

Webster superintendent defends email snooping

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Officials in the Webster Central School District went on a covert fishing expedition through the emails of school board member David Metzger, a counselor in the Greece schools, trying to figure out what, if anything, he has been saying about Superintendent Carmen Gumina and other board members behind their backs.

In the process, they infuriated leaders in the Greece Central School District — where Metzger has his email account — sparking a scathing letter from that district’s Board of Education president, who called the move an “inappropriate” use of the state’s Freedom of Information laws.



Webster Central School District offices are based at Spry Middle School in Webster. TINA MACINTYRE-YEE/FILE PHOTO

But Gumina said the request for emails was not a scattershot in the dark, but rather part of an ongoing probe into whether Metzger had leaked confidential conversations with other board members, information about lawsuits and other privileged materials. Breaching such confidentiality is a violation of state municipal law and could be potential grounds for removing a sitting school board member.

“There were no surprises for Greece here,” Gumina said. “The school attorney for Greece and for Webster had been working collaboratively together. This is a really serious concern, and this was the best way to handle a tough situation.”

Gumina said the district has proof that Metzger has been talking out of school.

“We have no doubt that he shared through his Greece email address confidential (Webster) board communications,” he said.

Still, Greece school board President Sean McCabe said the FOIL move doesn’t sit well with him.

“I’m all about sunshine and freedom of information, but I think this was a misuse of the FOIL system,” he said. “They cost my taxpayers money while going on a witch hunt for a teacher.”

The only reason Webster officials could easily spelunk through Metzger’s emails is that he is a public employee, making his work-related emails fair game for a public records request, McCabe said.

“They couldn’t just go through his emails if he worked for Xerox,” McCabe said. “They used a loophole in the system.”

Casting a wide net

Back in January, Gumina's executive assistant submitted a "SENSITIVE AND CONFIDENTIAL FOIL Request" on behalf of the Webster school board to Greece that cast a wide net for Metzger's work-owned emails, asking for any that referenced keywords including "Web-ster," "WCSD," "Carm," "Gumina," "homework," "start time," "pre-K" and the names of any of the other six Webster school board members.

Additionally, the request asked for any of Metzger's emails to or from a dozen other personal and professional email addresses of some Webster teachers — most of whom have leadership positions in the Webster Teachers Association — a candidate in the upcoming May 21 school board elections, and a private citizen who runs a Facebook page opposing the district's change to school start times.

Sara Cooper Curynski, the woman who runs the Facebook page, was outraged to find her personal email address on the district's list.

"The best part is that I've never even spoken to David Metzger," Curynski said. "But I don't appreciate the witch hunt at all."

The *Democrat and Chronicle* obtained Webster's request via its own FOIL request, but has not yet received copies of the emails provided to the district.

Webster's request letter alleges that Metzger was "likely" conducting Webster schools business on his Greeceowned email account and had "engaged in an illegal breach of confidential information." It claims the district's legal team needed the emails as part of an ongoing investigation into the alleged breach and closes saying, "Other than the fact Mr. Metzger used his Greece email address when engaging in potentially illegal and unethical behavior, the legal issues have absolutely nothing to do with Greece CSD."

Gumina said Metzger has been under investigation for five or six months, after other members of the school board came to Gumina with worries that Metzger was spreading details about conversations had during the board's executive sessions. Executive session is a portion of a regular board meeting where members may discuss a limited number of topics outside of public view.

"The other board members were very uncomfortable about it," Gumina said.

Union membership scrutinized

Metzger, an active member of the Greece Teachers Association, denies any wrongdoing and said he was "stunned" to learn colleagues on the Webster board were rifling through his email and investigating his conduct.

"As a counselor, confidentiality is the core of my job, and to say that I don't know how to keep things confidential is absurd," Metzger said.

He said his relationship with Gumina has been strained from the start, and that the superintendent has always eyed his union membership with suspicion.

"I think it's obvious he doesn't want me on the board," Metzger said.

Gumina said connecting the investigation with Metzger's union membership is ludicrous, although he did question whether there were any ulterior motives behind this story making its way to media just 12 days before school board elections.

McCabe said to the best of his understanding, no smoking guns were found in the materials Greece turned over. Gumina said that wasn't the case, but did not provide additional details about what the emails revealed.

Aside from the financial cost — which he estimated as being “several thousand dollars” — McCabe said Webster’s request was disturbing because he believes it threatens to undermine years of work his district put in rebuilding employee trust in its administration following tumult throughout the mid-2000s and early 2010s.

MCCabe said Gumina initially tried to backdoor the request by approaching Greece Superintendent Kathy Graupman in person.

“I don’t know how to be diplomatic about this,” McCabe said. “I commend Kathy for being open and upfront about it. She said no to him, that this is bad, has bad written all over it, but we will comply with the law if you make a written request.”

Gumina, however, said any conversations he had with Greece officials prior to officially making the FOIL request were all part of trying to work out the best way to handle a sensitive topic.

“We were trying to do this in a respectful way,” he said.

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Metzger

Gumina