

March 5, 2004

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

Re: Diana Lam
SCI Case #2003-2206

Dear Chancellor Klein:

An investigation conducted by this office has found that Diana Lam, Deputy Chancellor for Teaching and Learning for the New York City Department of Education (“DOE”), assisted her husband, Peter Plattes, in gaining employment with the DOE in the position of a Regional Instructional Specialist (“RIS”).¹ When Plattes lost that position because a conflict of interest issue was raised, Lam then supported his decision to apply for a teaching position. In both instances, Lam failed to request the appropriate waiver or obtain approval. Our investigation revealed that there was no public waiver document issued by the New York City Conflicts of Interest Board.

In August 2003, this office initiated the investigation into a possible conflict of interest in the employment of Plattes after newspaper articles reported on his DOE position and his relationship to Lam.²

Plattes as a RIS

As Deputy Chancellor for Teaching and Learning, Diana Lam supervises all instructional staff, including RISs. To review the circumstances of the alleged employment of her husband by the DOE, investigators examined documentary evidence and interviewed a number of employees involved in the process.

¹ This position pays in excess of \$101,000 per year. A RIS works in conjunction with a Local Instructional Superintendent (“LIS”). A LIS is directly under the Regional Superintendent who reports to Diana Lam.

² Lucadamo, *Husband of Top Educator Gets Plum Job*, The New York Sun, August 1, 2003, page 3; Williams, *Educator’s Hubby Snags Summer Job*, New York Daily News, August 2, 2003, page 41; Stern, *Lam Excuses: A top city official faces mounting ethics woes*, New York Post, Post Opinion, August 22, 2003, page 27; Wolf, *The Missing Candor at Tweed*, The New York Sun, Weekend Edition, Editorials & Opinions, August 22-24, 2003, page 7.

Judith Chin, who is the Regional Superintendent for Region 3 and reports directly to Lam, was among the first individuals whom Lam approached regarding her husband's employment. According to Chin, sometime in 2003, Diana Lam asked her to explain the procedures one needed to follow in order to become a teacher and/or an administrator in the New York City public school system.³ Chin stated that while discussing the necessary steps with Lam, the Deputy Chancellor indicated that her husband was interested in gaining such employment.⁴ Chin and Lam decided that Lam would have her husband call to arrange a meeting with Chin who agreed to assist Lam's husband with the application and certification processes.⁵ As a result, when Lam's husband, Peter Plattes, came to her office on March 26, 2003, Chin had her staff assist him.⁶ According to Chin, a number of weeks later she provided Plattes's resume to Laura Rodriguez, Regional Superintendent for Region 2. Chin explained that she had filled all her RIS positions and had already sent a personnel list to one of Lam's assistants and possibly to Lam herself. However, during an exchange of candidates' resumes amongst the various regional superintendents, she came upon Plattes's and handed it to Rodriguez because she was aware that Rodriguez was looking to fill a bilingual position. Chin stated that she advised Rodriguez of Plattes's relationship to the Deputy Chancellor. Chin indicated that she would have felt uncomfortable if she had interviewed the husband of her immediate supervisor.⁷

Investigators examined Plattes's DOE employment application, which indicated that Chin had approved it.⁸ However, Chin stated that she did not place her authorization signature on Plattes's application. Instead, she suspected that one of her staff members, Jean Ruchala, former Deputy Director for the Office of Recruitment, must have done so since Chin had requested that Ruchala assist Plattes in processing his paperwork.⁹ Chin explained that her approval was necessary because Plattes's application indicated that he was requesting a teaching license in the area of social studies, which was not a shortage area.¹⁰ Moreover, Plattes apparently did not possess sufficient credentials to obtain a bilingual teaching certification, which was considered a shortage area.¹¹ Chin explained

³ Chin was the Supervising Superintendent for the Center for Recruitment and Professional Development when Lam contacted her.

⁴ Chin added that during this conversation Lam discussed her husband's teaching experience.

⁵ Chin told Lam to instruct her husband to bring his school transcripts, licenses, and certifications to the meeting.

