



John Migueis &lt;john.migueis@gmail.com&gt;

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**Fwd: [EXTERNAL] Fwd: Melissa Varley Nepotism case OAL Docket EEC-03574-22. Melissa Varley of Berkeley Heights (Respondent) and School Ethics Commission**

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bh communitywatch &lt;bhcommunitywatch1@gmail.com&gt;

Wed, Mar 29, 2023 at 12:55 PM

To: John Migueis &lt;john.migueis@gmail.com&gt;

----- Forwarded message -----

From: **DOA OCS** <ocs@njoag.gov>

Date: Wed, Mar 29, 2023, 10:32 AM

Subject: RE: [EXTERNAL] Fwd: Melissa Varley Nepotism case OAL Docket EEC-03574-22. Melissa Varley of Berkeley Heights (Respondent) and School Ethics Commission

To: bh communitywatch &lt;bhcommunitywatch1@gmail.com&gt;

Cc: DOA OCS &lt;ocs@njoag.gov&gt;, Hanifa Barnes (DOE) &lt;Hanifa.Barnes@doe.nj.gov&gt;, Jamar Purnsley (DOE) &lt;Jamar.Purnsley@doe.nj.gov&gt;, Angelica Allen-McMillan (DOE) &lt;Angelica.Allen-McMillan@doe.nj.gov&gt;

Mr. Migueis

Thank you for contacting the Office of the Attorney General. Your correspondence was referred to the Division of Criminal Justice for review. You may contact them directly by calling 609-376-2330.

Additionally, please remove Attorney General Platkin from future emails. All correspondence intended for the Office of the Attorney General should be directed to [ocs@njoag.gov](mailto:ocs@njoag.gov)

Thank you.

Jeffrey E. Lenox

Director

Office of Constituent Services

Division of Administration

Office of the Attorney General

[25 Market Street](#)

P.O. Box 081

Trenton, NJ 08625-0081

609-984-5828

 DOA-Logo\_FINA!.jpg small

**CONFIDENTIALITY NOTICE**

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**From:** bh communitywatch <[bhcommunitywatch1@gmail.com](mailto:bhcommunitywatch1@gmail.com)>

**Sent:** Tuesday, March 28, 2023 4:30 PM

**To:** Matthew Platkin <[Matthew.Platkin@njoag.gov](mailto:Matthew.Platkin@njoag.gov)>

**Cc:** DOA OCS <[ocs@njoag.gov](mailto:ocs@njoag.gov)>; Hanifa Barnes (DOE); Jamar Purnsley (DOE); Angelica Allen-McMillan (DOE)

**Subject:** [EXTERNAL] Fwd: Melissa Varley Nepotism case OAL Docket EEC-03574-22. Melissa Varley of Berkeley Heights (Respondent) and School Ethics Commission

Good Afternoon,

I am writing as I have not received a reply to this email. I would like to know the current status of this investigation.

----- Forwarded message -----

**From:** **bh communitywatch** <[bhcommunitywatch1@gmail.com](mailto:bhcommunitywatch1@gmail.com)>

**Date:** Mon, Jan 23, 2023 at 12:33 AM

**Subject:** Melissa Varley Nepotism case OAL Docket EEC-03574-22. Melissa Varley of Berkeley Heights (Respondent) and School Ethics Commission

**To:** <[Matthew.platkin@njoag.gov](mailto:Matthew.platkin@njoag.gov)>, <[jeffrey.lenox@njoag.gov](mailto:jeffrey.lenox@njoag.gov)>, <[ocs@njoag.gov](mailto:ocs@njoag.gov)>

**Cc:** <[Kathryn.Whalen@doe.nj.gov](mailto:Kathryn.Whalen@doe.nj.gov)>, <[School.Ethics@doe.nj.gov](mailto:School.Ethics@doe.nj.gov)>, <[elisa.reyes@oal.nj.gov](mailto:elisa.reyes@oal.nj.gov)>, <[Robert.bender@doe.nj.gov](mailto:Robert.bender@doe.nj.gov)>

John Migueis

[REDACTED]  
Berkeley Heights, NJ 07922

Matthew J, Platkin  
Attorney General of New Jersey  
Attorney for Department of Education, School Ethics Commission  
Richard J. Hughes Justice Complex  
25 Market Street, P.O. Box 112  
Trenton, New Jersey 08625-0112

Dear Mr. Platkin:

I am in receipt of the settlement agreement in the matter of Melissa Varley, Berkeley Heights Board of Education, OAL Docket No. EEC 03574-2022 N, SEC Docket No C36-21. The agreement was signed by the Commissioner on January 12, 2023 and by the Mark Wenczel, attorney for the respondent on November 30, 2022 and by D.A.G. Laurie Fichera on December 22, 2022. The matter arises because she hired her own daughter in the summer of 2021 for a temporary position, thereby violating N.J.S.A 18A:12-24(b).

It appears to me that Melissa Varley has not been entirely candid in her affidavit.

I call your attention to the following statement in point 4:

As a result , I recommended the three remaining candidates, including my child, to the Board for temporary employment **without reviewing the Board's nepotism policy** and confirming the policy included an exclusion for student employees, **as had existed with my previous employer** and was permissive pursuant to N.J.A.C 6A:23A-6.2(b). (emphasis added).

There is a lot to unpack here. I will take these statements one by one against prior statements and other evidence.

