

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

**IN RE:**

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

**ORDER**

**AND NOW**, this 20th day of November, 2018, after review of the report and record of the Monroe County Investigating Grand Jury No. 8, said report being supported by the preponderance of the evidence and pursuant to 42 Pa.C.S.A. Section 4552, et seq., we hereby **ORDER** the following

1 . In accordance with 42 Pa.C.S.A. Section 4552(e), the response to the report submitted to the Court by Dr. John Burrus, Anthony A. Fadule and Dr. Erica Greer, is attached to the report and made a part thereof.

2. The report as delineated in paragraph one above is hereby accepted and shall be filed forthwith as a public record with the Clerk of Courts, Court of Common Pleas, 43<sup>rd</sup> Judicial District, Monroe County, Pennsylvania.

**BY THE COURT:**

  
\_\_\_\_\_  
**MARGHERITA PATTI-WORTHINGTON, P.J.**

cc: District Attorney E. David Christine

Clerk of Courts  
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JUDGE WORTHINGTON  
CHAMBERS

COMMONWEALTH OF PENNSYLVANIA COUNTYWIDE INVESTIGATING GRAND JURY

MONROE COUNTY COURT OF COMMON PLEAS

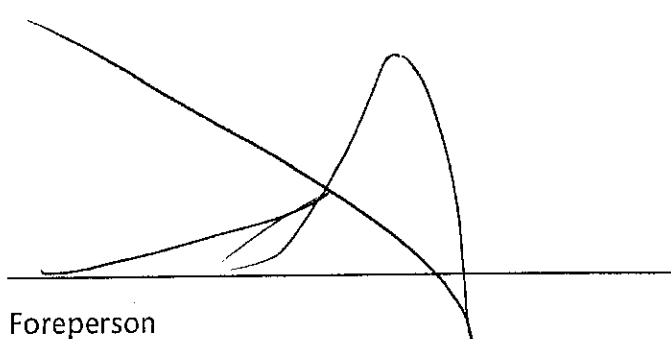
43<sup>RD</sup> JUDICIAL DISTRICT

CASE NO. 8/10-2017

REPORT OF THE GRAND JURY

We, the 8<sup>th</sup> Monroe County Investigating Grand Jury, having been duly impaneled pursuant to the Investigating Grand Jury Act 42 Pa. C.S. § 4541 et. sec. and duly charged to investigate alleged violations of the Pennsylvania Crimes Code including Bribery in Official and Political Matters, 18 Pa. C.S. § 4701, Threats and Improper Influences in Official and Political Matters, 18 Pa. C.S. § 4702, Official Oppression, 18 Pa. C.S. § 5301, and Various Violations of the Pennsylvania Wiretap Act, all occurring within the Pleasant Valley School District comprising the townships of Chestnuthill, Polk, Ross and Eldred in the County of Monroe; have obtained knowledge of such matters from evidence presented and witnesses sworn by the Court and testifying before us. We make the following findings of fact upon proof by a preponderance of the evidence, and issue the following recommendations for legislative, executive, or administrative action in the public interest. So finding, with no fewer than twelve (12) concurrent, we hereby make this report to the Court.

9/25/18  
Date



Foreperson  
8<sup>th</sup> Monroe County Investigating Grand Jury

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## I. INTRODUCTION

On May 22, 2017, a Notice of Submission was filed with the Court requesting that the powers of the Grand Jury be made available to investigate multiple allegations involving the Pleasant Valley School District, its Administration, and both the professional and support staff. Since then, the investigation has resulted in over fifty (50) interviews being conducted by investigators, fourteen (14) witnesses testifying before the Grand Jury, and over 20,000 pages of documents were reviewed. Further, as part of its ongoing investigation this Jury has previously issued a Presentment which resulted in criminal charges. As a result of its investigation the Grand Jury has obtained a thorough understanding of the way the Pleasant Valley School District operated under past administrations and how the district is currently operating under its new administration. As a result of the Presentment already issued, and the subsequent filing of charges against Joshua Krebs, Director of Support Services, the jury has gained in-depth insight into the current administration's handling of these matters and the current state of the school board oversight which would not have been possible without the filing of those charges.

We, the Jury, are now in a position to identify patterns of concern through numerous factual findings involving dozens of witnesses. The past administration of Superintendent Carole Geary in particular was permeated by a culture of cronyism, intimidation, fear, bullying and retaliation punctuated by frustration, complacency, and a lack of effective oversight by the School Boards involved. The impediments to effective Board oversight have been exacerbated by a heavy reliance on legal advisors who at times strayed from advisory roles to those of policy makers, incomplete information provided to the boards by the prior administration, and an entrenched fear on the part of affected or interested employees to speak up.

Much of the culture of bullying has diminished under the current administration of Superintendent David Piperato and the present composition of the School Board. Many teachers and support staff have noticed a change for the better. However, certain concerns remain, including the appearance of continued targeting by the administration of critical voices. The culture seems to persist and is made apparent by an attitude of some in the current administration and Board who view this investigation not as an impartial fact finding process

but more as the result of a “vendetta” by a “small minority” of troublemakers among the staff. This persistent mindset has fostered an “us versus them” mentality that undercuts the improvements being made under the new administration. This mind set has also been responsible for some of the hostility and suspicion expressed towards this investigation.

At the end of the day it is clear to us that Pleasant Valley School District employs a large number of high caliber dedicated professional staff and administrators who continue to place the best interests of the children at the highest level. Likewise, the motivation of the School Board as a whole has been with an eye toward the best interest of the district and its students and staff. The often thankless job of School Board member requires increasing time commitments, the ability to work together for the good of the district, and the life experience and skills necessary to conduct effective oversight of the district. However, despite the Board’s efforts, effective oversight has been repeatedly thwarted by overzealous legal representatives, selective disclosures given by prior administrators, and a divide and conquer mindset utilized to advance individual agendas.

## **II. SUMMARY**

This report focuses on repeated complaints made by many staff of the Pleasant Valley School District, both past and present. Much of the details that emerge are corroborated in whole or in part by multiple witnesses, including members of the School Board and current and former members of the school administration. The findings in this Report are divided into two general time periods; first, that occurring under prior administrations, most notably that of Carole Geary, and second, those under the present administration. Although highly detailed and factually specific, these findings all corroborate a culture of cronyism, bullying, intimidation, and retaliation exercised by prior administrators over staff members. The findings show that in many cases the best interest of the students and district were ignored in advance of selfish goals. These interests favored a select few for advancement, despite some lacking mandated qualifications, or shielding the favored from appropriate discipline or other scrutiny. This cronyism had the effect of shattering the morale among both the professional and the support staff. Furthermore, those brave enough to criticize the status quo, or who voiced dissent with reference to efforts of the school administration, were frequently made the targets

of retaliation. The retaliation manifested itself in confrontations with the individuals by members of the administration, accusations of insubordination or other misconduct, sanctions, or the threat of sanctions such as suspensions or adverse documentation, also known as Form D Letters, being placed in personnel files, or the all too frequent use of transfers as a punitive measure. In some instances the evidence is clear and pervasive enough to warrant a Presentment recommending the filing of criminal charges. In other cases, the facts are older or less direct and are instead best dealt with as part of our findings in this Report.

### **III. DEFINITIONS**

#### **OFFICIAL OPPRESSION 18 Pa. C.S. §5301:**

The crime of Official Oppression has three (3) elements; first, that the defendant subjected the victim to unlawful mistreatment or infringement of personal or property rights by subjecting them to retaliation, discipline, or other sanction without cause or otherwise unlawfully denying or impeding the victim in the exercise of his or her employment; second, that the defendant was acting or purporting to act in an official capacity; and third, that the defendant knew that his or her conduct was illegal. Pa. S.J.I. 15.5301(Crim), Commonwealth v. Checca, 491 A.2d 1358 (Pa. Super 1985).

#### **THREATS IN OFFICIAL OR POLITICAL MATTERS 18 Pa. C.S. §4702:**

The crime of Threats in Official or Political Matters requires proof of three (3) elements; first, that the defendant threatened to commit a crime; second, that such threat was a threat of unlawful harm to the victim; and third, that the defendant did so with the intent to influence the victim's conduct as a public servant. The term 'harm' means loss, disadvantage or injury; or anything regarded by the defendant as loss, disadvantage, or injury. The harm does not have to be a direct harm to the victim. The term 'harm' includes harm to any other person, political party, or entity in whose welfare the victim was interested. (Pa. S.J.I. 15.4702(Crim)).

#### **RETALIATION FOR PAST OFFICIAL ACTION 18 Pa. C.S. §4703**

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.

#### **INTERCEPTING, DISCLOSING OR USING WIRE OR ORAL COMMUNICATION 18 Pa.C.S. §5703:**

To find a defendant guilty two (2) elements must be proven; first, that the defendant intercepted, endeavored to intercept, procured another person to intercept a wire, oral, or electronic communication; and second, that the defendant did so intentionally. Intercept refers to the aural, that is learning by ear, or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device. Pa. S.J.I. 15.5703 (Crim).

**PVSD: Local Board Procedure 002 Authority and Powers.**

The school board "shall act as the general agent of the residents of the school district in matters of public education. It shall establish educational goals and academic standards for district schools and govern an educational program designed to meet those schools and standards and to support student achievement. The board shall be responsible for establishing, maintaining and evaluating the educational programs in district schools, and for enforcing mandatory laws and regulations...the board, in accordance with its statutory mandate, shall adopt board procedures for its own operation, and policies for the guidance of the superintendent in the operation of the school district. The board procedures and policies shall be consistent with law, have a rational and substantial relationship to a legitimate purpose of the board, and be directed towards the maintenance and support of a thorough and efficient system of public education in this district...the powers of the board of school directors are not vested in the individual or member. No such individual is authorized to act on behalf of the board to carry out any of the board's authorized powers, except those acts stated in law.

**PVSD Local Board Procedures 003 Functions: Powers of the Board**

"The board shall exercise its executive power by the appointment of a district superintendent, who shall enforce the statutes of the Commonwealth, the regulations of the State Board of Education, the policies of the board, and all other applicable laws and regulations. ...the superintendent shall be responsible for implementing board policies and establishing administrative regulations for the operation of the school district that are not inconsistent with State and Federal statutes and regulations; are dictated by the policies of the board, are binding on district employees and students when issued; and shall be subject to the board for review. The board reserves the right to alter or rescind any such administrator



regulation. ...the board reserves the right to review and to direct revisions of administrative regulations when it considers the regulations to be inconsistent with board policy or district practices. However, the board shall not adopt administrative regulations unless required by law or requested by the superintendent. ...the board delegates authority to the superintendent to take necessary action in circumstances not provided for in board policy. The superintendent shall promptly inform the board of such action. The superintendent's decision may be subject to review by the board.

**PVSD: Local Board Procedures 003 Functions**

"The board may assume jurisdiction over controversies or disputes arising within the school district concerning any matter over which the board has authority granted by statute or where the board has retained jurisdiction in contract or policies. In furtherance of its adjudicatory function, the board may hold hearings in accordance with law which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter. Beyond the basic requirements of due process, a hearing may vary in form or content in line with the severity of consequences that may flow from it, the difficulty of establishing findings of fact from conflicting evidence, and the impact of the board's decision on the school district.

**PVSD: 004 Membership**

The school board consists of nine (9) members. The superintendent has a seat on the board and the right to speak on all matters but shall not have the right to vote. Board members must be of good moral character, at least 18 years of age, have been a resident of the district for at least one year prior to the date of his or her election or appointment, and not be the holder of any office or position as specified in Section 322 of the School Code. Nor shall the individual be a member of the municipal council. The term of office of each board member shall be four (4) years.

**PVSD: 006 Meetings, Executive Sessions**

A board may hold an executive session, which is not an open meeting, before; during; at the conclusion of a public meeting; or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the public

meeting prior to or after the executive session. The board may discuss the following matters at executive session:

1. employment issues
2. labor relations
3. purchase or lease of real estate
4. consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation
5. matters that must be conducted in private to protect a lawful privilege or confidentiality.

Official actions on discussions held in executive sessions shall be taken at a public meeting.

**PVSD: ADMINISTRATIVE REGULATIONS (AR) 300 ETHICAL BEHAVIOR OF SCHOOL ADMINISTRATORS**

“The board believes that high standards of ethical behavior for the professional school administrator are essential and are compatible with his/her faith in the power of public education and his/her commitment as leader in the preservation and strengthening of the public schools. To this end the board adopts the following guidelines. The professional school administrator shall uphold the honor and dignity of his or her profession in all his/her actions and interactions the pupils, school staff, school board members, and the public.

The professional school administrator shall obey local, state, and national laws; hold him/herself to high ethical and moral standards; and model loyalty to his/her country and to the cause of democracy and liberty...”

**AR 319.1: INTEGRITY PROTOCOL; PURPOSE**

Integrity is doing what is right and administrators as role models for students and as leaders of the school community, are responsible to the children they serve, to each other, to the school district, and to the community. Everyone benefits when administrators perform their functions responsibly, respectfully, ethically, and with integrity.

**PROFESSIONAL EMPLOYEES ASSIGNMENT AND TRANSFER 409**

The assignment and transfer within the school district of professional and temporary professional employees shall be in accordance with the instructional and operational needs of

the school district. No. 409-AR Professional staff members are afforded the opportunity of applying for any vacancy within the school district for which he/she is properly certified and/or qualified. Assignments and/or reassignments are made in accordance with the best interests and needs of the school district.

**CONFIDENTIAL INFORMATION PROFESSIONAL EMPLOYEES, Delegation Of Responsibility 424.1**

It is the policy of the school district to ensure that sensitive and/or confidential information concerning the operations, activities and business affairs of the school district as well as sensitive information regarding the school district's employees and students are kept confidential to the greatest extent possible. Therefore, the school district expects its employees to protect the interests of the school district and its employees and students by restricting the use and disclosure of all information relating to the school district's affairs or personal matters pertaining to the school district's employees or students and all documents containing such information to within the school district unless specifically approved for outside disclosure, or already known by or readily available to the public. Employees are also responsible for the internal security of such information and should only disclose such information internally on a need to know basis. When in doubt consider information confidential.

**STAFF CONFIDENTIALITY OATH**

In accordance with policy 424.1 confidential information, I the undersigned hereby agree not to divulge any confidential or sensitive information or records concerning the Pleasant Valley School District, its staff members, or students without the proper authorization in compliance with State and Federal law and interagency agreements. I recognize that any discussion of or release of information concerning the operations activities and business affairs of the school district as well as the district's employees and students to any unauthorized persons is forbidden and may be grounds for disciplinary action.

During the performance of my assigned duties I may have access to confidential information required for effective operations and programs. I agree that no discussions, deliberations, records and information generated or maintained in connection with these activities will be disclosed to any unauthorized person.

The conditions of this oath remain applicable after my retirement and/or resignation from Pleasant Valley School District. I pledge to safeguard all of the aforementioned confidential information. I recognize that unauthorized release of confidential information may result in disciplinary action and expose me to civil/criminal liability.

**No. 317 Administrative Employees: Conduct/Disciplinary Procedures**

“When charges are filed against an administrative employee pursuant to law, the Board shall hold a hearing in accordance with the procedures established in the School Code and may vote to discharge any such employee or authorize a lesser punishment short of a discharge, such as a suspension without pay or lesser degrees of punishment. The vote to discharge shall be by a two-thirds vote of all members of the Board. A vote to provide a degree of punishment less than a discharge shall be by a majority of a quorum present at a meeting at which such vote is to be taken.” (Part 2 Authority)

**School Code 24 PS 11-1127**

Before any professional employee having attained a status of permanent tenure is dismissed by the board of school directors, such board of school directors shall furnish the professional employee with a detailed written statement of the charges upon which his or her proposed dismissal is based and shall conduct a hearing. A written notice signed by the president and attested by the secretary of the board of school directors shall be forwarded by registered mail to the professional employee setting forth the time and place when and where such professional employee shall be given an opportunity to be heard either in person or by counsel, or both, before the board of school directors and setting forth a detailed statement of the charges. At such hearing all testimony offered, including that of complainants and their witnesses, as well as that of the accused professional employee and his or her witnesses, shall be recorded by a competent disinterested stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned.

**School Code 24 PS 11-1128**

The board shall have the power to issue subpoenas requiring the attendance of witnesses at any hearing and shall do so at the request of the party against whom the complaint is made.

If any person shall refuse to appear and testify in answer to any subpoena issued by the board, any party may petition the court of common pleas of the county setting forth the facts, which the court shall thereupon issue its subpoena commanding such person to appear before it, there to testify as to the matters being inquired into. Any person refusing to testify before the court shall be held for contempt. All testimony taken at any hearing shall be taken under oath, and any member of the board of school directors shall have power to administer oaths to such witnesses.

#### **School Code 24 PS 11-1129**

After fully hearing the charges or complaints and hearing all witnesses produced by the board and the person against whom the charges are pending, and after full, impartial and unbiased consideration thereof, the board of school directors shall by two thirds vote of all the members thereof, to be recorded by roll call, determine whether such charges or complaints have been sustained and whether the evidence substantiates such charges and complaints, and if so determined shall discharge such professional employee. If less than two-thirds of all the members of the board vote in favor of discharge, the professional employee shall be retained and the complaint dismissed.

#### **226.1 Video Surveillance/Recordings**

The use of surveillance systems shall be under the direction of the Superintendent....Recordings are stored at least for that period of time which is necessary to ensure that any issue has been completely resolved. At no time shall a recording be stored for less than one (1) week from its creation. Recordings shall be maintained for longer periods of time if there is an outstanding request to review and/or a pending disciplinary matter and/or threatened or pending litigation with regard to an incident on a recording.

#### **326-AR Internal Investigations**

There are times when school administrators must conduct investigations to effectively address issues brought to them or which they become aware. In such cases, the following guidelines shall be followed....

1 b. ...Once an administrator is on notice of the complaint/allegation, he she must take appropriate action in response, even if the complainant does not want to cooperate in the investigation or later denies making a complaint/allegation.

10. ...documents should not be destroyed once the investigation has started as this could have serious legal consequences. Records should be maintained for at least two (2) years after the investigation concludes, in the event litigation relating to the underlying issue or investigation is filed.

#### **IV. CONDUCT AND ISSUES IDENTIFIED**

##### **a. Past Administrations – Carole Geary, Christopher Fisher**

We, the Jury, through our investigation have identified significant issues tied to past administrations within the Pleasant Valley School District. These issues include the promulgation of a culture of fear, bullying, intimidation, retaliation, and cronyism throughout the district. Though the testimony and information presented to us touches on each of these topics, this Report divides the information into two categories in an effort to better focus on the issues presented by individual witnesses.

##### **i. Bullying, Intimidation, Retaliation**

###### **1. LILA METZ**

On Thursday, June 7, 2018 Detective Wendy Serfass and First Assistant District Attorney Michael Mancuso interviewed Lila and Terry Metz, husband and wife, in the Office of the District Attorney. The interview lasted over two hours. In addition to the interview, and pursuant to a Grand Jury subpoena, Lila's complete personnel file was obtained from Dr. Burrus, Director of Human Resources. Further, Mrs. Metz provided multiple documents which bear on her tenure as a school district employee and the issues involved in this investigation.

Lila Metz was hired by the Pleasant Valley School District in September 2002 as an Assistant Principal at the High School, and served in that capacity for one year. Thereafter, she became the Assistant Principal of Pleasant Valley Elementary School serving in that position for over five years. Dan Wunder was the Principal at the time she started at PVE. During her last year, Penny Derr was the Principal. In November 2008, Metz left administration to return to the classroom as a teacher until her retirement which became effective on March 12, 2015.

Although both Mr. and Mrs. Metz covered a lot of ground with respect to her issues with the Pleasant Valley School District, one episode in particular demonstrates a longstanding culture of bullying against those who dissent in some way against the wishes of the administration. Multiple witnesses have either testified or provided statements concerning the bullying, intimidation and fear of employees at Pleasant Valley School District. The following dates back to the 2009 calendar year. At that time the Superintendent was Dr. Douglas Arnold, Carole Geary was Assistant Superintendent for Curriculum & Instruction, Christopher Fisher was Assistant to the Superintendent for Professional & Support Services, and Anthony Fadule was Assistant Superintendent for Personnel/General Administration.

Lila Metz sent a letter to Mr. Fadule, dated January 28, 2009, relating that she felt ostracized by administration and that she was treated unfavorably in relation to then Assistant Principals Joshua Krebs and Erica Walters (now Greer). The letter is attached to the Addendum to this Report. Metz was told that Krebs and Walters were favored by the Administration. Metz was required to constantly travel to the buildings that made up the elementary schools at that time, while Krebs and Walters were not required to "rotate" as much. At one point in the letter, Metz refers to a recent request she made to transfer from administration to a third grade teaching position. Metz stated that she felt she had been treated horribly and, among other things, complained that she, unlike the other assistant principals, needed to go to multiple different buildings during a typical work day, and did not have proper tools and materials to carry out her duties. In fact, Joshua Krebs was given an office at Pleasant Valley Elementary despite having a dual role at the time. Metz also stated that she was told that the administration likes Krebs and wanted him to work with Penny Derr, and complained that many

of her duties were turned over to Mr. Krebs. A portion of Metz's letter is reproduced here:

As you are aware, when I put the request in to transfer to the 3<sup>rd</sup> grade position I emailed and spoke to you about some of the reasons for the request. (I have made these issues know to several others at the administrative level). I have been treated horribly. I will attach the letters I emailed you which don't justify everything. I am going to bullet some issues and facts are as follows:

- Needing to go to 4 different buildings, no other administrators at elementary level.
- Not having proper tools and materials at buildings (reported many times).
- Taken out of PVE to rotate, only at PVE 2 days in a 6 day cycle, Krebs & Smith both @ PVE 4 days.
- Krebs an Administrative Assistant & IST was listed on board minutes and elementary division under Eldred & Chestnut but his office was at PVE. Why?
- Krebs took over most of the duties I originally performed in the past. I actually helped Mr. Krebs from the time he first came to PVSD with setting up discipline procedures, PVE's PERT TEAM, transportation, etc....

Metz ended the letter requesting a response from Fadule so that she could make decisions on her future with the district. Metz concluded the letter as follows: "You have a very powerful position in hiring personnel. If we keep our focus and remember why we became educators, together we can achieve many things for kids. I will not jeopardize or devalue my strong commitment and philosophy that kids need to be the main focus. They come first, all kids, not the social game of politics (although I do know some of this is intertwined but not the focus). I look forward to hearing from you soon."

In reply to her letter Mr. Fadule wrote to her on February 6, 2009. The letter was hand delivered to Metz on a Friday afternoon while she was in class. Mr. Fadule's letter ordered Lila Metz to appear in his office the coming Wednesday in order to meet with him and an attorney named Michael Levin. Fadule wrote: "...I am puzzled by the letter and the reason for the letter. It can be interpreted to be a complaint. It can be interpreted as allegations of wrongdoing. It can be interpreted as simply questions. Your letter is far from clear. ...as a result of the issues raised and questions posed in your letter, and in an effort to ensure that the school district responds properly, we have retained legal counsel to assist us to respond to your letter. ...you are directed to meet with me and Mr. Levin on Wednesday, February 11, 2009 at my office at 9:00 AM. You may bring legal counsel if you desire. However, no one else will be permitted to accompany you at the meeting other than legal counsel. If you elect to engage legal counsel, it will be at your sole cost and expense. At the meeting, you will be asked questions so that we



can better understand the issues that you are raising and the questions that you have..."

