

# Bogota School District

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

1 Henry C. Luthin Place – Bogota, NJ 07603

Phone: 201-441-4800 Fax: 201-489-5759 E-Mail: [vvarcadipane@bogotaboe.com](mailto:vvarcadipane@bogotaboe.com)

[www.bogotaboe.com](http://www.bogotaboe.com)

---

*Vincent N. Varcadipane, Ed.D.*

*Superintendent of Schools*

August 30, 2017

Francesco Frangella  
Special Investigator  
Office of Fiscal Accountability and Compliance  
EMAIL: [Francesco.Frangella@doe.state.nj.us](mailto:Francesco.Frangella@doe.state.nj.us)

Dear Mr. Frangella:

The Bogota Board of Education, at their meeting held August 29, 2017, approved the corrective action plan for Investigative Findings for case #INV-027-17. The Findings were discussed in public as well as the corrective action plan. Both documents have been posted on the Bogota School District website.

In this complete PDF file, please find the district's corrective action plan for case #INV-027 (Pages 2 & 3), a copy of the results from the RFP request from July 2017 (page 4), copies of the actual newspaper ads from the Star Ledger and The Record (page 5), a copy of the Bogota Board of Education's Resolution Extract approving the Corrective Action Plan from the August 29, 2017 meeting (Page 6), and a copy of a bill from the district's new attorney, Nathanya Simon (pages 7-9).

Should any further information be required do not hesitate to contact me.

Sincerely,

Vincent Varcadipane, Ed.D.

**NEW JERSEY DEPARTMENT OF EDUCATION  
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE  
CORRECTIVE ACTION PLAN**

SCHOOL DISTRICT NAME: **BOGOTA** COUNTY : **BERGEN**

TYPE OF EXAMINATION: **ATTORNEY BILLING PRACTICE REVIEW – OFAC CASE #INV-027-17**

DATE OF BOARD MEETING: **TUESDAY, AUGUST 29, 2017**

CONTACT PERSON: **DR. VINCENT VARCADIPANE, INTERIM SUPERINTENDENT**

TELEPHONE NUMBER: **201-441-4800** FAX NUMBER: **201-489-5759**

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
<p><b>Recommendation #1</b> NJAC 6A:23A-5-2(a) 4 i, ii, iii, iv. Flat fee payment to counsel without detailed invoices.</p>	<p>The board will pay legal bills based on detailed invoices from counsel that will include date, time, reference case, and amount billed. The board has retained Swartz, Simon, Edelstein, and Celso at an hourly rate of \$160.00 per hour not to include travel time.</p>	<p>S,S,E &amp;C, were retained. CAP recommendations were discussed with payment methods complying with CAP recommendations.</p>	<p>Bogota Business Administrator</p>	<p>This recommendation has been met and will be ongoing.</p>
<p><b>Recommendation #2</b> A contract for the 2016 2017 school was awarded in violation of the CAP recommendation of March 2016 continuing same monthly flat fee with payments made in advance of billing docs.</p>	<p>The board terminated the services of Mr. Richard Brovarone, Esq. at their July, 18 2017 meeting and retained the services of Swartz, Simon, Edelstein and Celso under provisions that are in compliance with CAP recommendation, that is, payment only through detailed invoices without a monthly flat fee.</p>	<p>Implementation date July 18, 2017</p>	<p>The Bogota Board of Education.</p>	<p>This recommendation has been met and will be ongoing.</p>