The complaint submitted to the SEC in August of 2021 contained Attachment A, which is a partial transcript of the June 21, 2021 Berkeley Heights Board of Education meeting at which the recommendation of Dr. Varley was accepted by the Board. It contains the following:

Dr. Varley:

**I'm not sure if it's definitely in our bylaws.** I did, I have obviously we employ a great deal of our staff members' children in the district during the summer, **so I did reach out to our attorney and he gave us advice, that if temporary, like a substitute teacher, a um an intern during the summer or anything along those lines is fine.** A permanent position, such as a teacher, I could not hire for someone who was related to me. The board could not hire someone who has related them for a permanent position. But a temporary, minimum wage position, is perfectly acceptable. (emphasis added)

In her sworn statement she asserts that she did not review the Board's nepotism policy. Yet in the transcript of what she told the public and Board at the June 21<sup>st</sup> meeting she is unsure of what is in the bylaws and as a result asked the Board attorney for advice. That implies she did review the bylaws but did not understand them. She needed help from counsel. Did she lie to the Board and the public on June 21<sup>st</sup> or did she lie in her affidavit? If she talked to counsel both before and after the meeting on the 21<sup>st</sup> why did she get different answers? With discovery maybe we could have learned the truth if she were asked about it.

Next, she does not assert in her affidavit that her prohibited act was based on advice of counsel. So then we can ask why she told the public and the Board on June 21<sup>st</sup> that she did consult counsel and that she was told it was permissible. With discovery maybe we could have learned the truth if she were asked about it.

Next, let me turn to point 5 of her affidavit:

Following questioning by a member of the public regarding my recommendation, I contacted Board counsel and **immediately** removed my child from the position. (emphasis added)

Keep in mind that the Board meeting was June 21, 2021 and employment did not start until July 1, 2021 so she had plenty of time to seek the advice of counsel as a result of public questions at the Board meeting. I will consider that issue in a moment.

I am submitting for your consideration the payroll records obtained under OPRA for the child's payments. The records show that she worked a total of 25 hours in July of 2021, on the dates of July 6, 7, 8,13, and 15. A careful examination of these records shows that of the three children that worked at Woodruff, all of them worked on July 6,7,8,13 and 16. Then there is a period of no work for anyone and the other two (i.e. not Meredith Varley) worked on the 27 and 29<sup>th</sup> of July. So sometime between July 16 and July 27 she may have been terminated or quit. That hardly seems like an **immediate** removal from the position to a reasonable observer. She is careful in her affidavit to not make a specific statement of when the daughter was removed. With discovery we could have learned the truth if she were asked about it.

When did she seek the advice of counsel? Even without discovery on this issue of when she got advice of counsel it is possible to make an educated estimate. I am attaching the redacted legal bill from the firm of Cleary Giacobbe for July 2021. You will note that on July 1 there is an entry by maw (Mark Wenczel her attorney in this matter) for .9 hours of "research" and "analysis" on something and then .3 hours to send a reply to the client. This could be where she

receives an answer to the question of whether the hiring was permissible. With discovery we could have learned the truth of exactly when she consulted counsel and how long she delayed in the removal if she were asked about it.

I should note that these over redacted emails are currently the subject of OPRA litigation in Union County Superior Court that the district is expending taxpayer dollars to keep secret. It can also be that the redactions are part of a deliberate scheme to avoid discovery on this question of when she sought advice of counsel.

One additional fact on the payments needs to be noted. In her certification in connection with her Motion to Dismiss the ethics complaint, dated September 30, 2021 she stated in paragraph 18:

She was paid a total of \$260.00 for the limited time she worked categorizing and moving library books. This money has remained in a separate account, **pending the determination of the School Ethics Commission.** (emphasis added)

The provided payroll records show she was apparently paid \$256.89 in payroll 505 3/31/2022. There is no indication that the SEC was ever notified of this payment prior to the determination of the SEC. Indeed it contradicts her assurance in her certification of September 30, 2021 that the money would not be paid. With discovery we could have learned why the SEC was apparently never notified of this payment in March of 2022 if she were asked about it.

Next, we have that she said she posted the job on the website when it was a job posting site for educators. This site would be extremely unlikely to have been checked by any Berkeley Heights students. It will not be difficult to determine that the other two students hired were her daughter's friends and did even reside in Berkeley Heights. This was a way of benefiting friends and family and in my opinion deserves more than a quiet reprimand. Without discovery and a trial the public does not have the evidence to judge Dr. Varley's conduct.

I hope to have shown you that there are a lot of unanswered questions about this matter that could have been resolved through discovery and a hearing and some may have a bearing on whether a mere reprimand was appropriate for this matter.

The public is entitled to know the full truth of what she has done in order that public trust in this official and Board can be restored.

Finally, I note that under N.J.A.C 6A:23A-5.1(h) the action of Melissa Varley in violating the School Ethics Code could subject the district to loss of State Aid, so I ask that you refer this violation to the State Department of Education, Office of Fiscal Accountability and Compliance for a determination of the appropriate amount to withhold.

Sincerely,  
John Migueis

Cc: Judge Andrew Baron, OAL  
Katherine Whalen, Director at School Ethics Commission

Att:

Berkeley Heights District Payroll records for the 3 summer interns  
Melissa Varley Certification of September 30, 2021  
Melissa Varley Affidavit from the Settlement Agreement  
Exhibit A, partial Transcript of June 21, 2021 Berkeley Heights BOE meeting Video Clip of Dr. Varley's Statements to the Public During the June 2021 BOE Meeting  
Redacted Legal Bill of Cleary Giacobbe July, 2021

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[Berkeley Heights Community Watch](#)



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[Berkeley Heights Community Watch](#)



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**2 attachments**



**image002.jpg**  
6K



**image002.jpg**  
6K

# Cleary Giacobbe Alfieri Jacobs

955 State Route 34  
Suite 200  
Matawan, NJ 07747

Ph# 732-583-7474

Fax # 732-290-0753

Aug 09,2021

Berkeley Heights Board of Education  
345 Plainfield Ave.  
Berkeley Heights , NJ  
07922

