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IN THE MATTER OF
THE CERTIFICATES OF
ANDREA GIUFFRIDA

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
OAL DOCKET NO.: 08548-2012 S

Agency Docket No.: 1112-202

ANSWERS TO INTERROGATORIES

1. State the full name, business address and occupation of each individual who you are aware of having knowledge with regard to the subject matter of this case.

ANSWER:

The individuals with knowledge with regard to the subject matter of this case are myself (I am currently employed as a Learning Consultant by the Hazlet Board of Education) and several employees of the Point Pleasant Board of Education: Rita Miller (Supervisor of Pupil Personnel Services), Linda Rocco (Principal, Point Pleasant High School), Vincent S. Smith (Superintendent of Schools), James Foley (SAC), David Drew (Special Education Teacher), Patrick Brady (Physical Education Teacher), Marcie Bradley (Social Worker), Dr. Thomas Jordan (Psychologist), Robert H. Alfonse (Director of Curriculum and Instruction).

2. With regard to each individual named in the previous answer, state with specificity the substance of such knowledge.

ANSWER:

The substance of my knowledge is as set forth in subsequent answers to these Interrogatories. I cannot speak as to the

substance of the knowledge of the other individuals identified in answer to question number 1, except insofar as that information is set forth in the file I received from the State Board of Examiners.

3. Set forth in detail your post-high school educational background, including the name of every college, university, or graduate school attended, the dates of attendance, and the degree or certificate obtained.

ANSWER:

See attached c.v. (attachment, pages 6-7)

4. Please list all schools or other educational institutions in which you are or have been employed, both in New Jersey and other states, including: (a) the name of the school district, (b) the name of the individual school, (c) the capacity in which you were employed, (d) the dates of employment, (e) a brief description of the duties and responsibilities of each position held, and (f) your reason(s) for leaving.

ANSWER:

See attached c.v.

In addition to the positions set forth in the c.v., I was employed by two other school districts in New Jersey: Middletown (2004-2005 school year) and Keansburg (Sept.-Dec. 2005) under an emergency certificate as an LDTC. I left Middletown because I was not rehired, and Keansburg because I was not satisfied with the position. I did not include either in the c.v. submitted to Point Pleasant because my time of my employment in each school district was minimal.

I resigned my employment with the New York City Board of Education because I moved to New Jersey.

I voluntarily left Keansburg because I was not satisfied with the position. In Middletown I was not rehired because they wanted an ldtc with a permanent (non-emergency) certificate. In Jackson and South Brunswick, I was given no reason for the decision not to rehire me and as far as I know my employers were pleased with my performance in each of those school districts.

5. Please list all teaching or other professional certificates, licenses or credentials that you have been issued, including: (a) the type of certificate, license, or credential, (b) the date that it was issued, (c) the expiration date, if applicable, (d) the type of endorsement, and (e) the name of the entity that provided the certification. Provide copies of all certifications, endorsements and/or other professional licenses which you hold.

ANSWER:

In New York I have certificates in elementary education and special education. In New Jersey I have certificates as a teacher of the handicapped and a learning disability teacher consultant, and a certificate of eligibility with advanced standing in elementary education.

6. Please list all certificates or professional licenses, for which you currently are applying including: (a) the type of certification or license and (b) the name of the entity providing the certification or license.

ANSWER:

N/A.

7. Have you ever had any action taken to suspend or revoke any of your teaching certificate(s) or credential(s) in New Jersey or any other State?

(a) If yes, please state the circumstances and outcome, including certificate involved, the action taken, the date of the action and the entity that took the action.

ANSWER:

While teaching in New York City I had disciplinary charges brought against me which resulted in a settlement (See attachment, pp. 1-4) in which I received a one month suspension without pay for making "an inappropriate comment to a colleague at Public School 53."

8. Set forth in detail any and all disciplinary charges brought against you in the State of New Jersey, or any other state, including (a) their dates, (b) the title and position you held at the time, and (c) a brief description of the circumstances that led to the charges.

ANSWER:

The only charges against me are the charges set forth in answer to question 7 and the instant charges brought against me by the State Board of Examiners.

9. During the course of your career in education, were you ever investigated by any state entity for inappropriate conduct? If yes, please state (a) the allegations made, (b) the entities which investigated, (c) dates of allegations and investigation, and (d) the results.

ANSWER:

I do not know if the charges against me set forth in response to question number 7 or the instant Order to Show Cause constitute "an investigation by a state entity for inappropriate conduct," as I see neither as an investigation, but rather as an allegation and charge.

I was investigated by the Point Pleasant Board of Education with regard to the same charges underly the instant matter. Copies of all relevant documents are included in the file of the State Board of Examiners submitted to me as discovery in this matter.

10. Set forth in detail any other disciplinary action, including verbal or written warnings, taken against you during the course of your career in education.

