OCEAN CITY FAIRNESS IN TAXES
POST OFFICE BOX 565
OCEAN CITY, NEW JERSEY 08226

Monday, May 15, 2023

Mr. Chris Halliday, Board President
Ocean City Board of Education
501 Atlantic Avenue – Suite 1
Ocean City, New Jersey 08226

Subject: **School Superintendent Attendance Record – Start Date**

Dear Mr. Halliday:

This is a follow up to Ocean City Fairness in Taxes (FIT) letter of May 4, 2023 regarding Ocean City School Superintendent Dr. Matthew Friedman's attendance record and in particular, Dr. Friedman's' attendance for the first six (6) days of his employment with the district. Based on information gathered by FIT through Open Public Records Act (OPRA) requests along with research, FIT has been able to determine the following facts:

1. Contractually, Dr. Friedman was obligated to start work with the Ocean City School District on July 1, 2022, based on his employment agreement that was executed on May 11, 2022. (Exhibit "A")

2. Apparently, Dr. Friedman had a concern that he was not going to be released in a timely fashion from his former employer (South Orange-Maplewood School District) in order to accommodate a July 1, 2022, start date that an email was sent on May 13, 2022, from former board president, Dr. Patrick Kane, to Tim Kelley and Jeffrey Caccese, Esquire, that Dr. Friedman's start date would be between July 1 and July 15, 2022. Please note that this email does not mention at all that Dr. Friedman would be attending a professional development event. (Exhibit "B")

3. Also, please be aware that Dr. Friedman executed a contract committing to start on July 1, 2022 and then just two (2) days later advised the district that he potentially could not satisfy that commitment.

4. At the June 27, 2022 South Orange-Maplewood Board of Education meeting, Dr. Friedman's resignation was approved by the board effective July 1, 2022, meaning his last day that he was employed (and paid) by the district was June 30, 2022. Dr. Friedman would have been available to start work in Ocean City on July 1, 2022, as contractually obligated. (Exhibit "C")

5. A local media report regarding the departure of Dr. Friedman's from the South Orange-Maplewood School District confirms his departure at the end of the school year, which was June 30, 2022. (Exhibit "D")

6. Based on this information, it is clear that despite the email of May 15, 2022, Dr. Friedman was readily available for work in the Ocean City School District on July 1, 2022.

7. Despite being readily available for work on July 1, 2022, based on Dr. Friedman's attendance record, his first day of physically being in the district for work was July 11, 2022. (Exhibit "E")

8. According to Dr. Friedman's attendance record, his first six (6) work days in the district, was recorded as being on professional leave. Based on an email from Business Administrator Tim Kelley, this means that Dr. Friedman was at a professional development event, like a conference, conference or seminar. (Exhibit "F")

9. To date, FIT has found no evidence that Dr. Friedman was at an approved professional development event for six (6) work days which spanned over Fourth of July holiday weekend.

Again, FIT is asking a rather simple and straight forward question regarding Dr. Friedman's attendance and the question is as follows:

"Exactly where was Dr. Friedman for the first six (6) days of his employment with the Ocean City School District as he was not physically in district?"

With an annual salary of $190,000, Dr. Friedman's daily gross salary would be approximately $731 per day. Based on facts and related documents obtained by FIT to date, it appears that recording Dr. Friedman's first six (6) days in the district as professional leave is not a fair representation since Dr. Friedman was not at an approved professional development event. Considering the dollar value associated with the six (6) days in question ($4,386), this is a serious financial and accountability matter deserving immediate attention of the board as this situation is unacceptable and should not be tolerated.

At the last FIT board of directors meeting, the board authorized the use of FIT's legal counsel to determine what actions can be taken in order to protect the interest of the Ocean City school community and district taxpayer. FIT will continue to undertake the necessary research to acquire a greater appreciation of Dr. Friedman's work record while employed by the Ocean City School District.

It is FIT's position that holding Dr. Friedman accountable is not micromanaging the school superintendent but a primary responsibility of the board of education, namely the board president. (Exhibit "G").

To say otherwise is not understanding your role as a board of education member and is a major contributing factor to why Ocean City school leadership is in turmoil.

