.
62. The district was represented by Attorney Michael Levin and Mr. Agolino was represented by counsel as well. Following testimony from Mr. Agolino, Attorney Levin on behalf of the school district, indicated that he agreed with Mr. Agolino's attorney. Attorney Levin indicated that even if the version of events of the complainant were accepted in full, the allegations did not rise to the level of sexual harassment as defined in the law.
63. Nonetheless, Mr. Agolino was advised that Mr. Fisher believed he needed to be punished. Mr. Agolino was then given a ten day suspension, ordered to go to sexual harassment training, and given an unsatisfactory rating for the 2013-2014 school year. Mr. Agolino promptly grieved the notice of suspension. The denial of the grievance led Agolino to

file for arbitration. The 'Specification of Charges' made by Agolino through counsel pursuant to the arbitration proceeding include the following:

Mr. Agolino was not the only person who made arguably off-color remarks during said staff meeting and retirement luncheon. Numerous other staff members engaged in markedly similar behavior and made many off-color remarks. The district, however, did not investigate or discipline any of the other staff members. The district focused exclusively on Mr. Agolino.

64. Further, the allegation was made that the targeting of Mr. Agolino was in retaliation for protected union activities, including his defense of various professional staff members who were being targeted. While the proceedings were pending, Mr. Agolino requested a sabbatical leave due to the great deal of stress and anxiety that he was struggling with. According to his physician, the stress and anxiety was exacerbated by the daily school activities.
65. After months of delay and several offers to settle made by the District, all of which contained a suspension or other acknowledgement of wrongdoing, were refused by Agolino, the school district, through its attorney, agreed that in exchange for Mr. Agolino's withdrawal of his unfair labor practice charge and grievance it would reduce the 10 day suspension to a written letter of reprimand, all monies withheld from Agolino for any suspension would be paid to him, and he would also be transferred to the full-time teaching position of Economics and American Government at the high school.
66. Mr. John Gesikie has been employed for over twenty-five (25) years in the Pleasant Valley School District as a Health and Physical Education Teacher.
67. Gesiskie is the current President of the Professional Staff Educators Association or PSEA, the union representing teachers, nurses, guidance counselors, and other



professional staff. At other times, including April 2016, Mr. Gesiskie was the building Representative for PSEA at the Pleasant Valley Elementary School.

68. On April 6, 2016, at approximately 12:50 pm, Gesiskie was enjoying a lunch break when he was approached by a fellow teacher Stacy Meckes who told him that someone put a camera in the Faculty Break Room. Unable to locate the Principal, Erica Greer, or Assistant Principal, Roger Pomposello, Gesiskie spoke with two custodians who informed him that Joshua Krebs had in fact placed a camera in the Break Room. Gesiskie observed the camera placed on a vending machine in the room.
69. Later that afternoon, Gesiskie located Mr. Pomposello who indicated he was unaware of the camera being placed in the room. Gesiskie demanded that the camera be removed. At approximately 3:00 pm April 6, 2016, Gesiskie along with another Building Representative, Christopher Jarrow, met with Pomposello and Krebs. During the meeting Krebs admitted to placing the camera in the Break Room. He claimed the purpose was to catch a night shift custodian not doing his job. Krebs admitted that the camera recorded audio as well as video, but added that you “really couldn’t hear it that well.”
70. Gesiskie accused Krebs of violating the privacy of the teachers. Krebs claimed that he had captured the intended footage, but could not explain why the camera was left operating after the night custodian’s shift ended. At the time of this meeting, Krebs still had the camera operating in the Break Room, capturing both audio and video. It was not until 04:53 pm that day that the camera was disabled and removed by Krebs.
71. Eventually, Gesiske complained to Russell Gould, then President of the School Board.
72. Gesiskie also lodged a complaint with the Pennsylvania State Police Lehigh Barracks on April 29, 2016.

73. On June 2, 2016, Gesiskie filed a Grievance after he was told in May that he would be transferred from Pleasant Valley Elementary School to the Vision Quest Program. Vision Quest is an alternate placement, primarily for juvenile offenders, located off District property in Ross Township. Offenders placed in Vision Quest typically range in age from 12 to 21 years of age and present with a host of behavioral issues.
74. By letter dated June 10, 2016, Superintendent Geary denied Gesiskie's grievance. In the Denial Letter Geary claimed that the reassignment was made in the "best interest and needs of the school district." Geary continued to explain the denial by claiming that he was being transferred not to Vision Quest Program but to the Pleasant Valley High School as a Health and Physical Education Teacher.
75. Gesiskie then appealed the grievance to the School Board. The Board denied Gesiskie's grievance, but did so based on inaccurate information given by Superintendent Geary. In a letter dated June 28, 2016, signed by the then Board's President, but drafted by the Administration, Gesiskie's grievance was once again denied because: "The Pleasant Valley school District did not transfer you to Vision Quest as indicated in the Grievance..." Once again the Administration claimed that Gesiskie was being transferred to the High School not to the Vision Quest Program.
76. Despite this claim, only two weeks later, at a School Board Meeting on July 14, 2016, the Board approved the Administration's request to transfer Gesiskie from the Pleasant Valley High School to the Vision Quest Program. Gesiskie then began the next school year at Vision Quest.
77. He testified to the experience recounting how the students would frequently engage in acts of violence, yet he was not certified to restrain them. He was required to monitor

their use of computers to ensure they stayed on task and did not access improper web sites. The site was located off school district property, and he was not allowed to use his cell phone. He was in essence exiled from his peers.

