

PHILIP L. MAIER, ESQ.
Arbitration and Mediation

[REDACTED]

[REDACTED]

[REDACTED]

April 22, 2024

**CONFIDENTIAL REPORT TO THE
SMITHTOWN BOARD OF EDUCATION**

Dr. Mark Secaur, Superintendent
Smithtown Central School District
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Re: Report of Findings of Fact in Confidential Investigation "A"

Dear Sirs:

At a special meeting of the Smithtown Central School District Board of Education held on February 1, 2024, the Board adopted a resolution appointing the undersigned as special counsel to investigate a certain confidential personnel matter listed on Confidential Sheet "A" which was previously discussed by the members of the Board of Education. As discussed below, the investigation centered upon whether Board member Karen Wontrobski-Ricciardi disclosed confidential information that had been discussed in executive session at the public portion of the Board of Education meeting held on January 23, 2024. The resolution states as follows:

RESOLVED, that the Board of Education hereby appoints PHILIP MAIER as special counsel to conduct an investigation regarding a certain confidential personnel matter listed on Confidential Seet "A", (Karen Wontrobski-Ricciardi) which was previously discussed by the members of the Board of Education and authorizes the Board President and, or Superintendent of Schools, to execute a Retainer Agreement on behalf of the Board at the rate of \$300 per hour.

The purpose of the investigation is to make recommended factual findings regarding this incident and report those findings to the Board.

The Board is already aware of the facts which led to this investigation. Basically, at the Board's January 23, 2024 executive meeting, [REDACTED]

[REDACTED], a teacher at the District. [REDACTED] Neil Katz, the Assistant Superintendent for Personnel, met with [REDACTED] [REDACTED] the following morning.

[REDACTED], by letter dated January 25, 2024 to Dr. Secaur, advised of certain comments which [REDACTED] made to her following the meeting with Katz. Those comments gave rise to this investigation. In relevant part the letter states:

Immediately following the meeting on January 24th, I was told by the teacher that Board of Education trustee and Vice President Karen Wontrobski-Ricciardi contacted her and discussed what appears to be confidential information from Executive Session at the Board of Education meeting on January 23rd. Ms. Wontrobski-Ricciardi informed the teacher that [REDACTED]. The teacher specifically said to me, "I already heard what was happening from Karen Ricciardi. Karen told me that both she and Stacey (sic) Murphy were furious last night and felt bamboozled."

The teacher told me that the [REDACTED], offered to find an attorney for her. For the [REDACTED] to insert herself into a situation like this is extremely inappropriate and way outside the purview of a [REDACTED] role and responsibility.

The actions of Ms. Wontrobski-Ricciardi and [REDACTED] are both improper and outrageous. Further, it is arguably an intrusion upon the union's role with respect to the rights and representation of its members in matters such as these. Ms. Wontrobski-Ricciardi's apparent breach of the confidentiality of Executive Session discussions warrants a full investigation and appropriate action.

I scheduled interviews with [REDACTED] on both February 28 and March 18, 2024 but she failed to appear on both occasions. A union representative did appear on the first occasion and advised that she would not be present. The Superintendent provided me with [REDACTED] email address. I contacted her by email dated April 11, 2024 and tentatively scheduled a meeting subject to her availability for April 15, 2024. She did not appear at that time and has not contacted me.

The following is a discussion of the facts elicited during interviews with Board members and the Superintendent conducted pursuant to the Board's resolution.

KAREN WONTROBSKI-RICCIARDI

Wontrobski-Ricciardi stated that she was completely surprised by [REDACTED] allegation that she advised her about executive sessions discussions. She stated that the allegations are untrue and was shocked when she read [REDACTED] letter. The last time she had spoken with [REDACTED] was in March or April 2023 at which time her twin children were in [REDACTED] class.

The first time she knew about [REDACTED] was when it was discussed at the January 23, 2024 executive session. She saw [REDACTED] in the ladies' room prior to the executive session but did not have any discussions with her and did not leave the room to speak with her about this or any other matter.

The first time she was aware of the allegations in this matter was when she saw the Superintendent's letter dated January 25. Wontrobski-Ricciardi provided text and phone records indicating that she did not make any calls to [REDACTED] and stated that she did not know her phone number. She highlighted any calls and texts between the executive session and the next day when the meeting took place. She speculated that [REDACTED] may have said this because she was afraid and did not know what else to do. She stated that [REDACTED] and [REDACTED] are close friends and that maybe [REDACTED] said something to her, such as [REDACTED] will talk to her or the Board. She never spoke to [REDACTED], [REDACTED] or anybody else about this matter. She also said that to be clear she did not ever speak with [REDACTED], and she had no conversation with [REDACTED] in the bathroom and at that time, in any event, did not have any information about [REDACTED].

JOHN SAVORETTI

Savoretti stated that he does not believe the allegation that Wontrobski-Ricciardi told [REDACTED] any information about what happened in executive session and does not think that Ricciardi or Murphy are the type that will break the rules. The only thing he knew about this incident was what was said in executive session. He does not believe the allegation [REDACTED]. He does not know of anybody else who would know about this issue, other than Board cabinet members. He stated that he did not recall a conversation he had with [REDACTED] that evening. Anything he may have said to her would not have related to a matter of substance such as what is at issue here. After the January 23 session a special meeting was called and it was determined that this matter should be investigated.

KEVIN CRAINE

Craine stated that the [REDACTED] conversation took place in executive session on January 23. There was a discussion about [REDACTED]

[REDACTED] He does not know who would have spoken to [REDACTED] about [REDACTED], has no idea who told her about it, and said he has no idea how the confidentiality of the executive session was breached. He may have spoken to [REDACTED] prior to the January 23 meeting, but has never spoken to her about any matter of substance and did not discuss anything about [REDACTED].