⁶ Plattes was fingerprinted and provided with relevant documents to fill out. According to Chin, Lam sent her an e-mail thanking her for her assistance.

⁷ Chin felt the situation raised the question of a possible conflict of interest.

⁸ This application was for a certification in social studies.

⁹ The application indicated that Plattes was applying for a teacher's certification, not an administrator's certification. Ruchala retired in July 2003.

¹⁰ A shortage area means that there is a need for a person holding a specific type of certification.

¹¹ Chin stated she provided Plattes's resume to Rodriguez because he possessed bilingual experience.

that an application for non-shortage areas would be held in abeyance and not processed until there was such a shortage or it had been otherwise approved.¹²

Laura Rodriguez, Superintendent for Region 2, who was hired for her current position by Lam, interviewed Peter Plattes for a RIS position, which paid approximately \$102,000 per year.¹³ Rodriguez explained that she submitted Plattes's name, along with those of others she wished to hire, to Lam and Chancellor Joel Klein for their approval and that, at a meeting of regional superintendents, Klein informed her that all submitted candidates were acceptable.¹⁴ Rodriguez stated that Plattes was then offered the RIS position, subsequently accepted it, and officially began his employment with the DOE on July 1, 2003.¹⁵

Rodriguez stated that just prior to August 1, 2003, Chad Vignola, General Counsel for the DOE, advised her that there was a possibility that Plattes would no longer be working for the DOE.¹⁶ According to Rodriguez, shortly after her conversation with Vignola, Plattes advised her that he could not continue working as a RIS.

Superintendent Rodriguez along with Eric Nadelstern, Deputy Regional Superintendent for Region 2, interviewed Plattes for a paid position.¹⁷ According to Nadelstern, Plattes was hired for the RIS position and he was assigned to work with Lorraine Skeen, a Local Instructional Superintendent ("LIS") for Region 2. Nadelstern stated that around August 1, 2003, Rodriguez informed him that Plattes would no longer be working at Region 2.

LIS Lorraine Skeen confirmed Plattes's employment. She provided investigators with a number of documents relating to Plattes, including: a Region 2 RIS roster listing Plattes's name, home address and phone number as well as his office extension; a Region 2 telephone directory containing Plattes's name and indicating his position as a RIS; a Region 2 summer calendar contact sheet containing Plattes's name; a Region 2 workshop agenda containing Plattes's name; and several inter-office e-mails sent to Plattes. According to Skeen, Nadelstern advised her that she and Plattes would be working together and that Plattes is Lam's husband. Skeen stated that she began working with Plattes sometime in June or July of 2003 and that they were involved in the training of Region 2 principals.

¹² Thus, had Plattes's application not been approved, it would have remained in abeyance.

¹³ Rodriguez stated that she received Plattes's resume from Judith Chin, Superintendent for Region 3.

¹⁴ According to Rodriguez, she never discussed Plattes's employment with Lam.

¹⁵ Plattes dated his application for certification as a school administrator and supervisor, July 3, 2003, and his payroll withholding paperwork indicating "single-1," July 15, 2003.

¹⁶ According to Jerry Russo, the Chancellor's Press Secretary, on July 31, 2003, the media made inquiries regarding the employment of Peter Plattes.

¹⁷ Nadelstern stated that prior to the interview, in which salary was not discussed, Rodriguez informed him that Plattes is Lam's husband.