78. After denials of his Grievance, Gesiskie eventually filed an Unfair Labor Practices Complaint; among the Statement of the Charges is the following:

1. Throughout the majority of his career, Mr. Gesiskie has been assigned to teach physical education at the School District's Pleasant Valley Elementary School building.
2. On April 28, 2016, Complainant John Gesiskie was elected and became President of the Association.
3. Serving as a president and/or leader of a public sector union is a protected union activity under Act 195.
4. In addition, shortly before, during, and after Mr. Gesiskie became President of the Association, Mr. Gesiskie raised various union and labor issues with the School District's administration including, inter alia, the School District's unlawful wiretapping of the Association's members (through the surreptitious installation of a video and audio camera in an employee break room).
5. Raising said union and/or labor issues with the School District is another protected union activity under Act 195.
6. At all relevant times, the School District was fully aware of Mr. Gesiskie's protected union activities, including his election as union president and raising said union and labor issues with the School District's administration.
7. Shortly after Mr. Gesiskie was elected and became president of the Association, the School District notified Mr. Gesiskie that he would be involuntarily transferred to a different position and moved from the Pleasant Valley Elementary School to different school buildings.
8. Mr. Gesiskie's involuntary transfer (and relocation out of the Pleasant Valley Elementary School building) was implemented and went into effect on August 23, 2016.
9. Mr. Gesiskie's new position is entirely different and involves none of the duties and responsibilities that Mr. Gesiskie had performed, throughout the majority of his career, at the Pleasant Valley Elementary School (i.e., physical education instruction). Mr. Gesiskie now has two entirely different

assignments: (1) working at the School District's "Vision Quest" (a program for students who have extreme and negative behavioral issues and/or extreme educational needs and demands); and (2) working at the School District's "Cyber-School." I teach one PE/Health class per day.

10. Mr. Gesiskie's new assignment is far more difficult, stressful, and demanding than his previous assignment.

Finally, Mr. Gesiskie's new work assignment has separated and isolated him from the other employees in Mr. Gesiskie's union. Before Mr. Gesiskie's involuntary transfer (when he was assigned to the Pleasant Valley Elementary School building), Mr. Gesiskie worked with, and interacted with, many of the employees in his union, experienced the same working terms and conditions as his union members, and therefore had an immediate and well-informed sense of the labor issues and disputes in the workplace. However, after his involuntary transfer, Mr. Gesiskie was assigned to work in three different sites. Over half the day is at a site where no other employees in his union work. Thus, Mr. Gesiskie's new work assignment hampers his ability to serve as union president, become aware of labor issues and disputes at the other school buildings, have contact with his union members, and/or address and handle the labor issues and disciplinary problems of his union members.

79. Not long after discovering the camera, Roger Pomposello, then assistant principal, was made aware that Mr. Gesiskie was being transferred from the Pleasant Valley Elementary School. He could not think of any educationally-sound rationale to move him. Mr. Pomposello indicated that Superintendent Geary would have been responsible for that decision.

80. On the eve of the arbitration hearing, on a Sunday, Gesiskie was contacted with a settlement proposal. On February 28, 2017, the District agreed to send Gesiskie back to the Elementary School, to the same position he enjoyed before his involuntary transfer, if he withdrew his lawsuit. He agreed.

81. 18 Pa. C.S. § 5301 sets forth the following:

**Official oppression**

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

- (1) Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or
- (2) Denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity.

82. 18 Pa. C.S. § 4702 sets forth the following:

**Threats and other improper influence in official and political matters**

(a) Offenses defined.--A person commits an offense if he:

- (1) Threatens unlawful harm to any person with intent to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter;
- (2) Threatens unlawful harm to any public servant with intent to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or
- (3) Threatens unlawful harm to any public servant or party official with intent to influence him to violate his known legal duty...

(c) Grading.--An offense under this section is a misdemeanor of the second degree...

83. 18 Pa. C.S. § 4703 sets forth the following:

**Retaliation for past official action**

A person commits a misdemeanor of the second degree if he harms another by any unlawful act in retaliation for anything lawfully done by the latter in the capacity of public servant.

**Recommendations**

We, the members of the Grand Jury issue the following recommendations:

1. That Carole Geary be charged with four (4) counts of Title 18 Chapter 53, Official Oppression 18 Pa. C.S. 5301, Title 18 Chapter 47, Threats in Official and Political Matters, 18 Pa. C.S. 4702, Title 18 Chapter 47, Retaliation for Past Official Action, 18 Pa C.S. 4703, as well as Conspiracy to Commit the same.
2. That Christopher Fisher be charged with three (3) counts of Title 18 Chapter 53, Official Oppression 18 Pa. C.S. 5301, Title 18 Chapter 47, Threats in Official and Political Matters, 18 Pa. C.S. 4702, Title 18 Chapter 47, Retaliation for Past Official Action, 18 Pa C.S. 4703, as well as Conspiracy to Commit the same.
3. That Joshua Krebs be charged with two (2) counts of Title 18 Chapter 53, Official Oppression 18 Pa. C.S. 5301, Title 18 Chapter 47, Threats in Official and Political Matters, 18 Pa. C.S. 4702, Title 18 Chapter 47, Retaliation for Past Official Action, 18 Pa C.S. 4703, as well as Conspiracy to Commit the same.
4. Therefore, based upon the evidence we have obtained and considered, which establishes a prima facie case, we the members of the 8<sup>th</sup> Monroe County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings as

referenced above against Carole Geary, Christopher Fisher, and Joshua Krebs pursuant to our recommendations herein with regard to the above.