

March 22, 2005

Hon. Joel I. Klein  
Chancellor  
New York City Public Schools  
Department of Education  
52 Chambers Street, Room 314  
New York, NY 10007

Re: Wayne A. Brightly  
SCI Case #2005-0085

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Wayne A. Brightly, a teacher at Middle School 142 in the Bronx (“MS 142”), coerced and intimidated another individual into taking the New York State Teacher Certification Examination (“NYSTCE”) for him, fraudulently procured a New York City Department of Education (“DOE”) identification card for the test taker, and produced and submitted false documents in support of this scheme.<sup>1</sup> In addition, the investigation into Brightly’s criminal conduct was hampered by officials at the New York State Education Department (“SED”), who refused to respond to inquiries and to supply this office with relevant documents in their possession, in a timely and professional manner. Further, this investigation has concluded that the DOE procedure for the issuance of official DOE identification cards (“DOE ID”) continues to be inadequate.

### **THE SED INVESTIGATION**

Our investigation began on January 11, 2005, when the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) was

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<sup>1</sup> On January 11, 2005, Brightly was reassigned to the Region 2 Operations Center pending the outcome of this investigation.

contacted by DOE Senior Deputy Executive Director of Human Resources Lawrence Becker and informed that SED had conducted an investigation in which they had substantiated that Brightly had someone else take the July 17, 2004, NYSTCE in Social Studies ("July Exam") on his behalf. Becker informed SCI that DOE administrators had been in contact with Bart Zabin, a senior investigator for SED, and that the DOE had received a series of e-mail messages from Zabin, between January 7 and 11, 2005, detailing their investigation and requesting that Brightly be placed on the DOE's Employment Ineligible List. A copy of these e-mails was forwarded by the DOE to SCI which included the following details about the SED investigation:

- Wayne A. Brightly's score for the July Exam came under question by SED as the result of an unusual score gain in comparison with past test scores, and a subsequent review of handwriting samples as compared to known handwriting samples.
- On August 26, 2004, SED sent Brightly a letter informing him that his July Exam score was under review, and that his test results were being held in abeyance pending completion of their investigation. At that time, Brightly was afforded an opportunity to request an interview with SED to discuss the matter.
- On September 29, 2004, SED received a letter, purportedly from Brightly, requesting a meeting to resolve the matter.
- On December 2, 2004, SED sent Brightly a letter confirming a December 16, 2004, meeting between Brightly and SED representatives at SED offices in Manhattan. In that letter, Brightly was advised that at this meeting he would be required to provide two forms of photo identification, a right thumbprint, and a writing sample.
- On December 16, 2004 ("December Interview"), SED investigators met with an individual alleging to be Wayne A. Brightly, at SED offices in Manhattan. This individual presented two forms of photo identification including an apparently valid DOE ID. According to Zabin, at the conclusion of this meeting, SED investigators were convinced that the individual that they had just met was, indeed, the individual who had taken the July Exam in the name of Brightly, but they strongly suspected that this person was not, in fact, the real Wayne Brightly. SED apparently reached this conclusion based on several factors, most notably that they knew Brightly to have a birth date of January 29, 1967, making him 37 at the time of the interview. The individual they had just interviewed appeared to be "at least 20 years older maybe more."

- After the December Interview, SED investigators contacted Brightly's school, MS 142, and were advised that Brightly was in attendance at the school at the same time he was allegedly being interviewed by SED in Manhattan. In addition, MS 142 principal, Alan Borer, was shown the photograph of the person whom SED had met with at the December Interview, and he confirmed that it was not the Wayne A. Brightly who taught at his school.
- SED further stated that they would be voiding Brightly's test score and proceeding to a disciplinary process. In addition, Zabin advised the DOE that they should "let [him] know if [they] need the paperwork identified in this message."