As a result of the letter ordering her to appear and answer questions by the School District's Attorney, Ms. Metz, retained attorney Kevin Santos to represent her. Santos wrote to Mr. Fadule and spoke to Attorney Levin requesting a continuance. In his letter to Fadule dated February 9, 2009, Santos writes, "...in a letter presented to Ms. Metz this past Friday afternoon, she was invited to have counsel present; prudent in light of your notice that attorney Levin will also be present to represent the school district." Santos requested that the meeting be continued as he was busy in criminal court that week and also "...to ensure meaningful exchange I will need some time to wrap my head around the issues buried in the paperwork to be forwarded to me by Ms. Metz tomorrow afternoon."

The proceeding was postponed until Tuesday, February 24, 2009. At 9:00 AM, Lila Metz and Attorney Santos, appeared at the Pleasant Valley School District Administration Building. Present also was Michael Ira Levin and Anthony Fadule. Attorney Levin hired a court reporter to transcribe the proceedings giving it the feel of a deposition or trial. According to Attorney Levin, the purpose of the proceeding was to, "figure out exactly what the purpose and intent and reason for her (Lila Metz) letter that was sent on January 28, 2009 to Mr. Fadule was and then we could take whatever appropriate action is necessary in response to that". (Transcript 2/24/09 p. 5).

Attorney Levin told Mrs. Metz that they were not going to answer any of her questions; reiterating his purpose was to "...find out from you what's the purpose of this letter...." (Id at p. 7). For over three hours, Mrs. Metz was questioned extensively and often in a manner that appeared abrupt, condescending, and designed more to put pressure on Mrs. Metz than to discern her grievances. For example, the following exchange took place:

Lila Metz: ... this letter that was supposedly sent to me by Mr. Fadule which you marked as Exhibit B was hand delivered to me by Ms. Amy Braxmeier. I just want to make that clear. She hand delivered that to me on Friday, February 6, 2009 in my classroom and told me she had to wait until I opened it per Mr. Fadule's directive. Okay, I just wanted to clarify that.

Mr. Levin: And why do you want to clarify that?

Mrs. Metz: I just want

Mr. Levin: What issue?

Mrs. Metz: I just want to clarify that's it.

Mr. Levin: What difference does that make?

Mrs. Metz: I just want

Mr. Levin: What issue?

Mrs. Metz: I just want to clarify that's it.

Mr. Levin: What difference does that make?

Mrs. Metz: I'm just really kind of -and there was another one that-

Mr. Santos: Could you give me three minutes to talk to my client?

Mrs. Metz: Yes

Mr. Levin: Sure.

(Id at 13-14).

The question of Joshua Krebs' ability to serve as an administrator was brought into question by Mrs. Metz. Metz had claimed that Krebs was not qualified to be certified as an administrator. She indicated that the Department of Education would need certain paperwork to be filled out in order for him to be employed as an administrator. Based on her concerns, the following exchange took place:

Mrs. Metz: Because I did contact PDE and there is certain paperwork that needs to be filled out.

Mr. Levin: Alright, so are you saying last year, when Mr. Krebs was working as an administrative assistant, he did not have the proper certification for that?

Mrs. Metz: I said he was not in a certi – he was not a certified administrator.

Mr. Levin: Well, that's not the question I had. My question is when he was working in the time, which I, correct me if I am wrong, half time as an administrative assistant.

Mrs. Metz: I'm not saying what his credentials are for last year, I'm just saying he's not a certified administrator.

Mr. Levin: Alright, well is he working as an administrator that he

would need certification this year?

Mrs. Metz: I know he just recently was, his position title was changed. I know that for a fact...

Mr. Levin: Well, my question is are you saying that at any time this school year the 08/09 school year has Mr. Krebs been working without proper certification for what his job was?

Mrs. Metz: I'm just saying he's not a certified administrator, that's all I'm saying.

Mr. Levin: Okay, so you're not saying that he was not working properly.

Mrs. Metz: I'm not saying that, I'm not saying that.

(Id at 28-29).

On multiple occasions during the proceeding Ms. Metz expressed frustration and surprise about the process.

Mrs. Metz: Honestly, I'd have to sit and I'd have to think- to go over this because I didn't think I was going to go through a whole deposition hearing. I thought I was going to have some questions answered.

Mr. Levin: So as of right now you don't know of any others?

Mrs. Metz: As of right now that I'm here on a trial, no.

Mr. Levin: Well, you're not here on a trial.

Mrs. Metz: Well, it's like a trial to me.

(Id at p. 54).

After over three hours of this type of questioning the proceedings were only halted because Attorney Santos had a 1:30 PM appointment to make. However, the school district was not finished with the process, and arrangements were made to bring Lila Metz back. On Thursday, March 19, 2009, she once again appeared with Attorney Santos at the administration building. A court reporter was again present. At the beginning of the proceeding the following occurred:

Mr. Levin: Lila are you ready?

Mrs. Metz: I don't have a choice, do I?

Mr. Levin: Well, if you're not ready we won't begin. So I guess you do have a choice.

Mrs. Metz: Well, I originally- when I first received the letter I didn't realize this is- what the letter, how the questioning was going to be so anyways

Mr. Levin: Okay, we of course spent several hours together on Tuesday, February 24, the transcript has been prepared. I reviewed most of it. I don't think I got through every single page but it did refresh my recollection.

(Testimony 3/19/09 at p. 3).

Similar to February 24, Attorney Levin asked questions, then follow up questions, and then follow ups to the follow up. For example:

Mr. Levin ...are you claiming that there's unlawful discrimination

Mrs. Metz: Yes, I am.

Mr. Levin: Okay, now tell me all instances of unlawful discrimination that you're talking about.

Mrs. Metz: On my behalf for me personally or overall?

Mr. Levin: Well, let's deal with you first. Have you been unlawfully discriminated against?

Mrs. Metz: Okay, there was another situation yes

Mr. Levin: It's a yes or no.

Mrs. Metz: Yes.

Mr. Levin: When was the first time you were unlawfully discriminated against.

Mrs. Metz: I have to go back to when was the first time?

Mr. Levin: Yes.

Mrs. Metz: You want me to remember them chronologically here?

Mr. Levin: Yes.

(Id at p. 11-12).

As the pressure from the proceeding mounted, Mr. Santos interceded more and more, pointing out that there were legal issues and interpretations of law that his client was not prepared to discuss. At one point the following exchange took place between Levin and Santos:

Mr. Levin: Well, is she prepared to tell us what she believes to be unlawful race, sex or age discrimination?

Mr. Santos: Ms. Metz is incredibly nervous right now, she's having a very difficult time concentrating. I would like to take you up on your opportunity to reconvene this.

(Id at p. 23).

The proceedings were then terminated for the day with an understanding that the parties would reconvene at the end of April 2009. At that point, and as explained by Mrs. Metz, she was worn down and made to understand that the school district would continue with this process without end. Therefore, she had Attorney Santos try to withdraw her letter of concern. Attorney Levin responded as follows: "Essentially you advised me that Lila Metz would like to be able to start over again in the sense that she would like to be able to simply withdraw her allegations and complaints. You indicated when we last spoke that she does not wish to continue on with the investigation. The purpose of this letter is to state that the school district is happy to fully and completely investigate all allegations and take appropriate action if any on the allegations if any of the allegations were found to have merit. However, if your client does not want to pursue the matters about which she complained, we will respect her decision in that regard." (Levin letter November 2, 2009).

Essentially the "proceedings" outlined above represent a clear abuse of authority on the part of the administration to beat down a professional employee who is either making

allegations or simply venting to the Human Resources Director. The fact that Mrs. Metz would be compelled to sit before an attorney and official court reporter, for hours on end, subjected to cross examination under the guise of conducting a good faith investigation, is reminiscent of the old Star Chamber<sup>1</sup> and underscores the culture of bullying and intimidation undertaken by prior administrations at PVSD.

## 2. BRIAN MORGAN

Brian Morgan provided a statement under oath to First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass on August 10, 2018. Mr. Morgan lives in Palmerton with his wife and children. Morgan has been employed for the last 23 years as a Guidance Counselor in the Pleasant Valley School District. For his first 15 years of employment at PV, he was a guidance counselor at the middle school. He has been working in the High School for the last seven years.

Mr. Morgan has a Bachelor of Science Degree in Psychology from East Stroudsburg University and a Master's Degree in Counseling from the University of Scranton.

Mr. Morgan reported that Carole Geary and Chris Fisher were very close even prior to Geary becoming superintendent. Mr. Morgan also provided information that Chris Fisher had multiple titles which changed often in his tenure as director or assistant to the superintendent of the district. He perceived Mr. Fisher as having a lot of influence over the school district and the school boards he had served under.

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<sup>1</sup> The Star Chamber was an English Court of Law from the late 15<sup>th</sup> Century to the late 17<sup>th</sup> Century. It was originally established to ensure the enforcement of laws against politically prominent people, however; it became synonymous with social and political oppression. In modern usage, legal or administrative bodies with strict arbitrary rulings and secretive proceedings are sometimes as Star Chambers. This is a pejorative term and intended to cast doubt on the legitimacy of the proceedings.

While Dr. Doug Arnold was superintendent it became clear that Carole Geary would eventually succeed him when he retired. Dr. Arnold was not a "hands on" administrator of the district which allowed for Carole Geary and Chris Fisher to exercise more and more control over the district and its staff. Morgan describes Geary and Fisher's relationship as very close like that of a brother and sister.

Morgan believes that there was a personality conflict between Anthony Fadule, an Assistant to the Superintendent and Chris Fisher. Eventually, Chris Fisher and Carole Geary forced Fadule into retirement by changing his job title, with School Board approval, to Human Resource Director which caused a significant reduction in his salary. The converse could also be true, meaning that if someone was favored by Chris Fisher and Carole Geary they would find themselves promoted through the ranks, sometimes prematurely for years of experience. Mr. Morgan cited Joshua Krebs as an example. Mr. Morgan believes that Krebs, despite having only been teaching for a few years, was suddenly promoted to Assistant Principal. Krebs' qualifications for having that certificate were questioned by Mr. Morgan and many others who were interviewed. Krebs was also moved to the Math Supervisor position for the entire district even though he did not have a mathematics degree or any teaching experience in the discipline of mathematics. According to Morgan "if you're in with Carole and Chris you moved up very quickly".

Mr. Morgan testified that he had problems with Chris Fisher. The problems stemmed from Mr. Fisher's daughter's internship under Morgan. Morgan relates that one day when he came into his office he saw, upon his desk, intern forms for Mr. Fisher's daughter. Morgan recalled Fisher's daughter as a former student of his. Morgan said he was expected to mentor

the daughter as part of her internship. Morgan said that no one asked him to. Just that one day the papers were there approving her internship and assigning supervision to him.

At the onset of the internship Morgan sat down with Mr. Fisher's daughter, Jennifer, and explained what was expected of her in order to complete the internship. Part of the mentoring included interfacing with her counselor from the school she was attending. Jennifer Fisher, according to Morgan, was absent on several occasions during the fall semester. This should have placed her internship in jeopardy. Morgan believes he spoke to her counselor about the lack of attendance on the part of Jennifer Fisher. Not wanting to deprive her of the chance of finishing the internship Morgan recalls that he evaluated her at a satisfactory level despite having an issue with her attendance. Mr. Morgan also addressed the issue with Jennifer so that she could rectify the situation for the second half of the school year.

Morgan believes he made complaints about Jennifer Fisher's performance to others including his then friend Rocco Seiler, who was at the time Director of Technology. According to Morgan, Mr. Seiler was part of the clique involved with Chris Fisher and Carole Geary. Morgan recalls on several occasions Rocco warning Morgan not to upset or "piss off" Fisher because he could be vindictive.

During the fall semester with the attendance issues of Jennifer Fisher in full swing, Morgan was invited by Chris Fisher to attend a tailgate party at Penn State during a football game. It was a highly unusual invitation normally only the favored persons within the clique such as Joshua Krebs, Rocco Seiler and others would be invited to attend these games. Morgan and his wife attended. Morgan recalls that the time together at Penn State was initially a lot of fun. There were games and drinking. At one point, Chris Fisher asked Morgan how his



daughter was doing. Morgan told Fisher that there were issues. However, Chris Fisher replied that he thinks his daughter is doing "just fine". Morgan recalls that shortly after that conversation the mood of the party changed. It was to the point where both he and his wife felt like they were being excluded from the group, no one was interacting with them anymore. As the behavior continued Mr. and Mrs. Morgan decided to leave early.

During the spring semester the issues with Jennifer Fisher not showing up or otherwise complying with her intern requirements continued. As the semester wound down, Jennifer provided Mr. Morgan with the forms for him to fill out to certify that she had successfully completed the internship. Mr. Morgan recalls that he telephoned her advisor and informed her that he was not happy with her lack of attendance and other issues of compliance with his directives at the start of the internship. Nonetheless, Morgan certified that the internship was complete. Morgan testified to the incident as follows:

A. Spring comes and once again I'm waiting for her to show up. I'm waiting for her to do her counseling. And I want to say she may have shown up a handful of times, I mean less than five times.

Q. The whole spring semester?

A. The whole spring. ...

A. And then it was ... she'd come in, she told me she had all of her hours done and she wanted me to sign. ... And I signed. However, I called Dr. Eschbach in the spring and told Lee Ann that, look, I don't feel

comfortable, she didn't really do her time, and she didn't really do what she needed to do; but I signed ...

Q. Why did you sign if she didn't do what she was supposed to?

A. I was worried about what Chris would do. I was worried about --

Q. Repercussion?

A. Yeah. I was, I was worried about the influence he would have on my career.

Shortly thereafter, in May, Morgan was approached by Chris Fisher and his principal, Howard Drake. Morgan recalled that Drake seemed upset. Fisher told Morgan that they needed a male to be guidance counselor at the high school and so he would be transferred there. Morgan was upset by the news as was Drake. In response Fisher told Morgan he should be happy he has a job. So after 15 years as guidance counselor for the middle school Morgan found himself involuntarily transferred to the high school. Mr. Morgan did not grieve or question the transfer, but he did initially apply for positions out of the district as he was uncomfortable with the position he found himself in and what may come. Soon thereafter, Fisher retired from the district.

### **3. DIANE SIANI**

On Wednesday, July 11, 2018, Mrs. Diane Siani was interviewed at the Monroe County Detective Center by Detective Wendy Serfass and First Assistant District Attorney Michael Mancuso. Mrs. 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. 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. 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." She did not understand why she would be asked to mentor a principal while she herself was an assistant principal. Further, Ms. Siani was more than content to remain in her position as assistant principal of PVI and had not even applied for the Principal's position at PVE.

Though Mrs. Siani's relationship with Mr. Krebs was good early on, things began to quickly deteriorate. Mr. Krebs began 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." 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.

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. 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.

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. On another occasion, Siani was told by Krebs to reprimand a teacher for inappropriate clothing. The teacher, Concetta Sabia, was the wife of a School Board member who was not new to teaching nor had her manner of dress changed from past years that would have warranted a need for it to be addressed at that time.

One of the reasons that Siani believes Krebs started to bully her was a rumor he kept hearing that many teachers felt he did not earn his way up the ranks through hard work and experience. A related rumor going around was that Mr. Krebs was not doing his own course work for various administrative educational classes he was taking. Frustrated, Krebs approached Mrs. Siani and said he did not feel that she "had his back." Mrs. Siani told him it was not her job and that she had no knowledge to believe or dispute the allegations one way or the other. Mrs. Siani related that the pattern of abuse and intimidation intensified lasting over a year. Another situation she recounted was, during Hurricane Sandy in October 2013, Siani called her husband to tell him she would be late. Mr. Krebs reprimanded her for making the call. 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.

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. There was also a time when Anthony Fadule was included. 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.

In 2012 Mrs. Siani was diagnosed with cancer. She kept the condition to herself and sought further medical attention and treatment. Told she would need a hysterectomy Siani

waited until the end of the school year and applied for leave under the Family and Medical Leave Act (FMLA). Siani only asked for minimal medical leave (utilizing her available sick leave) so that it would be paid. The leave would be from June 11, 2012 through June 29, 2012 a total of 15 days. When Mr. Krebs became aware of the family medical leave request he called Siani into his office. Siani broke down in tears while recounting this incident to investigators and related that Krebs was angry that he received her approved FMLA request and demanded to know why she needed to be out for so long. Siani felt it was illegal and inappropriate to ask about her medical condition. However, she shared the reason for the request advising him of her cancer diagnosis and the hysterectomy procedure. Krebs responded, "well, you need to get back before it says," meaning that he expected her to be back prior to the full amount of the requested leave. Believing the meeting to be at an end, Mrs. Siani rose to leave. Krebs snapped at her saying, "you need to sit down, I 'm not done with you!" Mrs. Siani replied that she felt uncomfortable and thought the meeting was over. Mr. Krebs told Siani that the meeting is not over until he says it is and that if she were to leave he would write her up for "insubordination." Mrs. Siani then sat down and waited for Krebs to finish and when he was done she said "you should know better, your mother is a nurse, why don't you ask her what it entails to have a hysterectomy." She then left his office.

Mrs. Siani provided the interviewers with a copy of a letter dated June 5, 2012, from Anthony Fadule, Assistant Superintendent, approving her medical leave. Mrs. Siani related that she was careful to pick the summer months in which to undergo the procedure so as to be minimally disruptive with the students being out of school. Mrs. Siani also provided an Application for Family Medical Leave citing the condition as "cervical dysplasia grade 3."

Things between her and Mr. Krebs further deteriorated that year. 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, in pertinent part, is as follows:

Hi Diane,

I just wanted to take the time to let you know how much happier the paras were with their most recent evaluations. The day they received them most of my paras shared their evaluations with

me stating that they feel like a lot of time was dedicated to them and they're not "cookie cutter" anymore. They said they thought they were more relevant, valid, and worth reading. They all raved about the amount of time you took to write their comments and how they really felt they were personalized this time. They said they felt like you really knew each and every one of them and had very helpful comments that they understood "how to grow" from. I know you put A LOT of time into these evaluations and people don't always take the time to let you know you're doing a good job or just how helpful you are, so I just thought you would like to know! ☺

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." 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. A copy of the development plan was provided to investigators by Siani. 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.

At that point Mrs. Siani indicated 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. Mrs. Siani provided investigators a copy of the letter. 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.

Mr. Krebs immediately referred the matter to the administration who then engaged their attorney, Michael Levin, who began discussions with Attorney Meshkov. 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. 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. 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. 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.

In addition to the documents cited above Mrs. Siani also provided numerous other documents including but not limited to a "memo" dated September 12, 2012, under the subject of "missed data meeting on 9/11/12," a document prepared by Krebs meant to admonish Siani for allegedly not following a directive and threatening that it may lead to disciplinary action, a "memo" dated November 23, 2011, signed by Krebs dealing with the alleged failure on the part of Mrs. Siani to provide classroom teachers with an opportunity for input on the para-professional performance, a letter from Anthony Fadule, Assistant Superintendent, dated March 1, 2013, addressed to Mrs. Siani advising her that she had been transferred from her position as Assistant Principal to the newly created position of Assistant Supervisor of Special Education.

Siani related that John Gesiskie was a frequent target of Joshua Krebs. Siani explained the Gesiskie could be very vocal in his criticism of the administration.

#### **4. KARL RENTZHEIMER**

On February 9, 2018, Detective Wendy Serfass and First Assistant District Attorney Michael Mancuso interviewed Mr. Karl Rentzheimer. Mr. Rentzheimer has been a Health and Physical Education teacher at Pleasant Valley High School for thirty (30) years, and served as an assistant baseball coach for fourteen (14) years and the head baseball coach from 2003 to 2011.

Mr. Rentzheimer initiated the interview by stressing that Pleasant Valley School District has two (2) separate disciplinary systems; one for administrators and the other for teacher/professional staff. He explained that there is a disparity in treatment favoring administrators over professional staff. Similar to other information received, Rentzheimer believes that the power structure in the administration had all come back to Chris Fisher. Fisher would have been responsible for much of the maneuvering and decisions and created a certain clique or "regime" both before and during Carol Geary's time as superintendent.

After years of coaching baseball and in order to attend his own daughter's athletic events, Rentzheimer decided to resign from coaching baseball. He felt that he had to ask Chris Fisher, in the company of Keith Hess, to not transfer him if he resigned from coaching. Rentzheimer believed that he could face retaliation in the form of an unwanted transfer out of the high school as Fisher did not want him to leave coaching. Fisher promised not to move Rentzheimer stating: "you don't belong at elementary." However, Rentzheimer's replacement as coach became an issue. Charlie Insarra, another gym teacher, and T.J. Murphy, a then board president's son, were vying for the job. Rentzheimer wrote a letter of support for Charlie Insarra to the Board. Several months later Chris Fisher told Rentzheimer that he was going to be transferred to the Pleasant Valley Intermediate School. Fisher told Rentzheimer it was not a "life sentence." The transfer occurred in Rentzheimer's twenty-fourth year teaching at the high school. Fisher maintained that the move was to save "Twig's" job. James "Twig" Terwilliger was the head football coach. Steve Borger, a former board member, implied to Rentzheimer that the transfer was motivated by Rentzheimer's support for Insarra to replace him as coach. Rentzheimer related that he resigned the coaching position in November 2011 and was advised of his transfer to Pleasant Valley Intermediate in March 2012. He would spend half of his hours at the High School and half at Pleasant Valley Intermediate. Eventually, due to pressure in support of Rentzheimer he was transferred back to the High School in 2013.

##### **5. DAWN WISSER**

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. She has a Bachelor's Degree in Education from Trenton State College and a Master's Degree in Education



from Gratz College. She has certificates in Special Education Mental/Physical Handicap and Hearing Impaired. She also has certifications from the State of New Jersey for similar areas. She has always received excellent performance evaluations.

Wisser testified before the Monroe County Investigating Grand Jury on June 27, 2017. She also supplied 480 pages of documents that are relevant to the investigation. Wisser was interviewed by Detective Serfass along with First ADA Mancuso. Wisser also met with ADA's Bernal and Matthews and Detective Serfass while the decision to go forward with the investigation was under review.

Similar to other witnesses, Wisser identified Carole Geary and Chris Fisher as engineering who would be on a fast track within the central administration. Those included on the fast track were Penny Derr, Joshua Krebs and Todd VanNortwick. At one point, when Geary moved up to Superintendent, Derr was supposed to take her prior position, but instead Ken Newman was moved into Geary's Assistant Superintendent position. Josh Krebs had been groomed to take over Chris Fisher's role when Fisher retired. Todd VanNortwick was originally to take over Anthony Fadule's role as Human Resources Director. This was also corroborated by Russ Gould who indicated he was absolutely opposed to having VanNortwick as Human Relations Director. Eventually, John Burrus, an applicant from outside the district, succeeded in the position of Human Resources Director.

Wisser provided examples of how the administration would flaunt the rules, citing the career path of Joshua Krebs. Wisser indicated that Krebs had been elevated to Math Supervisor despite having no experience or certificate in the area. Krebs also followed the career track of Penny Derr, meaning that wherever she went he went. This corroborates the information as provided by Lila Metz. Krebs at one point became an "assistant to the principal," not an "assistant principal," because he lacked the necessary qualifications. On March 27, 2018, Krebs testified that he had earned his master's in education leadership (certificate for principal) in 2009 or 2010. He claims after about three years of becoming principal he was asked if he was interested in becoming Math Supervisor.

Wisser testified extensively about the Step by Step Learning Company Program (SBSLP). It was brought into Pleasant Valley 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. Wisser indicated that she was pulled out of class for fifteen trainings in the first year. In addition to being pulled out for training, teachers were required to leave class for other SBSLP activities such as data collection and making graphs and charts. One of the main complaints of the teachers was that they could not be with their students teaching class. As per Wisser, "the more we complained the more hostile they (the Admin) became. If you said anything in a meeting you would get your head bit off." (Grand Jury p. 13). In addition to teachers, an administrator was also required to attend every one of the trainings. This was viewed by the teachers as a tool of intimidation and it caused the professional staff to feel that their attitudes towards SBSLP and the trainers was being monitored. The professional staff viewed this as a way of keeping them in line by the administration. The trainings were for small groups of teachers, approximately 15 in number, so the same training was repeated grade level after grade level, group after group, which would require administrators to sit in the same trainings multiple times; another waste of resources. 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 stomach aches or headaches to get out the work.