ANSWER:

My career in education has extended for over twenty years. During that time I do believe I have on occasion received a verbal or written warning for a minor issue. However, at this time I cannot recall the specifics of any such warnings. I am aware of no other disciplinary action other than my termination

from the Point Pleasant School District and that set forth in answer to question number 7.

11. What is your current employment status? If employed, please state the name and address of your current employer.

ANSWER:

I am currently employed as a LDTC by the Hazlet Board of Education, 421 Middle Road, Hazlet, New Jersey 07730.

12. Set forth in detail your version of the events referenced in §§ 3-4 of the Order to Show Cause issued by the State Board of Examiners in May 2012.

ANSWER:

With regard to the allegation in the OTC that I "placed my hands on a colleague's face and kissed him on the lips in front of others staff members, this allegation is partially true and partially untrue.

I was attending a professional meeting with colleagues from the Point Pleasant School District and a representative from an outside agency. During the meeting Mr. Foley made derogatory comments about the number of questions I asked our guest speaker. His comments upset me.

After the meeting was over, in the presence of colleagues Marcie Bradley, a school social worker, and Dr. Thomas Jordan, a school psychologist, I asked Mr. Foley why he didn't like me. His response was that he does like me and he is only trying to help me. To try to soften the situation I put my hands on his face and kissed him on the cheek. I did not kiss him on the lips as alleged in the OTC.

With regard to the allegation that I "told another male colleague I was having a rough day" and gave him a hug and kissed him on the cheek. I did give him a hug and stated I had a rough day. I cannot recall if I kissed him on the cheek or not.

Mr. Drew and I had what I thought was a friendly professional relationship. We discussed both professional and personal issues.

Because I am a warm person who often talks with my hands and I do not want to be misinterpreted, in October, 2011, I sent an email to Mr. Drew stating that I didn't mean to make him uncomfortable by touching him and he responded on October 19, 2011 at 3:05 p.m.: "not a problem." A copy of that email is attached as p.5.

With respect to the allegation that I would stop to talk to Mr. Drew during cafeteria duty and that I would "make inappropriate comments about my physical appearance," part of that statement is true. My job as a ldtc and case manager required that I speak to professional staff members about students that I dealt with. If possible, in order to avoid disrupting classes, I would speak to other staff members in the hallway, on cafeteria duty, in the library and in similar places if the staff member was able to speak with me about the student at that time.

I never made comments to Mr. Drew about my physical appearance, as alleged in the OTC.

With regard to the allegation that I "pinched/grabbed" a co-worker's buttocks, I deny that allegation. I can recall being in the main office when Mr. Brady was showing a picture of his new baby and I recall seeing the picture. I neither pinched nor grabbed his buttocks.

During the time I worked in Point Pleasant I was never advised by Mr. Foley, Mr. Drew or Mr. Brady that my actions were inappropriate. I was not aware there was a problem until I was called into a meeting and learned of allegations of sexual harassment.

13. Set forth in detail all facts surrounding the termination of Respondent's employment with the Point Pleasant Board of Education.

ANSWER:

My entire knowledge of the facts surrounding the termination of my employment in Point Pleasant is as set forth in the documents supplied to me by the State Board of Examiners, some of which I had seen before and some of which I have not. I was notified in November 2011 that I was suspended for sixty days, at the end of which my employment would be terminated based on allegations of sexual harassment.

14. Set forth in detail your contentions as to why the Board of Examiners should not seek to revoke your certificates. If any documents support your contentions, please attach them.

ANSWER:

Improper question, calls for legal conclusion.

15. List the name, address, occupation, and title of each and every witness that you anticipate calling at the hearing, and provide a detailed description of the testimony they will give at the hearing.

ANSWER:

Improper question, calls for trial strategy.

16. State the name(s) and address(es) of any and all expert witnesses that you intend on utilizing at the hearing in this matter.

ANSWER:

N/A.

17. With regard to each person named in response to the preceding interrogatory, state:

(a) The subject matter on which the expert is expected to testify, including the facts and opinions to which the proposed expert is expected to opine.

(b) Identify all data or other information considered in forming the opinion, a summary of the basis for each opinion, and any exhibit to be used in support or as a summary of the opinion.

(c) The date the opinions were rendered.

(d) Identify the expert's field of expertise, qualifications, training, professional and practical experience, education, and degrees obtained, including a copy of the expert's current curriculum vitae.

If any proposed expert witness has rendered written reports to you, annex true copies of said reports. With regard to information given to you orally (including oral reports, conclusions, opinions, and all other information), provide a summary of said information.

ANSWER:

N/A.

18. If you or any witness intends to rely upon or offer into evidence any textbook, paper or authority to substantiate any opinion or conclusion or if you intend to rely-upon any textbook, paper or authority in your examination or cross-examination of any witness, state as to each:

(a) The exact title of each such textbook paper or authority.

(b) The name of the author of each.

(c) The name and address of the publisher of each.

(d) The date when each was published.

(e) The pages or sections which you intend to rely upon, attaching true copies of any such pages.