Respectfully submitted,

David Breeden, President
Ocean City Fairness in Taxes

ATTACHMENTS:
Exhibit "A" – Friedman Employment Agreement Start Date and Signature Page
Exhibit "B" – Email Exchange dated May 13, 2022 over Friedman Start Date
Exhibit "C" – South Orange-Maplewood June 27, 2022 Meeting Minutes Page
Exhibit "D" – Local Media Report Essex County Dispatch – May 23, 2022
Exhibit "E" – Dr. Friedman Attendance Record
Exhibit "F" – Email dated May, 2023 from Tim Kelley on Professional Leave Status
Exhibit "G" – Email from Chris Halliday dated May 4, 2023 on Micromanaging

cc: Tim Kelley, Board Secretary/Business Administrator
Ocean City Board of Education Members
Ocean City Fairness in Taxes Board of Directors

Exhibit "A"

NOW, THEREFORE, in consideration of the following mutual promises and obligations, the parties agree as follows:

ARTICLE I
EMPLOYMENT

The Board hereby agrees to employ Dr. Friedman as Superintendent of Schools for the period of July 1, 2022 through June 30, 2025. The parties acknowledge that this Contract must be approved by the Executive County Interim Superintendent for Cape May County in accordance with applicable law and regulation.

ARTICLE II
CERTIFICATION

The parties acknowledge that the Superintendent currently possesses the appropriate New Jersey administrative certification and school administrator endorsement.

If, at any time during the term of this Contract, the Superintendent's certification(s) is revoked, this Contract shall be null and void as of the date of the revocation.

ARTICLE III
DUTIES

In consideration of the employment, salary and fringe benefits established hereby, the Superintendent hereby agrees to the following:

A. To perform faithfully the duties of Superintendent of Schools for the Board and to serve as the chief school administrator in accordance with the laws of the State of New Jersey, Rules and Regulations adopted by the State Board of Education, existing Board policies and those which are adopted by the Board in the future. The specific job description as set forth in current Board Policy 1230 applicable to the position of Superintendent of Schools, is incorporated by reference into this Contract.

No material derogatory to the Superintendent's conduct, service, character, or personality shall be placed in his personnel file unless he has had an opportunity to review the material. The Superintendent shall acknowledge that he has had the opportunity to review such material by affixing his signature to the copy to be filed with the express understanding that such signature in no way indicates agreement with the contents thereof. The Superintendent shall also have the right to submit a written answer to such material.

IN WITNESS WHEREOF, the parties have set their hands and seals to this Employment Contract effective on the day and year first above written.

SUPERINTENDENT

Dr. Matthew Friedman

Date: 5/11/22

OCEAN CITY BOARD OF EDUCATION

Patrick Kane, M.D.
President

Date: 5/11/22

WITNESS:

WITNESS:

Exhibit "B"

From: Patrick Kane
To: Timothy Kelley-Business Administrator; Jeffrey R. Caccese; Matthew Friedman
Subject: Start date
Date: Friday, May 13, 2022 2:19:48 PM

Tim,

I was talking with Matt, he needs to confirm with his current district start date, will be sometime between July 1-July 15.

So we may need to have a short term contract in place for TB.

Patrick

Get Outlook for iOS

From: Timothy Kelley-Business Administrator
To: Patrick Kane; Jeffrey R. Caccese; Matthew Friedman
Subject: RE: Start date
Date: Friday, May 13, 2022 2:25:08 PM

Ok – thank you. We will need to know ASAP to try and get this done if needed.

Tim

From: Patrick Kane <PKane@OCNJ.onmicrosoft.com>
Sent: Friday, May 13, 2022 2:20 PM
To: Timothy Kelley-Business Administrator <tkelley@ocsdnj.org>; Jeffrey R. Caccese <jcaccese@comegnolaw.com>; Matthew Friedman <friedman98@me.com>
Subject: Start date

Tim,

I was talking with Matt, he needs to confirm with his current district start date, will be sometime between July 1-July 15.

So we may need to have a short term contract in place for TB.

Patrick

Get Outlook for iOS

Meeting Minutes Of June 27, 2022

Exhibit "C"

4308B. RETIREMENTS

NAME	ASSIGNMENT	EFFECTIVE DATE	YEARS IN DISTRICT
Davis, Nettie	School Bus Driver TRANS - .8 FTE	7/1/22	32
Donatelli, Susan	T 2 TUS - 1.0 FTE	7/1/22	19
Pierre Louis, Renaud	School Bus Driver TRANS - .8 FTE	7/1/22	25
Simmons, Veronica	School Bus Aide TRANS - .8 FTE	7/1/22	31.8
Spencer, Junior	Technology Integration Trainer DIST - 1.0 FTE	7/1/22	12

4308C. RESIGNATIONS

NAME	ASSIGNMENT	EFFECTIVE DATE	YEARS IN DISTRICT
Friedman, Dr. Matthew	Asst. Supt. for C&I DIST - 1.0 FTE	7/1/22	1.9
Grutta, Jennifer	T 2 CLIN - 1.0 FTE	7/1/22	.5
Sartorio, Aaron	T SPED/INC CHS - 1.0 FTE	7/1/22	2
Shu, Dorothy	T Math SOM - 1.0 FTE	8/1/22	0
Williams, Shea	Library Media Specialist DIST - .4 FTE	7/1/22	3
Young, Samantha	T SPED/INC CLIN - 1.0 FTE	7/1/22	.3
Ziering, Adam	T SPED CHS - 1.0 FTE	7/1/22	6
Mendez, Roberto	Supervisor. for Special Services DIST. - 1.0 FTE	8/23/22	1.1