Wisser invited Russell Gould, a Board member, to her house and they talked for several hours. She showed him charts and graphs illustrating problems with the program. Gould said it was not right, but he could not share the information with the others because it was too involved. Gould asked Wisser if she could explain the problems with SBSLP to someone else on the board. Wisser agreed and met with Linda Micklos and Gould, where the same information was provided. Micklos asked, "can't any of the teachers come to the board and speak?" Wisser said "absolutely not," indicating that they feared retaliation. Micklos asked that another Board member attend a meeting with Wisser and Bob Serfass came for the third meeting. There were more meetings and contacts, including with Len Peeters, another Board member.

The issue of going directly to the Board was concerning to Wisser because the administration looked unfavorably upon any teachers going directly to the Board. The teachers believed that if caught doing so they would be subject to discipline. Wisser explained, "Some districts have teachers that speak to Board members routinely, our district does not, I feel like we're all walking on eggshells as to who we can talk to and who we can't talk to." (Grand Jury p. 22-23). Wisser continued that for teachers there is, "always this threat that if they catch you talking to somebody you're going to get transferred or get the bad class and you're not going to get the extra position for summer school...retaliation...was always happening. (Grand Jury p. 23). According to Wisser this created an atmosphere of inaccurate information being given to the Board members by members of administration, and the Board would have no reason to doubt the accuracy of the statements. As an example, Wisser cites how members of administration would tout the accomplishments of the SBSLP and leave out any criticism or concerns about the program.

Wisser became increasingly fearful that her own efforts to bring up criticism about SBSLC to the School Board would make her a target of retaliation by the administration. She shared those concerns with her friends and colleagues including Jodi Cogan. Wisser's apprehension would prove justified. 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." (Grand Jury p. 32). 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.

Wisser explained that each child has an IEP which allows for accommodations in taking the test. Some of the accommodations include highlighting and also transcribing, that is,

writing the answers the children provide in a legible way. Mrs. Wisser explained that some of the children have reading and writing disabilities and they would use the wrong letters for certain words repeatedly. The IEP allows the teacher to transcribe the answer using correct letters. However, the teacher does not even know the question connected to the answer being transcribed. During the meeting, Palmieri repeatedly changed the allegations from one student to multiple students, upwards of four, with suspicious highlights. Wisser demanded to see proof. As Wisser brought up the accommodation allowances in the IEP, showing it to Palmieri, Palmieri ended the meeting. Later the 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. Wisser had also found out that before she was confronted that day that Superintendent Geary had met with VanNortwick, Markoski and Palmieri.

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." (Grand Jury p. 39).

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.

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. 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 high school, and the letter in her file. Wisser still refused to agree. 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. Wisser won on her grievance at arbitration and the district never appealed. The district never implemented their suspension and gave her a satisfactory evaluation that year.

According to Wisser, once she filed the grievance the retaliatory behavior got worse. She had been repeatedly told that she was staying in the building (PVI), in other words, not being transferred. Her immediate supervisor told her she was not allowed to talk to her about transfer or moving assignments. All the teachers were told that the principals of each building would tell them directly on the coming Friday, at the end of the school year, if anyone was going to be transferred. After Friday passed without Wisser hearing anything she reviewed the board minutes the following Monday which showed she was being transferred to the elementary school. Wisser was going to be moved from a larger room into a very small room about 1/3 of the old room size. It was also, "completely alienated from all other classrooms." Wisser explained that, "transfer is used as a very subtle, hostile attack on teachers because they can get away with it very easily and the teachers are constantly moved, you're packing, you're unpacking, you're worn out, you can't get your curriculum under you, and eventually you get tired and leave." (Grand Jury p. 52).

Wisser indicated that her husband and daughter were helping her move and had everything organized for ease of transitioning into the smaller room. After school had already ended for summer break Wisser attended an in-service training at the school building. When she returned to her classroom following the training, it was completely empty. Wisser noted that they took everything including her car keys, her lunch, her wallet and her purse. When she

complained to her supervisor, the supervisor was unaware what had happened. Wisser noted that no other rooms in the building were empty. Eventually, she located all her belongings in big piles, wrapped in plastic, on pallets in the gymnasium. She noted that blue IEP folders, which had been locked away as required by law, were sitting in plain view in plastic tubs exposed to whoever may walk by. The maintenance personnel could not answer why the move took place. Wisser took photographs of the empty classroom and the way the objects had been packed away. Wisser eventually filed an unfair labor practice claim over this issue which was settled in the amount of \$500.00 to her. She promptly donated the money to the school district's special education fund.

## 6. JENNIFER WEAVER

Jennifer Weaver was interviewed by Detective Wendy Serfass and First Assistant District Attorney Michael Mancuso on Thursday, June 21, 2018. The interview was recorded. Mrs. Weaver also has children attending the school district. Mrs. Weaver was hired by 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 Pleasant Valley Intermediate School. Mrs. Weaver has, in addition to her bachelor's degree, a master's degree from Wilkes University in Educational Technology.

In 2012 Mrs. Weaver was part of a group of teachers being instructed by Helen Bispel on the new DIBELS system. One of the teachers, Laura Anglemyer, was concerned that there was little to no focus on comprehension for the students. She asked the question, "what do we tell parents when they call with concern?" Mrs. Keri Ramsay, the teaching reading instructor at the time, said that there would be no problems because they were used to the program. At that point Mrs. Weaver asked, "how exactly this program was benefiting our students?," adding that she had observed the students reading like robots and simply restating in a DIBELS format because they were so nervous to miss a detail from the story. Mrs. Ramsay appeared visibly agitated and red in the face. Following lunch, Mr. Doug Palmieri warned Mrs. Weaver that she should be careful of her facial expressions and mannerisms because she was being watched.

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 Mrs. Weaver's team, Gene Transue and Jason Lagowy, had been summoned prior to Mrs. Weaver. They alerted Mrs. Weaver that the administrators were accusing Weaver of acting "unprofessional" during the meeting. At that point, Mrs. Weaver requested union representation, asking building representative Mr. Joseph Agolino to accompany her.

At the meeting Mr. VanNortwick told Mrs. Weaver that Ramsay accused her of being unprofessional. Mrs. Weaver explained what she had asked and repeated the question to Mrs. Ramsay during this meeting, "how exactly is this program benefitting our students?" Weaver stated that she observed students reading like robots and simply restating in a DIBELS format because they were nervous to miss a detail from the story. Mrs. Weaver also questioned why Mrs. Ramsay did not pull her aside and speak to her at the time if she thought she was being unprofessional. At that point, Mr. Agolino asked if Mrs. Weaver was being charged with insubordination for making facial expressions, i.e. rolling eyes, and the administrators told him she was not.

On October 3, 2012, Mr. Doug Palmieri asked Mrs. Weaver about several students that were labeled "at risk" in a weekly team meeting forum. He questioned what she was doing to help the students bring up their grades. Mrs. Weaver informed him that the team had been working with them during remediation and Bear Lock. He also asked if they were being retested and Mrs. Weaver advised that they would be; all students were reviewed with and given a retest to bring up their grade.

On the following day, October 4, 2012, Mrs. Weaver was telephoned by the PSEA Union president, Wayne Davenport. Mr. Davenport specifically questioned Mrs. Weaver about Joseph Agolino's representation of her at the meeting on September 28, 2012. Mrs. 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.

On the next day, October 5, 2012, during homeroom, Mrs. Weaver received a call from the office secretary, Deena Pastrana, informing her that four (4) of her students C.P., T.M., and

G.M. were called down to the office for questioning. The fourth student, D.G., was also questioned while she was in the office during morning announcements. When D.G. returned to class she appeared upset and Mrs. Weaver asked why she was upset. The child told her that Todd VanNortwick was asking her strange questions such as, "Is Mrs. Weaver nice?; Is she strict?; Does she joke around?; What kind of jokes does she say?; Do you like her class?" D.G. wrote down exactly what they asked her.

Based on the fact that her students were being questioned in that manner Mrs. Weaver became concerned that the administration was trying to "set her up". She called Mr. Davenport, who simply advised her to allow the investigation to be complete. Mrs. Weaver was very upset and felt that she needed to take a break. Mrs. Renee Shuler covered her class while Mrs. Weaver collected herself. A short time later, Mr. Davenport called Mrs. Weaver and stated that a parent had allegedly telephoned Carole Geary, the Superintendent, stating that Mrs. Weaver had mocked the child. Mrs. Weaver denied any allegation, adding that she had never been accused of anything like that and had never even received a negative comment in fourteen (14) years of teaching.

Later that day Mr. VanNortwick came to Mrs. Weaver's room and they spoke in the hallway. Mrs. Weaver told VanNortwick that she thought she was being set up for her questioning of Keri Ramsay at the prior meeting. She also told VanNortwick that she felt harassed, felt that VanNortwick did not like her, that he ignores her in the hallway and is constantly texting while speaking to her. Mr. VanNortwick told her he was doing his job and that the children all spoke nicely of her and that the investigation would not go any further. Mrs. Geary never informed Mrs. Weaver of the situation nor was she ever told who the alleged child was.

Mrs. Weaver's treatment by the administration following the incident where she was accused of being unprofessional, rolling her eyes, and the subsequent meeting where she was represented by Joseph Agolino, and the allegations that Mr. Agolino was unprofessional during his representation, lays the ground work for the subsequent disciplinary process initiated against Mr. Agolino, which led to extensive grievances and litigation.



## 7. JOSEPH AGOLINO

Mr. Joseph Agolino testified before the Grand Jury on October 31, 2017 and January 30, 2018. Mr. Agolino is currently a social studies teacher at the high school. He obtained his Bachelor of Science in Economics and Secondary Education from King's College, and his Master's Degree in History and Elementary Education from the University of Scranton. He first started teaching at PVSD in 1999. In 2006 Agolino became a Building Representative at Pleasant Valley Intermediate School. As a Building Rep, Agolino would represent any PVI based professional staff, teachers, nurses, guidance counselors, who were subject to discipline. Things were quiet from 2006 until 2012; the advent of Carole Geary's administration.

Prior to that time, Geary brought the Step By Step Learning Program into the District. By the time the SBSLC Program reached the Intermediate School, Geary was the new superintendent. Experienced well regarded, teachers without any history of disciplinary issues began to complain about the program, questioning its effectiveness and its cost. The Geary Administration started to discipline these teachers. Mr. Agolino became involved in the attempts to discipline due to his role as Building Representative.

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. 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's answer us. We got up and we walked out." (GJ 10-31-17 p.69).

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.

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". (GJ 10/31/18 p. 85).

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?"

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. 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?" (Id at p. 88). 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." (Id at p. 88). 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.” (Id at p. 89).

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. 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. (Loudermill Transcript 7/2/14 p. 60). Nonetheless, Mr. Agolino was advised that Mr. Fisher believed he needed to be punished. (GJ at p. 91). 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. (Notice of Suspension letter July 21, 2014). 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.

(Specification of Charges Paragraph 9.)

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. (Letter 8/28/14 Dr. Osuntokun to Carole Geary).

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. (Settlement Agreement November 2015).

It seems clear that Agolino's zealous representation of Mrs. Weaver resulted in Carole Geary's administration targeting him for retaliation. The complaint of the female coworker was taken and used as a weapon by Mr. Fisher to punish Agolino through the humiliation of being escorted out of his classroom, in front of the children, sent home, and forced to endure questioning at the Loudermil proceeding. Even after the Administration's own attorney found that there was no sexual harassment, the Administration sought to keep punishing him with a suspension, a stain on his record, and forced sexual harassment training.

#### **8. KRISTIN WOLF**

Kristin Wolf was interviewed by First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass on July 18, 2018. Wolfe is a third grade teacher in Pleasant Valley Elementary School, and has been employed at the District for the past 12 years. Mrs. Wolf served on several committees in the District during Joshua Krebs' tenure as the Principal of the Elementary School. One of the positions she held was that of Data Leader for the Step By Step Learning Program. Mrs. Wolf testified that the Program was very "daunting" for many of teachers, due to the amount of training and data collection involved. Many of the teachers were feeling overwhelmed. In that time period, Wolf would try to offer encouragement to the teachers in an effort to improve morale and ease tensions.

The position she held required Wolf to attend various meetings with administrators as well as representatives from the Step By Step Company. During one of these meetings following a request from Pam Hill, one of the SBSLC representatives Wolf talked about the hard time teachers were having with the Program. She also noted that it would be helpful if administrators would be more active in helping the teachers by showing some personal

interest. Wolf would later learn that her comments were deemed "very negative" and unprofessional. She was also reported to Joshua Krebs, her Principal at the time.

The next day, Krebs confronted Wolf in her classroom. He was accompanied by Assistant Principal Roger Pomposello. Wolf was immediately taken off guard and put on the defensive, disagreeing that she acted negatively or unprofessionally. She felt she had a good rapport with Krebs and had spoken her mind with him in the past, even drawing tears from him when she disagreed with his harsh words toward an older teacher, Sandy Bartashunas. Krebs told her that Pam Hill reported her alleged misconduct. When Wolf continued to disagree, Krebs became angry and scolded her. After the confrontation, and through a Building Representative, Wolf was led to believe that the matter was over. However, that was not the case. Mrs. Wolf was removed from the committees she was on, including her position as Data Leader. Further, she was told her behavior was "extremely unprofessional," and that her presence in the building was "negative." She was given a Form D, a form of discipline that placed her on warning. According to Krebs, if Wolf could demonstrate that she could be a positive role model, the Form D would be removed. Wolf recalled how stressful it was that year, how upset she was over the entire matter. She tried to behave in a way that would satisfy Krebs, no longer commenting or criticizing anything. At the end of the year there was a meeting, during which Wolf was expected to apologize to Krebs, telling him how sorry she was about how things turned out. She did as expected and was told that the Form D would be removed.

Keri Ramsay testified before the Grand Jury on June 26, 2018. Ramsay retired from Pleasant Valley in July 2017 and currently works for the Step By Step Learning Company. Ramsay was a Reading Specialist at Pleasant Valley School District, and was heavily involved in the implementation of the Step By Step Program in the School District. Ramsay testified that Carole Geary was a strong proponent of the Program. In fact, Geary also currently works for Step By Step. Ramsay worked closely with Mrs. Wolf as a Data Leader and on the Journey's Committee, where Wolf was a 'Core Trainer'. Ramsay also worked closely with Mr. Krebs who was the Principal of the Elementary School at the time. Despite her position, Krebs never told Ramsay that he removed Wolf as a Data Leader. Ramsay was sad for Wolf when she learned of the move, and testified that Wolf and Krebs versions of what happened at the meeting were

vastly different. Ramsay herself never believed that Wolf was negative or unprofessional in any dealings she had with her about the Step By Step Program. In fact, Ramsay insisted that Wolf stay on as the Core Instructor for the Journeys Program even after Krebs removed her from other programs.

## 9. JOHN GESISKIE

Mr. John Gesiskie testified before the Grand Jury on June 27, 2017 and was interviewed by First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass on August 1, 2018. Mr. Gesiskie has been employed for over twenty-five years in the Pleasant Valley School District as a Health and Physical Education Teacher. Gesiskie earned his Bachelor's Degree from East Stroudsburg University, two Master's Degrees in Health and Physical Education and Sports Management, also from ESU, and a third Master's Degree from Wilkes College in Technology.

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. 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.

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." 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 4:53 pm that day that the camera was disabled and removed by Krebs.

On Friday April 8, 2016, a meeting with faculty and Krebs took place in the Gymnasium of the Elementary School. About 40-45 teachers and staff were present. The meeting was set up quickly so Krebs could explain his actions. Mr. Gesiskie was present and opened the meeting. Erica Greer and Roger Pomposello were also present, but did not participate and stood apart from the rest.

At the meeting, Krebs repeated his earlier admissions including capturing audio. Krebs also stated that he would not promise that the District would not use the camera in the future. Following the meeting, it was clear that the issue was not resolved. Eventually, Gesiskie reached out to Russell Gould, then President of the School Board, visiting his home on occasion and providing him with documentation on the wiretap issue. Gesiskie also complained to the PSEA's regional lawyer and made multiple requests to meet the Board as a whole. Gesiskie also contacted the Pennsylvania State Police when it appeared that the Administration was not taking any action to rectify the situation.

Gesiskie believes that he first lodged his complaint with PSP Lehigh Barracks on or about April 29, 2016. The matter was assigned to Trooper Brandon Horlacher, as Incident Number PA2016-154726. On May 10, 2016, Horlacher interviewed Joshua Krebs, the interview was not recorded. Present at the time was Dr. John Burrus. During Dr. Burrus' Statement Under Oath of July 13, 2018, he testified that he made detailed contemporaneous notes of the Krebs police interview. Burrus testified that his notes reflect that Krebs admitted to hearing audio, but claimed it was muffled. This is consistent with Krebs' earlier admission to Faculty and directly contrary to Krebs' Grand Jury Testimony. Trooper Horlacher wrote a Report which is dated May 23, 2016.

Among the items received pursuant to subpoena was the Transcript and Exhibits of Krebs January 24, 2018, Loudermill Hearing. The hearing was prompted by Krebs' arrest on the Wiretap Violations. Exhibit B of the hearing purports to be a timeline of the Wiretap controversy, including interaction between Krebs and the State Police. The Exhibit was

prepared by Krebs, who apparently has made several different versions of it. In any event, Krebs claims he was told by Trooper Horlacher around May 19, 2016, that it was John Gesiskie who had gone to the State Police about the Wiretap violation. The Exhibit further provides that the Trooper allegedly warned Krebs that it appeared Gesiskie had a "vendetta." This is significant because at that very time frame, the Administration began the process of transferring Gesiskie involuntarily.

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. 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. 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.

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. 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. 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.

(ULP Statement of Charges)

Roger Pomposello testified before the Grand Jury on June 26, 2018. Pomposello is currently the Principal of the Elementary School. During the time period of the illegal wiretap and the transfer of Gesiskie from the Elementary School, Pomposello was the assistant principal. Pomposello was totally unaware that Krebs had placed the camera in the Faculty Break Room. He testified to the circumstances of learning about the camera from Mr. Gesiskie on April 6, 2016: "A phys ed teacher came up to and told me that there's a camera in the break room spying on people. I said, "what are you talking about? No, there's not. I know everybody" "Well I'm serious, Mr. Pomposello." I'm like, "John, no there's not." He literally grabs my arm—sometimes they call me P—he's like P, just please walk with me." So I walked there. Yep, it was on top of the vending machine. I was just like, holy cow, except I didn't say cow." (GJ 6/26/18 p 38-39). Pomposello was upset to find the camera there. "Why would there be a camera in the break room? I was a teacher for a long time. There's never cameras in the break room. You just don't do that." (id 39-40). Pomposello added that the area is one where there is an expectation of privacy; an area that wouldn't be under surveillance. (id at 45).

Erica Greer testified before the Grand Jury on June 26, 2018. Greer was the Principal at the Elementary School at the time of the Wiretap in April 2016. She too was unaware that Krebs was recording the Break Room. Greer found out about the camera when Pomposello

called her. Greer testified she told him to “unplug it.” Greer testified that she would have wanted to be told about Krebs plan to record the Break Room, adding that “maybe we could have avoided this whole situation from happening if, you know, it would have been discussed a little bit more.” (GJ 6-26-18 p. 136)

Not long after discovering the camera, Pomposello was made aware that Mr. Gesiskie was being transferred from the Elementary School. Pomposello was not happy:

Q. So what was the rationale given for the transfer of Mr. Gesiskie to, of all places, Vision Quest?

A. What I recollect on that—he’s a very good phys ed teacher—it was a central office issue.

Q. Who would have been responsible for that decision at central office?

A. I think the Superintendent.

Q. That would have been Ms. Geary at the time?

A. Yeah. She did all the moves and changes. If I got moved to another school, she’d be the one to tell me.

Q. Did Erica Greer describe any rationale for the move to you when she first told you about it?

A. No. Because I’ve observed him. I’m losing my powerhouse in there. I was not happy. She’s kind of well, it is what it is. He’s going there. I’m like “Okay.”

Q. I was just trying to figure out if there was an educationally-sound rationale to move him. How was that in the best interest of the school district?

A. That I can’t answer.

Q. Even if I asked you to engage in speculation, could you come up with one?

A. All I can say is – no. I mean as far as – I look at it (for the) very best interest of kids. It’s the reason I got into this.

Q. Yep.

- A. When I went in to observe him, reading, writing—he was doing a great job in phys. Ed. No, I can't say it was because of poor performance in the gymnasium. That's for sure.

(Id at p 67-68).

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. Pomposello was happy to have Gesiskie back for the last half of the school year. The decision made by Carole Geary to transfer Gesiskie appears to have been made in bad faith, not in the best interests of the School District, and designed to punish Gesiskie for his outspoken criticisms.

**ii. Cronyism**

**1. BETTY VANHORN**

On July 27, 2018, Betty Lou VanHorn provided a statement under oath to First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass. 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. 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. 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. 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.

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. VanHorn explained that a full time position would have afforded her benefits and a pay increase from \$9.30 an hour to \$15.02 an hour. The Official Notes of the 9/24/15 Board Meeting provide the following summary: "Ms. Betty VanHorn, Eldred Township, expressed her concern as a substitute custodian in the district regarding jobs being posted and substitutes not having a chance to attain the jobs. She stated that she has been employed here for several years and does not feel it is right that although she has applied for jobs, she has not been considered and that individuals with less experience are being considered. Ms. VanHorn expressed that she is speaking not only for herself but for several other substitutes." The Board did not approve Michele Palmer's hire.

A short while after, VanHorn telephoned Krebs to inquire if they were planning on further interviews. 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." 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.

Feeling that she now had nothing to lose, VanHorn went to the next Board Meeting. The Minutes of the October 8, 2015, Meeting provide the following: "Ms. Betty VanHorn ... stated she was in attendance at the last Board Meeting and expressed her concerns about substitute custodians not being interviewed and/or considered for jobs. She again expressed her opinion regarding the issue and in addition stated she was told by a district employee that she will never be considered for a job since she expressed her opinion to the Board at a public meeting. Solicitor, Mr. Corveleyn, addressed the issue and stated that her issue with one of the employees should be brought to the superintendent to be handled internally." Despite the solicitor's intercession, 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. (Minutes 9/8/16).

## 2. ELAINE ADAMS

On February 13, 2018, Elaine Adams was interviewed by Detective Wendy Serfass. Ms. Adams is employed as a Para Educator at the Pleasant Valley School District. Adams was hired full time in November 2003 and assigned to the Pleasant Valley Elementary School and remained there until she was transferred to the Pleasant Valley Middle School at the end of the 2008-2009 school year. Adams explained that her specialty is in one on one interaction with the students as an aide in the classroom setting. She will stay with a single student, on occasion all day, and assist his or her needs.

At the time of her transfer from the Elementary to the Middle School, Penny Derr was the Principal of the Elementary School and Josh Krebs was the Assistant to the Principal. In May 2009, a fellow teacher, Ms. Joan Bumbulski, had arranged for Adams to go on a blind date with a gentleman named Dale Lifer. Their destination was the Beltsville Bar and Grill. Adams recalled seeing Joshua Krebs and Rocco Seiler at the bar in the company of a young female, appearing to be in her early 20's, who was clearly intoxicated. Adams indicated that the trio was at the back end of the bar, up the stairs near a pool table area. While Adams was seated chatting with her date, she and Mr. Lifer observed the girl sitting on a stool with both Mr. Krebs and Mr. Seiler touching her inappropriately on her legs and chest. Adams recalled catching the girl's eye and remarked that she appeared "scared."