### **THE SCI INVESTIGATION**

On January 12, 2005, an SCI investigator contacted Zabin at SED, who confirmed the details of their investigation to date. SCI requested paperwork relating to the case, which SED had previously offered to supply to the DOE administrators in their prior e-mails. Later that same day, the First Deputy Commissioner of SCI received a telephone call from Zabin and SED Office of School Personnel Review and Accountability ("OSPRA") Manager and Associate Attorney Deborah Marriott questioning SCI's interest in this matter as Brightly had already been reassigned and it was their intention to revoke his teaching license and terminate his employment. The First Deputy advised SED that crimes apparently had been committed by both Brightly and the not yet identified person who had taken the test in Brightly's name, and that the test taker presumably was still unlawfully in possession of an authentic DOE ID. The First Deputy further advised SED that SCI is the agency empowered to investigate criminal activity involving the New York City School District. At the conclusion of this conversation, the SED representatives agreed to send SCI all of the relevant case file with the exception of the fingerprint cards taken at the December Interview.<sup>2</sup>

In a separate conversation, an attorney from SCI offered to issue a subpoena for the requested material if it would alleviate any pressure on the SED legal department; however, SCI was informed that it was unnecessary. Ultimately, as will be addressed at the conclusion of this report, SED failed to cooperate with SCI's investigation until compelled to do so by subpoena.

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<sup>2</sup> In setting up the meeting, SED had informed Brightly that a thumbprint would be required as it had been prior to sitting for the July Exam. The individual who appeared at the December Interview agreed to let SED investigators print all ten fingers. It was SED's contention that their legal department would have to review the matter before releasing the fingerprints to SCI as they had represented, to the unknown person they met with at the December Interview, that they would be using the fingerprints only for comparison to prior prints rather than for another purpose. SED also had received two telephone calls, on December 17, 2004, from an individual claiming to be Brightly's attorney, threatening to sue SED for taking more than one fingerprint.

On January 13, 2005, SCI investigators were present at the DOE Office of Personnel Security located at 65 Court Street, Brooklyn, New York, in order to obtain a copy of Brightly's DOE personnel file. In addition, investigators spoke to Carmela Cuddy, administrator of the DOE Office of Personnel Investigation, regarding Brightly and other matters of DOE protocol. Cuddy explained the process for obtaining a DOE ID as follows:

- The individual seeking a DOE ID brings a verifying letter, from his or her school, and presents the letter at the ID center.
- The ID center stamps the letter received and keeps the original letter on file.
- The individual to be photographed then fills out a sheet of paper containing information that will appear on the DOE ID. This paper is discarded by the ID unit once the photograph is taken.
- Personnel at the ID unit check the DOE system to see if the individual requesting an ID is in the DOE computer system and has been cleared in a fingerprint check (when the person was first hired).
- A photo of the individual is taken and a DOE ID is immediately issued to the individual.

At this time, Cuddy also provided SCI investigators with the original letter authorizing the issuance of Brightly's DOE ID. The letter, dated September 29, 2004, is signed Alan Borer, the Principal at MS 142, and requests that an identification card be issued to teacher Wayne A. Brightly.<sup>3</sup> This original letter had been date stamped by the DOE ID Unit on October 4, 2004.<sup>4</sup> Cuddy also provided SCI with a copy of the DOE ID that had been issued to the unknown individual in Wayne A. Brightly's name.

On January 19, 2005, SCI contacted the DOE General Counsel requesting that notification be sent to all New York City public schools and charter schools, alerting them that an unknown, and unauthorized, individual was currently in possession of a valid DOE ID bearing the name Wayne A. Brightly.<sup>5</sup> SCI also made the same notification to non-DOE charter schools. SCI's most pressing concern was that a situation similar to one which occurred in May 2004, not be repeated. In that case, a

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<sup>3</sup> Although Brightly has been teaching within the DOE system since 1992, he had never been issued an identification card prior to the September 29, 2004 request.

<sup>4</sup> SCI investigators spoke to MS 142 payroll secretary Denise Humphry who stated that when teachers need a DOE ID, she regularly provided them with authorization letters, signed using the principal's signature stamp. Humphry recalled that on September 29, 2004, Wayne Brightly came to her school office and requested that she provide him with such a letter from the school authorizing a DOE ID to be made for him. Humphry stated that she did issue such a letter to Brightly.

<sup>5</sup> A bulletin was issued over the DOE Employee Information System ("EIS") alerting all department employees and security personnel of the current situation.

convicted felon and registered sex offender named Matthew Matagrano was inexplicably photographed, fingerprinted, and issued a DOE ID, prior to being fully processed, on the basis of false documents and bureaucratic failures.<sup>6</sup>

On January 20, 2005, SCI investigators confronted Brightly outside of his home in Mount Vernon, New York. After confirming that he was, indeed, Wayne Brightly, investigators showed him a copy of the DOE ID photograph of the July Exam test taker. After appearing visibly shaken, Brightly denied knowing the individual in the photograph, refused to have any further conversation with SCI investigators, and requested that they leave his property.

