

Board members keep their seats after state dismisses allegations

February 22, 2016 By Víctor Manuel Ramos victor.ramos@newsday.com



Hempstead school board trustees Gwendolyn Jackson, left, and Maribel Touré, right. (Credit: Danielle Finkelstein)

Hempstead school board members Maribel Touré and Gwendolyn Jackson are keeping their seats after the state's top education official dismissed allegations of fraud, irregularities and disruptions at the polling site in the May 2015 election.

The decision, released Monday by Education Commissioner MaryEllen Elia, leaves in place the election results in which Touré and

Jackson, who ran as a team, were the top two vote-getters over five others.

Elia ruled that the board's request for an order annulling the election results "must be dismissed," saying the district failed to prove a pattern of breaches or misconduct that could have altered who won.

"To invalidate the results of a school district election, petitioner must establish not only that irregularities occurred, but also a probability that any irregularities actually affected the outcome of the election," and that they were so pervasive they damaged the electoral process or showed lack of adherence to education law, Elia wrote in the decision, dated Feb. 16.

The commissioner considered allegations of problems with campaign finance reports; aggressive electioneering; intrusions from a campaign manager for Touré and Jackson and a translator into the voting area; accusations of misrepresentations by attorneys working for Touré and Jackson to suspend ballot counting; and irregularities involving absentee ballots.

Elia's review confirmed an omission of itemization of spending for more than \$500 in contributions to Touré's campaign. But the commissioner ruled that the "petitioner has failed to

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establish that such reports affected the results of the election.”

In instance after instance alleged by the school board, Elia found the evidence lacking or without merit.

School board president LaMont Johnson said the district will move forward, ending its challenge of the results.

“We abide by the decision and we respect the commissioner’s decision,” Johnson said.

The dismissal of the district’s appeal was welcomed by Touré, the top vote-getter in her run for a full term, which followed a contentious 2014 fight with former school board president Betty Cross for a seat.

“I feel great,” Touré said. She said she was convinced that she won the 2015 election fair and square, adding that district voters gave her and Jackson “the opportunity to serve as trustees” because “the community is starving for change and it is starving for justice.”

Jackson could not be reached for comment Monday.

Hempstead attorney Frederick K. Brewington, who represented the two, said “we were very pleased with the outcome” and added that the board “really did not have a legal basis” for its claims.

This was the second consecutive school board election in the district in as many years that gave rise to fraud allegations and a formal complaint to the state education commissioner.

The May 2014 election giving Cross a win over Touré for a one-year term, filling out the time of a trustee who had resigned, was annulled by then-Education Commissioner John B. King Jr. after allegations of voter fraud and misuse of absentee ballots. King ordered a special vote in October 2014 that Touré won decisively. Then, last May, she ran for a full three-year term.

Hers and Jackson’s victories had been certified by the school board. But members then turned and voted to cancel that certification in a confusing election night in which incumbent Shelley Brazley had placed third.

The results had Touré with 678 votes; Jackson with 500; Brazley with 457; David Gates with 437; Jeff Spencer with 384; Hans Thevenot with 148; and Caprice Rines with 105.

In the upcoming May 17 vote on the district’s budget and board seats, three at-large seats on the five-member board will be in contention. Voters will cast ballots to replace Ricky Cooke Sr., who resigned in October, and for the seats of JoAnn Simmons and Johnson, whose terms expire.

Elia included in her decision a stern reminder “to conduct all school board elections in accordance with all applicable provisions of law and regulation” and avoid further troubles.

“I urge the district and the board to take all steps necessary to ensure that such controversy does not continue,” she wrote.

The school board voted in December to ask the state attorney general to oversee the next election, which Johnson said Monday is a “proactive” measure to seek a clear outcome.

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