After this inappropriate conduct continued for a few minutes, Dale Lifer stated, "okay, enough." Mr. Lifer stood and walked over to where the girl was seated and took her by the arm, walking her to Elaine Adams. The girl was upset and, referring to Seiler, stated: "he used to be my teacher." Mrs. Adams walked the girl to the parking lot and made arrangements for

her to get a ride home. She described the girl as intoxicated, distraught and very upset. When Elaine Adams returned to the bar she noticed that both Joshua Krebs and Rocco Seiler had left.

In the days that followed, Elaine Adams communicated with Dale Lifer utilizing Facebook messaging and also her school district e-mail. Part of these conversations concerned the misconduct they had observed in the bar. A couple of days later, and while at school, Mr. Seiler reprimanded Elaine Adams for using her e-mail for personal use. In an interview dated June 22, 2018, Alex Sterenchok, the Tech Coordinator for the District, related that Seiler would have been able to monitor Adams' email usage, including the addresses of the various email contacts she had. A short time later, Penny Derr, Adam's Principal, called her down to the office and began questioning her about the incident at the bar. By the tone and types of questions being asked, Adams believed that Derr was covering for Mr. Krebs and downplaying the incident. For instance, she would frequently ask "are you sure?" when Adams described the misconduct she had seen. The meeting lasted between 45 minutes to an hour. At certain points in the meeting it appeared Derr was more interested in ascertaining what Mr. Krebs interest was in the young lady at the bar as opposed to the nature of his inappropriate conduct. To Adams, Principal Derr seemed more like she was jealous as opposed to an employer investigating allegations of misconduct. Penny Derr would later admit to investigators that she and Krebs had been intimate on several occasions. This relationship was also confirmed by Derr's longtime friend and coworker Vickie O'Rourke. However, during his Grand Jury Testimony, Joshua Krebs denied having an affair with Derr. During the meeting, Penny Derr suggested that perhaps Adams did not want to remain in the same building that Joshua Krebs was assigned and that perhaps she should write a note requesting transfer.

Adams explained that she really did not want to transfer, but felt very uncomfortable under the circumstances, and so after the meeting drafted an e-mail to Derr formally requesting the transfer as instructed. A copy of the e-mail and the subsequent board minutes approving her transfer were provided to investigators by Ms. Adams. The e-mail dated May 21, 2009, refers to an earlier conversation in Ms. Derr's office. "Per our conversation in your office today, May 21, 2009, at noon, I would like to officially request in writing my interest in a building transfer to the middle school or high school Life Skills program when a position

becomes available. Thank you. Elaine Adams.” The board minutes of June 11, 2009, approved Elaine Adams transfer from Pleasant Valley Elementary to the Middle School “effective for the 2009-2010 school year.”

Elaine Adams believed that she was not the only one who had observed the misconduct, that others employed by the school district were present. She believes that word of the misconduct spread, however, no effort was made to inquire into matters by the administration.

### **3. DALE LIFER**

Mr. Dale Lifer, a longtime resident of the District was interviewed on May 18, 2018 by Detective Wendy Serfass. Lifer related that he was present with Elaine Adams during the Wild Creek/Beltzville Bar incident involving Joshua Krebs and Rocco Seiler. Earlier that evening he recalled seeing the Trooper from the Pennsylvania State Police that was assigned to the District. Lifer recalls that although the Trooper was there earlier in the evening, he believed he left before the inappropriate behavior took place. Further investigation determined the individual was Rick Williams.

Lifer related that there was a bachelorette party taking place in the upper level of the bar. After the party started to die down at around 10:30-11:00 pm Lifer saw one of the girls from the party seemingly being forced into the corner of the room by two men. The girl was young, about 21 years old, and obviously intoxicated. According to Lifer, her eyes were rolling into the back of her head and she appeared “out of it.” The men appeared in their late 30s to mid 40s. One of the men was kissing the girl’s face and had his hands down her shirt while the other man was feeling up inside the girl’s skirt. The girl was clearly not able to consent to what was happening to her. Lifer remembers saying something to his friend, “looks like I will be getting into a fight,” and he then approached the men. As he approached, both men stepped away from the girl and made their way to exit the bar. He never saw them again. Lifer took the girl to his friend Elaine Adams. He remembers the girl being upset saying something about how one of the men had been her teacher. Both Lifer and Adams took the girl outside and helped her get a ride home. They both waited with her until her ride showed up.

Later that evening and into the following day, Lifer was told by several people, including Elaine Adams and another teacher friend of his, Joan Bumbulsky, that the men were employees



of the School District named Joshua Krebs and Rocco Seiler. Lifer was very disturbed and upset that educators would have treated the girl that way. His own daughter was sixteen at the time and a student at the Pleasant Valley High School. Lifer obtained the men's email addresses and sent them emails expressing his displeasure at their actions. Lifer also contacted the High School Principal at the time, John Gress, to complain about the men. Lifer felt Mr. Gress was more concerned with "C.Y.A." than really looking into things. Although Gress said he would get back to Lifer, and even received from Lifer the emails he sent to the men and their responses; Lifer never heard from him or anyone else from the Administration about the incident.

#### 4. ROCCO SEILER

Rocco Seiler was interviewed by First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass on July 31, 2018. Mr. Seiler also testified before the Grand Jury that day. Seiler's testimony was given under a grant of immunity by District Attorney David Christine and accepted by the Supervising Judge Margherita Patti-Worthington. Seiler testified that on the day of the bar incident he was at an administrator's house with Josh Krebs. They arrived at the BBQ after school and stayed until the sun was setting as best he could recall. He indicated all of the party goers were drinking alcohol. Seiler claimed that he became intoxicated at the administrator's house. He recalls being driven to the Beltsville Bar by Krebs. Seiler claimed his recollection of the events is incomplete. He does not recall any inappropriate conduct by him or Krebs but claims he does not dispute the accounts of his inappropriate behavior. Seiler remembers that somehow he ended up at Krebs' house and got a ride home at some point. Seiler did recall speaking to a few people who were at the bar after receiving the email from Lifer. He was embarrassed at his lack of recall and claims he sent the man, now identified as Dale Lifer, an email apologizing for his conduct. Seiler claims he was disciplined for the incident by Dr. Arnold by way of a "satisfactory" evaluation for that school year.

It should be noted that Brian Morgan, the Guidance Counsellor, was also questioned about his knowledge of the Bar Incident and Mr. Seiler's involvement. At the time Morgan and Seiler were close friends. Morgan related that Seiler admitted to him that he acted inappropriately by being intoxicated and "making out" with a girl.

## 5. RICK WILLIAMS

Rick Williams was interviewed on August 16, 2018, by First Assistant District Attorney Michael Mancuso and Detective Wendy Serfass. Williams is a retired Pennsylvania State Police Trooper. For several years prior to his retirement Williams was assigned as the School Resource Officer at the Pleasant Valley School District. After his retirement from PSP, Williams was hired by the District as a School Police Officer. Williams related that he was at Richard 'Doc' Marsili's house for an end of the year party. Several administrators were present at the function including Chris Fisher. At some point Williams saw both Krebs and Seiler arrive at the party. Both seemed to be under the influence even upon their arrival. Williams related that they were acting louder than usual and more unrestrained than normal. At some point near dusk, Marsili told everyone that the party was over and that they should leave. Krebs and Seiler followed Williams to the Wild Creek/Beltzville Bar. Williams had patronized the bar in the past as it was close to his residence and owned by friends. Williams stayed for a while. He recalled there being a bachelorette party going on and he remembers seeing and speaking to several people he knew there. Williams left the bar around 10:00 pm to the best of his recall and when he left, Krebs and Seiler were still there. Williams did not think they were more intoxicated when he left than they had been earlier at the party.

About a week later, Williams was called by Carole Geary to come to her office. When Williams entered the Central Administration Building and went upstairs, he noticed that Geary's door was wide open and he could see inside. As he approached, Williams saw Geary sitting behind her desk; Josh Krebs was sitting on the other side of the desk. Williams recalls that Krebs was red faced and appeared upset. Penny Derr was standing behind Krebs rubbing his shoulders and saying, "don't worry, honey, everything will be fine." Williams was aware of the rumors circulating that Derr and Krebs were having an affair. When Williams entered the room Derr let go of Krebs and everyone seemed to compose themselves at his arrival.

Carole Geary asked Officer Williams hypothetical questions. The questions had to do with the interpretation of criminal law, namely, can there be a crime charged if no victim comes forward? Can someone who is not a victim, for example, a witness bring charges? Williams was surprised by the questions. He had not yet heard of the misconduct at the bar. Neither Geary

nor anyone else in the room explained the basis for her questions. Williams answered as best he could, explaining that although complaints could be made, eventually for charges to be filed the victim would have to cooperate.

## 6. VICKIE O'ROURKE

Vickie O'Rourke provided a statement under oath on Tuesday, July 17, 2018, before Detective Wendy Serfass and First Assistant District Attorney Michael Mancuso. O'Rourke resides at 2251 Suburban Lane in Effort, Pennsylvania, with her husband Kevin. O'Rourke is currently employed as an Administrative Secretary for the Pleasant Valley School District. She works for the Math Supervisor, Shavonne Liddic, and the Reading Supervisor, Lori Hagerman. She's had this position for about three (3) years. All told, she has worked for about thirteen (13) years for the Pleasant Valley School District. She has worked as a monitor, a substitute teacher, a sub-para and a sub-secretary. She has worked under Dan Wunder when he was the principal at PVE and later Penny Derr.

Describing her relationship with Penny Derr, O'Rourke testified that they were very close, best friends both inside and outside of work. When Penny was the principal at Pleasant Valley Elementary, O'Rourke suspected that she was engaged in a romantic relationship with Joshua Krebs. At that time she was listed as an administrative sub under Penny Derr but was actually Penny's assistant. She noticed Penny and Josh were spending a lot of time together, and in October of that year O'Rourke questioned Derr about the relationship. According to O'Rourke both Penny and Josh were acting really weird so she had asked Penny point blank if they were sleeping together. Derr admitted that they slept together when they were out of town for a conference. O'Rourke believes the conference was in Hershey. Derr admitted to the affair sometime in October. On July 25, 2018, Penny Derr provided a statement under oath, admitting to her extramarital affair with Krebs. Krebs, during his Grand Jury testimony, denied he had an extramarital relationship with Derr. O'Rourke felt that Josh Krebs was taking advantage of Derr who was much older than he and had been going through a separation and divorce from her husband. At the time of the affair Josh Krebs was married to Jennifer.

O'Rourke believed the affair lasted on and off for a maximum of about two years. O'Rourke questioned Penny Derr about Krebs' actual feelings. She testified, "I think he kind of

used her to get ahead and I called her out and I told her I said I think he's just using you as a coattails kind of thing and it irritated me and then I think she started to see it more and then they kind of—she told him she was done, it was over and they would talk again I don't know if it ever went back again to that level but it felt on and off." (Statement Under Oath p. 15).

O'Rourke was questioned about her knowledge of the aftermath of the Beltsville Bar incident where Krebs and Seiler were observed inappropriately touching an intoxicated female at the bar. O'Rourke testified that Karen Jetty and Elaine Adams were the two that reported it. O'Rourke added that both Karen and Elaine were "put on the bus," after that and transferred out of the building. O'Rourke made a motion of quotations when she used the phrase "on the bus." O'Rourke explained that that was a slogan that they all use when they transfer people they do not want in a certain building for whatever reason. O'Rourke believes that Josh was mad at Adams and Jetty and that is why they were moved out.

O'Rourke described what it was like to be part of the inner circle with Superintendent Geary. She testified that she believed her friendship with Penny gave her "kind of almost like a inner circle kind of thing; like I was accepted by all of them." (Id at p. 17). When asked who was in this inner circle O'Rourke testified Chris Fisher, Carole Geary, Penny Derr, and Josh Krebs. Everybody seemed a little bit nicer towards O'Rourke as a result of her relationship with Penny. O'Rourke added that everything led to Chris Fisher. He made all the decisions behind the scenes and that Carole Geary really let Chris do everything. O'Rourke added that Chris could do no wrong in Carole's eyes.

During her friendship with Penny Derr the latter explained to O'Rourke what the "inner circle's" plans for the future were. According to O'Rourke, Penny would become assistant superintendent of curriculum, Ken Newman would be the personnel person, Josh Krebs would replace Chris Fisher when he retired becoming the director of support services, and Carole Geary would become superintendent. In order to effectuate the plan Josh had to serve a certain amount of time as principal before he could move up the ladder.

O'Rourke testified to her knowledge of the implementation of the Step By Step Learning Program (SBSLP) in the district. She was aware that the SBSLP people would help the district get grants so that the district could pay Step by Step. On the issue of perks or bonuses or

kickbacks, O'Rourke testified that administrators went out to Pittsburgh quite a few times. She believed the place may have been Seven Springs. O'Rourke also testified that SBSLP used Pleasant Valley District to try to sell their product, taking the data collected by the administration and teachers and using it in advertisements, promotions, and speeches. The administration was also hard on those employees who were critical of SBSLP. According to O'Rourke, Dawn Wisser, who did not like the program, received a transfer and then was accused of cheating on PSSAs. O'Rourke was also aware of the time when the contents of Wisser's office were boxed and moved without her knowledge.

Over the summer of 2016 O'Rourke was in a position to see firsthand the reaction of then Superintendent Geary toward the wiretap issue by Joshua Krebs. Contrary to her public statements concerning the matter, and her expressions of concern to the Board, Geary actually thought it was a joke. O'Rourke testified to an occasion where Geary decorated Krebs' office. "She thought it was a joke...did anyone tell you about the cameras in the - - because I worked there one day ...I looked down the hall and I saw Carole outside Josh's office. He wasn't there at the time. I don't know where he was, but she was laughing and I'm like "what are you doing? And she goes "do you have any cameras?" I said well, I have these flip cameras, because we had a couple of cameras, like video cameras that nobody used, and I went down and I looked and she said, "don't you tell anyone," and here she had pictures of, like, cutouts of cameras and stuff hanging from the ceiling and all these old cameras all over his desk." She did say that Josh Krebs did not think it was funny, but played it off as okay. She believed this occurred about a month or so after the event in the summer after school had let out. (Id at p. 30). Describing Geary's joke in more detail, O'Rourke said that she must have printed color pictures of cameras on line and they were hanging from strings from the ceiling with tape. It took some time because you had to hang them and there were cameras all over.

Concerning the present administration under Superintendent David Piperato, O'Rourke testified that she feels right now that the district, barring maybe two people is, "not a retaliatory district anymore like it used to be. I feel safe." (Id at p. 40) O'Rourke explained that she does not feel like her job is threatened anymore. She added that she even feels

comfortable standing up at a Board meeting without fear, adding that she would never be able to do that under Carole Geary.

O'Rourke testified to an occasion when she was working directly under Joshua Krebs as a "sub-secretary." She added that sometimes she would be there on her own time just staying to help them. O'Rourke admitted that she typed para-evaluations for Joshua Krebs. These para-professional evaluations numbered around 50 or so, and it was Krebs' responsibility to complete them. O'Rourke explained the works she did for Krebs as follows:

A: ...and I sat in his office, he shut the door because he was doing other stuff and I wrote. My verbiage is on their evaluations - - little blurbs like "Mary is just such an asset to our school".

When asked if she was told what to write, Ms. O'Rourke responded:

A: No, I kind of did that. I knew the couple that were bad I told him I wouldn't write. There were a couple that were not a favorable evaluation and I said I'm not writing those cause I'm not comfortable with doing that, that's not me, I could write nice things about people for days, so I'm okay with that side of things.

(Id at p. 46).

O'Rourke also admitted that she completed some of Krebs' personal education courses. "He (Krebs) was taking a class at the time for his principal...I did some work for him. I had to log his hours on some form and then write some stuff for him. I didn't have to. I was bored out at my desk and I did that". (Id at p. 47). O'Rourke added that it was an on-line course. It would have been Wilkes or California University where "Penny, Josh, and Ken Newman went for their superintendent's certificate." She believes that it took a couple of afternoons to complete the course work and a couple of days to do the para-evaluations. O'Rourke maintains that she did the work for Krebs out of friendship and not because he told her to.

O'Rourke was questioned about her knowledge of Diane Siani's treatment by the administration. O'Rourke testified that no one treated Diane nicely, that she was always doing stuff no one else wanted to do.

**B. Current Administration – Superintendent David Piperato**

As this Jury's investigation into the multiple claims involving the school district proceeded, concerns arose about the way in which the present administration was reacting to the investigation and its negative impact on the willingness of witnesses and victims to come forward without fear of retaliation. The statements and conduct include the speech given by Superintendent Piperato to the staff at the Elementary School following his Grand Jury testimony, Mr. Piperato's e-mail to the Board stating his opinion of the Grand Jury investigation and its motives, the substance of Mr. Piperato's testimony, his opinion that employee witnesses like Crystal Reph and John Gesiskie were not credible, and his initial decision to continue Joshua Krebs' active employment in the district in disregard of the wishes of the professional staff and in disregard to the potential for intimidation and retaliation. These actions by the Superintendent have all contributed to the concern that the issues which launched this investigation are not being remedied. In fact, in his "End of Year Report," Mr. Piperato complains that he was, "faced with many obstacles throughout the year, including a grand jury investigation, the leave of a key administrator (Joshua Krebs)...and numerous individuals attempting to undermine his efforts..." (End of Year Report 6/5/18). Instead of working with the Grand Jury to help it find facts and resolve longstanding problems, he has chosen to view this as simply an "obstacle."

A Board meeting occurred on January 25, 2018. Present at the meeting was Detective Wendy Serfass who had with her a brief statement approved by the District Attorney. Detective Serfass had alerted Board members that she would be speaking at the meeting to read the statement at the appropriate time. The statement read, in pertinent part, as follows:

“The Office of the District Attorney is currently investigating allegations involving past and present members of the school administration of the Pleasant Valley School District. The conduct alleged may involve criminal violations of bribery in official and political matters (18 Pa. C.S. 4701), threats and improper influence in official 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 Wiretap Act (18 Pa. C.S. 5701 et. seq.). If you believe you have information related to these matters, please contact Detective Wendy Serfass...all inquiries can be kept confidential.”

**i. Grand Jury Testimony**

David Piperato testified before the Grand Jury on January 30, 2018. Mr. Piperato is currently the superintendent of the Pleasant Valley School District, officially starting the position on July 10, 2017, replacing Carole Geary. Mr. Piperato has a Bachelor’s Degree from Bloomsburg, a Master’s Degree from Allentown College (now DeSales University), a principal certificate from Penn State University, requiring 21 credits beyond a Master’s Degree, and a superintendent’s letter from Lehigh University. Mr. Piperato explained that the principal’s certificate required a minimum of five years teaching (he had 11 years as a teacher) plus a Master’s Degree and 21 credit hours. The superintendent’s certificate required an additional 30 to 45 doctoral level credits beyond the principal’s certificate.

Mr. Piperato served 10 years as the principal of the Emmaus High School, East Penn School District. Prior to employment with Pleasant Valley School District, Mr. Piperato did know John Gress and Jake Percy through his prior employment at Emmaus High School. In February 2017, Mr. Piperato sent an application to become superintendent of the Pleasant



Valley School District. In March 2017, he was interviewed by the nine Board members. A second interview was scheduled and he appeared before the Board and Ken Newman.

Mr. Piperato testified that, "it became evident to me that the Board wanted to see a change in the direction of the district." He also indicated that there was a discussion about the "climate of the district." However, Mr. Piperato explained that the "climate" was a "morale problem" tied to the current contract. The faculty was feeling upset about the most recent contract because the cost for their benefits had increased dramatically. Mr. Piperato claimed to have no idea of the issues involved in this grand jury probe. According to Mr. Piperato he initially thought that if he could "rally the faculty and staff around a common mission," the morale problem would be resolved. He felt it was something that was "quite achievable."

In April 2017, the Board offered Mr. Piperato the superintendent position. Mr. Piperato did testify that before being hired he researched and found certain news accounts "related to the camera issue," by which Mr. Piperato was referring to the illegal wiretap.

Mr. Piperato views his role as superintendent as "supervising all the principals and directors who report to him or to someone he designates." He oversees the everyday operations of the school including transportation, food services, technology, special education, standard education, and athletics, among others.

Mr. Piperato testified that he was not familiar with emergency certifications being used in the Pleasant Valley School District. However, he testified that his understanding of the emergency certification process would require a showing that the district had exhausted all other resources and attempts to find someone properly certified.

Mr. Piperato explained and defined the power structure of the administration. The superintendent is at top of the pyramid. Immediately below him is the assistant to the superintendent, Ken Newman. Below Mr. Newman are the directors and the building principals. According to Mr. Piperato the principals are, "equals to the directors and they work collaboratively." The current directors are human resources, Dr. John Burrus, finance, Susan Famularo, and support services, Joshua Krebs. The principals include high school, Matt Triolo, middle school, Rocco Seiler, PVI, Cassie Herr, and elementary, Roger Pompasello, who is serving as an interim principal for Erica Greer currently on sabbatical, soon to be maternity leave. Immediately below the principal and directors are assistant principals, supervisors, and the athletic director. Piperato did note that several persons identified as "directors" should actually be titled supervisors. In total there are 28 administration employees.

After Chris Fisher retired, it was Mr. Piperato's understanding that some of his duties shifted to Ken Newman and John Burrus. Newman and Burrus kept some of the responsibilities before Joshua Krebs was appointed as the Director of Support Services. Mr. Piperato testified that he is aware of the Education Discipline Act requirement of mandatory reporting within 15 days for any educator who has been arrested or convicted of any crime graded as a misdemeanor or a felony. Mr. Piperato testified that he made a mistake by not reporting Joshua Krebs' arrest to the Department of Education. Apparently, Mr. Piperato was unaware that Mr. Krebs arrest was, in fact, reported to the Department of Education by Dr. Burrus, the Director of Human Resources. In fact, after his testimony Mr. Piperato sent an e-mail containing as an attachment the required notification to the Department of Education.

David Piperato spent much of his testimony defending his ongoing investigation into the wiretapping allegations. Piperato testified that he, along with Dr. Burrus and Attorney Michael Levin are conducting an "investigation" into the Joshua Krebs wiretap violations. Mr. Piperato testified that at the time of the wiretap violations in 2016 there was never a Loudermill hearing held for either Krebs or Sterenchok. Piperato felt that at a minimum he needed to go through a Loudermill Hearing.

When questioned about whether he was aware that Attorney Levin attempted to interview Crystal Reph, a Commonwealth witness whose statement was already made available to the school district. He indicated he was unaware. Later in his testimony, when shown an e-mail from Mr. Levin identifying Mr. Piperato as the individual requesting the additional interview of Ms. Reph, he remembered.

Mr. Piperato testified that Crystal Reph was recently investigated by the district, along with a Donna Jackiewicz, for allegedly obtaining an employment application improperly. He explained that, "an employee obtained records in an inappropriate manner, they were brought to a meeting. Ms. Reph and her associate (Jackiewicz) demanded answers for something within the records that they should not have had access." In any event, according to Mr. Piperato, Donna Jackiewicz was disciplined and her allegations went to a Loudermill Hearing. However, there was not enough evidence for Crystal Reph to be disciplined.

Mr. Piperato identified an e-mail dated January 26, 2018, from Attorney Levin to First Assistant District Attorney Mancuso. The e-mail was copied to Mr. Piperato. In it, Attorney Levin advises that both David Piperato and John Burrus are in charge of the "investigation," referring to the wiretap investigation being conducted by Mr. Piperato.

Pursuant to that e-mail, attorney Levin advised that "the district is not prepared to put him (Krebs) on leave." Mr. Piperato admitted that he made a decision not to put Joshua Krebs on leave at least while conducting his "investigation". Mr. Piperato testified that it would not be prudent for him to discipline Krebs unless, "new information was discovered."