<p><b>Recommendation 3</b> NJSA 18A:18A-4.1h Failure to advertise for RFP's</p>	<p>The Bogota Board of Education placed Advertisements in the local newspapers in March 2017? Most recently, a RFP's was published in the RECORD on August 9 2017. (please see attached.)</p>	<p>Local newspapers were contacted and RFP's were submitted for publication.</p>	<p>Bogota Business Administrator</p>	<p>This recommendation has been met and will be ongoing.</p>
<p><b>Recommendation #4</b> Failure to advertise in a local newspaper reasons for the awarding of contracts for professional services 18A: 18A-5.a(1)</p>	<p>The Bogota Board of Education has submitted legal notice of appointment of Swartz, Simon, Edelstein &amp; Celso, along with other professional services providers, August 2017.</p>	<p>Local newspapers were contacted and legal notices complying with 18A: 18A-5.a(1) were submitted for publication.</p>	<p>Bogota Business Administrator</p>	<p>This recommendation has been met and will be ongoing.</p>
<p><b>Recommendation #5</b> NJAC 6A:23A-5.2(a)3 Failure to establish procedures when the cost for legal services exceeds 130% of the NJ State Average.</p>	<p>The board has retained counsel whose Billing practices will reflect actual invoices at a \$20.00 per hour reduction in costs. New counsel does not charge a flat fee saving the district \$7,900 per month. The Superintendent will develop all bargaining unit contracts and submit them for attorney review, as opposed to having the attorney develop such documents at a greater cost. The superintendent will approve all phone calls made to the attorney by other staff members. The superintendent will log all contact made with the attorney and the reasons/results of the calls.</p>	<p>The Bogota Board of Education has retained New counsel with Significantly reduced billing rates. The Superintendent will coordinate, with staff, the development of all new bargaining unit contracts and then submit them to attorney review further reducing legal costs. The superintendent will approve all contacts with the attorney by other staff members and log all calls with reason and result.</p>	<p>Superintendent of Schools</p>	<p>This recommendation has been met and will be ongoing.</p>

**Dr. Vincent Varcadipane**  
Chief School Administrator

**August 7, 2017**  
Date

**Mr. Irfan Evcil**  
Board Secretary/Business Administrator

**August 7, 2017**  
Date



REQUEST FOR PROPOSALS

BOGOTA BOARD OF EDUCATION  
BERGEN COUNTY, NEW JERSEY

PLEASE TAKE NOTICE, the Bogota Board of Education ("BBOE") requests proposals for the School Board Attorney/Legal Services set forth below in accordance the "fair and open process" pursuant to N.J.S.A. 19:44A-20.5, et seq. & N.J.A.C. 6A:23A-5.2(a)(5):

Request for proposals (RFP) responses shall be submitted to the Business Administrator/Board Secretary, Bogota Board of Education, 1 Henry C. Luthin Place, Bogota, New Jersey 07603 on or before Friday, August 25, 2017 at 10:00 a.m.

Responses must be enclosed in a sealed envelope. The service provider must indicate the following on the outside of the envelope: (1) the name and address of the service provider; (2) the service for which the response is submitted; and (3) "Sealed RFP Response". Responses may be delivered by hand, overnight courier or mail. The envelope containing the response must be received by the BBOE by the date and time set forth above. No late response will be accepted.

Responses should address the Criteria for Services: which may be examined or obtained through the Business Administrator/Board Secretary's office at the above address, phone 201-441-4800, between the hours of 9:00 a.m. to 3:00 p.m. or e-mail: [levcil@bogotaboe.com](mailto:levcil@bogotaboe.com)

If awarded a contract, the service provider shall be required to comply with the requirements of N.J.S.A. 10:5-31, et seq. (P.L. 1975, c. 127 as amended) and N.J.A.C. 17:27-1.1, et seq.

Contracts will be awarded based on the most advantageous responses as determined by the BBOE. The BBOE reserves the right to reject any or all responses.

All proposals must include 1) Disclosure of Investment Activities in Iran; 2) Business Registration Certificate; 3) Affirmative Action Documentation; 4) Stockholder Disclosure Certification; 5) C271 Political Contribution Disclosure Form.

Irfan Evcil  
Business Administrator/Board  
Secretary  
Bogota Board of Education

8/2/17 \$97.65

REQUEST FOR PROPOSALS

BOGOTA BOARD OF EDUCATION  
BERGEN COUNTY, NEW JERSEY

PLEASE TAKE NOTICE, the Bogota Board of Education ("BBOE") requests proposals for the School Board Attorney/Legal Services set forth below in accordance the "fair and open process" pursuant to N.J.S.A. 19:44A-20.5, et seq. & N.J.A.C. 6A:23A-5.2(a)(5):

Request for proposals (RFP) responses shall be submitted to the Business Administrator/Board Secretary, Bogota Board of Education, 1 Henry C. Luthin Place, Bogota, New Jersey 07603 on or before Friday, August 25, 2017 at 10:00 a.m.