★ → Last Day Of Pay 6/30/22

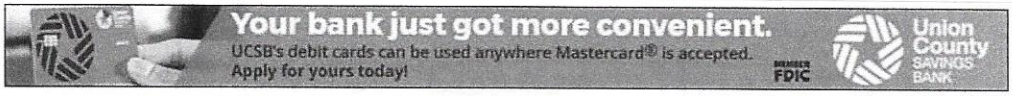
4308D. APPOINTMENT
(This employment is conditional and subject to the disclosure requirement; pending compliance with NJ Public Law 2018, Chapter 5)

NAME	ASSIGNMENT	EFFECTIVE DATE	ACTUAL SALARY
Marshall, Jamie	AV Technician DIST - 1.0 FTE	6/28/22 6/30/22	$67,193

4308E. APPOINTMENTS FOR THE 2022-2023 SCHOOL YEAR
(This employment is conditional and subject to the disclosure requirement; pending compliance with NJ Public Law 2018, Chapter 5)

NAME	ASSIGNMENT	EFFECTIVE DATE	ACTUAL SALARY
Andrews, Shawana	Instructional Coach Secondary DIST - 1.0 FTE	7/1/22 6/30/23	$79,752*

Exhibit "D"



SOMSD assistant superintendent resigns to pursue expanded leadership role

By Editor on May 23, 2022 · Comments Off

SOUTH ORANGE / MAPLEWOOD, NJ — The South Orange–Maplewood School District announced May 19 that Assistant Superintendent of Curriculum and Instruction Matthew Friedman will be leaving the district at the end of the school year to pursue an opportunity to lead the Ocean City School District in South Jersey as its new superintendent of schools.

END OF SCHOOL YEAR IS JUNE 30, 2022

Friedman joined the SOMSD in 2020 and assisted as it transitioned into virtual learning in response to the COVID-19 pandemic. During Friedman's tenure, the district introduced its first formal dual-enrollment program with Kean University for selected middle school students; brought the K-12 curriculum online via Atlas so that it is accessible to parents and teachers; introduced the Portrait of a Graduate system to the district; led a partnership with CodeJoy to bring coding to elementary schools via their media specialists; and, with the technology department, assisted in implementing the district's one-to-one technology initiative in which each student now has access to a computer device.

"We are proud to have impacted Dr. Friedman's journey and wish him well as he takes a bit of SOMSD with him to support the students and community of Ocean City," SOMA Superintendent of Schools Ronald Taylor said.

The district will soon begin its search for a new assistant superintendent of curriculum and instruction and does not anticipate that the process will disrupt the district's operations

NEW

South Orange–Maplewood School Dis

195
43
152

152/195 = 78%

GRADE → C

Exhibit "E"

Employee: FRIEDMAN, MATTHEW

Absence history for the next 366 days as well as the past 366 days

CONF#	Substitute	Feedback ABOUT Substitute	Feedback Left by Substitute	Start Date	Absence Reason	Days	School	Status
575939215				04/19/2023	Illness ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
560411706				04/03/2023	Professional ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
571481935				03/28/2023	Vacation ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
571247870				03/22/2023	Personal Day ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
560411320				03/20/2023	Professional ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
562094389				03/16/2023	Professional ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
559681923				03/13/2023	Professional ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
566483583				03/06/2023	Illness ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
565779314				03/03/2023	Vacation ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
559664330				03/01/2023	Vacation ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
				02/28/2023	Professional ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
559664070				02/13/2023	Professional ✓	5.00	Ocean City Board of Education Office	Substitute Not Needed
557164991				01/25/2023	Professional ✓	3.00	Ocean City Board of Education Office	Substitute Not Needed
551234429				12/21/2022	Illness ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
551382441				12/20/2022	Illness ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
548628937				12/08/2022	Vacation ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
547119138				12/01/2022	Vacation ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
544123602				11/17/2022	Vacation ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
				11/03/2022	Personal Day ✓	0.50	Ocean City Board of Education Office	Substitute Not Needed
537160835				10/17/2022	Illness ✓	1.00	Ocean City Board of Education Office	Substitute Not Needed
532139112				10/12/2022	Professional ✓	4.50	Ocean City Board of Education Office	Substitute Not Needed
532138323				10/03/2022	Professional ✓	2.00	Ocean City Board of Education Office	Substitute Not Needed
521938940				07/04/2022	Professional ✓	1.00	Ocean City Board of Education Office	
				07/01/2022	Professional ✓	5.00	Ocean City Board of Education Office	Substitute Not Needed