When asked to define the scope of his investigation into the wiretap allegations, Mr. Piperato indicated he wanted to conduct a thorough investigation from top to bottom "alongside the legal investigation." Mr. Piperato could not describe what new facts he needed to finalize his investigation, indicating that the only things still pending in the investigation were the requested, "follow up conversation with Ms. Reph," and to speak to witnesses at the faculty meeting on April 8, 2016, where Krebs was present. When asked to define the legal standards he would apply to his decision making when his investigation was completed, Mr. Piperato answered that he had no legal definition when it comes time to make his decisions. He did indicate that he needed to determine the most likely thing that happened or who was the most credible.

Mr. Piperato became increasingly defensive during his grand jury testimony. At one point he testified that he did not believe Crystal Reph in her allegations that Joshua Krebs recounted to her what an employee said who worked the nightshift when the wiretap was in progress. He instead claimed that Ms. Trepiccione, the employee in question, said the same thing over and over for weeks on end. Mr. Piperato also testified that he did not believe John Gesiskie when he said that Mr. Krebs admitted there was audio captured as a result of the wiretap but that you could not hear it clearly. It should be noted that Mr. Gesiskie is only one

of several dozen individuals who recalled Mr. Krebs making that very statement to them during the gymnasium meeting on April 8, 2016.

Beginning on page 133 the following exchange took place:

Q: So you're going to make credibility determinations with respect to all the witnesses in the case before you finalize the investigation? And I only say that because that's kind of strange, and I'll tell you why. The other day Mr. Krebs waived his preliminary hearing. That act had legal consequences. That's in effect a finding that probable cause existed to support the charges. In any other situation I've dealt with, that finding by itself was appropriate and necessary and all that was needed for the imposition for some sort of suspension, administrative leave, pending the charges.

Compounded to that is the fact that various witnesses, also members of the school district, would then have to suffer the presence of the criminal defendant that they've offered evidence against everyday while this is pending. As a prosecutor – I think Detective Serfass made that statement as well – that's troublesome.

So it seems to me that you're going beyond a finding of probable cause trying to reach into credibility determinations, which Mr. Piperato, is for a jury to decide...so now this jury is dealing with a situation where they've heard many claims of official retaliation, favoritism, punishing people who might speak out. This seems to be – I don't think it's your intent, I don't think you're made that way, I could be wrong, it seems to be a continuation of that process, that culture, that we were hopeful that would be changed by your administration.

A: Right.

Q: So that's where we're coming from. I don't want to burn bridges with you, I don't want to have animosity with you and your administration, but you have to understand the contrary position.

A: I do.

(Id. at p. 133-135).

In defense of Mr. Krebs, Mr. Piperato testified as follows:

I've never witnessed him intimidating anybody in the six months I've been there. It's never been reported to me that he's intimidating anybody in the six months I've been there. I work with him every day. I'm not defending him. What I'm saying to you is my decision making process is pure. It's ethical. ...I'm going about this the way I believe is the right way to go about this. Not based on your case. Not based on what you're trying to achieve. What I'm trying to do for the district.

(Id. at p. 136).

Mr. Piperato appeared biased and one-sided in his evaluation of the facts; including his willingness to disbelieve Krebs' statements to the entire PVE Faculty on April 8, 2016. Other examples of his bias include the following:

A: ... how I operate is to try to get all the information and then make a decision accordingly.

Q: It sounds like you already made the decision with the administrative leave part.

A: I answered that.

Q: Second thing is do you believe Ms. Reph?

A: No.

Q: So you made a decision on her credibility already?

A: I made the decision on her credibility based on a lie that she shared with you about me.

Q: Okay. That you walked out of a meeting?

A: That I was intimidating her by walking out of the meeting.

Q: And leaving her alone with a criminal defendant that she

offered evidence against?

A: We didn't know that at the time.

Q: You didn't know Crystal Reph was one of the witnesses, this was after he was charged?

A: I don't believe it was after he was charged.

Q: Are you sure?

A: I'm not entirely sure.

(Id at p. 139).

It bears repeating that Mr. Piperato testified that he needed to interview Ms. Reph further to clarify certain issues and was not content to rely on the statement she gave to the District Attorney's Office, which was provided to attorney Levin.

Mr. Piperato also testified that he did not believe Mr. Gesiskie stating as follows:

Q: So let's go to Mr. Gesiskie.

A: Okay.

Q: Do you believe Mr. Gesiskie?

A: About that topic?

Q: Yes.

A: Give me the statement if you don't mind, Mr. Mancuso that he allegedly heard.

Q: That Mr. Krebs on more than one occasion admitted there was audio captured but that you really couldn't hear it, it was muffled.

A: I don't, I do not believe that.

It is important to note that Mr. Krebs made that statement to a gymnasium full of elementary school teachers on April 8, 2016. Many of the teachers have come forward and confirmed that to the investigators. Significantly, one count of the three perjury counts pending against Mr. Krebs involves that very same issue. Further, Dr. Burrus, the Director of Human Resources, testified that during the State Police interview Mr. Krebs admitted to hearing audio, but claimed it was muffled. Apparently, Mr. Piperato was unaware of what his own Director of Human Resources knew, the same person he identified as investigating the matter along side him.

**ii. Speech at Pleasant Valley Elementary**

On February 1, 2018, two days after his testimony before the grand jury, Mr. Piperato scheduled a faculty meeting at the Pleasant Valley Elementary School. At the meeting Mr. Piperato disparaged this Grand Jury investigation claiming it is not concerned with finding the truth, but only to secure enough evidence to make an arrest and seek a conviction. Mr. Piperato stated specifically that, "the DA's job and the detective's job is to get a conviction, that's their responsibility that's why they're paid and that's how they stay in their jobs, that's their goal to get a conviction." Mr. Piperato touted the motives of his own investigation stating, "ours isn't to necessarily push a conviction, it is to find the truth". Several teachers in attendance began to question Mr. Piperato. When asked by a female teacher whether having Mr. Krebs remain working in the district would make others feel uncomfortable in providing truthful information, Mr. Piperato claimed he decided not to put Mr. Krebs on leave because he did not have enough information to make a decision. He added, "in some ways and this is difficult for people to understand and the DA didn't like it, didn't like me saying this to him the



other day from the school district and discipline side the superintendent and board are judge and jury.”

Kristin Wolfe was present at the meeting. She also questioned Mr. Piperato’s decision not to put Krebs on leave. Mrs. Wolfe pointed out the unequal treatment the Krebs matter was getting as opposed to how staff would be treated. She said, “I think what you may be feeling is not a disagreement with the process, I think that what you might be feeling is that if this happened to us we would be put on leave until and then let the legal system take its course ... I think that we know, ‘boy, if this was me I would go out faster; I would be escorted out of the building’.” At that point many of those in attendance loudly applauded Mrs. Wolfe’s statement. Mr. Piperato grew defensive stating, among other things, “you don’t know everything I know about the investigation. So you’re applauding. None of you know what I would do with that case. Now I can tell you the past administration that’s absolutely what would happen. Right. So you’re responding to the way you’ve been treated here...”

Mr. Gesiskie also questioned Mr. Piperato as follows: “you’re talking about the charges the indictment has come down under your power. This person (now referring to Krebs) has access to 30 different cameras that have been put in this building. Now you tell me, you tell these people who have been victimized. We don’t have to be worried about somebody looking over our shoulder? Do these cameras not download to this gentleman’s office?” Mr. Piperato answered, “John, don’t cross-examine me.” Mr. Gesiskie responded, “I’m asking you a simple question, does he have it, yes or no?” Mr. Piperato replied, “be respectful, the cameras are fed into multiple computers, his included.” Shortly after that question Mr. Piperato terminated the meeting.

By letter dated February 5, 2018, addressed to Mr. Joshua Krebs signed by Dr. Burrus and copied to Superintendent Piperato, Krebs was placed on administrative leave with pay. This decision is in stark contrast to the stated position of Mr. Piperato, both during his grand jury testimony and the meeting with faculty at Pleasant Valley Elementary. It also occurred despite the fact that his "investigation" had not concluded.

**iii. Email Correspondence**

Following his grand jury testimony on Tuesday, January 30, 2018 Mr. Piperato sent an e-mail to Board members Wunder, Cocuzzo, Peeters, Yozwiak, Zacharias, Jecker, Kresge and Serfass under the subject, "concern with recent actions of your detectives." In the e-mail Piperato included the following:

My grand jury testimony today further convinced me that those in charge of the legal proceedings have no interest allowing us to move the district forward. Their only interest is to get a conviction. I was badgered for two hours today by the DA in front of the grand jury because we have not suspended Josh...he had nothing to say about Alex who was recommended for the same exact charges. Quite honestly, the DA tried to paint me as incompetent because we are following an investigative process in allowing the facts to determine our ultimate decisions. I held firm in my conviction that the process must be one of integrity. That requires us to hear all the evidence from all sides of the issue. The grand jury process does not require the same, and I was sure to point that out to Mr. Mancuso. Buckle up everyone ... this is going to be long and ugly. But we will overcome!

Pursuant to several subpoenas issued by this Jury, the investigators received multiple e-mails and text messages sent between the Superintendent and members of the School Board. In one e-mail from Superintendent Piperato dated Friday, January 26, 2018, and sent to Board members Mr. Piperato stated the following:

...first we were all obviously upset at the grand standing that took place on the part of the detective. Public comment at a school board meeting is intended to allow citizens to express concerns regarding

school related issues. It is not a forum for the DA to cast a net for witnesses for their fledgling case. Second, the detective has made it obvious through e-mail that she and the DA are not happy with the way we have conducted our investigation and our desire to follow due process. In a recent e-mail she stated criticized our handling of this situation and our restraint in not immediately suspending Josh Krebs. Interestingly, she never mentions Alex Sterenchock in any of her communications. I find it ironic considering the grand jury recommended the same eight charges be filed against both men. Apparently, she and the DA believe they may use discretion in this case but we are unable to do so. Quite frankly, I believe the detective and DA are attempting to bully us into suspending one of our employees...

Mr. Piperato went on to draft language he wanted to be sent to the local newspaper and had requested a response from the other Board members. The following day, Mr. Piperato sent an additional e-mail to the Board members which read, in pertinent part, the following:

I believe we need to continue to use our public voices to condemn this behavior. It is obvious there are many in the community doing just the opposite...fanning these flames and encouraging the DA and detectives to behave this way. We owe it to our students, teachers, and administrators to represent our outrage. Personally I am very concerned about my professional reputation. Those reading an article about past and present administrators don't know whether or not I am being accused of wrong-doing. I have worked for thirty-one years to establish a stellar reputation as an advocate for students and teachers. I will not allow the arrogance of these people to destroy my reputation just so they can "stick it" to our district. A number of you have been silent on this issue. I certainly hope that does not indicate your support of this behavior, or worse, your involvement. Put yourselves in my shoes, our teacher's shoes, our student's shoes. You all ... all nine of you ... have a responsibility to declare your outrage and work to salvage the reputation of our school district. Regardless of your personal feelings about Josh or the promises you made and continue to make to your constituents about getting "justice", this has gone far beyond a case of a camera...

(E-mail Piperato 1/27/18 12:05 PM).

There were multiple responses to Mr. Piperato's e-mails from various Board members agreeing with his statements. In one such response dated January 30, 2018, a Board member wrote:

...I share Dave's outrage and am genuinely shocked that more people (including the DA's Office) do not realize they are being used by a vindictive minority that is operating out a vendetta... Those behind the obvious orchestration of events and further, allowing public offices to be used to embarrass an ENTIRE school district, and THEIR school district as well, is more than upsetting. Everyone associated with PV and that includes ALL OF USE, is being maligned by the action of a vindictive few...

**iv. John Gesiske Grievance**

The belief that the school district is merely being attacked by a "vindictive few" and its reputation tarnished, without a basis allows for an environment that could subject potential witnesses to retaliation. In that regard, John Gesiskie's situation is an example. Mr. Gesiskie has been an outspoken supporter of the support staff and his fellow educators for many years in the district. He has been identified in numerous official documents, including the criminal complaints pending against Mr. Krebs, as a witness for the Commonwealth. Mr. Gesiskie has further been reelected to his position as president of the PSEA which puts him in direct view of the present administration. Superintendent Piperato has already testified that he finds Mr. Gesiskie to lack credibility. On February 26, 2018, Mr. Gesiskie was personally delivered a letter signed by John Burrus, Director of Human Resources, that read, in pertinent part:

Please be advised that we have received a complaint from an employee that the employee felt that you were trying to intimidate the employee with respect to testifying in the Krebs matter. We are not imposing any discipline at this time and are not forming any conclusions as to what you did in this regard, if anything. However, we want to ensure that work is for work and that other matters not be brought into the workplace. We're sure that you do not want to make co-workers feel uncomfortable. Consequently, you are directed not to talk about the Krebs matter at work to anyone. This will protect you from accusation of intimidation and will help ensure that others do not feel that you are intimidating them about these matters. If anyone comes to you at work to talk about it, you are directed to say that you cannot discuss it at work and you are to let us know who came to you at work. You are not to engage in any conduct at work that could be construed as or argued to be intimidation. Nothing in this letter is intended to interfere with your cooperation with law enforcement and

we expect all employees to cooperate with law enforcement. WARNING: YOUR FAILURE OR REFUSAL TO COMPLY WITH THESE DIRECTIVES MAY LEAD TO DISCIPLINE, INCLUDING DISMISSAL. Thank you for your attention in this matter.

Mr. Gesiskie filed a grievance to the above letter. The grievance was denied by a 5 to 4 vote of the Board during a meeting on April 26, 2018. In an e-mail sent by Mr. Piperato to the Board on May 3, 2018, he took issue with those who voted in favor of the grievance.

Apparently, the dissenting Board members, those who voted for Mr. Gesiskie's grievance, based their decision in part on the fact that the information they had available was limited to an "anonymous source." A pertinent part of Mr. Piperato's e-mail is as follows:

Also, moving forward I will be following your lead and the lead of three other board members who refused to consider the testimony of an anonymous source who is being harassed, intimidated, and bullied by one of our employees. In that case, you and three other board members would not consider that testimony and voted to allow a grievance to move forward while completely disregarding the behavior presented by the victim. Like the four of you, I will no longer consider any issues brought to my attention by unnamed sources, whether they are board members, members of the community, teachers, staff, etc. If board members wish to ignore important information presented by anonymous sources, I believe it would be prudent for me to do the same. All board members should be prepared to provide me the names of any sources if they want the administration to respond. Lets at least be consistent. What is good for board members is also good for administration. You cannot have it both ways.

After the denial of his grievance Mr. Gesiskie has requested arbitration and that matter is still pending.

On February 16, 2018, Detective Wendy Serfass interviewed Desiree Murray, an employee at the school district. Murray is a para-professional working in the Elementary School. Mrs. Murray indicated that she was the person who had photographed the camera on April 6, 2016 as it was operating on a vending machine in the faculty breakroom. She, in turn, gave the photograph to Mr. Gesiskie. Mrs. Murray was concerned that a private conversation

she had might have been captured by the camera. At some point, in the week of April 6, 2016, Mr. Krebs spoke to her claiming he did not record any audio. Murray told Detective Serfass that she felt that Mr. Gesiskie had pressured her to come forward, namely, Gesiskie told her that if she did not reach out to the detective she would receive a subpoena. Murray related that she thought about whether to come forward, and based in part on reading the account of Detective Serfass's appearance at the aforementioned Board meeting, Murray decided to come forward and share what she knew.

Desiree Murray was identified by Human Resources Director John Burrus as the complainant on the pending disciplinary matter against John Gesiskie. The information relayed by Murray to Detective Serfass, that she would receive a subpoena if she did not contact the detective, is far from the allegations of harassment raised in the letter to Gesiskie and the e-mail sent by Mr. Piperato to the dissenting Board members.

Roger Pomposello testified before the Grand Jury on June 26, 2018. The subject of Ms. Murray and any allegation she may have made against Gesiskie was brought up. Pomposello is the Principal in the Elementary School and would normally receive complaints such as those made by Murray for investigation. Pomposello testified that he came upon Murray who was speaking with a colleague, Val Rudawski. Pomposello overheard it and asked if there was anything she wanted to report. In speaking about Gesiskie and the alleged complaint of harassment Pomposello testified as follows:

Q. Are we speaking about Desiree Murray?

A. Yes.

Q. Did she ever complain to you directly about these allegations?

- A. Not directly. She complained to the Dean of Students Valerie Rudawski.
- Q. Okay.
- A. I learned it from that way but it was one of those -- they were like best friends, you know, gossipy. So I wanted -- are you complaining? No, no, no I'm not complaining. I'm just venting with Val. There's a big difference -- you know like once you put something on my desk, I need to address it.
- Q. So, Ms. Murray told you she wasn't complaining about this?
- A. When I -- it was in Val's office. I just happened to walk in.
- Q. Yes.
- A. And Val was more kind of wanted to bring it to my attention and Desiree didn't want to.
- Q. Okay.
- A. She didn't want Roger to know about anything. It was kind of like, you know, two employees not getting along kind of deal.
- Q. Right, right.
- A. But they didn't want to get the principal involved kind of deal. So that's pretty much where that went. ... it was a discussion I overheard with Val. She didn't want to do anything about it. That's all I remember about it.

(Id at p. 70-71).

Pomposello also testified that Mr. Gesiskie did talk to him about the issue, indicating that it was taken care of. Pomposello believed that the two had a conversation and they fixed

their relationship. To Pomposello's knowledge, there never was a formal complaint made by Desiree Murray.

It also appears that confidential communications created by Mr. Gesiskie in his role as President of the PSEA Union were provided to and disseminated by Superintendent Piperato to the Board members. Pursuant to multiple subpoenas, a copy of text messages sent to the Board by Mr. Piperato on May 21, 2018 were received. The message included a copy of a letter from Gesiskie including approved minutes from a Building Representative Council Meeting and General Membership Meeting. In the letter disseminated by Piperato to the Board is the following:

...as professionals we are always looking for ways to increase our students learning. For example, most of us wish we had more technology equipment and more remedial teachers working directly with the students. Those of you attending school board meetings and listening to presentations may have noticed that these wishes from our ranks are being turned into administrative requests to hire additional administrators to tell us how to better perform your job, rather than appeals to provide more direct help the students. This request for greater number of administrators is happening even as student enrollment numbers are dropping and the number of association positions is declining.

In some cases those same wishes for additional classroom resources appear to be contorted into appeals to change current assignments into collegial postings that possibly pit one association member against another.

Should you be asked to present information, meet with administrators and provide feedback in any manner please be careful in selecting your words so that you do not cast doubt on the ability of your fellow association members to do their jobs.

We can provide constructive feedback to administrators as to what is needed to benefit all students to show progress and success, without also simultaneously showing anything less than a unified supportive cohesive association.



Based on the foregoing we find that there is evidence suggesting that Mr. Gesiskie is being targeted by the present administration for improper discipline utilizing the anonymously sourced complaint of harassment. This behavior, although on a much smaller scale than what has been uncovered under the previous administration, nonetheless is similar in kind and needs to be addressed for the good of the school district.

It is important to add that although not unanimous, many professional staff have commented that there has been a change for the better under the present administration of David Piperato. The culture of cronyism, so rampant under the prior administration, seems to be becoming a thing of the past. There appears to be greater optimism and hope that in the future all administration decisions will be based truly on the best interests of the district and the students and not out of selfish considerations, cronyism, or other improper motivations.

**c. School Board of Directors**

As part of this ongoing investigation members of the Board of School Directors for the Pleasant Valley School District appeared before the Grand Jury to testify, provided sworn statements, or were interviewed by the investigators.

**i. LEN PEETERS**

The current Board's president Len Peeters testified before the Grand Jury on February 27, 2018. Mr. Peeters is regularly employed as a mortgage broker and lives in the Kresgeville area with his family. He has lived in the area since 1988. Mr. Peeters' involvement with the Pleasant Valley School District has been ongoing and pervasive. He began by volunteering with the Parent Teachers Organization (PTO), his children went through the school district and he

also served initially as a School Board member from 1991 through 1999. Peeters has experienced multiple different superintendents and school administrations at Pleasant Valley. Peeters appeared without counsel and answered all questions. He indicated that one of his most important responsibilities as a School Board member is to watch the expenses that are incurred stating, "we need to be a voice for the taxpayers." (NT 2/27/18 p. 10). Mr. Peeters stressed the importance of openness with both members of the public and employees of the school district. He would frequently be approached by members of the public and staff with issues occurring within the school district, then take that information and figure out the best way to address it. Peeters testified that the Board can only act when a majority of its members agree on an issue. As such, he will bring up issues with the superintendent and the members of the Board as a whole in order to address issues among the public and the staff. Concerning being approached by staff members, he frequently assured them that the information will be kept confidential and their identities not released. When asked why he felt it necessary to advise people of that, Peeters testified that there is a fear of retaliation among the employees of the school district.

Peeters expects the superintendent of the school district to report to the Board and keep the Board up to date on all issues within the school district, both positive and negative. Peeters testified that he is, as are the other Board members, dependent upon the superintendent for the flow of information from the school district. He added that he does not typically receive information from any other administrator, unless the superintendent designates another administrator for that purpose.

Peeters ran again for the School Board and was elected in December 2013. At that time the superintendent was Carole Geary. Peeters recalls the Unfair Labor Practice litigation filed by Dawn Wisser. Peeters testified that the controversy arose from Wisser's speaking out against the Step by Step Learning Program (SBSLP). Peeters testified that once he became aware of the program in the school district and the criticism of it, as along with the cost involved, he was committed to ending it. Peeters said: "it took two years to stop the program but it went from over 600 to over 200,000 before we got rid of it. So it dropped \$400,000.00. That's a lot of money." (Id at p. 70). Peeters did testify that the monies may have been covered by a grant but could not recall whether the grant was specific for the program or a kind of general grant for the improvement of education. Peeters recalled Dawn Wisser coming forward and discussing with Board members her criticism of the SBSLP. Peeters believed that the administration retaliated against Wisser for her criticism of the program.

He believes that the allegations against Wisser, that she had cheated on the PSSA tests protocols, were made up to retaliate against her. Peeters recalled that it took quite a while for Wisser to prove she, in fact, did not violate the test protocols. At one point, there was a vote to "stop the ULP." (Id at p. 41). Peeters voted in the affirmative to stop the litigation believing that Wisser was innocent of the charge. The vote did not carry, a 5 to 4 vote continued the litigation. Peeters testified that this incurred greater expenses and ultimately Wisser was vindicated as he expected. (Id at p. 41).

Peeters testified at length to the timeline of events surrounding the wiretap violations committed by Joshua Krebs in April 2016. Peeters testified that the board does not have the power to conduct its own investigation, but rather relies upon the superintendent's internal

investigation. However, Peeters did recognize that the Board does have the power to terminate an employee for misconduct. Peeters could not recall the time when the Board ever voted to go against the recommendation of the superintendent following his or her internal investigation. (Id at p. 40). Peeters testified to and criticized the investigation conducted by Carole Geary into the wiretap allegations. Peeters first heard about it when he received a message on April 8, 2016, from Joshua Krebs detailing the issue. The professional staff were complaining that nothing seemed to be done by Geary. "They felt they were violated, something happened there, and we as a board were doing nothing. And this continued for many, many months...Superintendent Carole Geary, started the investigation like six months later, and then they did a questionnaire to ask questions regarding the camera situation. To me, it was poor, in my opinion." (Id at p. 37). Peeters testified that based on his interactions with Geary, and the information that she had collected during her "investigation," there was no doubt that Krebs had captured audio, and he knew it. Peetes added, "I called our legal counsel because I wanted to get a legal person to get their—and I was told by Mr. Geiger that, yes, he had mentioned audio." (Id. at p. 152).

Mr. Peeters testified to his knowledge of the transfer of John Gesiskie. Peeters was a member of the School Board at the time the transfer issue for Gesiskie came up.