On February 8, 2005, with counsel, Wayne Brightly appeared at SCI to be interviewed regarding this matter. After confirming his identity and his pedigree information, on advice of counsel, Brightly refused to answer any questions regarding our investigation.

On February 9, 2005, SCI obtained the original fingerprint cards, taken by SED from the July Exam test taker at the December Interview, and brought them directly to Department of Criminal Justice Services (“DCJS”) in Albany for analysis. After a full review of the prints, Michael Tymeson, Chief of the Identification Bureau at DCJS, was able to confirm that the individual who took the July Exam was the same person who showed up for the December Interview with SED, but was not Wayne A. Brightly. However, the prints did not lead to the identification of the unknown individual who took the July Exam and pretended to be Brightly at the December Interview.

### **THE TEST TAKER IS IDENTIFIED**

On February 10, 2005, SCI received telephone records for Brightly’s cellular telephone, which had been subpoenaed from T-Mobile on January 19, 2005. A review of those documents revealed several telephone numbers called regularly by Brightly, but most significantly, one local number appeared on all the three of the most relevant days: the date of the July Exam; the date that the DOE ID was issued; and the date of the December Interview.<sup>7</sup> SCI sent a subpoena to Verizon New York requesting subscriber information for this local number, which was returned with the name Betty Perry at an address in Brooklyn.<sup>8</sup>

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<sup>6</sup> See SCI Case #2004-1134 referred on August 9, 2004.

<sup>7</sup> As previously stated, SED had received two threatening telephone calls on December 17, 2004, from an individual claiming to be Wayne A. Brightly’s attorney. Although the true identity of this alleged attorney has never been determined, a review of Brightly’s telephone records, from his T-Mobile wireless account, shows two calls to the SED fingerprint division at approximately the same time as SED reported receiving these calls.

<sup>8</sup> The exact location and telephone number are deliberately being withheld from this report in an effort to protect the parties involved.

On February 11, 2005, investigators from SCI went to the Brooklyn address to determine whether the individual pictured in the DOE ID did, indeed, reside at that address. Upon arriving at the apartment, SCI investigators spoke to Betty Perry, an 82-year-old female, and were advised by her that she cared for an individual who fit the physical description of the man who had taken the test in Brightly's name. Perry allowed the investigators to enter her apartment, and led them to an individual who identified himself as Rubin Leitner. SCI investigators were immediately able to identify Leitner as the individual pictured on the DOE ID issued on October 4, 2004, in the name of Wayne A. Brightly.

On February 14, 2005, Rubin Leitner was present at SCI to be interviewed regarding the matter with Wayne A. Brightly. By way of background, Leitner stated that he had been placed with Perry by a social worker from the Human Resources Administration – Family and Adult Services (“HRA”) just over four years ago.<sup>9</sup> Prior to living with Perry, Leitner stated that he had been placed with another care-giver for just over three years, and prior to that he was living in a homeless shelter in Brooklyn. Leitner stated that he had received his undergraduate and masters degrees from Brooklyn College, in 1975 and 1979 respectively, majoring in American and Asian history.<sup>10</sup> According to Leitner, he had held “various odd jobs” at the Brooklyn College alumni office between 1983 and 1994, which was where he originally met Wayne Brightly sometime in 1989.<sup>11</sup> Leitner stated that he began tutoring Brightly in history and political science in late 1989, while Brightly was still a student at Brooklyn College, and continued until 1992, when Brightly graduated from the school. In 1999, Leitner began tutoring Brightly again, first for a masters program that Brightly apparently was enrolled in at Brooklyn College, and then, starting in 2001, for the NYSTCE. When asked when he stopped tutoring Brightly, Leitner replied that he tutored him until June 2004, “prior to the exam that is now being reviewed.”

Leitner further described the events leading up to the July Exam. According to Leitner, late in June of 2004, Brightly said to him “I’m tired of taking this test and failing. I want you to help me.” He further stated that Brightly told him “I’ve got my friends there who will see to it that you help me.” When asked what he thought Brightly’s statement meant, Leitner replied “a threat. That his friends would be watching over me to make sure I did what he wanted.” When asked whether he felt frightened by this threat, Leitner replied “to some extent, I did.” Leitner recalled that “initially [he] was reluctant, but Wayne said ‘they won’t investigate,’ Wayne said ‘they were lax.’” When asked

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<sup>9</sup> Administrators at HRA are in possession of the results of a detailed medical and psycho-social examination of Leitner completed in 1997. This report outlines a long history of physical, mental, and developmental problems suffered by Leitner.

