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Judge rules PV family can file late notice

by Martin Wilbur

A state Supreme Court judge has ruled a family may file a late notice of claim to pursue a civil lawsuit against a former Putnam Valley Middle School teacher who allegedly sexually abused their daughter.

An April 23 decision by Judge John Sweeny in Putnam County paves the way for the father, Peter Bliss, to launch a suit against Dennis Tave and the Putnam Valley School District on behalf of his now 16-year-old daughter Laura.

The family needed permission from the court to file a notice since the one-year-and-90-day statute of limitations had expired.

More than two years after the alleged February 5, 2001 incident when she was in the seventh grade, Laura Bliss wrote a statement to Putnam County Sheriff's Department investigators detailing the alleged abuse in a classroom after school.

Sweeny stated in his decision he was satisfied there was a reasonable excuse for the delay in reporting her charge to authorities.

"The infant Plaintiff's affidavit strikes this court as honest and sincere in that the trauma of this event was so overwhelming as to preclude her from coming forward sooner," Sweeny wrote. "Anyone with a cursory knowledge of the problem of sexual abuse is aware of the volume of studies that have shown that young victims of this type of act ... are often

reticent to come forward either because of shame, guilt or myriad other factors."

Sweeny concluded he was not ruling on the merits of Laura Bliss's accusations but only allowing the family to present their case.

The high school sophomore, who has transferred out of the district since she came forward, outlined in her deposition to the Sheriff's Department last year how Tave allegedly forced her to the ground. He then unbuckled his pants before the student fainted..

She woke up a short time later with her pants and underwear pulled down, her statement also read.

In January, the family constructed a web site regarding the incident revealing their daughter's identity in hopes other parents would speak to their children who may have known about or experienced inappropriate behavior by Tave.

On Monday, the family issued a brief statement saying they were "gratified" Sweeny ruled in their favor.

"It is our fervent wish to see that Dennis Tave and all responsible parties be held accountable for their actions," read the statement.

"We intend to exercise our full rights of discovery to all of the school records withheld from us. We now have the right to question individuals who have information important to revealing the truth. We will continue to seek justice for Laura. We thank all for their continued support."

Peter Bliss did not say when they plan to file a notice of

claim against Tave or the district. The former teacher or the district can appeal Sweeny's decision.

Calls placed to Bliss's attorney, J. Peter Collins of Carmel, were not returned.

Tave, 56, was removed from the classroom on June 3, 2003, the day after he was interviewed by Sheriff's Department investigators. Authorities did not level criminal charges against the veteran educator, who spent 34 years in the district.

Last fall, Tave resigned with full pay and benefits through the end of this school year. After June 30th, he is entitled to his full retirement package.

Superintendent Gary Tutty declined to comment, referring all inquiries to the law firm handling the matter for the district, O'Connor, McQuinness, Conte, Doyle and Oleson, of White Plains.

Attorney Dennis O'Connor and Tave's counsel also did not return phone calls this week.

In the district's response in January, O'Connor wrote the threshold for filing late was not met because a 12-year-old girl who is the purported victim of sexual misconduct and does not have a diminished mental capacity is not excused from fulfilling the standards set forth by law.

In his January 19 deposition, Tave said he denies any and all allegations of inappropriate conduct, including sexual abuse, assault, and molestation.

He called Laura Bliss' statements a "complete fabrication".

"I find it regrettable that this particular child's mental state and/or personal situation at the time resulted in her fabrication of these allegations," Tave's statement read in part.

"I find it more regrettable that the purported claimant's father is undertaking a liable and slander campaign, which will be dealt with in other proceedings."

A state Education Department ruling is also pending against Tave, which could result in him losing his teacher's license.

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