Q: This whole issue of transfer - - we've heard a lot of allegations that the district will employ this right of transfer in a punitive way to punish. Do you have any possible evidence of that?

A: I do. Some transfers I see are really obvious. You know, to me - - for example, of Mr. John Gesiskie, who was just newly elected as the president of the professional staff. He was transferred from a gym teacher at the Pleasant Valley Elementary

School to Vision Quest, which is off the school campus. It's a house where they teach students that are out of the regular system. They're kids that got in trouble. And that's where he was going. So here, brand new president, moves over. I also believe that this happened after the camera incident.

(Id at p. 129).

Peeters added that he was among the minority of Board members who voted against the transfer. He also brought up to the Board that he felt the motivation for the transfer by the administration was improper. (Id p. 129).

Mr. Peeters testified to his knowledge of the situation involving the custodian Betty VanHorn. "Betty VanHorn is a custodian that has been substituting for the district, and she had come up to the podium. Because we have an open mic for the citizens to discuss any matters that they want to bring to the Board. And I remember that she said that she was not getting a full time job because she had been black-balled by Mr. Krebs, who happened to be sitting right next to her when she was making this statement. She explained how her work was, how she should have been hired full time. And I encouraged the administration to hire our substitutes". (Id at p. 136). A newspaper account of the second meeting was read to Peeters who testified that it was an inaccurate account of the meeting. The newspaper account is as follows: "at Thursday's meeting, VanHorn addressed the board again saying that since her previous comments to the board, she had been called by her employer and had been expressly told that she was not to address the board. She added that she had been told that for having addressed the board already, she would not be considered for full time employment in the future. If she were to address the board again, she would not be called in as a substitute any longer. Board President Russell Gould then said "you should not have been told that." (Id at p. 137).

Peeters testified concerning a work modification or allowance granted to Jason Fisher, the head of the maintenance department at the time. Jason Fisher is also the brother of Chris Fisher. Although the event happened before he was a board member Peeters was aware of it. Basically, Jason Fisher had been charged with a Driving Under the Influence offense, and his operating privileges had been suspended. His job duties require that he have a valid driver's license. Ms. Geary advocated for a modification that would allow Fisher to have a driver from the district for the period of his suspension. (Id at p. 147-148).

Peeters testified to examples of nepotism involving past and present Board members. Peeters feels that in addition to the appearance of a conflict, the situation could arise where the superintendent or other administrator could use the nepotism as an issue to influence Board decisions. Peeters indicated that he would vote in favor of an anti-nepotism policy.

**ii. SUSAN KRESGE**

Susan Kresge testified under oath on July 26, 2018. She appeared with her attorney, Michelle Mintz. Mrs. Kresge resides in the Saylorsburg area where she lives with her husband, Dale. Mrs. Kresge has a degree in accounting and is retired from work in that field, including the bookkeeping department of the RKR Hess firm.

Mrs. Kresge was first appointed to the Board in 1998 to fill a vacancy, and has thereafter served continuously to the present time. At the time of her testimony she was starting her 21<sup>st</sup> year on the School Board.

Despite serving 21 years on the School Board, Mrs. Kresge did not have much information to add concerning the numerous allegations made by multiple individuals about the abuses of the administrations and similar issues. For example, she testified as follows:

Q. So you've seen a lot of administrations.

A. Yes, I have.

Q. Over the years

A. Yes.

Q. And you've seen, I assume, good and bad things coming out of the administrations during your tenure.

A. I don't know that I would classify them as bad things.

Q. Only good things?

A. I mean we've had bumps in the roads, but I don't know that we've ever had anything drastic.

(NT 7/26/18 p. 6).

Mrs. Kresge testified that she feels the current superintendent, David Piperato, is doing a good job. She believes it is time now, and in line with a one half percent tax increase, to "reinvest in our students, in education." (Id at p. 8). She is happy about the vision for growth in that direction demonstrated by Superintendent Piperato.

Mrs. Kresge was questioned about her observations of the interplay between the superintendent and all of the professional staff. She stated that the current superintendent has tried to be visible and has an open door policy, although she does not believe that his open door policy is different from that of the prior administration. When asked if she saw any difference between the two administrations, Mrs. Geary and Mr. Piperato, she could see no difference.

Mrs. Kresge was asked about whether or not Superintendent Piperato has ever discussed his opinion regarding the ongoing Grand Jury investigation with her. She testified as follows:

Q. Mr. Piperato, he had expressed opinions concerning the nature of the current investigation to multiple persons. Did he ever discuss with you his opinion of this ongoing Grand Jury investigation?

A. To me personally, no. To us as a board, I would say no.

(Id at p. 13).

Mrs. Kresge was asked if she had any knowledge of the continuing allegations covering multiple years of administration personnel retaliating against various staff for speaking out about things or criticizing things. Mrs. Kresge testified as follows: "as you know I've been a sitting board member for many years. This is nothing new to me, you know, to be heard and out in the community, you know, have I witnessed it, no. Have we transferred individuals, yes. Do I know if those transfers, if some staff members believe those transfers could be insinuated as retaliation? No one has ever come to me and said that to me." (Id at p. 17). Kresge added that she had no knowledge of any transfers being undertaken for improper reasons.

Mrs. Kresge was questioned about when she first heard of the wiretap violations of Mr. Krebs. Kresge first heard it from a phone call she received in April 2016 from Mr. Krebs. Kresge recalls the conversation because she was at a bowling tournament at the time. Concerning the subsequent investigation into the Krebs wiretapping Mrs. Kresge testified as follows:

Q. What, if any action did the board take?

A. We did not take any action. We've not taken any action.



Q. Okay, what was your opinion of the conduct that Mr. Krebs told you about?

A. My opinion was he made a huge mistake.

Q. Why did you feel that?

A. Because of the audio.

Q. Did you let anyone else know about your opinion starting with Mr. Krebs?

A. No I don't think so.

Q. Ms. Geary?

A. No.

(Id at p. 23).

Mrs. Kresge recalled the request made to the then Board President, Mr. Gould, to have the School Board sit for a presentation by the professional staff concerning the wiretap violations. Mrs. Kresge thought that the presentation was unusual. Repeating information similar to that provided by other Board members, Mrs. Kresge stated that as a School Board they must act as "judge and jury," and that for a professional staff member subject to discipline they would have to be careful as to what information they would hear. Mrs. Kresge claims that she was not comfortable having that meeting. She remembers that John Gesiskie, Dawn Wisser, Malcolm McKenzie, Chris Jarrow, and Kristin Wolf were present during the presentation. According to Mrs. Kresge, no real information or unknown information was received. There was no discussion of what, if any, action the Board would take, or even if there was a next step in the process. Although Mrs. Kresge testified that she believed the purpose of the meeting was for the staff to share, "their side of the story," she was unsure how they would

factor it into any decisions because they did not make any decisions. When asked why the Board did not act to make any decisions regarding the wiretap matter Ms. Kresge testified that she felt discipline was done and the State Police had provided a letter stating that there were no other charges going to be filed. (NT p. 27-28).

Mr. Peeters had testified that he had documentation including a letter from the Pennsylvania State Police dated to December 2016 indicating that the District Attorney's Office was still looking into the matter. Peeters testified that the documents he had, which he shared with the Board, indicated that the investigation was ongoing.

Mrs. Kresge refused to answer what if any discipline had taken place concerning Mr. Krebs. Her reason for not answering was that it was a personnel issue. Attorney Mintz, who was representing Mrs. Kresge, made the claim that whenever the board was in executive session and an attorney was present, the entirety of the executive session would be subject to the attorney-client privilege, which they were not willing to waive. This same reasoning was raised by Board members Robert Serfass and Daniel Wunder to refuse to answer questions. As a result, one of the Board members, Daniel Wunder, was required to come back and testify before the Grand Jury during the July 31, 2018, session.

### **iii. DANIEL WUNDER**

Mr. Daniel Wunder, a current member of the Pleasant Valley School Board testified under oath on July 26, 2018. Mr. Wunder resides in the Kunkletown area with his wife and is retired from school administration having served as a teacher and then principal within the Pleasant Valley School District. Mr. Wunder has a Bachelor's Degree in Education, a Master's Degree in History and a second Master's Degree in Education Administration. He retired from

the school district in 2008. In 2012 he ran for, and was elected to, the School Board. Mr. Wunder testified that his reason for becoming a member of the School Board was out of a civic responsibility. He believed that his background in education would be an asset to the position. Because Mr. Wunder and several other Board members had raised an attorney-client or executive privilege, and refused to answer questions. The purpose of said testimony was to create a record in which the Supervising Judge, the Honorable President Judge Margherita Patti-Worthington, could rule on said objections. Ultimately, Attorney Mintz agreed with the Commonwealth and Mr. Wunder testified before the Grand Jury without objection.

Mr. Wunder testified that he viewed the role of a superintendent as similar to that of a CEO or chief executive officer. Though the Board oversees the entire district, the superintendent runs the district. Mr. Wunder testified that the School Board has a, "direct oversight of a superintendent." (NT 7/26/18). However, Mr. Wunder believes that he or she should be given wide latitude in how the district runs.

Unlike other Board members, Mr. Wunder does not believe that there should be open communication between members of the School Board and the professional or support staff. "I think the Board should have limited discussion between the Board and the staff. There is a chain of command in place..." (Id at p. 7-9). Wunder reasoned that by not following a chain of command the role of a superintendent could be undermined. However, Mr. Wunder did admit that there is no rule or law that would prevent such contact. It was more of an, "administrative prerogative." (NT at p. 10).

Mr. Wunder remembers the presentation made by about eight of the teachers concerning their issues with the unlawful wiretap. He recalls taking extensive notes of the

information provided and asking the teachers if they could give paperwork, or copies of the paperwork, to the Board. Wunder recalled that the teachers did remove the names of other teachers mentioned in the paperwork because they were afraid of repercussions. Following the Board presentation, which occurred in the fall of 2016, a full six months after the illegal wiretap, the Board members drafted a series of questions, consolidated them, and gave them to Carole Geary who was to conduct research and provide answers. The questions were collected in early October 2016. However, there were no answers provided until the end of December, and it took an even longer time to gather all the Board members together to go over the findings.

Ms. Geary had told the Board that the State Police had assured her that there was “no case and they were dropping it.” However, the Board was also told that it was unknown what the District Attorney’s Office would do with the matter. When asked about what discipline, if any, was imposed on Joshua Krebs Mr. Wunder indicated that he was told it resulted in a lower performance rating. (NT p. 20).

Mr. Wunder testified that he felt strongly that Carole Geary needed to put the issue to rest. He recommended that she make a presentation to the faculty to indicate what findings were made and what investigation was undertaken. Mr. Wunder even drafted certain language that Ms. Geary used as part of her presentation. Mr. Wunder provided a document entitled “Closure to the Audio/Video Recording at PVE,” that he had provided Carole Geary for use as part of her presentation in the hopes of getting the matter “laid to rest.” (Id at p. 25).

Mr. Wunder testified that he believed that Carole Geary had been a very good superintendent. (Id at p. 21). However, when told that in the summer of 2016 she had made a

joke of the illegal wiretap by stringing up all kinds of photographs of cameras and laying cameras around Joshua Krebs' office, Wunder indicated that it was the first time he had heard it. (Id at p. 28).

Mr. Wunder described Krebs as a, "very loyal soldier," adding he does what you want him to do. He indicated that Penny Derr and Joshua Krebs had a very close relationship although he was unaware of any extra marital affair.

Mr. Wunder defended the transfer of John Gesiskie to the Vision Quest program. Although he was aware of a claim of retaliation, Wunder believes that the transfer decision was made because Mr. Gesiskie was the most suitable person for "dealing with tough kids." (Id at p. 41). Wunder added that Mr. Gesiskie had worked for him for a number of years at Pleasant Valley Elementary and was a good person for handling tough situations. Mr. Wunder added "in my own personal feeling, as Carole presented it to us as a board to vote, it was based purely on making a sound educational decision in the interest of the kids being served and the best to handle that situation." (Id at p. 42). Mr. Wunder did not recall any of the grievances being denied because Mr. Gesiskie was not being transferred to Vision Quest, but was instead going to the high school.

Mr. Wunder testified that he did not take Detective Serfass's public comments at a Board meeting well. He felt it was improper because there was a room full of kids and parents, and that the statement felt like it was "fishing." Wunder added that the superintendent, Mr. Piperato, was also not happy about the presentation. Mr. Wunder testified that he was aware of a visit made by First Assistant District Attorney Mancuso and Detective Serfass to Mr. Piperato in the summer of 2017 immediately prior to him becoming superintendent. Mr.

Wunder testified that he was also aware of a meeting Mr. Piperato had with the faculty and staff of the Pleasant Valley Elementary School following Mr. Piperato's Grand Jury testimony. According to Mr. Wunder, he had learned that the meeting did not go well because Mr. Piperato had been "challenged at the meeting." Mr. Wunder was referring to John Gesiskie countering Mr. Piperato's arguments. (Id at p. 47).

When told that Mr. Piperato made disparaging statements concerning the ongoing Grand Jury investigation, including that the District Attorney and detectives are only out to get a conviction whereas he, Mr. Piperato, was investigating the case to determine the truth. Wunder admitted that he did not know why Mr. Piperato made those statements. Mr. Wunder did try to explain Mr. Piperato's position, describing it as difficult because he had inherited a criminal investigation "against one of his own team members, one of his own administrators, a guy who is working under him, on his administration cabinet." (Id at p. 47). Mr. Wunder reasoned that Mr. Piperato could, "lose my team," if he disciplined Josh and, on the other hand, if he went too light on him that could have repercussions as well. (Id at p. 48). Mr. Wunder did state that it was his understanding that Mr. Piperato was advised by legal counsel not to fire Josh, not to do anything, just let it take its course. (Id at p. 48).

During his July 31, 2018, Grand Jury testimony Mr. Wunder said that Superintendent Piperato was doing a great job. He had taken over at a very difficult time following Ms. Geary's period as Superintendent. Mr. Wunder testified that:

...the man stepped into a very difficult situation. When he took over leadership in the district, we were right in the process of going into this investigation. We had fired our solicitor at the time or let them go. The support staff union has wound up, I guess, suing itself which is unheard of, I guess. There's a whole series of things he's walked into...I can't imagine anybody who's ever been hit with what he's been hit with in the State of Pennsylvania.

Mr. Wunder went on to testify that he believes that Mr. Piperato established himself as a person who wanted to change the culture of the district, "...restore it to one being positive and introduce transparency in his office."

Mr. Wunder also testified that he had difficulty determining exactly what responsibilities the Director of Support Services, formerly Chris Fisher, held. Mr. Wunder stated, "his (referring to Fisher) title was interesting in that it underwent several changes. So as his position in the district I don't want to say moved up but encompassed more things, his title in the end, I couldn't tell you what it was. It was Director of Student Services, Support Staff, or something like that. He was in charge of transportation, in charge of the cafeteria, a lot of things." Mr. Wunder added that people would see Chris Fisher on the same level of Superintendent Geary in terms of power and authority.

Over time, there was a general feeling on the Board that Superintendent Geary "didn't have a grip on things." Although Mr. Wunder testified that Carole Geary had the qualities of a good administrator and he believed her to be an honest person, in the end, he did not believe that she had a "full grip" on the leadership that you would want a superintendent to have. Among the major concerns was the Wire Tap incident involving the Pleasant Valley Elementary School faculty breakroom. Ultimately, Superintendent Geary was given the opportunity to, and did, resign.

Mr. Wunder testified that he received a telephone call from Joshua Krebs to advise him that he had put a camera in the faculty room, but was not told it had audio recording capabilities. He believes Krebs also contacted other Board members with the same information. This was after the fact and after the camera was removed. Mr. Wunder asked

Krebs if there was any precedent in the district for using cameras for security purposes in this way. Mr. Wunder recalls two separate incidents that cameras may have been used in a similar manner, however, neither recorded audio. The first camera was placed in another school building where stealing was alleged in an attempt to catch the thief. The second camera was placed after a cash box in the office that had been broken into twice. Both times the State Police were called, and the second time they had explored putting a camera nearby to see what was done. According to Mr. Wunder, a consensus of the Board had agreed that audio should never have been used in recording the break room. According to Wunder, even Carole Geary was "kind of dismayed to hear that."

Mr. Wunder recalled a presentation by several school teachers concerning the wiretapping of the break room. Wunder stated that the Board took notes and advised that they would get back to the teachers. The Board members were then asked to generate questions they may have for Carole Geary, believing that she would be the one to carry out an investigation. Eventually, Geary provided written answers to the questions. There was also a meeting where Carole Geary addressed the entire faculty in January 2017. Mr. Wunder testified that he had provided some ideas in writing to Geary for her address when meeting with the faculty. His feeling for doing so was that Geary needed to definitively address this matter and "put it to rest" by speaking directly to the staff.

Following Mr. Wunder's testimony, he provided further information that he had initially failed to recall. The information was sent to First Assistant District Attorney Mancuso by e-mail dated August 8, 2018. It reads as follows:

Upon further reflection upon the question to me as to "if I was aware of anyone who felt they had been reassigned because of retribution?"



Paraphrased, although I cannot validate the reasons for the reassignments, I felt the need to state that I recall that I was confronted in two instances by people who felt they were.

On or about the time I assumed my position on the board I was contacted by Cindy Fish an elementary special education teacher at Pleasant Valley Elementary School, that she being unfairly moved by Mr. Krebs. For reasons she felt retribution to another grade level assignment. She was being reassigned from working with kindergarten students and teachers to one of working with older elementary students. She asked for my intercession in reversing that move. I spoke to Mr. Krebs shortly thereafter and to my recollection was informed that she was moved as she had occupied that level of instruction for a considerable time and that he both wanted to move someone else into that position and use her expertise at another grade level. I called Cindy to tell her that I had addressed it with Mr. Krebs, made him aware of my concerns as to what I was told about the transfer, and that ultimately Mr. Krebs had the right of assignment. She remained upset. Within a year of that reassignment to the best of my recollection, the board was presented with a list of reassignments and Mrs. Fish's was on that list. I questioned Mrs. Geary about a reassignment just being made the previous year, and was informed by her that the second reassignment of Mrs. Fish as opposed to another available special education teacher was in the best interest of the students and instruction. In that scope of Mrs. Geary's knowledge and authority put her in the position to propose that reassignment, I let the issue go. Mrs. Fish was an experienced and effective elementary special education teacher with multi-grade level experience. There was nothing to support the questioning of the justification of those reassignments by me other than speculation and conjecture.

The second instance of someone approaching me with concerns about a transfer was Vicky O'Rourke. I believe at the time, this was prior to me being on the school board, Vicky served as a secretary and aide at Pleasant Valley Elementary. She felt she was transferred by Ms. Derr to the high school under circumstances that she questioned. I offered to join her in approaching Ms. Geary who I felt should be made aware of Vicky's feelings on this. Vicky did not want to approach Ms. Geary with me and let the matter go at that time. Mrs. O'Rourke also made me aware subsequent to that (I am unsure as to the sequence of events after 8 years) that Mr. Krebs had told her she was the lead candidate for a secretarial position in PVE and that she was his first choice. Vicky was upset when she did not get the position, feeling that Mr. Krebs had deceived her. I later supported Vicky in obtaining a position as a secretary in central office, which she holds now.

iv. **RUSSELL GOULD**

On Wednesday, June 27, and August 14, 2018 at 1:30 PM Russell Gould was interviewed by First Assistant District Attorney Michael Mancuso. Mr. Gould freely answered all questions posed and did not appear with counsel. Mr. Gould has served as a member of the School Board, including the position of president, for approximately 15 years. Mr. Gould is a lifelong resident of the Pleasant Valley School District and an alumni, graduating the high school in 1976. Mr. Gould played sports, including baseball and basketball. Mr. Gould is employed as a farmer and runs the family farm in Chestnuthill Township. Mr. Gould does not have a background in education, rather, his strengths are in the business world having been self-employed for many years.

Mr. Gould serves on the grievance committee and is required to approve or disapprove various grievances from the professional and support staffs. However, he only receives limited information from the administration on which to act. He has been told by solicitors representing the district that it would be improper for him to receive details in such matters including witness statements, reports, or even the identities of complainants. Len Peeters testified similarly, adding that they are told by solicitors that since they will serve as "judge and jury," they should not get that type of information for fear it would taint things later on. Mr. Gould stated that he has in the past, with prior superintendents, engaged in heated discussions when he needed more time to review documentation prior to indicating his approval. This occurred mostly in his capacity as a former Board president when he was required to review and approve various contracts.

Concerning the ability of district employees to meet directly with Board members, Mr. Gould was aware of some policy or written statement that some employees felt would not allow them to communicate directly with Board members. However, Mr. Gould does not believe that district employees could not contact the Board. Furthermore, over the years he had been involved in multiple meetings with school district employees who had issues concerning various allegations involving the administration. These included personnel matters, educational programs, and related matters. Mr. Gould would routinely, and upon request of various employees, bring these matters to the attention of his peers on the School Board for discussion. However, Mr. Gould was limited in what fact finding or investigation he, and frankly the Board as a whole, had the power and capability to conduct. For example, Mr. Gould recalled the complaints surrounding the Step by Step Learning Program (SBSLP) which had been in the district for many years. Mr. Gould received complaints from professional staff about the program, shared the information with his peers, and encouraged the complainants to come forward and air out the grievances. Mr. Gould personally contacted various school districts on his own to determine if they were pleased with the SBSLP. Mr. Gould reports that the several districts he did contact all indicated that they no longer used the Program.

Mr. Gould has heard allegations over the years of the administration's abuse of the power to transfer employees in retaliation for speaking out. Included in those accounts was the transfer of Dawn Wisser who had been critical of the Step By Step Program. Mr. Gould had voted with a minority of Board Members to accept her grievance of the transfer. Most of these issues resulted in litigation and the Board determined that the best course was to follow the advice of counsel in these various cases.

Mr. Gould expressed frustration over the tenure of former superintendent Carol Geary and its effect on the school district. Mr. Gould felt that Ms. Geary's role as superintendent was harmful to the district as a whole. Efforts were ongoing by him and other Board members to ensure that Superintendent Geary's contract would not be renewed. Mr. Gould believed that the best way to accomplish that would be quietly without controversy and without bad publicity harming the district. Mr. Gould was instrumental in ensuring that Superintendent Geary's contract would not be renewed and that she would be leaving the district. When asked to characterize her leadership style within the district, Mr. Gould felt that Ms. Geary's style was authoritarian and "bully" like.

Mr. Gould also noted some examples of cronyism under Geary's regime, including the case of Jason Fisher who was employed in maintenance. Fisher had lost his license when he was stopped coming from Lynn's Motel on a Driving Under the Influence charge. Mr. Gould vehemently opposed Superintendent Geary's plan to provide district transportation to Jason Fisher during the time his license was suspended. Mr. Gould simply stated that the job requirements called for Fisher to be a licensed driver in order to perform the duties of his position and clearly Mr. Fisher's revocation of operating privileges precluded his ability to carry out his job. Mr. Gould recalls Carole Geary claiming she discussed the issue with her solicitor, Attorney Levin, who approved of the arrangement. Significantly, Jason Fisher was thereafter discovered by school security to be allegedly operating a vehicle on the district grounds while under the influence of alcohol. Subsequent testing confirmed that although Mr. Fisher had alcohol in his system, it was below the legal limit. Fisher was placed on leave without pay and, prior to his scheduled Loudermill hearing, resigned. Mr. Gould was unaware of whether the

prior DUI arrest and the suspension of Fisher's operating privileges is documented in Fisher's personnel files. Jason Fisher is the brother of Chris Fisher, the former Director of Support Services who has recently retired. Chris Fisher was identified as a very powerful person in the administration who was very close to former superintendent Geary.