27.50 – PROFESSIONAL
9.00 – VACATION
5.00 – ILLNESS / SICK
1.50 – PERSONAL
43.00 – TOTAL DAYS

19
JULY 2022 – 20
AUGUST 2022 – 23
SEPT. 2022 – 21
OCTOBER 2022 – 20
NOVEMBER 2022 – 18
DECEMBER 2022 – 17

JAN – 20
FEB – 19
MARCH – 23
APRIL – 14
TOTAL 195

Exhibit "F"

From: tkelley@ocsdnj.org,
To: danddbreeden@aol.com,
Cc: lpersia@ocsdnj.org, challiday@ocsdnj.org,
Subject: RE: OCNJ BOE OPRA Request - April 24, 2023
Date: Tue, May 2, 2023 1:05 pm

Dave,

Please see below in blue.

Thank you,
Tim

Timothy E. Kelley, CPA
School Business Administrator
Ocean City School District
Ph. (609) 399-4161
Fx. (609) 399-4656

From: David & Donna Breeden <danddbreeden@aol.com>
Sent: Tuesday, May 2, 2023 10:19 AM
To: Timothy Kelley-Business Administrator <tkelley@ocsdnj.org>
Cc: Linda Persia <lpersia@ocsdnj.org>
Subject: Re: OCNJ BOE OPRA Request - April 24, 2023

[This message originated from a sender outside Ocean City Schools. Please use caution when opening any links or attachments.]

Good morning Tim --

Appreciate the OPRA response. A few questions regarding Dr. Friedman's attendance history which was part of the OPRA response:

1. Assume that the reason for an absence called illness is a "sick day" and represents personal leave time consistent with his employment agreement/contract. Yes – the system records them with the category "illness"

2. Exactly what does "Professional" reason for absence mean and does it reflect personal leave time as defined by his employment agreement/contract? This is a regular paid day when the employee is not in district. It is generally used to account for employee attendance at outside professional development events. It is not personal leave time.

3. July 4, 2022 was a Monday and was a recognized district holiday. Why would Dr. Friedman be charged for a "Professional" leave absence on July 4, 2022 if it was a holiday? It appears that week was entered as a block of days. The system automatically broke out 7/4 since the district was closed on that date.

Thank you.

Exhibit "G"

From: challiday@ocsdnj.org,
To: tkelley@ocsdnj.org, danddbreeden@aol.com,
Cc: lpersia@ocsdnj.org, rshaffer@ocsdnj.org, tuscany1900@yahoo.com, jclark@ocsdnj.org, mstantonlaw@comcast.net,
Subject: Re: Ocean City BOE OPRA Request - May 2, 2023
Date: Thu, May 4, 2023 1:17 pm

Mr. Breeden,
Superintendent does not have to request travel approval from the board president or the board. The travel reimbursements are in the superintendent's contract and the board does not micromanage the day-to-day operations of the district or the superintendent. It would be an ethical violation if a board member dictated to the superintendent what he can and cannot do.
Best regards,
Chris

From: David & Donna Breeden <danddbreeden@aol.com>
Sent: Thursday, May 4, 2023 9:58 AM
To: Timothy Kelley-Business Administrator <tkelley@ocsdnj.org>
Cc: Linda Persia <lpersia@ocsdnj.org>; Chris Halliday <challiday@ocsdnj.org>; Robin Shaffer <rshaffer@ocsdnj.org>; tuscany1900@yahoo.com <tuscany1900@yahoo.com>
Subject: Re: Ocean City BOE OPRA Request - May 2, 2023

[This message originated from a sender outside Ocean City Schools. Please use caution when opening any links or attachments.]

Good morning Mr. Kelley --

Had an opportunity to review the OPRA response for board approved travel for professional development for staff of the district for school year 2022-2023.

Based on that review, have a question about Dr. Friedman's trip to Chicago on March 12-14, 2023.

This trip was approved by the board at its regular meeting of March 16, 2023.

It appears that the board approved the trip after it was taken.

Based on my understanding of school operations, the board should/must approve professional develpment cost prior to the event taking place, not after.

While I understand that there might be times where this is not possible, for significant trips out of state requiring air fare and lodging, there should be adequate notice to the board.

Is there an informal process in which the board president can provide approval for travel and have the entire board subsequently formalize the approval at a later date?

Also, is there a standardized form that is used district wide to officially request board approval for professional development?

Thank you.