Dr. Joyce Coppin, former Chief Executive of the Division of Human Resources for the DOE, also was approached by Lam.¹⁸ According to Coppin, sometime in July 2003, Lam handed her an envelope bearing Plattes's name and stated "these are my husband's. Can you take them back [to the Human Resources offices] with you?"¹⁹ Coppin stated that she turned the envelope over to JoAnn Molter-Fuentes, Director of the Office of Supervisory Support Staff.²⁰ Coppin added that a few weeks later Lam requested that she deliver a second envelope to Molter-Fuentes.²¹ According to Coppin, Lam stated "these are Peter's papers, I think everything is there."²²

Coppin stated that around the first week of August 2003, she participated in a conference call with Laverne Srinivasan, Deputy Chancellor of Operations for the DOE, and Chad Vignola, General Counsel for the DOE. According to Coppin, Srinivasan questioned "has Peter Plattes been processed for payroll yet?" and then directed "if not, put it on hold." Coppin stated that she instructed Molter-Fuentes to stop the payroll process immediately and then advised Srinivasan and Vignola that the paperwork had been halted. Coppin added that Srinivasan then questioned "has [Plattes] been paid yet?" and "will the system show that he was being paid?" According to Coppin, she advised Srinivasan and Vignola that Plattes's information had not been entered into the system, therefore his name would not appear.

Coppin told investigators that two or three days later Lam approached her and stated, "I am sorry that you and your office had to be put through this thing...I sent an e-mail to Chad [Vignola] regarding [my husband's employment] to find out if there would be any issues."²³ Coppin stated that on a subsequent occasion at the Tweed Courthouse Building, she returned Plattes's application and related documents to Lam.

JoAnn Molter-Fuentes explained the RIS application process to investigators. According to Molter-Fuentes, applications for the RIS position were submitted both through the mail and over the Internet and that the documents then were sorted and distributed to the various Superintendents' Offices.²⁴ Molter-Fuentes stated that once an applicant accepted the position, payroll documentation, including a vacancy control form ("VCF") and a 9902 form, was processed.²⁵ According to Molter-Fuentes, she received an envelope from Coppin which contained Plattes's paperwork, including his application and transcripts. Molter-Fuentes explained that Plattes could not be placed into the payroll

¹⁸ Coppin retired in January of 2004.

¹⁹ This occurred while Coppin was at the Tweed Courthouse Building.

²⁰ Coppin was Molter-Fuentes's supervisor.

²¹ This occurred while Coppin was at the Tweed Courthouse Building.

²² Coppin took this to mean that the envelope contained Lam's husband's papers.

²³ This conversation occurred while Coppin was at the Tweed Courthouse Building.

²⁴ According to Molter-Fuentes, if the applicant indicated a work site preference, the application was then forwarded as requested. The application instruction circular advised that persons interested in a position should submit a completed application, Personal Information Form, cover letter and resume.

²⁵ According to Molter-Fuentes, a VCF creates a work line which allows the DOE to begin processing the individual's paperwork for employment. The information on the 9902 form is entered into the computer system to process a status update and begin the payroll process.

system until he either was certified or was deemed eligible for certification as a school administrator by the New York State Education Department (“SED”). Molter-Fuentes stated that when she contacted the SED in order to determine the status of Plattes’s school administrator’s certification, she was advised that one college transcript had to be submitted to complete the process.²⁶ In anticipation of Plattes receiving his certification, Molter-Fuentes instructed Maria Quinones, Human Resources Manager for Region 1 and 2, to enter a VCF and 9902 in order to expedite his placement on the payroll.²⁷ However, on or about August 1, 2003, Coppin contacted her and directed her not to process Plattes’s payroll documents.²⁸ Molter-Fuentes stated that she then contacted her Deputy Administrator for the Office of Supervisory Support Services, Carol LaBozzetta, and instructed her to delete Plattes’s VCF from the system and to retrieve his 9902 form.

Maria Quinones also was involved in processing Plattes’s paperwork. According to Quinones, sometime in July 2003, she received an e-mail from Molter-Fuentes directing her to place Plattes on the payroll, therefore, she instructed her staff to complete a VCF and a 9902 form.²⁹ In the e-mail, Molter-Fuentes advised Quinones that Plattes is Lam’s husband.³⁰ Quinones interpreted this information to mean that Plattes should be entered into the payroll system immediately so she made certain that her staff completed the necessary paperwork without delay.³¹ According to Quinones, within a day or two she was contacted by someone from Molter-Fuentes’s office and directed not to process Plattes’s payroll paperwork. As a result, she disposed of her copy of Plattes’s paperwork.³²