When asked why he continued to serve on the school board year in and year out without pay despite the frustration, Mr. Gould stated that he was always taught to give back to his community and felt that the school board position allowed him the opportunity to do so. Mr. Gould strongly identifies with the Pleasant Valley School District and as an alumni and someone who grew up in the district wants the best for the district and the students. Mr. Gould believes that the new superintendent, David Piperato, is helping bring positive change to the district. Mr. Gould is, however, frustrated that there is a split among the Board members, several of whom he believes are not giving Mr. Piperato a chance.

During the interview Mr. Gould was questioned about his written denial of a grievance filed by John Gesiskie, a Phys Ed teacher at the Elementary School. Mr. Gould did not recollect signing the denial of the grievance and requested a copy of the written denial to refresh his recollection. Following the interview, First Assistant Mancuso provided Mr. Gould with a copy of a letter dated June 28, 2016, on Pleasant Valley School District letterhead addressed to John Gesiskie, denying his grievance with the explanation that the district did not transfer him to Vision Quest as indicated in the grievance. Mr. Gould stated that the language was pre-written for his review and signature, and his denial of the grievance was based solely on the information provided by the administration through then Superintendent Geary.

v.      **ROBERT SERFASS**

Robert Serfass provided a statement under oath on July 26, 2018. Mr. Serfass is currently a member of the Pleasant Valley School Board. He is in his fifth year on the School Board, and has prior experience in serving on other Boards in the county. Mr. Serfass resides in Kunkletown and has been employed as a general contractor for many years. Mr. Serfass testified that over the years he had heard of complaints made by members of the staff that the administration was abusing the power to transfer or reassign. According to Mr. Serfass these rumors were known to him even before he became a member of the School Board. One of the examples testified to by Mr. Serfass had to do with Dawn Wisser's criticisms of the Step By Step Learning Program (SBSLP). Mr. Serfass recalls attending gatherings with Mrs. Wisser in attendance as well as several Board members including Russell Gould and Linda Micklos. However, he felt that the meetings were not productive, and that problems should be brought to the Board as a whole rather than one or two Board members at a time.

Mr. Serfass did look into SBSLP on his own by contacting several schools that were listed in various advertisements. However, none of the schools he contacted used the program. Mr. Serfass felt that the whole issue was very confusing, he felt, "totally lost". Other Board members started to question the cost of the program and its effectiveness. Part of the process involving the Board's oversight into the SBSLP was receiving anonymous letters from the staff. Mr. Serfass testified that the letters were anonymous because the teachers were afraid that they would be retaliated against should their names be made public. Eventually, they came to the decision that they would not be renewing the program. Mr. Serfass recalls that Superintendent Geary felt that the program was appropriate and should continue. Mr. Serfass

recalls that at some point Dawn Wisser was accused of violating a test protocol for a special needs student and had filed a grievance to that. He recalls the administration explaining that Ms. Wisser was allegedly caught violating the test. Mr. Serfass believed that the Board should rely upon the findings of its Grievance Committee, three selected Board members, to provide the input for the Board to make the decision. He felt that there should not be any deviation by Board members from the recommendation of the committee. However, Mr. Serfass was uncertain of exactly what information the Grievance Committee would have available in making decisions on staff grievances.

Mr. Serfass testified that he recalled John Gesiskie speaking to Board members individually, giving them information concerning his grievances. Mr. Serfass did not agree with that. However, he did add that perhaps there should be more information given when there is a grievance to decide. He added that the grievances seem to be coming from the, "same few people," all the time. Mr. Serfass believed that the Board does not hear directly from a grieving party when it decides the grievance.

Mr. Serfass did express confidence in Mr. Piperato, testifying that he was doing, "a fantastic job," at Pleasant Valley. He believes that the administration had a bad leader, referring to Carole Geary, but now things are being rectified. Mr. Serfass related that, "I think they're good people (referring to the present administration) they just had a bad leader and I think it has gone on for years. And myself, personally, I don't like hanging my dirty laundry out. Let's take care of it. You know people -- and it's hard to get rid of somebody at a school, which when I first got on the board we had a principal that I had issues with, and that goes back to Carole Geary again, but my comment -- I made a comment, then fire him. And Sue Kresge said

to me, she says, you have a lot to learn. This isn't how it works like in the real world. But that was another of Carole's boys she wanted to move up."

Q. Who are you referring to?

A. Todd VanNortwick

(Statement Under Oath 7/26/18 p. 70-71).

V. General Recommendations for PVSD

The Grand Jury recognizes that although the position of School Director is an elected position, it is an unpaid, part-time position. The often thankless job of School Board member requires increasing time commitments, the ability to work together for the good of the district, and the life experience and skills necessary to conduct effective oversight of the district. In this case, we recognize that the Board has been hindered by overzealous legal representatives, selective disclosures given by prior administrators, and a divide and conquer mindset utilized to advance individual agendas. With that in mind, we recommend that the Board as in all successful School Districts ask questions of everyone who has a stake in the success of the District; parents, teachers, administrators, custodians, as well as local business owners and community residents who do not have school age children but who pay taxes to support the District. The Board must also be prepared to scrutinize matters they are asked to vote on. The Board needs to carry forward the public's expectation of transparency in all matters and if any irregularities appear, the Board can turn to the Superintendent, during the public meeting, and request further explanation for everyone to hear without resort to unnecessary executive



sessions. In addition, the Board should follow the Grand Jury recommendations contained in this Report.

## **VI. Conclusion and Recommendations**

The Grand Jury acknowledges that the current Superintendent, David Piperato, has made positive changes in the District since his hire. The Grand Jury hopes that the conclusions, facts and recommendations embodied in this report are accepted by the Administration and Board for both to continue the work towards greater transparency, and meaningful oversight. To that end, we conclude this Report with the following recommendations.

1. **Board Training:** For new School Board members, require mandatory training on the power and duties of the School Board and its members. Such training should include ethics, the Sunshine Act, parliamentary procedure, budget issues, personnel issues, conducting due process hearings and other basic duties. Many Board members are elected with only rudimentary understanding of these basic issues. Additional trainings should be continued during the Board Members' terms of office and continuing education trainings should be mandated for all Board Members upon re-election.
2. **Transparency:** School districts must operate openly, not in secrecy. Important decisions for the school district should be made in public meetings with public input. The public should be advised at least three (3) days in advance of any items that will appear on a Board meeting agenda for public discussion. Excessive use of executive session to avoid transparency should not be condoned. Administrators must adhere to the highest ethical standards in their dealings with staff members, the Board, parents and children.

3. **Superintendent's Performance Evaluation:** School boards should develop a formal procedure for evaluating the superintendent which seeks input from all of the district's stakeholders: administrators, teachers, parents, community members, etc. More importantly, this input should be confidential to ensure that no one fears reprisals for their critique.
4. **Compliance Reports:** Every school district should have a compliance officer and a "tip-line". The compliance officer should report directly to the School Board, serving as an independent check on potential abuses by district administration. The compliance officer should have a law enforcement or investigative background, as well as a working knowledge of education law and school district policies. The compliance officer should create effective tools for receiving tips and complaints anonymously from the general public, school district employees, parents and any other interested parties which will allow them to report any potential wrongdoing. The compliance officer should be given the duty to investigate matters of concern on behalf of the School Board and shall be answerable to the Board and report directly to the Board any findings. The school administration should be required to cooperate fully with the compliance officer.
5. **Director of Support Services:** The Grand Jury calls for the permanent removal of Joshua Krebs from his position in the Pleasant Valley School District. Further, the position titled Director of Support Services should be evaluated for reconfiguration. Currently, the position consists of varied and inconsistent areas of responsibility. The departments currently managed by the Director of Support Services would be better served by

splitting them into more directly related and appropriate supervision. This would also remove the possibility of mismanagement of authority which has previously been seen.

6. **Educational Consultant:** To hire an Educational Consultant to conduct a climate survey and make recommendations for change within the District, as appropriate. The Educational Consultant shall be a disinterested third party not in any way affiliated with the Pleasant Valley School District. An educational consultant is generally a third party individual with significant educational experience who would be tasked with identifying problems and weaknesses within a school district and generate recommendations for improvement.

The Grand Jury requests that this report and presentment be made public, both to address the problems in the Pleasant Valley School District and to allow for all interested parties to have access to the information obtained over this extensive and long term investigation.

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November 12, 2018

**VIA FEDERAL EXPRESS**

The Honorable Margherita Patti-Worthington, P.J.  
Supervising Judge, Monroe County Grand Jury  
Monroe County Courthouse  
610 Monroe Street  
Stroudsburg, PA 18360-2115

**RE: Monroe County Investigating Grand Jury Report: Case No. 8/10-2017**

Dear Judge Patti-Worthington:

Pursuant to your correspondence dated October 12, 2018, enclosed please find the Response of Dr. John Burrus to the Report of the 8<sup>th</sup> Monroe County Investigating Grand Jury. Kindly allow this Response to be attached to the Report that is made part of the public record, as provided for in 42 Pa.C.S. § 4552(e).

Respectfully submitted, -

Mark E. Seiberling

MES/hb

Enc.

cc: Dr. John Burrus  
Shohin Vance, Esquire

{01670122;v1 }

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

IN RE: :  
 : NO. 8/10-2017  
THE EIGHTH MONROE COUNTY :  
INVESTIGATING GRAND JURY :  
 :

RESPONSE OF DR. JOHN BURRUS  
TO REPORT OF THE GRAND JURY

TO THE HONORABLE MARGHARITA PATTI-WORTHINGTON:

John Burrus, Ed.D., by and through his undersigned counsel, hereby submits this Response to the Report of the Eighth Monroe County Investigating Grand Jury (the "Report"), to be attached to and made part of the Report before its publication, pursuant to 42 Pa.C.S. § 4552(e). Dr. Burrus appreciates this opportunity and, in the interest of brevity, will focus only on three aspects of the Report. First, a substantial majority of the Report relates to allegations and events that predated Dr. Burrus' tenure at the Pleasant Valley School District. Additionally, Dr. Burrus' role in two specific incidents mentioned in the Report require additional clarification and explanation.

Dr. Burrus' Professional Background

Dr. Burrus began his teaching career at Pleasant Valley School District in 1990, when he obtained an Emergency Permit and worked as a substitute teacher. Over the course of the next few years, Dr. Burrus discovered his affinity for teaching and decided to affect a career change from horticulture. To that end, in 1995, Dr. Burrus obtained his Teaching Certificate from East Stroudsburg University and accepted a job as a full-time teacher at Bangor Area School District. Recognizing that his skills could be useful not only in the classroom, but also in administration,

Dr. Burrus obtained a Master's degree in Education in 1999 and a Principal's Certificate in 2000. During that time, Dr. Burrus continued his professional development in the field of education by matriculating at the Indiana University of Pennsylvania, where he obtained a Superintendent's Letter of Eligibility in 2009, and a Doctor of Education degree in 2011.

In May 2014, Dr. Burrus was named the Director of Human Resources for Pleasant Valley School District – a position which he holds today. Since that time, Dr. Burrus has continued to pursue his educational interest by enrolling in DeSales University's Masters of Business Administration program.

#### **Dr. Burrus' Tenure at the Pleasant Valley School District**

Because the Report spans over a period of several years and multiple School District administrations, it is important to highlight that a careful review of the Report demonstrates that a significant majority of its contents predates Dr. Burrus' tenure at the Pleasant Valley School District. Indeed, only a minor portion of the Report relates to human resources matters that occurred after May 2014, when Dr. Burrus became the Director of Human Resources for the School District.

#### **Joshua Krebs Investigation**

With respect to the School District's response to the wiretap allegations lodged against Joshua Krebs, the Report suggests that the School District and its administrators had launched one or more internal investigations into the incident, in which Dr. Burrus may have been involved. *See* Report at 65-67. However, as Dr. Burrus conveyed in his extensive testimony, under oath, to investigators, he has no knowledge of – and has never participated in – any such internal investigation allegedly undertaken by the School Districts, its administrators, or its legal counsel. Dr. Burrus' involvement in the Krebs matter consisted solely of: (a) being present for

an initial interview alongside the Pennsylvania State Police after the allegations were first lodged against Mr. Krebs; (b) helping to provide written answers to a series of questions provided by a union representative for teachers at the School District; and (c) submitting a report to the Pennsylvania Department of Education, as required by the Educator Discipline Act. *See* 24 P.S. § 2070.9a; *see also* Report at 65. In sum, to the extent the School District or any of its administrators or legal counsel conducted their own internal investigation into the Krebs matter, Dr. Burrus had no involvement in it.

**John Gesiskie**

The Report cites the School District's handling of an incident between Desiree Murray and John Gesiskie, during which Mr. Gesiskie allegedly "pressured" Ms. Murray to "come forward" and testify before the Grand Jury, as an example of alleged retaliatory conduct undertaken by the School District. Report at 76. The Report, however, omits certain key facts critical to fully understanding Dr. Burrus' actions relative to Mr. Gesiskie.

By way of background, as the Report notes, Mr. Gesiskie's grievance pertains to a February 26, 2018 letter (the "February 26 Letter"), which was signed and delivered by Dr. Burrus advising Mr. Gesiskie that an employee – who was later identified as Ms. Murray – had lodged a complaint against him. According to the February 26 Letter, Mr. Gesiskie had been accused of "intimidat[ing]" an employee to testify regarding Mr. Krebs. *See* Report at 75-76. Notably, the Report does not dispute the occurrence of the incident described in the February 26 Letter. To the contrary, the Report offers testimony from both Ms. Murry and Roger Pomposello, who was the principal at the Elementary School where Ms. Murray taught at the time, corroborating Dr. Burrus' general understanding of the exchange between Mr. Gesiskie and Ms. Murray.

But the Report's primary concern with the February 26 Letter appears to be a linguistic difference regarding the choice of adjectives. Specifically, the Report acknowledges that Ms. Murray provided a statement to Detective Serfass "stating that she felt that Mr. Gesiskie had *pressured* her to come forward," but maintains that this account does not support the allegations of "intimidation" made in the February 26 Letter.<sup>1</sup> Report at 77 (emphasis added). However, the Report's rebuke in this respect, is problematic, particularly as it relates to Dr. Burrus. Indeed, it is difficult to perceive a meaningful distinction between "intimidating" and "pressuring," as used in the present context. Of course, these terms are not interchangeable, but neither the common usage of these words, nor their dictionary definitions reflect a substantial difference.

The linguistic precision of the letter notwithstanding, however, Dr. Burrus' transmission of the February 26 Letter was also appropriate because he was acting upon the advice of counsel, and based on the belief that the Monroe County District Attorney's Office had approved the correspondence in its entirety. Specifically, because Dr. Burrus understood the importance of the ongoing grand jury investigation, after he was made aware of the exchange that is the subject of the February 26 Letter, Dr. Burrus sought input from legal counsel for the Pleasant Valley School District in formulating an appropriate response. Said legal counsel subsequently supplied the substantive language of the February 26 Letter and indicated that it had been approved by the Monroe County District Attorney's Office. As such, Dr. Burrus, relying upon representations made to him by legal counsel, delivered the February 26 Letter to Mr. Gesiskie under the

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<sup>1</sup> Notably, although in disputing the February 26 Letter's characterization of the incident the Report suggests that it accused Mr. Gesiskie of "harassment," a careful review of the relevant passages of that correspondence shows that it was couched in terms of "intimidation," rather than "harassment." *Compare* Report at 77 ("The information relayed by Murray to Detective Serfass, that she would receive a subpoena if she did not contact the detective, is far from the allegations of harassment raised in the letter to Gesiskie and the email sent by Mr. Piperato to the dissenting Board members."), *with id.* at 75-76 (quoting the February 26 Letter).



impression that the Monroe County District Attorney's Office considered it an appropriate means of addressing the issue. Indeed, emails produced by Dr. Burrus in response to a Grand Jury subpoena (attached hereto as Exhibit A), support Dr. Burrus' honest and reasonable belief that both the School District's legal counsel and the Monroe County District Attorney's Office had approved of the February 26 Letter prior to it being delivered by Dr. Burrus.<sup>2</sup>

### Conclusion

Throughout his career, Dr. Burrus has consistently demonstrated his commitment to education and has always adhered to the highest degree of professional conduct. Moreover, Dr. Burrus is mindful of the benefits of increased transparency and public input, which is why he has cooperated fully with the Monroe County District Attorney's Office and will continue to do so in the future. Although the Report stops well short of improperly accusing Dr. Burrus of wrongdoing, it omits certain key facts necessary for a more developed understanding of the problems outlined in the Report. Dr. Burrus trusts that this Response will further that salutary objective.

Respectfully Submitted,



Mark E. Seiberling (No. 91256)

Shohin H. Vance (No. 323551)

KLEINBARD LLC

Three Logan Square

1717 Arch Street, Fifth Floor

Philadelphia, PA 19103

*Attorneys for Dr. John Burrus*

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<sup>2</sup> Of course, Dr. Burrus does not purport to have knowledge of the details of every discussion that transpired between legal counsel for the Pleasant Valley School District and the Monroe County District Attorney's Office. He can, however, attest to the representations made to him and his understanding thereof.

# EXHIBIT A

**Burrus, John T.**

---

**From:** Mancuso, Michael <MMancuso@monroecountypa.gov>  
**Sent:** Monday, February 26, 2018 6:34 PM  
**To:** mlevin@levinlegalgroup.com  
**Cc:** Christine, David; Bentzoni, Wendy; Burrus, John T.; Piperato, David  
**Subject:** John Gesiskie

Hi Mike

Today Mr. Gesiskie received the letter you apprised me about. It was handed to him by Dr. Burrus who also told him that you and I drafted the letter! Of course, nothing of the sort happened. The misinformation clearly was designed to create the false impression that my Office somehow endorsed the Administration's decision to impose discipline on a vocal member of the professional staff who already may have suffered retaliation for speaking out against an administrator's alleged illegal conduct. I hope you realize the full ramifications of this.

I am also intrigued by the potential for abuse that the letter creates for anyone who has animosity toward Mr. G. I speak in particular about the directive that he report to the administration anyone at school who attempts to discuss the investigation with him. In essence even the slightest or most passing reference would require him to rush to the administration to report the deed. Otherwise, he could suffer termination.

We don't appreciate witnesses being thrust into such a potentially intimidating position. Indeed, we have previously requested that Mr. G let potential witnesses know we would like to speak with them. Your letter references that nothing in it be construed to infer that it applies to his cooperation with our investigation. In an effort to reconcile this conflict in the provisions of your letter, the mandatory reporting to the administration by Mr. G needs to be removed. Please advise. Thanks MMancuso

Sent from my iPhone

This email and any attachments are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any use or disclosure of this information is strictly prohibited. If you have received this communication in error, please reply to the sender so that proper delivery can be arranged, and please delete the original message and any attachments from your mailbox. Thank you for your cooperation.

**Burrus, John T.**

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**From:** Mancuso, Michael <MMancuso@monroecountypa.gov>  
**Sent:** Wednesday, February 21, 2018 2:26 PM  
**To:** Michael Levin  
**Cc:** Burrus, John T.; Piperato, David; Christine, David  
**Subject:** Re: Krebs Matter

Hi Mike

I have looked at the changes to the draft letter you have proposed. I like the use of the red highlight to show the changes and suggestions. I find the letter acceptable and do not oppose any of the language you have selected. Once again thank you for your cooperation in this matter. If you have any other questions or comments or need anything further please do not hesitate to contact me.

As an aside I am still waiting for the Department of Education paperwork that Dave said was filed in the Krebs matter. I need that paperwork and any attachments. Please let me know if you can get that to me. Thanks MM

Sent from my iPhone

On Feb 21, 2018, at 1:50 PM, Michael Levin <[mlevin@levinlegalgroup.com](mailto:mlevin@levinlegalgroup.com)> wrote:

Dear Mike:

Please see my comments in red font below.

*Michael J. Levin*

Levin Legal Group, P.C.  
1301 Masons Mill Business Park  
1800 Byberry Road  
Huntingdon Valley, PA 19006  
(o) 215-938-6378  
(c) 215-913-0363

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**From:** Mancuso, Michael [mailto:MMancuso@monroecountypa.gov]  
**Sent:** Wednesday, February 21, 2018 11:25 AM  
**To:** Michael Levin <mlevin@levinlegalgroup.com>  
**Cc:** Burrus, John T. <burrus.john@pvbears.org>; Piperato, David <Piperato.David@pvbears.org>; Christine, David <DChristine@monroecountypa.gov>  
**Subject:** Re: Krebs Matter

**Mimecast Secure Message – Highly Sensitive Content**

Maintain the message's security by replying via the Mimecast Secure Messaging web app, or selecting the 'Send Secure' option in a Mimecast Application.

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Hi Mike

Thanks for the follow up email dealing with the allegation made against Mr. G. I certainly agree that any allegation of intimidation must be taken seriously. After all, such an act goes to the heart of our concerns that we are not hampered in our continuing investigation. Rather, we want all potential witnesses to feel free and comfortable to discuss whatever information they think may be pertinent to the case and/or investigation. **[Michael Levin] The District agrees completely.** Indeed, one of the issues we are investigating deals with whether people have already been intimidated for speaking about alleged impropriety or misconduct. **[Michael Levin] You have previously made this known to the District and this is why I am reaching out to you to make sure that the District does not do anything that can be argued to be intimidation.** This would include Mr. G in that category of potential victims.

That being said I have no problem with the language in the proposed letter to Mr. G with the exception of the prohibition that he is never to talk about the Krebs matter. **[Michael Levin] The prohibition is not "never", but only at work.** We have found this type of prohibition can hamper our efforts to continue to work and collect information. Certainly Mr. G, as well as any other person, shouldn't be doing extensive communication about these things during work hours. However we believe there is such a fine line between bringing something up/ being approached etc. that such a prohibition will have a chilling effect. **[Michael Levin] From a labor point of view, it is not unusual to prohibit employees from discussing things at work. Employees are supposed to be working, not chit chatting about things that may make people feel uncomfortable.**

I would recommend that to you delete that sentence of the letter and end with the admonishment that he is not to engage in any conduct at work that could be construed to be intimidation. **[Michael Levin] The District would prefer is no one spoke about Krebs matter at work. A bright line prohibition is preferable from a management prospective to trying to figure out if speech crosses the line into intimidation. However, to try to address your concern, I have added some language. See below and the red font which is the new language.**

Once again thank you for continuing to work with us in this difficult and sensitive investigation. **[Michael Levin] The District appreciates the difficult and sensitive nature of this matter.** If you have any other questions or concerns please do not hesitate to contact me. Thanks MM **[Michael Levin] Let me know if we can send it as modified below.** Thanks.

Sent from my iPhone

On Feb 21, 2018, at 10:42 AM, Michael Levin <mlevin@levinlegalgroup.com> wrote:

Dear Mike:

In follow up to our telephone conversation about a complaint by an employee that she felt that Gesiskie was trying to intimidate her, the directives letter that I would recommend be sent to him is as follows:

"Dear Mr. Gesiskie:

Please be advised that we have received a complaint from an employee that she felt that you were trying to intimidate her with respect to testifying in the Krebs matter. We are not imposing any discipline at this time and are not forming any conclusions as to what you did in this regard, if anything. However, we want to ensure that work is for work and that other matters not be brought into the workplace. We are sure that you do not want to make co-workers feel uncomfortable. Consequently, you are directed not to talk about the Krebs matter at work to anyone. [Michael Levin] This will protect you from accusation of intimidation and will help ensure that others do not feel that you are intimidating them about this matter. If anyone comes to you at work to talk about it, you are directed to say that you cannot discuss it at work and you are to let us know who came to you at work. You are not to engage in any conduct at work that could be construed or argued to be intimidation. [Michael Levin] Nothing in this letter is intended to interfere with your cooperation with law enforcement and we expect all employees to cooperate with law enforcement. Warning: Your failure or refusal to comply with these directives may lead to discipline, including dismissal."