<sup>10</sup> Leitner supplied SCI with certified copies of both his undergraduate and graduate transcripts.

<sup>11</sup> Leitner was shown a photograph of Brightly taken from his current driver’s license and asked to identify the individual in the photograph. Leitner identified the person as “the real Wayne Brightly.”

whether anyone else knew about this plan, Leitner responded that he “was told to keep that fact a secret and to pretend for the public that [Brightly] was continuing [to prepare for the exam himself].” Leitner stated that at some point in early July, Brightly picked up Leitner in his car and drove him to a one-hour photo shop somewhere in the Upper Bronx, near where Brightly lives. At this store, Brightly paid a man \$35 to take Leitner’s picture and create a fake “New York State Identification Card” (“fake NYS ID”), using the photograph of Leitner but with the name “Wayne Brightly.”<sup>12</sup> Leitner stated that, after the card was made, Brightly kept it in his possession because “he didn’t want anyone to accidentally find it.” Leitner recalled that right about this time, Brightly told him “to be ready on July 17 to take the afternoon test.”

Rubin Leitner further described the events of July 17, 2004. Leitner recalled that, on that date in the late morning, Brightly picked him up at his home and drove him to what he believed to be a high school located off Coney Island Avenue at East 16<sup>th</sup> Street across from the Midwood football field.<sup>13</sup> Leitner stated that before he entered the school to take the NYSTCE, Brightly gave him the fake NYS ID which had been produced at the Upper Bronx photo shop, as well as Brightly’s own Social Security Card. Leitner stated that, once inside, he showed both cards to the test proctor and was thumbprinted before sitting for the four-hour exam. Leitner stated that, when the exam was over, Brightly was waiting for him outside the school at which time Leitner summarized the test for Brightly and gave him back the fake NYS ID and his Social Security Card. According to Leitner, not long after the date of the exam, Brightly was notified “that the State was looking into the test.” Brightly then told Leitner that he would have to meet with the State representatives posing as Brightly. Leitner stated that, at one point, Brightly came to his house with a typed letter, addressed to SED, and told him to sign it as Wayne Brightly.<sup>14</sup> Shortly thereafter, Leitner recalled, “[Brightly] thought I would have more credibility if I had a teacher’s identification card.” According to Leitner, one day in early October, Brightly picked him up and drove him to the DOE building located at 65 Court Street in Brooklyn. Brightly informed Leitner that he had gotten a letter from his current school requesting that a DOE ID be made for Brightly. According to Leitner, Brightly told him that since he had never had a previous DOE ID, and had never been photographed by DOE before, he could send Leitner in with the letter to have a card made up for him now. Leitner was given the fake NYS ID and the letter, and instructed to go to the second floor of the DOE building. Once he arrived at the second floor office, Leitner filled out a form, posed for a picture, and a DOE ID card was given to him “within minutes.” Once he returned to Brightly’s car, Leitner was instructed to give Brightly both the fake ID and the new DOE ID, which he did.

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<sup>12</sup> Leitner was shown a copy of the fake NYS ID and confirmed that it appeared to be the one made at the Upper Bronx photo shop on that date in early July, 2004.

<sup>13</sup> It is believed that the school which Leitner is referring to is Edward R. Murrow High School which is located at 1600 Avenue L, at East 16<sup>th</sup> Street, in Brooklyn. Murrow is located directly across the street from the General Wingate Athletic Field which is regularly referred to as the Midwood football field.

<sup>14</sup> Leitner was shown a copy of the letter received by SED on September 29, 2004, and identified it as the letter that he signed in Brightly’s name.

Rubin Leitner detailed his participation in the December Interview with SED. Leitner stated that the evening prior to the December Interview, Brightly came to his house and met with him to “make final preparations.” At that time, Brightly gave Leitner both the DOE ID and the fake NYS ID as well as subway directions to the SED offices in Manhattan where the interview was to take place. Leitner recalled that Brightly also “reminded me about his friends,” prior to the interview. According to Leitner, at the interview, SED representatives showed him several different exams, including the July Exam which he had taken, and asked him to explain discrepancies in handwriting and fingerprints, which he believes he did satisfactorily. He was then asked to give a handwriting sample and a full set of fingerprints, which he did. Leitner stated that Brightly called him, once he was home, a few hours after the interview ended. Shortly thereafter, Brightly picked up Leitner in his car because “he wanted to make absolutely sure that no one overheard him.” At this point, Leitner returned both the DOE ID and the fake NYS ID to Brightly.