Carol LaBozzetta explained her involvement with Plattes’s paperwork. According to LaBozzetta, sometime between the end of July 2003 and the beginning of August 2003, she entered a VCF into the system under Plattes’s name and sent the 9902 form for processing.³³ However, the following day, Molter-Fuentes directed her to retrieve the 9902 form and delete the VCF information from the system.³⁴ According to LaBozzetta, she recovered Plattes’s paperwork and placed it in Molter-Fuentes’s office.³⁵

²⁶ Investigators spoke to James Miskell, Assistant in Certification for the New York State Education Department, who stated that he recalled having a conversation with Molter-Fuentes regarding Peter Plattes’s administrator’s certification and the fact that Plattes was missing one transcript necessary for certification eligibility. According to Miskell, as of February 11, 2004, his office had not received the missing documentation.

²⁷ Molter-Fuentes explained that upon receipt of the missing transcript the SED agreed to back-date Plattes’s certification to be effective in February 2003. Therefore, she approved entering Plattes into the DOE payroll system.

²⁸ Molter-Fuentes stated that Coppin advised her that Plattes would no longer be working for the DOE.

²⁹ According to Quinones, a VCF and a 9902 must be completed for an employee to be placed into the payroll system.

³⁰ The date of the e-mail was July 30, 2003.

³¹ Quinones added that she entered a VCF for Plattes on July 17, 2003, but she had mistakenly used an incorrect social security number.

³² Quinones threw the paperwork in the garbage. She does not recall who gave her this directive.

³³ LaBozzetta stated that she received an e-mail on July 30, 2003, instructing her to process this paperwork.

³⁴ LaBozzetta deleted Plattes’s information from the computer system.

³⁵ This paperwork was later filed in Plattes’s DOE folder.

David Schacher, Ethics Officer for the DOE, was not contacted about Plattes's position with the DOE, instead Lam told him about her husband's employment almost as an afterthought.³⁶ Schacher explained that during a July 18, 2003 meeting with Lam to discuss an unrelated matter, she mentioned to him that her husband was hired at one of the Regional Operations Centers and that she had supervisory authority over him. According to Schacher, Lam claimed that she had no involvement in the hiring of her husband and she asserted that no one was aware of their relationship. During the conversation, Lam failed to provide her husband's name or his work site and Schacher neglected to request the information. However, following the meeting, Schacher examined Lam's disclosure documents and discovered that her husband's name was Peter Plattes. He then conducted a check of the DOE e-mail directory system which revealed that Plattes was a RIS in Region 2. Schacher immediately advised Vignola via e-mail of the information he had uncovered.

Chad Vignola confirmed learning about Plattes's position with the DOE from Schacher. Although he had two brief conversations with Lam, Vignola stated that he was unaware that Plattes had even applied for a job. Instead, Lam suggested that her husband might be interested in seeking employment with the DOE, to which he replied that he did not foresee a problem, but that there was a process that had to be followed because she could not supervise him.³⁷ Vignola stated that on July 18, 2003, he first learned from Schacher that Plattes had been hired in Region 2 as a RIS and he later learned that Plattes had been working for several weeks. Although Lam claimed that she had nothing to do with her husband's hiring, Vignola was advised by Coppin that Lam had directed her to deliver Plattes's paperwork to the Human Resources office.

Vignola asserted that on July 24th or 25th he and Srinivasan advised Lam that her husband could not hold the RIS position.³⁸ However, no apparent steps were taken to achieve that end – including notifying Laura Rodriguez – until July 31st, the date of the media inquiry.

In an interview with investigators, Peter Plattes stated that Diana Lam is his wife. Plattes acknowledged that Lam assisted him in his quest to gain employment with the DOE by providing him with Chin's name and telephone number and instructing him to meet with her.³⁹

³⁶ When investigators attempted to speak to Schacher, he requested that his interview be conducted at our office on a later date. Schacher's request was granted.