**Attention:**

Client # 2143

File #: 9942

Inv #: 97559

**RE:** Berkeley Heights BOE

For Services Rendered Through: July 31,2021

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
7/1/21	Receipt and review of email from client with [REDACTED] and MJG response	0.20	33.00	maw
7/1/21	Conduct research on [REDACTED] for analysis of [REDACTED] issue	0.90	148.50	maw
7/1/21	Draft and revise email reply to client with analysis and opinion regarding [REDACTED]	0.30	49.50	maw
7/2/21	Receipt and review of follow-up query from client regarding [REDACTED]	0.10	16.50	maw
7/2/21	Telephone to client, Scott McKinney's office regarding [REDACTED]	0.10	16.50	maw
7/2/21	Draft follow-up email to client with clarification regarding [REDACTED]	0.10	16.50	maw
7/6/21	Email correspondence with Dr. Varley regarding [REDACTED]	0.20	33.00	maw
7/6/21	Email exchange with Dr. Varley regarding [REDACTED]	0.10	16.50	maw
7/6/21	Review [REDACTED] and NJSBA guidance for response to client query [REDACTED]	0.30	49.50	maw
7/7/21	Telephone conference with Dr. Varley and Director of Guidance regarding [REDACTED]	0.20	33.00	maw
7/7/21	Review correspondence & review/respond to client e-mails re: [REDACTED]	0.40	66.00	bdt
7/8/21	Teleconf. w/J. Morisseau re [REDACTED]	0.30	49.50	flf

7/8/21	Review Dr. Varley's email re [REDACTED]	0.10	16.50	flf
7/8/21	Receipt and review of email query from client regarding [REDACTED] review applicable statute and draft reply email to client with [REDACTED]	0.20	33.00	maw
7/8/21	Receipt of email from client with [REDACTED]	0.10	16.50	maw
7/8/21	Review of [REDACTED] and pertinent regulations; drafting of recommended revisions and comments to [REDACTED]	1.80	297.00	maw
7/8/21	Draft email to client to forward [REDACTED] with comments and recommended revisions	0.10	16.50	maw
7/9/21	Receipt of follow-up query from Superintendent to [REDACTED]	0.10	16.50	maw
7/9/21	Review of pertinent statute and regulation to [REDACTED]	0.10	16.50	maw
7/9/21	Draft reply email to client with [REDACTED]	0.30	49.50	maw
7/9/21	Telephone conference with Superintendent regarding [REDACTED]	0.20	33.00	maw
7/9/21	Receipt of email from Superintendent re: [REDACTED]	0.10	16.50	maw
7/9/21	Review referenced language in [REDACTED]	0.10	16.50	maw
7/9/21	Revise SBA contract to add [REDACTED]	0.10	16.50	maw
7/9/21	Draft email to Superintendent to reply to query regarding [REDACTED]	0.20	33.00	maw
7/9/21	Telephone conference with Superintendent regarding [REDACTED]	0.10	16.50	maw
7/14/21	Review Board policy and respond to D Reinstein inquiry; review and respond to R. April, Esq. re difference card	0.50	82.50	mjg
7/14/21	Telephone D. Reinstein re [REDACTED]	0.30	49.50	mjg
7/14/21	Review/response to email correspondence from D. Reinstein re [REDACTED]	0.30	49.50	mjg
7/14/21	Review/respond to Dr. Varley re [REDACTED]	0.20	33.00	mjg
7/14/21	Review/respond to email from R. April	0.10	16.50	mjg
7/14/21	Receipt and review of email from board president regarding [REDACTED]	0.10	16.50	maw
7/14/21	Review [REDACTED] regulation and law	0.40	66.00	maw
7/14/21	Review [REDACTED] policy	0.30	49.50	maw
7/14/21	Draft email with analysis of [REDACTED]	0.40	66.00	maw

7/15/21	Research [REDACTED] issues	0.50	82.50	maw
7/15/21	Draft and revise analysis of [REDACTED] issues	0.30	49.50	maw
7/15/21	Review contract re: Toilet upgrades	0.30	49.50	rfk
7/16/21	Review correspondence & confer with client re: [REDACTED]	0.30	49.50	bdt
7/19/21	Begin review/redaction of potentially responsive records re: [REDACTED]	2.80	462.00	bdt
7/20/21	Continue review/redaction of potentially responsive records re: [REDACTED]	1.20	198.00	bdt
7/20/21	Legal research & outline memorandum to client re: [REDACTED]	0.70	115.50	bdt
7/20/21	Prepare memorandum to client re: [REDACTED]	1.60	264.00	bdt
7/22/21	Confer with client re: [REDACTED]	0.20	33.00	bdt
7/23/21	Review [REDACTED] email Dr. Varley re same	0.30	49.50	mjg
7/23/21	Email to Dr. Varley re [REDACTED]	0.10	16.50	mjg
7/23/21	Review [REDACTED] confer with M.N. re same	0.10	16.50	mjg
7/23/21	Confer with client/FF re: [REDACTED]	0.30	49.50	bdt
7/26/21	Telephone D. Reinstein re [REDACTED]	0.20	33.00	mjg
7/26/21	Review/revise joint stipulation of facts re arbitration on Chapter 44/78	0.50	82.50	mjg
7/26/21	Review e-mil from T. Strauser re: [REDACTED]	0.10	16.50	rfk
7/26/21	Review CNA and statutes relevant to [REDACTED] draft stipulation of material facts related to same	1.50	247.50	mne
7/27/21	Telephone R. April, Esq. re difference card matter	0.30	49.50	mjg
7/27/21	Review/respond to email from R. April re difference card issue	0.10	16.50	mjg
7/27/21	Review email from S. Murugan re dental contribution arbitration	0.10	16.50	mjg
7/27/21	Review/respond to email from Dr. Varley re sidebar	0.10	16.50	mjg
7/27/21	Receipt and review of email from client with requested [REDACTED]	0.10	16.50	maw
7/27/21	Draft and revise side bar agreement for payment of teacher stipend for required work to transfer classrooms between buildings due to re-districting	1.00	165.00	maw
7/27/21	Draft email to forward [REDACTED] to client	0.10	16.50	maw
7/27/21	Review stipulated material facts for dental grievance arbitration provided by Association attorneys	0.20	33.00	mne
7/28/21	Review documents re [REDACTED]	0.20	33.00	mjg