Finally, Leitner reported that the last time he had seen Brightly was February 8. Investigators noted that earlier that same day, Brightly had been at the SCI office to be interviewed regarding this matter. Leitner explained that Brightly came to his house to pick up “the remainder of his materials,” which he described as notes and books related to the NYSTCE. Leitner recalled that “he [wanted] to eliminate all the evidence.” When asked about the two ID cards, Leitner stated that Brightly told him they had already been destroyed. According to Leitner, “this all happened because nowadays I feel weaker than I used to.”

SCI investigators also spoke with Betty Perry on February 14, 2005. Perry stated that Leitner was sent to her by the HRA, and that she had been caring for him for over four years. Perry was shown a photograph of Brightly and immediately identified him as the individual who often came to visit Rubin and whom he referred to as “Wayne.” Perry recalled that Wayne would come to her house two or three times a week to see Leitner and she described them as appearing to be “very close friends.” Perry also recalled that, during the four years that Leitner resided with her, Wayne would call him on the telephone several times a week and would pick up Leitner “for a ride,” nearly every week, in his black car.<sup>15</sup> Finally, Perry stated that the last time she had seen Wayne was “one day last week, it was either Thursday or Tuesday.” She recalled that Wayne had called first, and then arrived at her house at approximately 12:00 p.m.<sup>16</sup> She recalled that Leitner was upset when Brightly called. Upon arriving, Perry stated, Brightly went into Leitner’s room and closed the door where they remained for approximately fifteen minutes before Brightly emerged and left the apartment.

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<sup>15</sup> Wayne Brightly has been observed numerous times, by SCI investigators, entering or exiting a black Nissan. Records reveal that this vehicle is registered to a Leslie A. Brightly at the same address Brightly had listed as a previous home address. Immediately prior to his arrest, Brightly was observed exiting this vehicle.

<sup>16</sup> Brightly left SCI at approximately 11:25 a.m. on Tuesday, February 8, 2005.

### **BRIGHTLY ARRESTED**

On February 15, 2005, Wayne A. Brightly was arrested by investigators from SCI and charged with Coercion in the First Degree, Offering a False Instrument for Filing in the First Degree, Falsifying Business Records in the First Degree, Criminal Facilitation in the Fourth Degree, Petit Larceny, and Criminal Possession of Stolen Property in the Fifth Degree.<sup>17</sup> Brightly was arraigned on a Criminal Court complaint, on February 16, 2005, charging two of the felony offenses. He was later released on his own recognizance (“ROR”), and ordered to return to court on March 3, 2005. His case is currently pending in Kings County Criminal Court, with his next court appearance scheduled for April 14, 2005.

### **SED’S FAILURE TO COOPERATE WITH THE SCI INVESTIGATION**

SED failed to cooperate with SCI’s investigation by refusing to provide documents necessary to the investigation for a period of three weeks and fingerprints for nearly four weeks. On several occasions, between January 12, 2005, and January 19, 2005, SED representatives assured SCI that “a package” of materials, compiled during their Brightly investigation, would be either mailed, faxed or sent overnight delivery immediately. Inexplicably, these documents never were sent to SCI.

On January 19, 2005, SCI served a subpoena on SED, at their Brooklyn Office, with a return date of January 26, 2005, requesting all documents relevant to the investigation of Wayne A. Brightly. Follow-up telephone calls, to confirm receipt of the subpoena, were not returned. On January 24, 2005, an attorney from SCI spoke to Zabin concerning the subpoenaed material. SCI was assured that “a package” comprised of the subpoenaed material had been prepared and was waiting to be sent to SCI pending approval from SED’s legal department. This material was never sent. The January 26, 2005, return date on this subpoena passed without compliance.

Between January 26, 2005, and January 31, 2005, several more calls, from SCI to SED, went unanswered. On January 31, 2005, Commissioner Condon sent a letter directly to SED Commissioner Mills detailing the events of this investigation to date, expressing frustration with SED’s lack of attention to this matter, and communicating his concern that an unknown individual was still in possession of a valid DOE identification card, particularly in light of the recent Matagrano case. Commissioner Condon received no response to this letter.