³⁷ Vignola stated that Lam informed him that her husband was thinking of applying for a position as a teacher or a principal.

³⁸ According to Vignola, Lam strongly resisted his instruction that her husband give up the position. In fact, she asserted that there was nothing inappropriate about Plattes's hiring.

³⁹ Plattes stated that he attended a meeting with Chin and that members of her staff assisted him with his paperwork.

Plattes confirmed that Rodriguez and Nadelstern interviewed him for a RIS position in Region 2, he was offered the position, and he accepted it.⁴⁰ Thereafter, he attended optional meetings/training sessions in order to prepare himself for his official start date of July 1, 2003. Plattes acknowledged that when he started working as a RIS on July 1, 2003, he expected to receive compensation from the DOE effective that date.

Plattes claimed that he was unaware that his wife submitted documents on his behalf to the DOE and asserted that he had submitted his transcripts directly to the SED and not through the DOE. Although Plattes declared that he did not utilize DOE staff to channel his transcripts to the SED, Molter-Fuentes had advised Plattes that she would send those documents to the SED to complete his certification application. Therefore, on July 23, 2003, Plattes faxed his transcripts to Molter-Fuentes who, in turn, faxed them to the SED. Moreover, Plattes sent a note to Molter-Fuentes, dated August 14, 2003, which stated that he had decided not to pursue an administrative position at this time, but would still like to obtain his supervisory certification. Plattes enclosed an additional transcript for Molter-Fuentes to forward to the SED.⁴¹ According to Plattes, his social studies certification to teach was the only one that he received from the SED, adding that he did not receive an administrator's certification because he failed to submit one transcript.

In an interview with investigators, Lam stated that her husband is Peter Plattes. Lam asserted that after her husband advised her that he wished to pursue employment at the DOE she contacted Vignola.⁴² Lam stated that she probably had another conversation with Vignola after Plattes was offered the position, but she did not remember the details of the discussion.

Lam admitted that she contacted Chin on her husband's behalf and that, as a result, Plattes went to see Chin. Lam acknowledged that she asked Coppin to deliver her husband's documents to the Human Resources offices. However, she denied receiving Plattes's paperwork back from Coppin.⁴³

Lam stated that she sent Chancellor Klein an e-mail indicating that her husband had been selected for employment as a RIS with the DOE, but admitted that she did not receive a response to her e-mail and failed to discuss the issue with Klein.

Lam maintained that she first learned that there might be a problem in the supervisory chain after she advised Schacher of her husband's employment. Thereafter, Srinivasan and Vignola told her that Klein was uncomfortable with Plattes's employment as a RIS. Lam claimed that when she informed her husband of the Chancellor's feelings,

⁴⁰ Plattes claimed that he failed to retain any copies of the paperwork he submitted to the DOE.

⁴¹ Molter-Fuentes did not forward this transcript because she had been advised by Coppin that Plattes was no longer working for the DOE.

⁴² Lam stated that Vignola agreed to assist her with the necessary DOE procedures if Plattes was hired.

⁴³ According to Coppin, she received an envelope from Lam on two occasions and each time she delivered the items to Molter-Fuentes. Moreover, Coppin stated that after it was decided that Plattes's paperwork could not be processed she returned it to Lam.

Plattes expressed that he was no longer interested in the paid administrative position, but wanted to continue without compensation. According to Lam, Plattes did not “quit,” since he had not received a written notice that he had been hired. Instead, Lam maintained that she advised Vignola and Srinivasan that Plattes had “reconsidered taking the offered position.”

Lam later acknowledged that, although there was no written notification, Plattes had received a phone call in which he was offered the RIS position. She admitted that Plattes accepted the paid position, attended a number of optional training sessions in June, began working July 1st, and expected to receive compensation for his work. Lam agreed that she disclosed her husband’s employment to Schacher in a July meeting. She also conceded that Plattes vacated the RIS position only after she was advised of the Chancellor’s opinion.