7/28/21	Telephone conference with Dr. Varley re: [REDACTED]	0.30	49.50	mjg
7/28/21	Review email from Dr. Varley re [REDACTED]	0.10	16.50	mjg
7/28/21	Receipt and review of email from client with [REDACTED]	0.20	33.00	maw
7/28/21	Email correspondence with client regarding [REDACTED]	0.20	33.00	maw
7/28/21	Receipt and review of [REDACTED] [REDACTED] drafting of email to return [REDACTED] to client	0.20	33.00	maw
7/28/21	Review e-mail from T. Strauser re: [REDACTED]	0.10	16.50	rfk
7/28/21	Finalize Salazar contract; e-mail to architect	1.00	165.00	rfk
7/28/21	Telephone call/e-mails with client re: [REDACTED]	0.50	82.50	bdt
7/29/21	Review/respond to email from J. Kot	0.10	16.50	mjg
7/30/21	Review [REDACTED] for [REDACTED]	0.20	33.00	maw
7/30/21	Review [REDACTED] for [REDACTED]	0.20	33.00	maw
7/30/21	Review [REDACTED] for [REDACTED]	0.20	33.00	maw
7/30/21	Review [REDACTED] for [REDACTED]	0.20	33.00	maw
7/30/21	Research [REDACTED]	0.50	82.50	maw
7/30/21	Draft and revise email memo to client regarding [REDACTED]	1.50	247.50	maw
7/30/21	Review [REDACTED]	0.20	33.00	maw
7/30/21	Review [REDACTED]	0.30	49.50	maw
7/30/21	Review [REDACTED]	0.30	49.50	maw
7/30/21	Review statute on [REDACTED]	0.20	33.00	maw
7/30/21	Draft and revise email memo to client with [REDACTED]	1.50	247.50	maw
7/30/21	Review/redact potentially responsive records re: [REDACTED]	0.70	115.50	bdt

Totals

31.30      \$5,164.50

<u>Lawyer</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Matthew J Giacobbe	3.90	\$165.00	\$643.50
Frances L Febres	0.40	\$165.00	\$66.00
Mark A. Wenczel	15.10	\$165.00	\$2,491.50

Ronald F Kavanagh	1.50	\$165.00	\$247.50
Bradley D Tishman	8.70	\$165.00	\$1,435.50
Mark Nehme	1.70	\$165.00	\$280.50

**DISBURSEMENTS**

7/8/21	Federal Express to Office of the Attorney General	16.96
7/20/21	Photocopies 42 @ 0.20	8.40
7/28/21	Photocopies 21 @ 0.20	4.20
	Totals	<u>\$29.56</u>
	<b>Total Fee &amp; Disbursements</b>	<b><u>\$5,194.06</u></b>

**PAYMENT DETAILS**

7/23/21	Payment	6,014.00
	<b>Total Payments</b>	<b><u>\$6,014.00</u></b>
	Previous Balance	6,014.00
	Previous Payments	6,014.00
	<b>Balance Now Due</b>	<b><u>\$5,194.06</u></b>

TAX ID Number 273680224

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Department of Education,  
School Ethics Commission

Richard J. Hughes Justice Complex  
25 Market Street, P.O. Box 112  
Trenton, New Jersey 08625-0112

By: Laurie Fichera  
Deputy Attorney General  
(609) 376-3100

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:  
: OFFICE OF ADMINISTRATIVE LAW  
:  
IN THE MATTER OF MELISSA :  
VARLEY, BERKELEY HEIGHTS : OAL DOCKET NO. EEC 03574 - 2022 N  
BOARD OF EDUCATION, : AGENCY DOCKET NO. C36-21  
UNION COUNTY :  
:  
: **AFFIDAVIT OF MELISSA VARLEY**

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Melissa Varley, of full age, being duly sworn upon her oath,  
deposes and says:

1. I was the Superintendent of the Berkeley Heights Public Schools during the 2020-2021 school year.
2. During the 2020-2021 school year, my child was among four candidates who completed online applications for three open temporary summer positions with the Berkeley Heights Board of Education ("Board").
3. One candidate withdrew her application after being advised of the short-term nature of the position and the minimum wage compensation to be paid.

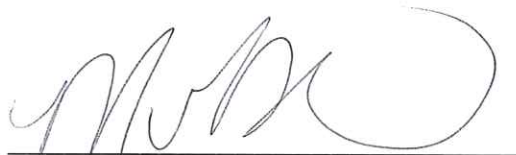
4. As a result, I recommended the three remaining candidates, including my child, to the Board for temporary employment without reviewing the Board's nepotism policy and confirming the policy included an exclusion for student employees, as had existed with my previous employer and was permissive pursuant to N.J.A.C. 6A:23A-6.2(b).

5. Following questioning by a member of the public regarding my recommendation, I contacted Board counsel and immediately removed my child from the position.

6. I acknowledge that my conduct, set forth above in paragraph four, technically violated N.J.S.A. 18A:12-24(b).

7. I agree to accept a penalty of reprimand for my conduct as set forth in paragraph four.

8. I acknowledge that in signing this affidavit I have secured the advice of an attorney and I understand the terms of this agreement.



Melissa Varley

Sworn and Subscribed  
before me this 29 day  
of November, 2022



**SARAH LATZKE**  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 8/8/2023

## EXHIBIT A

Timestamps are from Youtube CC.

The transcript from Youtube is edited to add speakers names, highlight relevant portions, and to add punctuation. Some timestamps and portions of the exchanges have been removed.