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<sup>17</sup> In the criminal court complaint, the Kings County District Attorney’s Office initially charged the defendant with Falsifying Business Records in the First Degree and Offering a False Instrument for Filing in the First Degree. That office is reviewing the evidence relating to the other charges.

On February 1, 2005, a second subpoena was served on SED, this time at their Albany office, again requesting all relevant documents regarding the Brightly investigation, with a return date of February 3, 2005. On February 2, 2005, an SCI attorney received a telephone call from Mary Ellen Clerkin, Assistant Counsel in SED's Litigation Division. Clerkin acknowledged receipt of the second subpoena, and initially stated that she believed the majority of the items requested had already been delivered to SCI. In a subsequent phone call, taking place the next day, Clerkin admitted that, in fact, none of the requested documents had been sent to SCI. Clerkin had no explanation for why the documents had never been sent, however she did volunteer that many of the items requested by SCI were "not objectionable," and could be sent right away. At approximately 5:00 p.m. on February 3, 2005, SED faxed SCI approximately 30 pages of documents related to the Brightly investigation. SED contended that they did not believe SCI had the authority to subpoena information from them, but they were willing to assist in our investigation based on "our historically cooperative relationship." However, their cooperation was limited to what they believed to be the only offense within our office's jurisdiction: "the improper issuance of a [DOE] ID."

On February 9, 2005, SCI served a third subpoena on SED in Albany, returnable forthwith, for the production of the original fingerprint cards taken during the December Interview.<sup>18</sup> After some negotiation, SED turned over the original fingerprint cards to SCI investigators which, as previously detailed, were brought directly to DCJS for review and analysis.

### **CONCLUSIONS AND RECOMMENDATIONS**

Rubin Leitner, an individual arguably unable to make any such decisions on his own, was coerced and manipulated by Wayne A. Brightly into committing multiple felony and misdemeanor offenses for the sole benefit of Brightly himself. Brightly's criminal matter is currently pending in Kings County Criminal Court, and this office urges the Kings County District Attorney's Office to vigorously prosecute Brightly to the fullest extent possible. In addition, it is the recommendation of this office that Brightly's employment be terminated, that he be placed on the DOE's permanently ineligible for employment list, and that this matter be considered should he apply for any type of position with the New York City school system in the future.

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<sup>18</sup> The February 3, 2005, documents contained photocopies of the fingerprint cards created at the December Interview. Fingerprint analysts from both the New York City Police Department ("NYPD") and the Department of Criminal Justice Services ("DCJS") in Albany informed SCI that the original fingerprint cards were necessary for any meaningful analysis.

In addition, DOE identification procedures continue to be inadequate. The fact that an individual such as Rubin Leitner can walk into 65 Court Street with a fake NYS ID and a letter stating that he is a teacher, and emerge only moments later with an official DOE ID is unacceptable. Therefore, in addition to those recommendations made after Matagrano, it is also the recommendation of this office that every DOE employee, no matter how long they have been employed, must be photographed, fingerprinted, and issued an identification card, and all such data must be retained in a central system. Without a uniform system of identification which is regularly checked and updated, the system, its employees, and most importantly its students, remain susceptible to the dangers of criminal impersonations and identity fraud.

Finally, SED's failure to notify SCI at the outset of their investigation, on a matter that clearly affects the DOE - particularly one involving an unknown individual using an official DOE ID, having access to all New York City schools, and masquerading as a teacher - placed both DOE students and faculty at an unnecessary risk of danger. In addition, it should be noted that SED's failure to cooperate in a timely and complete manner with SCI's investigation, once it had begun, caused significant delay in the apprehension of Brightly in this criminal matter.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are forwarding our findings to the State Education Department for their information. We have referred our evidence to the Kings County District Attorney's Office. Should you have any inquiries regarding the above, please contact Special Counsel Daniel Schlachet, the attorney assigned to the case. He can be reached at (212) 510-1418. Please notify Mr. Schlachet within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning Wayne A. Brightly. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON  
Special Commissioner  
of Investigation for the  
New York City School District

By: \_\_\_\_\_

Regina A. Loughran  
First Deputy Commissioner

RJC:RAL:DIS:gm

c: Michael Best, Esq.  
Theresa Europe, Esq.