

# Arthur H. Lang

Attorney at Law

918 East Kennedy Blvd. • Lakewood, New Jersey 08701 • Phone: 732-609-5530  
E-Mail: lakewoodlaw@gmail.com NJ Att. No. 014102012



July 8, 2019

Honorable Susan M. Scarola, ALJ  
Office of Administrative Law  
Quakerbridge Plaza, Building 9  
Mercerville, NJ 08625-0049

**Re: Leonor Alcantara et. al., v. David Hesse et. al.**

OAL Docket No: EDU 11069-2014 S

Agency Ref. No. 156-6/14

Dear Judge Scarola:

I am writing in response to Participant Lakewood BOE's motion for your disqualification.

The Lakewood BOE may not move for disqualification. Only a "party may, by motion, apply to a judge for his or her disqualification." N.J.A.C. §1:1-14.12(d).

The Participant's apparent basis for recusal is the following exchange:

THE COURT: -- but -- but what you're - I think what you're trying to say to -- to this assistant commissioner is doesn't the process of every time giving a loan and then having to include money in the loan to help pay back loans sort of create an ongoing Ponzi scheme -- THE COURT: -- basically when it's - every year it's going to be bigger and bigger and bigger? Is that what --MR. LANG: It's a spiral.

Your Honor was rearticulating a question I was trying to ask. Mr. Inzelbuch was quick to make that same point when he left the OAL on July 9, 2019. "In an apparent

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attempt to help Arthur Lang, Esq. formulate a question in court today, Judge Susan Scarola (OAL Mercerville) used the word "ponzi scheme" to describe the state loans to the Lakewood School District, Attorney Inzelbuch stated in a court-side video."<sup>1</sup>

To the extent that the term "Ponzi Scheme" is an opinion, it is an opinion (of a reasonable fact-finder) developed during the course of the proceedings.

N.J.A.C. § 1:1-14.12 (b) Paragraphs (a)3, 4, and 5 above shall not prevent a judge from sitting because of having given an opinion in another action in which the same matter in controversy came in question or given an opinion on any question in controversy in the pending action in the course of previous proceedings therein, or because the board of chosen freeholders of a county or the municipality in which the judge resides or is liable to be taxed are or may be parties to the record or otherwise interested.

Petitioners have litigated this matter for five years before three judges. Petitioners would suffer undue hardship and grave injustice if Your Honor were to be recused and the matter delayed even longer.

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<sup>1</sup><https://www.thelakewoodscoop.com/news/2019/07/video-judge-scarola-on-state-loans-to-lakewood-school-district-how-much-longer-can-this-ponzi-scheme-go-on.html>

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Respectfully Submitted,

/s/ Arthur H. Lang

Arthur H. Lang,  
Attorney at Law

Cc: Geoffrey Stark, Esq. (via email)  
Jennifer Hoff, Esq. (via email)  
Lauren Jensen, Esq. (via email)  
Paul L. Tractenberg, Esq. (via email)  
Michael Inzelbuch, Esq. (via email)