78:09

Doug Reinstein:

uh Todd Najarian you're up next. Good evening Todd

78:15

Todd Najarian:

uh yes good evening i just have a few follow-ups and a couple points to make you know recently um all across the country in the news parents are challenging school boards right now and i think that that's actually a very good thing because frankly you know i just want to basically state that you know and and kind of remind everyone that everyone here works for the community and your actions your methods they're all accountable and please take note what is happening around our country right now and i hope and i pray that berkeley heights does not become one of these communities because i have a lot of faith in the school district that i moved here for but you know when i hear of the number of teachers and that number continues to go up who are leaving our district that's very concerning and whether it's a result of the reconfiguration a result of retiring you know our district is great because of the educators who make it great and i want to be very very clear that as a parent i support them and i want to make sure that we are recognizing that they you know we are i think we're almost up to 30 and that's concerning um you know and any organization that has 30 departures regardless of why i think should really take note of that additionally i'd like to also ask the fact that the traffic study tonight uh was another example frankly of parents being misinformed you know again this should have been done ahead of time the head of the plan of presentation and **now to add that onto a creation of a position uh as a result of the change uh that's now going to employ the superintendent's family member is kind of frankly just pouring salt all over the wound um are we really serious about this uh sorry just seems very very off. i also believe there is not clarity in our bylaws regarding permanent versus temporary employment as it relates to family members Can you please share directly with me where this is stated in our bylaws.** um again your

(parts that are irrelevant omitted here)

80:58

Quite frankly and last i'd like to ask for clarification about where the library intern job was posted internally meaning for staff only or externally so that the public just couldn't apply for this. I just find it harder that we couldn't have found parental volunteers that might have been interested in this before we opted for the employment recommendations

that were just approved by the board based on the superintendent's recommendation this evening thank you very much

81:26

**Doug Reinstein:**

thanks for your comments

(some material omitted here as not relevant)

**previous uh to that regarding uh Dr**

**Varley um uh I don't know can you speak to the permanent versus temporary and whether we have that specifically in our in our bylaws?**

**Dr. Varley:**

**I'm not sure if it's definitely in our bylaws. I did, I have obviously we employ a great deal of our staff members' children in the district during the summer, so I did reach out to our attorney and he gave us advice, that if temporary, like a substitute teacher, a um an intern during the summer or anything along those lines is fine. A permanent position, such as a teacher, I could not hire for someone who was related to me. The board could not hire someone who has related them for a permanent position. But a temporary, minimum wage position, is perfectly acceptable.**

**Doug Reinstein:**

and I think can you just ...

**Dr. Varley**

**post it on the website and**

83:15

**Doug Reinstein:**

i think the last piece was

83:17

you know so you mentioned apple track

83:19

which is something that we know which is

83:20

kind of a-p-p-l-i-t-r-a-k

83:23

apple track is a is a tool that we use

83:25

and all of our positions

83:27

regardless of whether their summer

83:28

positions full-time positions

83:30

administrators teachers para

83:32

are all posted on apple track for

83:34

everybody to see

83:35

yes any resident and anybody outside who

83:38

checks our website

83:39

can see open positions.

**Dr/. Varley:**

absolutely

83:41

absolutely

**Doug Reinstein:**

thank you very much todd

Id #	School	Dept 1	Taxable amt	
4373 COLALUCA, KEIRA	99 MAIL		SUMMER LIB. INTERN	
EXP	EXTRA PAY		\$534.00 +	
MED	MEDICARE		\$7.75 -	\$534.00
FICA	FICA		\$33.11 -	\$534.00
FED	FEDERAL TAX		\$21.94 -	\$534.00
NJST	NJ STATE TAX		\$8.01 -	\$534.00
SUI	UNEMPLOYMENT INS		\$2.27 -	\$534.00
FLI	FAMILY LEAVE INS		\$1.50 -	\$534.00
	<b>\$534.00</b> Earnings	<b>\$74.58</b> Deductions	<b>\$459.42</b>	Net amount



Name Keira Colaluca Payroll Month July, 2021

Please submit one form per person, per month.

Day of Week	Date	School	Type of Work	Total Hours Worked
Monday	N/a	N/a	N/a	—
Tuesday	7/6	Woodruff	Library	5
Wednesday	7/7	Woodruff	Library	5
Thursday	7/8	Woodruff	Library	5
Friday		<del>Woodruff</del>		—
Monday				
Tuesday	7-13	Woodruff	Library	5
Wednesday				
Thursday	7-15	Hughes	Library	5
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Monday				
Tuesday	7/27/21	Woodruff	Library	5
Wednesday				
Thursday	7/29/21	Hughes Woodruff	Library	5
Friday				
Monday				32
Tuesday				
Wednesday				
Thursday				
Friday				

32 @ 12 = 384.00

Total hours worked: 32 hrs Amount due: \$ 12.00 PER HOUR

Keira Colaluca

Signature of Employee

Brenda Marley

Signature of Principal

- A. Summer School 13-422-100-101-090-00
- B. Summer Study (1-5) 11-110-100-101-166-00
- C. Summer Study (6-8) 11-110-100-101-166-09
- D. Summer Study (9-12) 11-110-100-101-166-10
- E. Summer Testing (CST) 11-190-100-135-000-00
- F. Student Activities (9-12) 11-401-100-100-540-00

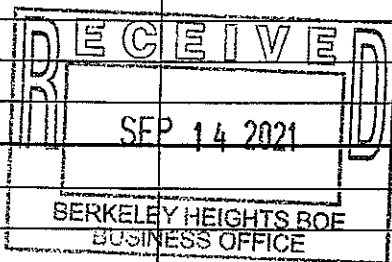
Total: \$384.00

Name Keira Calaluca

Payroll Month August, 2021

Please submit one form per person, per month.