ANSWER:

N/A.

19. Identify and provide copies of all laws, statutes, regulations, legislative committee reports, minutes of hearings, and documents of the same or similar nature upon which you will rely.

ANSWER:

Improper question, calls for legal conclusion.

20. Have you, or anyone on your behalf, interviewed or questioned any person employed by the State of New Jersey or its agencies or departments with reference to this case or any facts surrounding this case?

(a) If so, set forth the names and addresses of each person interviewed or questioned, their position and place of employment, the date of said interview, the subject matter discussed, and the names and addresses of the person or persons conducting the questioning or interview.

ANSWER:

Neither I nor anyone on my behalf has "interviewed or questioned any person employed by the State of New Jersey or its agencies or departments with reference to this case or any facts surrounding this case."

I did apply for unemployment insurance. During the course of applying for and receiving unemployment I provided information to Unemployment, both on the computer and in telephone conversations. However, I view those communications as being interviews or questions by persons employed by the State of me, not of myself interviewing or questioning any person employed by the State of New Jersey.

21. If written statements were obtained with regard to your preceding answer, state the names and addresses of the person or persons having possession of the written statements and attach hereto copies of all statements. Set forth in detail any and all oral statements.

ANSWER:

N/A.

22. State whether you contend that any declaration against interest with regard to the issues in this lawsuit has been made by any person.

ANSWER:

See attached email from David Drew dated October 19, 2011 (attachment, p.5).

23. If the answer to the preceding interrogatory is in the affirmative, set forth with particularity the substance of each such declaration against interest, the identity of the person making the declaration, the identity of any persons present when the declaration was made and the location and date of the declaration. If the declaration against interest is in writing, kindly attach a copy to your answers to these interrogatories.

ANSWER:

See attached email from David Drew dated October 19, 2011 (attachment, p.5).

24. State whether you contend that any admissions have been made by any person with regard to the issues in the Board of Examiners' Order to Show Cause.

ANSWER:

See attached email from David Drew dated October 19, 2011 (attachment, p.5).

25. If the answer to the previous interrogatory is in the affirmative, set forth with particularity the substance of each such admission, the identity of the person making the admission, the identity of any persons present when the admission was made and the location and date of the admission. Additionally, if the

admission is in writing, kindly attach a copy to your answers to these interrogatories.

ANSWER:

See attached email from David Drew dated October 19, 2011 (attachment, p.5).

26. State whether you have obtained any statement from any person not a party to this action: If so; state with particularity:

(a) The name And address of the person or persons giving the statement and the date such statement was obtained;

(b) If in writing, attach a complete copy;

(c) If oral, the name and address of the person obtaining this statement and the substance of the statement.

ANSWER:

N/A.

27. List-the-name, address, occupation and title of each and every witness that you anticipate calling at the hearing and provide a detailed description of the testimony they will give at the hearing.

ANSWER:

See answer to question 15.

28. Set forth in detail any and all discussions between Respondent and administrators from the Point Pleasant Board of Education and/or the Point Pleasant Borough School District regarding Respondent's interactions with David Drew, James Foley, Patrick Brady and/or David Kirk.

ANSWER:

This question is overbroad.

29. Has Respondent ever had any teaching certificate(s) suspended or revoked in New Jersey or any other state? If so, please state the certificate involved; the action taken, the-date of the action and the entity who took the action.

ANSWER:

No.

30. Set forth in detail all facts surrounding your relationship with James Foley.

ANSWER:

Mr. Foley and I shared office space. Our relationship was as co-workers.

31. Set forth in detail all facts surrounding your relationship with David Drew.

ANSWER:

My relationship with Mr. Drew was as friendly co-workers.

32. Set forth in detail all facts surrounding your relationship with Patrick Brady.

ANSWER:

My relationship with Mr. Brady was as a co-worker with whom I had almost no dealings.

33. Set forth in detail all facts surrounding your relationship with David Kirk.

ANSWER:

Mr. Kirk and I worked in the same suite. Our relationship was as co-workers.

34. If not produced with respect to other interrogatories, please identify and attach exact copies of all documents, writings, records or other tangible evidence that you intend to produce at the hearing of this matter.

ANSWER:

See attached.

35. Identify each individual who assisted in the preparation of the answers to these interrogatories and identify each specific interrogatory to which each such person contributed information.

ANSWER:

I worked only with my attorney in answering these questions.

CERTIFICATION OF DOCUMENTS

I hereby certify that the copies of the documents and/or reports annexed hereto are exact copies of the entire document or report; that the existence of other documents or reports, either written or oral, are not known to me, and if such become later known or available, I will serve them properly on the propounding party.

DATED: 1-21-13


ANDREA GIUFFRIDA

CERTIFICATION OF INTERROGATORIES

I certify that the foregoing statements made by me in response to Petitioner's First Set of Interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for contempt of court.

DATED: 1-21-13



ANDREA GIUFFRIDA