Mike, let me know what you think. Thanks.

*Michael I. Levin*

Michael I. Levin  
LEVIN LEGAL GROUP, P.C.  
1301 Masons Mill Business Park  
1800 Byberry Road  
Huntingdon Valley, PA 19006

Cell Phone: 215-913-0363  
Office Phone: 215-938-6378  
Office Fax: 215-938-6375

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## **Burrus, John T.**

---

**From:** Mancuso, Michael <MMancuso@monroecountypa.gov>  
**Sent:** Thursday, March 8, 2018 2:08 PM  
**To:** Michael Levin  
**Cc:** Burrus, John T.; Piperato, David; Christine, David; Bentzoni, Wendy  
**Subject:** Re: Pleasant Valley School District and Gesiskie

Hello Mr. Levin

I am responding to your email of March 6, 2018 concerning the proposed revised letter you had sent. In your reply you had stated the position that you will not remove the warning language calling it a "standard labor requirement". You also indicated that you would not change the language for Mr. Gesiskie.

I can appreciate the fact that the language warning the recipient of further disciplinary action, including possible termination, is standard for letters of that sort. However I don't believe that you ever had a labor law situation where you have requested a district attorney's office to supervise an employee's conduct; which may then result in his discipline. I sure don't think that is a standard labor law situation.

You are entitled to your position. I believe we have made ours very clear. We remain quite concerned about the real possibility that Mr. Gesiskie is a victim of past retaliation and there exists the threat of his being victimized again as a result of his outspokenness in this pending criminal investigation and proceeding.

At this juncture and after consultation with the district attorney, our office is not willing to monitor compliance with the directives set forth in your letter. Therefore we will not be engaging in any process that would interject our office into the disciplinary matters currently being raised.

Additionally, if there is a complaint against Mr. Gesiskie alleging intimidation or something similar, please forward the information to Detective Serfass for an appropriate investigation. We take any allegations of intimidation very seriously and are anxious to look into it.

If you have any other questions please advise. Thank you MMancuso

Sent from my iPhone

On Mar 6, 2018, at 6:36 PM, Michael Levin <[mlevin@levinlegalgroup.com](mailto:mlevin@levinlegalgroup.com)> wrote:

Dear Mike:

Thanks for your email. We will not be removing the warning. The warning is a standard labor law requirement. It is contained in every directives letter that my firm prepares for school districts—and we do a lot. The rationale for such boilerplate is that arbitrators require employees be given forewarning of disciplinary consequences if a request or directive is to be deemed to be enforceable. The language is not being changed for Mr. Gesiski. Indeed, his union representative did not even ask for that to be removed. I trust that you understand our position. If you want to talk further about it, feel free to give me a call.

Thanks for your review of our letter and your comments.



Michael I. Levin  
Levin Legal Group, P.C.  
1301 Masons Mill Business Park  
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Huntingdon Valley, PA 19006  
(o) 215-938-6378  
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---

**From:** Mancuso, Michael [<mailto:MMancuso@monroecountypa.gov>]  
**Sent:** Tuesday, March 6, 2018 2:16 PM  
**To:** Michael Levin <[mlevin@levinlegalgroup.com](mailto:mlevin@levinlegalgroup.com)>  
**Cc:** Burrus, John T. <[Burrus.John@pvbears.org](mailto:Burrus.John@pvbears.org)>; Piperato, David <[Piperato.David@pvbears.org](mailto:Piperato.David@pvbears.org)>;  
Christine, David <[DChristine@monroecountypa.gov](mailto:DChristine@monroecountypa.gov)>; Bentzoni, Wendy  
<[WSBentzoni@monroecountypa.gov](mailto:WSBentzoni@monroecountypa.gov)>  
**Subject:** Re: Pleasant Valley School District and Gesiskie

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Hi Mike

I have reviewed the proposed revised letter you sent. The current proposed revision modifies the prior letter by changing Mr. G's notice requirement from notifying the Administration of any person discussing the case to notifying the District Attorney's Office (myself in particular). I discussed this proposal with the District Attorney. We both consider the proposal as an unfortunate necessity. It is necessary to help alleviate the concerns expressed in my prior email to you. We have also been made aware of several incidents where Mr. G has been singled out about complaints alleging harassment, which like the instant allegation, raise a suspicion of retaliation. The potential for abuse while lessened is still present. This is clear from the warning ending the proposed letter threatening possible termination. In light of the unique considerations in Issue, we therefore insist that the warning language be deleted from the proposed letter in its entirety. It's the only way to establishing a workable solution moving forward. Thanks MMancuso

Sent from my iPhone

On Mar 5, 2018, at 12:58 PM, Michael Levin <[mlevin@levinlegalgroup.com](mailto:mlevin@levinlegalgroup.com)> wrote:

Dear Mike:

Per our conversation last week, I have modified the directives to Mr. Gesiskie. If acceptable to you, the letter would be couched as follows:

Re: Amended Directives Letter

Dear Mr. Gesiskie:

**This letter amends my letter to you dated [insert date of original letter]. I will repeat what was contained in my original letter, but use bold font to emphasize the amended material.**

Please be advised that we have received a complaint from an employee that the employee felt that you were trying to intimidate the employee with respect to testifying in the Krebs matter. We are not imposing any discipline at this time and are not forming any conclusions as to what you did in this regard, if anything. However, we want to ensure that work is for work and that other matters not be brought into the workplace. We are sure that you do not want to make co-workers feel uncomfortable. Consequently, you are directed not to talk about the Krebs matter at work to anyone. This will protect you from accusation of intimidation and will help ensure that others do not feel that you are intimidating them about this matter. If anyone comes to you at work to talk about it, you are directed to say that you cannot discuss it at work and you are required to notify Mr. Mancuso via email within one business day of the name of the person who came to you, what you told the person in response, and what the person said to you. In addition, you may make whatever statement law enforcement asks you to make, if any. You are not to engage in any conduct at work that could be construed as or argued to be intimidation. Nothing in this letter is intended to interfere with your cooperation with law enforcement and we expect all employees to cooperate with law enforcement. Warning: Your failure or refusal to comply with these directives may lead to discipline, including dismissal. Thank you for your attention in this matter."

Mike, let me know if you are satisfied or if you would suggest any change. Thanks.

*Michael I. Levin*

Michael I. Levin  
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October 27, 2018

NOV 05 2018

Anthony A. Fadule  
[REDACTED]  
[REDACTED]

JUDGE WORTHINGTON  
CHAMBERS


Honorable Margherita Patti-Worthington, P.J.  
Supervising Judge, Monroe County Grand Jury  
Judges' Chambers  
Monroe County Courthouse  
610 Monroe Street  
Stroudsburg, PA 18360-2115

Re: Monroe County Investigating Grand Jury Report: Case No. 8/10-2017

Dear Honorable Margherita Patti-Worthington:

I have received a copy of the Report of the Grand Jury referenced above. Please be advised that this report contained numerous false or inaccurate statements, many which were made by disgruntled employees. These statements demonstrated a lack of knowledge and/or understanding of labor law, school code, and the Pleasant Valley School District Collective Bargaining Agreement.

Sincerely,

  
Anthony A. Fadule



Eastburn and Gray, PC

Attorneys at Law

RECEIVED

OCT 29 2018

JUDGE WORTHINGTON  
CHAMBERS

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Jennifer N. Donaldson\*

**Joanne D. Sommer, Esquire**  
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P: (215) 345-7000  
F: (215) 345-9142  
E: jsommer@eastburngray.com

October 26, 2018

Honorable Margherita Patti-Worthington,  
President Judge  
Judges' Chambers  
Monroe County Courthouse  
610 Monroe Street  
Stroudsburg, PA 18360-2115

Re: Monroe County Investigating Grand Jury Report  
Case No. 8/10-2017

Dear Judge Patti-Worthington:

We have been retained to represent the interests of Dr. Erica Greer, in the above-captioned matter. Reference is made to your letter of October 12, 2018 providing the opportunity for Dr. Greer to submit a response to any areas of the report that refer or reflect upon her. Attached please find Dr. Greer's response with supporting documentation attached. We would appreciate it if you would attach Dr. Greer's response to the report when it is filed of record.

Thank you for your courtesy in this regard. Should you have any questions or wish to discuss this with me, please do not hesitate to call. Dr. Greer is due to give birth on October 30<sup>th</sup> so, if anything further must be done, we respectfully request an extension of the filing deadline.

Very truly yours,

Joanne D. Sommer

JDS:jev

Cc: Dr. Erica Greer

Of Counsel  
Frank N. Gallagher  
Charles H. Dorsett, Jr.  
Kenneth R. Williams  
Eric R. Tobin

\*Also admitted in  
New Jersey

# MONROE COUNTY INVESTIGATING GRAND JURY

CASE NO. 8/10-2017

## RESPONSE OF DR. ERICA GREER TO GRAND JURY REPORT

### Background

On September 25, 2018, the 8<sup>th</sup> Monroe County Investigating Grand Jury issued a report regarding alleged violations of various sections of the Pennsylvania Crimes Code. During the course of the investigation, the Grand Jury received information in the form of written documentation and formal testimony. Dr. Erica Greer was called to testify before the Grand Jury and she provided information regarding her employment with the Pleasant Valley School District. In addition, she believes and therefore avers that information concerning the positions she has held and her responsibilities were made available to the Grand Jury.

At the conclusion of the investigation, the Grand Jury report contained no suggestion that Dr. Greer had been involved in any of the employment-related allegations warranting the indictment of others nor have any criminal charges been filed against her.

However, a review of the Grand Jury Report revealed factual inaccuracies regarding the events in which Dr. Greer's name was mentioned. They are as follows:

#### **1. Re: Lila Metz**

The summary of Lila Metz' testimony contains several critical factual errors. The report states, at page 14, that Mrs. Metz was treated differently and more unfavorably than the other two assistant principals, one of whom was identified as Dr. Greer (Walters). However, Dr. Greer was not an Assistant Principal at Pleasant Valley Elementary School or any other school in the District at that time. In fact, Dr. Greer was still a teacher in the school district with no administrative responsibilities as an assistant principal and was, in fact, supervised by Mrs. Metz during the 2008/09 school year. Dr. Greer did not become an Assistant Principal until July 1, 2009 and never was part of the rotation of duties about which Ms. Metz

complained. (A copy of Dr. Greer's employment history is attached hereto as Exhibit A) Indeed, this fact is borne out on Page 15 of the Grand Jury Report where a portion of Ms. Metz' letter is set forth. The third bullet point of that letter specifically states that Ms. Metz was in rotation with Mr. Krebs and Mr. Smith, not Dr. Greer, with regard to duties. It was Mr. Krebs (Administrative Assistant/IST) and Mr. Smith (Assistant Principal) who were rotating at the same time as Ms. Metz and not Dr. Greer. Page 14 should be corrected to remove Dr. Greer from the circle of administrators allegedly "favored".

## **2. Re: Diane Siani**

The summary of Diane Siani's testimony page 26 contains a statement that she was asked to do work that the other assistant principals, including Dr. Greer, did not want to do. This is factually inaccurate. Each of the Assistant Principals had specific duties assigned to them. (See list attached as Exhibit B) For example, Ms. Siani was responsible for overseeing and evaluating the paraprofessional support staff. Dr. Greer's responsibilities included, but was not limited to overseeing student activities such as field trips and assembly programs for all grades as well as supervising student teachers and volunteers and overseeing various student publications. These were duties that were not performed by Ms. Siani. A review of the Administrative Responsibilities Chart provided to the Assistant Principals prior to the start of the 2012-13 school year, (Exhibit B) reveals that Dr. Greer was assigned to handle many more duties than Ms. Siani. In addition, day-to-day duties included those assigned by the principal and often the duties of the two assistant principals overlapped. For example, all were responsible for student discipline. Assistant Principals were not given the option of picking and choosing preferred activities but acted at the direction of the Principal. Dr. Greer performed all duties assigned to her including duties over and above those contained on the "duty list" developed by the Principal and distributed to the Assistant Principals and all building staff each school year. Dr. Greer was treated no differently than Ms. Siani with regard to the assignment and performance of duties. Further, any characterization that Dr. Greer was part of a "clique" of administrators favored by Ms. Geary or anyone else is specifically denied. Dr. Greer spent years as a stellar classroom teacher earning her elevation to the position of Assistant Principal and Principal both by obtaining the required educational credentials and by excelling at the performance of her



administrative duties. (See Resume attached as Exhibit C) Her salary and benefits, like those of all members included in the Act 93 Group, were governed by the terms of the Act 93 Administrator Agreement and she received no material benefit over and above that to which she was entitled as a result of the agreement between the Administrative team and the Board of School Directors.

### **3. Re: John Gesiskie**

Paragraph 1 on Page 65 of the Grand Jury Report contains confidential health information about Dr. Greer. This information should be deleted from the Grand Jury Report.

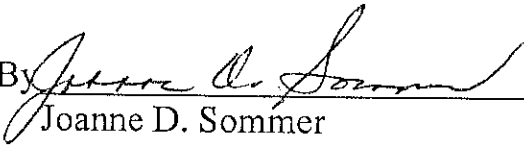
There was no evidence presented to the Grand Jury that Dr. Greer was involved in or aware of the placing of a camera in the Faculty Break Room. Mr. Krebs was the Director of Support Services and it was his responsibility to oversee all of the custodial staff district wide. At no time did Mr. Krebs inform Dr. Greer that he would be attempting to document the conduct of a custodial worker through the use of a camera placed in the Faculty Break Room and there was no oral or written statement to the contrary presented to the Grand Jury. Dr. Greer learned of this from Mr. Pomposello because she was out of the building attending a special education meeting. Dr. Greer immediately advised the Assistant Principal, Mr. Pomposello, to "unplug" the camera. On or about April 8, 2016, Dr. Greer was present at a meeting conducted by Mr. Krebs to explain his actions. She did not separate herself from the other individuals to whom Mr. Krebs was speaking but, since she had not authorized nor been involved in or notified of the camera's placement, she did not conduct the meeting.

4. Dr. Greer's name is mentioned as being an individual "favored" by the Superintendent. Yet there is absolutely no evidence of this nor any evidence that Dr. Greer acted inappropriately in any way in relation to any of the individuals who complained about the alleged official oppression. Not one witness testified that Dr. Greer engaged in bullying, harassment, intimidation, official oppression, retaliation or discriminatory behavior at any time during the course of her employment by the Pleasant Valley School District. The testimony of the witnesses was based on their perception that Dr. Greer was treated differently but there was no specific

evidence of this presented and no one accused Dr. Greer of engaging in the tactics that the Grand Jury suggested were criminal in nature. It is disturbing and unfair that the advancement of an individual like Dr. Greer who spent years as a valuable and innovative classroom teacher, then obtained the educational credentials to warrant advancement is diminished by the suggestion that this advancement was not earned.

Erica Greer, ED.D

EASTBURN AND GRAY, P.C.

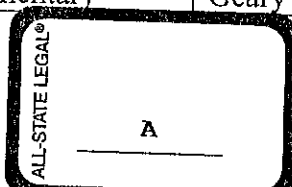
By   
Joanne D. Sommer  
Attorneys for Dr. Greer

60 East Court Street  
P. O. Box 1389  
Doylestown, PA 18901  
215-345-7000  
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Timeline of Employment at Pleasant Valley School District for Erica L. Greer, Ed. D (Formally Erica L. Walters)

Prepared 10/23/18

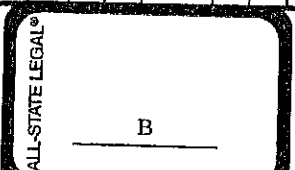
Date(s)	Position	Evaluator/Supervisor	Role/Board Meeting Minutes to reflect Transfer
August 2004- November 23rd 2008	First Grade Teacher Pleasant Valley Elementary School	Supervised by Mr. Wunder (Principal), Ms. Metz, Ms. Derr and Mr. Smith (Assistant Principals)	Professional Staff Position
November 24, 2008- June 30, 2009	Administrative Assistant to the Elementary Principal at Eldred and Chestnuthill Elementary Schools	Supervised by Mr. Kondisko	Board Meeting Minutes 12/4/08 (pg. 4) Professional Staff Position
July 1, 2009-August 26, 2010	Assistant Principal at Eldred and Chestnuthill Elementary School	Supervised by Mr. Kondisko	Board Meeting Minutes 6/25/09 (pg. 5) Act 93 Position
Eldred Elementary Closed at the conclusion of the 2009-2010 school year			
August 27, 2010- October 2, 2011	Assistant Principal/Grant Writer at Chestnuthill Elementary School	Supervised by Ms. Derr	Board Meeting Minutes 8/26/10 (pg. 3) Act 93 Position
October 3, 2011- January 27, 2013	Assistant Principal at Pleasant Valley Elementary School	Supervised by Mr. Krebs	Board Meeting Minutes 12/5/11 (pg. 4) Act 93 Position Included Assigned Duties Chart
Chestnuthill Elementary School Closed at the Conclusion of the 2010-2011 school year			
January 28, 2013- June 30, 2014	Principal Polk Elementary School	Supervised by Dr. Arnold	Board Meeting 1/10/13 and Minutes from 2/14/13 (pg. 3) Act 93 Position
Polk Elementary School Closed at the Conclusion of the 2013-2014 school year			
July 1, 2014-June 15, 2018	Principal at Pleasant Valley Elementary	Supervised by Ms. Geary	Board Meeting Minutes 4/10/14 (pg.



	School (FLMA January 4, 2017 Birth of Child) (Sabbatical August 21, 2017-June 15, 2018- Professional Development Leave to complete Doctoral Degree)		6) Act 93 Position
June 18, 2018-Present	Principal on Assignment in the Office of Curriculum and Instruction	Supervised by Mr. Newman	Board Meeting Minutes 5/24/18 (pg. 8) Act 93 Position

**PLEASANT VALLEY ELEMENTARY SCHOOL**  
**Administrative Responsibilities 2012-2013**

<b>Mr. Joshua Krebs</b> <b>Building Principal</b> Secretary: Kathy Suarez	<b>Ms. Diane Siani</b> <b>Assistant Principal</b> Secretary: RuthAnn Winders	<b>Ms. Erica Walters</b> <b>Assistant Principal</b> Secretary: Tracy Smith Sue Vegetable
Observations K-3	Observations K-3	Student Activities/Field Trips/Assemblies
Daily Classroom Visitations	Daily Classroom Visitations	Chapter 15
Professional Development – Elementary Level	PBS	Newsletters (PVE & District)
Curriculum – Elementary Level	Building/Grounds Issues – Custodial Issues – Workplace Safety/Building Safety	PVIP
Grade Level Meetings K-3	Duty Schedule Arrival/Dismissal	Custody Issues
Faculty Meetings	Special Education Issues/Meetings K, 1, 2, & 3	Cultural Diversity
Instructional Schedules/Recess Schedules/Lunch	Website	PTO
Professional Staff Assignments	ID Badges	Pre-K Coordinator
PSSA/DRC	Para-professional Supervision/Evaluation Monitor Supervision/Evaluation	Discipline (White)
Budget	I.U. Classrooms	SIRS
Personnel/Staffing	Access	Cub Closet/Student Dress
Evaluations	Guidance Issues	Stepping Up
Building Reports	Discipline (Blue)	Supervise PDS/Student Teachers
Board Reports	SERT	Building Newsletter
Custody Issues	Cafeteria	Memory Book
Technology Issues	PSSA Assistance	Volunteers
Student Placement		Cultural Diversity
SIRS		Connect Ed
Staff Attendance / Vacation Approval		Daily Classroom Visits
KTO		Facebook & PR



Student Attendance		Observations K - 3
Intensive Kindergarten		General Supplies
Sunshine Club		KTO
Elementary Science		Retentions
Building-Wide Educational Leadership		

# Erica L. Greer Ed. D

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## Education:

August 2018: Doctoral Degree in Educational Leadership and Superintendents Letter of Eligibility coursework from Delaware Valley University. GPA 3.9 on a 4.00 Scale.  
September 2008: Master of Science Degree in Educational Leadership from Wilkes University. GPA 4.00 on a 4.00 Scale.  
May 2004: Bachelor of Science in Elementary Education from Pennsylvania State University. GPA 3.57 on a 4.00 Scale.

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## Professional Experience:

**June 18, 2018-Present** Pleasant Valley School District Brodheadsville, PA  
*Principal on Special Assignment in the Office of Curriculum and Instruction* In this role I am working with the Assistant to the Superintendent for Curriculum and Instruction to support the development the district-wide professional development plan and the comprehensive planning process, curriculum mapping and curriculum review schedule, work with federal, state and local grant opportunities and any additional assigned duties.

**March 2018-Present** Delaware Valley University Doylestown, PA  
*Graduate College Adjunct Professor* In this role I am teaching two courses in the Educational Leadership Program in support of the Masters in Educational Leadership and Pennsylvania Administrative Certificate.

**July 1, 2014-June 17, 2018** Pleasant Valley School District Brodheadsville, PA  
*Principal of Pleasant Valley Elementary School and Pre-K Transition Coordinator:* Pleasant Valley Elementary School (PVE) is located in Kunkletown, Pennsylvania and educates approximately 1,300 students in grades K-3. PVE currently houses 2 full-day intensive kindergarten and 14 half-day kindergarten programs, along with 14 first grade, 14 second grade and 14 third grade classes. Total professional and support staff includes approximately 175 individuals.

**January 2013-June 30, 2014** Pleasant Valley School District Brodheadsville, PA  
*Principal of Polk Elementary School and Pre-K Transition Coordinator (Polk Elementary School Closed in July 2014)*  
Completed Required PILS Courses, Received Level II Administrative Certificate in 2013

**July 1, 2009-January 27, 2013** Pleasant Valley School District Brodheadsville, PA  
*Assistant Principal of Pleasant Valley Elementary School, Eldred and Chestnuthill Elementary Schools/Pleasant Valley School District Grant Writer/Pre-K Transition Coordinator (Eldred Elementary School Closed in July 2009 and Chestnuthill Elementary School Closed in July 2011)*

**November 24, 2008-June 30, 2009** Pleasant Valley School District Brodheadsville, PA  
*Assistant to the Principal of Eldred and Chestnuthill Elementary Schools/Pre-K Transition Coordinator*

**August 2004-November 2008** Pleasant Valley School District Brodheadsville, PA  
*First Grade Teacher at Pleasant Valley Elementary School*

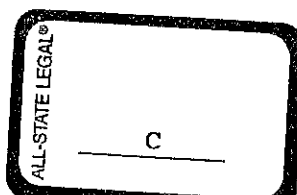
- Received PA Level 2 Teaching Certificate in 2009
- Granted Tenure September 2007

**August 2007-June 2009** Pleasant Valley School District Brodheadsville, PA  
*Middle School 7<sup>th</sup> Grade Girls Basketball Coach*

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## Honors and Activities:

- Presented at Delaware Valley University Founders Day Research Poster, May 2018
- Co-Presented at the PA Student Teaching Conference at West Chester University April 2016
- Co-Presented in a Panel Discussion at CIU20 on Principal SLO's July 2015 in Easton, PA
- Co-Presented at the Federal Programs Conference in 2014 at Seven Springs Resort in PA
- Co-Presented at PAESSP Conference 2012 in State College, PA
- Co-presented at the 2011 NEASP Conference in Tampa, Florida
- Penn State College of Education Alumni Board of Directors Member- 2011-2016



## **Erica L. Greer Ed. D**

**215 Ridings Circle Macungie, PA 18062**

**Phone: 610-393-9389 E-mail: greere1051@gmail.com**

- Pocono Services for Families and Children Executive Board Member 2013-2015
- Professional Originations: NEASP Member 2009-Present, Principals Member 2008-Present, ASCD Member 2011-Present
- Awards: the Monroe County Council for Young Children Children's Champion Award in 2011 and Keystone Technology Integrator Award in May 2009