Day of Week	Date	School	Type of Work	Total Hours Worked
Monday				
Tuesday				
Wednesday	<del>8/11</del>			
Thursday	8/12	Hughes	Library	5
Friday				
Monday				
Tuesday				
Wednesday				<del>2.5</del>
Thursday	8/18	Hughes	Library	2.5
Friday				
Monday				
Tuesday	8/24	Woodruff	Library	2.5
Wednesday				
Thursday	8/26	Woodruff	Library	2.5
Friday				
Monday				12 1/2
Tuesday				
Wednesday				
Thursday				
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				



12 1/2 @ 12 = 150.00

#12/hr  
DA

Total hours worked: 12.5

Amount due: \_\_\_\_\_

Keira Calaluca  
Signature of Employee

Brenda Marley  
Signature of Principal

- A. Summer School 13-422-100-101-090-00
- B. Summer Study (1-5) 11-110-100-101-166-00
- C. Summer Study (6-8) 11-110-100-101-166-09
- D. Summer Study (9-12) 11-110-100-101-166-10
- E. Summer Testing (CST) 11-190-100-135-000-00
- F. Student Activities (9-12) 11-401-100-100-540-00

Total: \$150.00

Employee Pay Summary

Berkeley Heights Board of Education

Starting payroll 479 7/14/2021

Ending payroll 507 4/29/2022

Id #	School	Dept 1	Taxable amt	
4374 GRANDOV, NATASHA	99 MAIL		SUMMER LIB. INTERN	
EXP EXTRA PAY			\$540.00 +	
MED MEDICARE			\$7.83 -	\$540.00
FICA FICA			\$33.48 -	\$540.00
FED FEDERAL TAX			\$0.00 -	\$540.00
NJST NJ STATE TAX			\$0.00 -	\$540.00
SUI UNEMPLOYMENT INS			\$2.30 -	\$540.00
FLI FAMILY LEAVE INS			\$1.52 -	\$540.00
<b>\$540.00</b> Earnings	<b>\$45.13</b>	Deductions	<b>\$494.87</b>	Net amount

Name Natasha Grandov

Payroll Month July, 2021

Please submit one form per person, per month.

Day of Week	Date	School	Type of Work	Total Hours Worked
Monday	-	-	-	-
Tuesday	7/6/21	Woodruff	Library	5
Wednesday	7/7/21	Woodruff	Library	5
Thursday	7/8/21	Woodruff	Library	5
Friday	-	-	-	-
Monday	-	-	-	-
Tuesday	7/13/21	Woodruff	Library	5
Wednesday				
Thursday	7/15	Hughes	Library	5
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Monday				
Tuesday	7/27/21	Woodruff	Library	5
Wednesday				
Thursday	7/29/21	Hughes	Library	5
Friday				
Monday				35
Tuesday				
Wednesday				
Thursday				
Friday				
				35 @ 12 = 420.00

Total hours worked: 35

Amount due: \$ 12.00 PER HOUR

Natasha Grandov  
Signature of Employee

Brenda Marley  
Signature of Principal

- A. Summer School 13-422-100-101-090-00
- B. Summer Study (1-5) 11-110-100-101-166-00
- C. Summer Study (6-8) 11-110-100-101-166-09
- D. Summer Study (9-12) 11-110-100-101-166-10
- E. Summer Testing (CST) 11-190-100-135-000-00
- F. Student Activities (9-12) 11-401-100-100-540-00

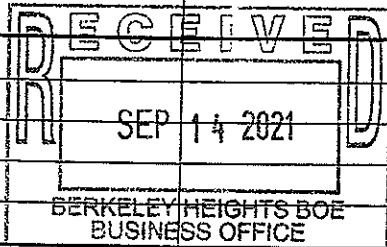
Total: \$ 420.00

Name Natasha Grandov

Payroll Month August, 2021

Please submit one form per person, per month.

Day of Week	Date	School	Type of Work	Total Hours Worked
Monday				
Tuesday				
Wednesday				
Thursday	8/19	Hughes	Library	2.5
Friday				
Monday				
Tuesday	8/24	Woodruff	Library	3.5
Wednesday				
Thursday	8/26	Woodruff	Library	4
Friday				
Monday				
Tuesday				10
Wednesday				
Thursday				
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				



10 @ 12 = 120.00

\$12/hr  
DA

Total hours worked: 10

Amount due: \_\_\_\_\_

Natasha Grandov

Signature of Employee

Brenda Marley

Signature of Principal

- A. Summer School 13-422-100-101-090-00
- B. Summer Study (1-5) 11-110-100-101-166-00
- C. Summer Study (6-8) 11-110-100-101-166-09
- D. Summer Study (9-12) 11-110-100-101-166-10
- E. Summer Testing (CST) 11-190-100-135-000-00
- F. Student Activities (9-12) 11-401-100-100-540-00

Total: \$120.00

Id #	School	Dept 1	Taxable amt	
4375 VARLEY, MEREDITH	99 MAIL		SUMMER LIB. INTERN	
EXP	EXTRA PAY		\$300.00 +	
MED	MEDICARE		\$4.35 -	\$300.00
FICA	FICA		\$18.60 -	\$300.00
FED	FEDERAL TAX		\$13.54 -	\$300.00
NJST	NJ STATE TAX		\$4.50 -	\$300.00
SUI	UNEMPLOYMENT INS		\$1.28 -	\$300.00
FLI	FAMILY LEAVE INS		\$.84 -	\$300.00
	<b>\$300.00</b> Earnings	<b>\$43.11</b> Deductions	<b>\$256.89</b>	Net amount

Name Meredith Varley

Payroll Month July, 2021

Please submit one form per person, per month.