Plattes as a Teacher

In the course of investigating the employment of Plattes as a RIS, we discovered that, after leaving that position, he was hired by the DOE as a teacher. Consequently, we expanded our investigation to examine the circumstances surrounding that action.

In September 2003, investigators conducted a background check on Plattes, which found that on August 31, 2003, he was listed in the DOE computer system as a teacher assigned to the Bronx Guild High School (“Guild”). The review also showed that on September 8, 2003, the computer system was adjusted to reflect that Plattes would no longer be teaching. However, a DOE payroll check was automatically generated for Plattes for the period covering September 1, 2003 through September 15, 2003.

Peter Steinberg, Director of the Bronx New Century High Schools, was instrumental in Plattes’s placement at the Guild. Steinberg explained that in the middle of August 2003, Principal Michael Soguero contacted him regarding a vacancy at the Guild and Steinberg provided Plattes’s information to Soguero.⁴⁴ According to Steinberg, after he learned that Plattes was hired as a teacher he informed Nadelstern and a few days later Nadelstern advised him that Plattes would have to vacate the position.⁴⁵

Soguero confirmed that in middle to late August 2003, he contacted Steinberg regarding a teaching vacancy. According to Soguero, Steinberg suggested that Plattes could fill the position.⁴⁶ Soguero stated that he hired Plattes for a teaching position and that Plattes attended optional professional development meetings the last week of August

⁴⁴ Steinberg stated that he advised Soguero that Plattes is Lam’s husband.

⁴⁵ Nadelstern informed investigators that, after Plattes left the RIS position because of the conflict issue, he asked Steinberg to keep Plattes in mind to fill any vacancies, adding that he was unaware that Plattes could not hold a teaching position.

⁴⁶ Soguero stated that Steinberg informed him that Plattes is married to Lam.

2003. Soguero explained that on August 28, 2003, Plattes informed him that he could no longer work at the school because “the Chancellor’s Office was worried about the appearance of a conflict of interest.”⁴⁷

Dino Martinez, Supervising School Aide at the Guild, confirmed Plattes’s intention to work at the school. He reported that Soguero hired Plattes in late August 2003, to fill a teaching position and that thereafter Plattes attended staff development meetings held during the week of August 25, 2003. According to Martinez, on September 2, 2003, Soguero advised him that Plattes would not be returning to the Guild and that the school would have to fill his vacancy. Martinez stated that he received Plattes’s paycheck, dated September 15, 2003, at the school. Martinez turned over this paycheck to investigators from this office.

Sharon Dawkins, Personnel Team Member for Region 1 and 2, was involved in processing Plattes’s paperwork for the Guild position. She explained that on August 21, 2003, Soguero sent an e-mail nominating Plattes for employment as a social studies teacher. According to Dawkins, Plattes’s information was then entered into the computer system in order to process his payroll. Dawkins stated that sometime in early September 2003, she received a telephone call from Martinez who stated that “Plattes cannot work here because it’s a conflict of interest, take him off.”⁴⁸

In late September 2003, during an interview with investigators concerning Plattes’s employment as a RIS, Vignola first learned that Lam’s husband had been hired as a teacher for the DOE.⁴⁹ According to Vignola, Lam never informed him that her husband had obtained a paid teaching position. Instead, Vignola reported that at some point, probably during the 3rd or 4th week of August, Lam told him that her husband was “volunteering” as a teacher, with an eye toward obtaining a position. Vignola stated that he reminded Lam that she needed to check with the Chancellor before Plattes could pursue that type of position with the DOE even though it would be unpaid. Vignola conceded that volunteers do not get paychecks from the DOE and agreed that if Plattes had been issued a paycheck that would have meant that the DOE had hired him. Vignola acknowledged that it would be a waste of resources for Plattes to continue to seek a position within the DOE until a decision as to the propriety of such employment had been made.

Deputy Chancellor of Operations Laverne Srinivasan also was surprised to learn of Plattes’s employment as a teacher. According to Srinivasan, Lam was advised that a teaching position might be appropriate, but she was not told to pursue such an avenue.