MATTHEW GRIBBIN

Gribbin stated that he knows that [REDACTED] is a teacher at the District and that [REDACTED]. [REDACTED] started in the position about 6 years ago when he was President. He did speak to [REDACTED] before the executive session and had not spoken to her since June 2023. He believed she was at the board meeting on January 23. He did not speak to her after the session and, if he did, it was nothing more than to say hello to her as he walked past.

He said that there was a discussion about [REDACTED]. [REDACTED]. The first time he heard about this incident was during the executive session. The only information he knows about this incident is that which is stated in [REDACTED] January 25th letter.

The first time he was aware of [REDACTED] was at the January 23 executive session, and he believes that the allegations in the January 25 letter are accurate.

MICHAEL CATALANOTTO

Catalanotto stated that his knowledge about the allegation regarding Ricciardi was limited to that which was stated in executive session and at the special meeting and that which was contained in the January 25 letter. He stated that while [REDACTED] has a close relationship with [REDACTED] and works closely with Karen, he has no personal knowledge of whether Wontrobski-Ricciardi did or did not speak with [REDACTED]. He also stated that he does not know whether or not [REDACTED] was actually involved in this in any way.

MICHAEL SAIDENS

Stated that at the January 23 meeting, [REDACTED] pulled Wontrobski-Ricciardi out of the instructional meeting and spoke with her before the executive session, but does not know what that concerned. Saidens said that [REDACTED] and [REDACTED] are very close and when [REDACTED] got a reprimand letter in her file [REDACTED] was devastated and felt they were going after her because they were friends.

The Board was informed about the disclosure of the information by the Superintendent. Saidens stated that he has no personal knowledge about how this information may have been disclosed, but stated in his experience that prior to executive sessions board leadership was advised by the superintendent as what was on the agenda.

STACY MURPHY

Murphy stated that she has no personal knowledge whether or not there was a leak of what was discussed in executive session concerning [REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] She was aware that this issue was going to be presented to the Board since she had discussed the agenda with Secaur. She was neither “furious” nor felt “bamboozled.” She in effect stated that she had little reaction to the discussion about this issue and had no knowledge of the leak. She was first advised about it when she was contacted by Secaur.

She stated that [REDACTED] [REDACTED]

[REDACTED]. She acts as a volunteer parent advocate. Since her original appointment by the Board, the current Board has taken steps to make her appointment more of an official nature. She stated that she did not discuss this matter with Wontrobski-Ricciardi prior to the executive session on January 23, 2024.

Dr. MARK SECAUR

Secaur stated that he and Katz discussed with the Board during the January 23 executive session [REDACTED]

[REDACTED]. He did not discuss this issue with Wontrobski-Ricciardi prior to the executive session.

I met with him at the District on April 3 at which time we reviewed a recording of outside the Board room after the January 23 meeting. The recording showed that [REDACTED]

was present. Board members Craine, Gribbin and Savoretti were also present at various times when [REDACTED] was there. Wontrobski-Ricciardi was not present and was not seen in the recording speaking with [REDACTED]

RECOMMENDED FINDINGS OF FACT

As discussed below, I am not able to conclude based upon the facts presented that Wontrobski-Ricciardi disclosed the confidential information discussed during the January 23, 2024 executive session that [REDACTED]

[REDACTED].

[REDACTED] letter in relevant part states: "Ms. Wontrobski-Ricciardi informed the teacher [REDACTED]

[REDACTED]. The teacher specifically said to me, "I already heard what was happening from Karen Ricciardi. Karen told me that both she and Stacey (sic) Murphy were furious last night and felt bamboozled."

The primary witness regarding the remarks leading to this investigation is [REDACTED]. As stated above, however, I attempted to interview her on two occasions. On both occasions she failed to appear for the scheduled interview. Assuming that [REDACTED] accurately reported what she believes [REDACTED] told her, there is no way to ascertain the veracity of this comment or whether [REDACTED] would admit that she in fact said this without speaking with her directly. I was unable to question her about the circumstances under which her alleged conversation with Wontrobski-Ricciardi took place. Without having such information, I cannot find that such a conversation occurred. It is difficult to conclude that an allegation has merit when the person making the assertion fails to cooperate with an investigation.

Wontrobski-Ricciardi denies having discussed executive session matters with [REDACTED] and produced phone records to corroborate her denial. These records show that she had no contact with [REDACTED] from the night of January 23 until the next morning when the meeting took place. I do not find a basis to discredit Wontrobski-Ricciardi's comments in this regard.

[REDACTED] also failed to contact me about the proposed meeting on April 15, the date which I had scheduled subject to her availability, and has not replied to my email. Her failure to cooperate and effective refusal to be questioned about the incident impedes both the ability to conclude whether Wontrobski-Ricciardi made the comments as alleged and to discover the source of [REDACTED] information. While Wontrobski-Ricciardi was seen with [REDACTED] prior to the start of the executive session on January, I cannot conclude that she knew at that time about [REDACTED]. Secaur and Murphy stated that they did not tell her [REDACTED], and Wontrobski-Ricciardi said that she was not aware of it prior to the executive session. As a result, I cannot conclude that Wontrobski-Ricciardi was aware of [REDACTED] [REDACTED] when she saw [REDACTED] prior to the executive session. There is no basis to find that she provided information to [REDACTED] who then told [REDACTED]. Without the opportunity to question either [REDACTED] or [REDACTED], any conclusions in this regard would be mere speculation.

The other members of the Board stated that they were unaware of how [REDACTED] learned of this information. While it is clear that [REDACTED] was made aware of [REDACTED]

[REDACTED]

the facts do not support a finding that Wontrobski-Ricciardi was the source of the information.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Philip Maier".

Philip L. Maier

Dated: April 22, 2024