Day of Week	Date	School	Type of Work	Total Hours Worked
Monday	—	—	—	—
Tuesday	7/6/21	Woodruff	Library	5
Wednesday	7/7/21	Woodruff	Library	5
Thursday	7/8/21	Woodruff	Library	5
Friday	—	—	—	—
Monday	—	—	—	—
Tuesday	7/13/21	Woodruff	Library	5
Wednesday	—	—	—	—
Thursday	7/15	Hughes	Library	5
Friday	—	—	—	—
Monday	—	—	—	25
Tuesday	—	—	—	—
Wednesday	—	—	—	—
Thursday	—	—	—	—
Friday	—	—	—	—
Monday	—	—	25 @ 12 = 300.00	—
Tuesday	—	—	—	—
Wednesday	—	—	—	—
Thursday	—	—	—	—
Friday	—	—	—	—
Monday	—	—	—	—
Tuesday	—	—	—	—
Wednesday	—	—	—	—
Thursday	—	—	—	—
Friday	—	—	—	—

Total hours worked: 25

Amount due: \$12.00 PER HOUR

Meredith Varley / mnd  
Signature of Employee

Brenda Marley  
Signature of Principal

- A. Summer School 13-422-100-101-090-00
- B. Summer Study (1-5) 11-110-100-101-166-00
- C. Summer Study (6-8) 11-110-100-101-166-09
- D. Summer Study (9-12) 11-110-100-101-166-10
- E. Summer Testing (CST) 11-190-100-135-000-00
- F. Student Activities (9-12) 11-401-100-100-540-00

Total: \$300.00

Mark A. Wenczel, Esq.  
Cleary Giacobbe Alfieri Jacobs, LLC  
169 Ramapo Valley Road, UL 105  
Oakland, New Jersey 07436  
973-845-6700  
FAX. 201-644-7601  
Attorneys for Respondent

HELEN BELLA HADEF,

Complainant,

v.

MELISSA VARLEY, BERKELEY  
HEIGHTS BOARD OF EDUCATION,  
UNION COUNTY

Respondent.

SCHOOL ETHICS COMMISSION  
STATE OF NEW JERSEY

Docket No. C36-21

CERTIFICATION OF RESPONDENT DR.  
MELISSA VARLEY IN SUPPORT OF  
MOTION TO DISMISS COMPLAINT

I, Dr. Melissa Varley, of full age, hereby certify as follows:

1. I have been the Superintendent of Schools for the Berkeley Heights Board of Education ("Board") since July 1, 2019. I submit this Certification in support of a motion to dismiss the Complaint filed against me by Helen Bella Hadeff for the Board approval obtained for the hiring of my daughter, Meredith Varley, to serve as an elementary library intern during the summer of 2021.

2. On April 29, 2021, the Board passed a resolution to implement a full day kindergarten program throughout the District together with a required re-alignment of the District's elementary schools by the beginning of the 2021-2022 school year.

3. With the re-alignment of schools, the William Woodruff Elementary School ("Woodruff") was being converted from a Grade 2 through Grade 5 school to a kindergarten through Grade 2 school.



4. The grade re-alignment at Woodruff necessitated the packing and moving of many books and materials to and from the Woodruff school library before the start of the 2021-2022 school year to the District's other elementary schools.

5. To implement the full-day kindergarten and elementary schools' re-alignment before the 2021-2022 school year, the District had to reconfigure its elementary school library collections over the summer. A review of the size of the task at hand, revealed that the two Woodruff school librarians were not able to handle the reconfiguration of the Woodruff library in the time available.

6. Accordingly, on June 7, 2021, the District posted on Applitrack the availability of three summer intern positions with the Board's elementary school libraries beginning July 1, 2021.

7. Applitrack is applicant tracking software widely utilized by public school districts throughout New Jersey to announce public school employment opportunities and accept applications from interested candidates. The developer of Applitrack is Frontline Education Technologies Group, LLC ("Frontline").

8. Upon posting, the availability of the employment opportunity is posted on the Board's website. It is also listed on the public school employment portal maintained at [www.njpublicschooljobs.com](http://www.njpublicschooljobs.com). A true copy of the job posting for the summer intern positions is annexed hereto as Exhibit A.

9. In response to the posting, the District received four completed online applications.

10. However, one of the applicants withdrew her application, after being advised of the short-term nature of the temporary position(s) and the minimum wage compensation to be paid.

11. Accordingly, the Board was left with three applicants for the three summer intern positions. Annexed hereto as Exhibit B is a true copy of an email from Marybeth Kopacz, the

Director of Elementary Education and Intervention, to my assistant, Thomas Long, dated June 17, 2021, confirming the only declination of the opportunity by applicant Caren Pozniak, leaving three available candidates to be Board approved for the three summer intern positions. All three summer interns are high school students. As further evidenced by the email, the Director of Elementary Education and Intervention discussed the opportunity with all four applicants and confirmed the three high school student applicants' qualifications for the summer intern positions. I had no communications with Ms. Pozniak regarding her initial application and/or her declination of the opportunity upon being apprised of the short-term duration of the position, the minimum wage compensation, and the requirements of the position.

12. As the District needed the assistance of three library interns to proceed with the elementary school libraries re-alignment, and the position was only a short-term, temporary summer intern position paying minimum wage, I recommended that the three applicants be approved by the Board so that the District could proceed to complete the elementary school re-alignment, as required, by September 2021.

13. I included my daughter as one of the candidates for the available positions because a search was conducted for interested candidates for the temporary assignment, and no other interested applicants were available or deprived of the opportunity to provide the necessary services as a result of my daughter's employment.

14. No privilege or unwarranted advantage was provided to my daughter, as she was only permitted to provide the necessary assistance after all other interested applicants were first considered and granted the opportunity to work in the temporary position(s).

15. Accordingly, at the time of the Board's approval of the resolution appointing my daughter to the temporary, library-intern position, I did not believe there to be any potential conflict of interest to preclude her appointment.

16. Nevertheless, when the Board voted to approve the hiring of the three library interns, a member of the public questioned the hiring of my daughter for one of the elementary library intern positions.