⁴⁷ Although Plattes informed Soguero that “[the] Conflicts of Interest [Board] stated his employment as a teacher was permissible,” there was no public waiver document issued by the New York City Conflicts of Interest Board.

⁴⁸ Subsequent to the telephone call, Dawkins received an e-mail from Soguero advising that Plattes’s name was to be taken off the payroll because he was unable to work at the Guild.

⁴⁹ On August 26, 2003, Rodriguez sent an e-mail to Vignola asking if Plattes could be offered a teaching position. On August 28, 2003, in a reply e-mail, Vignola told her not to proceed.

Srinivasan was unaware until after this investigation began that Plattes had accepted a teaching assignment and that a DOE paycheck had been generated.

Plattes asserted that Lam informed him that he had approval to pursue a teaching position. Plattes received Soguero's name from Steinberg and contacted him. In anticipation of starting to teach on September 2, 2003, Plattes attended optional training sessions. However, a few days before he expected to begin working, his wife told him that a teaching position also was unacceptable. He explained that he then notified Soguero that he would be unable to work as a teacher at the Guild.

Lam stated that it was her understanding that a teaching position was acceptable for her husband to pursue. Lam claimed that Srinivasan or Vignola later advised her that her husband could not hold a teaching position.

Chancellor Joel Klein was not informed that Plattes had been hired as a teacher. According to the Chancellor, when Lam inquired as to the possibility of her husband gaining employment as a teacher, he told her to check with the New York City Conflicts of Interest Board. He explained that he was unaware that Plattes had actually applied for and been offered a teaching position before such a conferral had occurred.

Plattes as a Volunteer

After DOE officials determined that Plattes's employment by the DOE was inappropriate, the issue became how to explain the situation given the media inquiry. A decision was made to remove Plattes's information from the DOE's Human Resource system, have him "donate" his services, and label him a "volunteer." Nevertheless, the facts remain clear that Plattes was hired by the DOE as a RIS.

Chin stated that at the time she assisted Plattes, she headed the employee recruitment department, not the volunteer department, and that she did not believe that Plattes would have been required to complete the paperwork in her office in order to be a volunteer.

Rodriguez explained that she hired Plattes to be a RIS. According to Rodriguez, Plattes performed the duties that were expected of him, she expected him to be compensated for the work he performed, and at no time was there a discussion that he was volunteering for the position. Rodriguez maintained that she had hired Plattes as a paid employee.

Srinivasan stated that Rodriguez clearly offered Plattes a job, which he clearly accepted, but that she was advised by Coppin that Plattes's paperwork had not been fully

processed.⁵⁰ After a discussion with Vignola, Srinivasan instructed Coppin to stop Plattes's paperwork and therefore it was halted.⁵¹

Srinivasan explained that it was Chancellor Klein's position that Plattes's employment as a RIS was inappropriate.⁵² Consequently, Srinivasan and Vignola explained to Lam that it was ill-advised for her husband to hold the position. According to Srinivasan, it was decided that in light of the fact that Plattes's paperwork had not been fully processed, the time that the Deputy Chancellor's husband had worked should be considered volunteer time. Moreover, it was agreed that Plattes would forego his earnings for the period that he worked. She explained that, through Lam, they asked Plattes to donate the time worked in order "to remove the specter of anything inappropriate."

It remained unclear to Srinivasan whether the DOE had ever employed Plattes as a RIS, nevertheless, she acknowledged that Plattes had not intended to be a volunteer when he began working.⁵³ When she was shown the e-mail Vignola sent to her on July 31, 2003, which stated that "Peter agreed to help out as a volunteer back in June," Srinivasan stated that the e-mail was not accurate. Instead, she explained that after it was determined that he could not keep the position, Plattes's work for the DOE was deemed to be volunteer time because Plattes agreed to forego the pay he was entitled to receive.