Responses must be enclosed in a sealed envelope. The service provider must indicate the following on the outside of the envelope: (1) the name and address of the service provider; (2) the service for which the response is submitted; and (3) "Sealed RFP Response". Responses may be delivered by hand, overnight courier or mail. The envelope containing the response must be received by the BBOE by the date and time set forth above. No late response will be accepted.

Responses should address the Criteria for Services: which may be examined or obtained through the Business Administrator/Board Secretary's office at the above address, phone 201-441-4800, between the hours of 9:00 a.m. to 3:00 p.m. or e-mail: [levcil@bogotaboe.com](mailto:levcil@bogotaboe.com)

If awarded a contract, the service provider shall be required to comply with the requirements of N.J.S.A. 10:5-31, et seq. (P.L. 1975, c. 127 as amended) and N.J.A.C. 17:27-1.1, et seq.

Contracts will be awarded based on the most advantageous responses as determined by the BBOE. The BBOE reserves the right to reject any or all responses.

All proposals must include 1) Disclosure of Investment Activities in Iran; 2) Business Registration Certificate; 3) Affirmative Action Documentation; 4) Stockholder Disclosure Certification; 5) C271 Political Contribution Disclosure Form.

Irfan Evcil  
Business Administrator/  
Board Secretary  
Bogota Board of Education  
July 31, 2017  
Fee: \$55.28 (67) 4185737

THE RECORD

**EXTRACT FROM THE MINUTES OF A MEETING OF  
THE BOGOTA BOARD OF EDUCATION OF  
THE BOROUGH OF BOGOTA  
BERGEN COUNTY, NEW JERSEY  
AS RECORDED IN THE OFFICIAL  
MINUTES BOOK**

The Board of Education of the Borough of Bogota, in the County of Bergen, New Jersey, convened in a Public Meeting on, August 29, 2017 at 7:30 p.m., in the Cafeteria of the Bogota Jr/Sr High School, Bogota, N.J.

The following members of the Board of Education were present: Mrs. Carpenter, Mrs. Granquist, Mrs. Kohles, Ms. Montgomery, Mr. Moore, Mrs. VanBuren, Mr. McHale and Mr. Severino.

The following members were absent: Mrs. Lewis.

**Approval of Findings of Attorney Billing Practices by OFAC**

**8-29-17-82 BE IT RESOLVED**, that, upon the recommendation of the Superintendent of Schools, the Board approves the Corrective Action Plan with regard to the Office of Fiscal Accountability and Compliance (OFAC) Attorney Billing Practice Review OFAC Case #INV-027-17 findings of several areas of noncompliance.

**Motion by: Mr. McHale**

**Seconded by: Mrs. Carpenter**

**AYES:** Mrs. Carpenter, Mrs. Granquist, Mrs. Kohles, Ms. Montgomery, Mr. Moore, Mrs. VanBuren, Mr. McHale and Mr. Severino.

**NAYS:** none.

**State of New Jersey, County of Bergen**

I, Irfan Evcil, Board Secretary of the Bogota Board of Education, of the Borough of Bogota, in the County of Bergen, State of New Jersey, hereby certify that the foregoing extract from the minutes of the Meeting of the Board of Education of said District, duly called and held on August 29, 2017, has been compared by me with the original minutes as officially recorded in my office of said Board of Education as a true, complete copy thereof and of the whole of said original minutes, so far as they relate to the subject matter referred to in said extract, in witness I have hereunto set my hand and affixed the Corporate Seal of said Board of Education on this 30<sup>th</sup> day of August, 2017.