17. After the meeting, I consulted with Board counsel. In an abundance of caution, I decided that my daughter should be removed from the position, after she had provided approximately twenty-two hours of service for the District.

18. She was paid a total of \$260.00 for the limited time she worked categorizing and moving library books. This money has remained in a separate account, pending the determination of the School Ethics Commission.

19. I never attempted to, and did not, provide my daughter with any unwarranted benefit, privilege, or advantage as a result of my employment by the Board.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Dr. Melissa Varley

Dated: September 30, 2021

**IX. Other Business:**

- *Doctrine(s) of Necessity:* Upper Deerfield Township and Waterford Township Boards of Education.
- Consider whether to hold C63-22 PC+Friv in abeyance pursuant to *N.J.S.A. 18A:12-32* and *N.J.A.C. 6A:28-1.5*.
- Consider whether to hold C76-22 PC/CE+Friv in abeyance pursuant to *N.J.S.A. 18A:12-32* and *N.J.A.C. 6A:28-1.5*.
- DAG Laurie Fichera to present settlement offer in connection with Docket No. C36-21.
- DAG Laurie Fichera to present settlement offer in connection with Docket No. C62-21.
- Follow-up on the status of C51-22 ~~PC~~/CE.
- Discuss the comments received from stakeholders regarding the Commission's proposed Chapter 28 regulations (amendments and readoption) and potential amendments/revisions, if any.

**X. Approval of the Commission's minutes as follows:**

- The public and executive session minutes from the special meeting conducted on



bh communitywatch <bhcommunitywatch1@gmail.com>

**C36-21**

3 messages

**bh communitywatch** <bhcommunitywatch1@gmail.com>

Tue, Oct 18, 2022 at 7:54 AM

To: Michael D'Aquila <mdaquila@bhpsnj.org>, apenna@bhpsnj.org, sbhargavi@bhpsnj.org, tforegger@bhpsnj.org, jyoung@bhpsnj.org, pstanley@bhpsnj.org, rcianciulli@bhpsnj.org, jhyman@bhpsnj.org

Good Morning,

I am writing to follow up on a matter of public interest. I have two questions.

As per the 10/17/22 SEC agenda, the DAG (Laurie Fichera) intends to present a settlement offer in connection to the nepotism complaint against Dr. Varley

Is this an accurate understanding?

If so, I have another question.

After reviewing NJAC 6A:28, I cannot find any language that permits a settlement in a case of this type involving prohibited acts by an administrator.

Why was this offer made at the and who approved it?

I would like a response to both questions.

Thank You  
John Migueis

**IX. Other Business:**

- **Doctrine(s) of Necessity:** Upper Doorfield Township and Waterford Township Boards in Essex.
- Consider whether to hold C63-22 PC+File in abeyance pursuant to N.J.S.A. 18A:12-32 and N.J.A.C. 6A:28-1.5.
- Consider whether to hold C76-22 PGCE+File in abeyance pursuant to N.J.S.A. 18A:12-32 and N.J.A.C. 6A:28-1.5.
- DAG Laurie Fichera to present settlement offer in connection with Docket No. C36-21.
- DAG Laurie Fichera to present settlement offer in connection with Docket No. C62-21.
- Follow-up on the status of C31-21 PGCE.
- Discuss the comments received from stakeholders regarding the Commission's proposed Chapter 28 regulations (amendments and redaction) and potential amendments/revisions, if any.

**X. Approval of the Commission's minutes as follows:**

- The public and executive session minutes from the special meeting conducted on



**Screenshot\_20221018-075226.png**  
406K

**bh communitywatch** <bhcommunitywatch1@gmail.com>

Tue, Oct 18, 2022 at 8:02 AM

To: jeffrey.lenox@njoag.gov, Kathryn.Whalen@doe.nj.gov, School.Ethics@doe.nj.gov, OCS@njoag.gov  
Cc: Michael D'Aquila <mdaquila@bhpsnj.org>, apenna@bhpsnj.org, sbhargavi@bhpsnj.org, tforegger@bhpsnj.org

Good morning:

I sent the following questions to our BOE. If you have any insight into the answers to these questions I would appreciate reading them.

Thank you

Email reads as

[Quoted text hidden]

IX. Other Business:

- Discuss report of necessity: Upper Doorfield Township and Waterford Township Boards of Education.
  - Consider whether to hold C63-22 PGCE in abeyance pursuant to N.J.S.A. 18A:12-32 and N.J.A.C. 6A:28-1.5.
  - Consider whether to hold C78-22 PGCE in abeyance pursuant to N.J.S.A. 18A:12-32 and N.J.A.C. 6A:28-1.5.
  - DAG Laurie Fishon to present settlement offer in connection with Docket No. C36-21.
  - DAG Laurie Fishon to present settlement offer in connection with Docket No. C62-21.
  - Follow-up on the status of C31-22 PGCE.
  - Discuss the comments received from stakeholders regarding the Commission's proposed Chapter 28 regulations (amendments and readoption) and potential amendments/revisions, if any.
- X. Approval of the Commission's minutes as follows:
- The public and executive session minutes from the special meeting conducted on



Screenshot\_20221018-075226.png  
406K

**bh communitywatch** <bhcommunitywatch1@gmail.com>

Tue, Oct 18, 2022 at 8:23 AM

To: jeffrey.lenox@njoag.gov, Kathryn.Whalen@doe.nj.gov, School.Ethics@doe.nj.gov, OCS@njoag.gov

Cc: Michael D'Aquila <mdaquila@bhpsnj.org>, apenna@bhpsnj.org, sbhargavi@bhpsnj.org, tforegger@bhpsnj.org

My apologies. Here is the link to the entire agenda.

<https://www.nj.gov/education/ethics/agenda/22/10.17.22%20public%20agenda%20-%20Final%20-%20ADA.pdf>

Thank you again for your attention to this matter

[Quoted text hidden]