  
Irfan Evcil  
Business Administrator/Board Secretary

SSE&C

Schwartz Simon  
Edelstein & Celso LLC  
ATTORNEYS AT LAW

100 South Jefferson Road\* Suite 200 \* Whippany, New Jersey 07981  
Tel: 973.301.0001 \* Fax: 973.993.3152 \* www.sseclaw.com

Bogota Board of Education  
Vincent Varcadipane  
Interim Superintendent  
1 Henry C. Luthin Place  
Bogota, NJ 07603

Invoice 153888-1  
August 7, 2017  
Tax ID: 22-2312022

ID: 1037-0001 - NGS  
Re: BOR001 (GE) Miscellaneous Legal

For Services Rendered Through July 31, 2017

Current Fees	2,896.00
Current Disbursements	16.77
<b>Total Current Charges</b>	<b>2,912.77</b>

**Schwartz Simon Edelstein & Celso, LLC**

Bogota Board of Education  
 Re: BOR001 (GE)Miscellaneous Legal  
 I.D. 1037-0001 - NGS

August 7, 2017  
 Invoice 153888-1  
 Page 2

Fees				
<b>Date</b>	<b>Atty</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>
07/12/17	NGS	Telephone conference with Supt regarding various personnel and board issues; related legal consideration to same	0.30	48.00
07/13/17	NGS	Telephone conference with Interim Superintendent; review and prepare for attendance at board meeting; attend board meeting	2.20	352.00
07/14/17	NGS	Legal review and consideration to notebook of documents provided by Board ; review relevant statutes and regulations; prepare draft Board Resolutions and Agreements for appointment in compliance with regulations and OFAC report; arrange transmittal of documents to Interim Superintendent for Board meeting; review proposed agenda for special meeting and respond	3.00	480.00
07/17/17	NGS	Telephone conferences with Interim Supt; telephone conference with General Counsel; notes regarding same	0.40	64.00
07/18/17	NGS	Telephone conference with Interim Superintendent; file review; call to General Counsel; prepare for and attend board meeting	2.70	432.00
07/19/17	NGS	Receipt and legal review and consideration to email from prior counsel; draft response email to SBA and Interim Supt; draft letter to prior counsel	0.80	128.00
07/20/17	NGS	Telephone conference with Supt and Board President regarding personnel issues; receipt and review email from SBA; related legal consideration to handling matters	0.40	64.00
07/21/17	NGS	Telephone conference with attorney regarding personnel matter; notes for reference	0.40	64.00
07/25/17	NGS	Meet with Interim Superintendent and SBA/Board Secretary and staff in order to review various pending legal matters; obtain and review documents; discuss strategies of future handling; prepare letter to prior counsel for transition of files; review OFAC letter; review health insurance information from Broker relating to pending negotiations	4.40	704.00
07/26/17	NGS	Prepare response to OPRA request to attorney; outline response to letter from attorney re: AR position	1.00	160.00
07/28/17	DGM	Review of electronic correspondence from Business Administrator regarding draft Volleyball Rental Agreement and participation Waiver; Review of same; Draft revisions to Volleyball Rental Agreement; Follow-up correspondence to Business Administrator regarding draft revisions to Volleyball Rental Agreement and proposed changes and insurance carrier's comments.	1.40	224.00
07/28/17	SMB	Re: Board Member Employment - research applicable statutory provision regarding prohibition on same. Research and analyze relevant case law, administrative decisions, and advisory opinions re: same. Research applicable administrative code provision re: SEC advisory opinion. Preparation of response re: Board member's ability, if any, to be hired by Board service provider.	1.10	176.00
<b>Total Fees</b>			<b>18.10</b>	<b>2,896.00</b>



Schwartz Simon Edelstein & Celso, LLC

Bogota Board of Education  
Re: BOR001 (GE)Miscellaneous Legal  
I.D. 1037-0001 - NGS

August 7, 2017  
Invoice 153888-1  
Page 3

**Fee Recap**

		<b>Hours</b>	<b>Rate/Hour</b>	<b>Amount</b>
Nathanya G. Simon	NGS	15.60	160.00	2,496.00
Denis G. Murphy	DGM	1.40	160.00	224.00
Stephen M. Bacigalupo	SMB	1.10	160.00	176.00
	<b>Totals</b>	<b>18.10</b>		<b>2,896.00</b>

**Disbursements**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
07/26/17	Messenger/Overnight Courier	16.77
	<b>Total Disbursements</b>	<b>16.77</b>
	<b>Total Fees and Disbursements</b>	<b>2,912.77</b>
	<b>Total Current Charges</b>	<b>2,912.77</b>