In Vignola's view, because Plattes's information had not been put into the payroll system, he was not an employee, even though he was offered the RIS position, accepted the position, and was performing the duties associated with the position. According to Vignola, Rodriguez first learned that Plattes would no longer be working in Region 2 when he told her on July 31st. At that time, Rodriguez advised Vignola that Plattes's paperwork had already been sent to Human Resources for processing. On that same date, Vignola was informed by Coppin that Plattes's final paperwork was at her office and he and Srinivasan instructed her to cease processing it. According to Vignola, "you are not an employee until we complete the hiring process."⁵⁴ Consequently, at his direction, the media was told that Plattes had been a volunteer.

Vignola acknowledged that Rodriguez, Plattes, and Lam believed that Plattes was an employee. Vignola also conceded that Plattes clearly did not intend to donate his time when he began working for the DOE in July. Vignola stated that had the hiring process

⁵⁰ Srinivasan stated that she was told by Coppin that she had Plattes's paperwork locked up in her closet.

⁵¹ Srinivasan stated that she heard that Lam had tried to expedite Plattes's paperwork through the DOE.

⁵² According to Srinivasan, Lam informed her that Vignola stated that such employment was proper, while Vignola told her that he stated that such employment was possible but that proper disclosure was necessary.

⁵³ According to Srinivasan, it was her understanding that Rodriguez hired Plattes and considered him to be an employee.

⁵⁴ Vignola stated that he did not inquire of Coppin or anyone else as to what additional steps needed to occur to finalize Plattes's employment.

for Plattes as a RIS been completed he would have gotten paid retroactively to July 1, 2003. Vignola maintained that when it was determined that the hiring process had yet to be completed, it was decided that Plattes's work time in July should be considered volunteer time. Vignola added that, on Plattes's behalf, Lam agreed that the time that Plattes had worked for the DOE would be deemed volunteer time and that Plattes would forego his earnings for the period of July. Vignola continued that he was unconcerned with the status of the paperwork after his discussion with Lam.

According to Chancellor Klein, either Vignola or Srinivasan informed him that Plattes was volunteering as a RIS at one of the Regions. He stated that he told Lam that Plattes could not work in such a position.

Plattes stated that sometime in the middle of July 2003, he got the impression from his wife that Chancellor Klein was uncomfortable with him holding the RIS position. Plattes claimed that in the middle of July 2003 he decided to quit the RIS position but that he kept "volunteering" until the middle of August 2003.⁵⁵ Plattes also claimed that it was his idea that he would start volunteering. Nevertheless, Plattes conceded that he accepted the RIS position, was not volunteering on July 1, 2003, and expected to receive compensation. However, according to Plattes, he later advised his wife, "I really do not care if I get paid."

Plattes acknowledged that he delayed in notifying Rodriguez that he would be resigning. In fact, he stated that the subject came up in the middle of an unrelated conversation with Rodriguez. Plattes stated that he informed Rodriguez that he would continue until Skeen returned from her vacation.⁵⁶

Lam asserted that she played no role in the response to media inquiries about her husband's employment status. However, Lam acknowledged that when her husband decided not to continue at Region 2 as an administrator, it was agreed that he would be called a volunteer. According to Lam, since Plattes was not going to be permitted to continue in the RIS position, he did not want to get paid for the period that he had been working. Lam conceded that the information that her husband had "considered" taking the job, which was provided to the media, was not accurate and Plattes "actually" had taken the position. Moreover, Lam refused to say that Plattes "quit" and instead insisted that Plattes "reconsidered" taking the job after he learned of the Chancellor's discomfort with him holding the position.

⁵⁵ Plattes claimed that he decided to quit the RIS position in mid-July, yet as of July 31st he had not advised Rodriguez of this decision.

⁵⁶ Skeen had scheduled vacation for the middle of August.

Conclusion

Based on the testimony of witnesses and documentary evidence gathered during this investigation, it is clear that Diana Lam made a concerted effort to obtain employment for her husband with the DOE. Lam contacted DOE employees on her husband's behalf and submitted paperwork in support of his application. Subordinate employees who tried to expedite Plattes's hiring flatly contradict Lam's assertion that no one was aware of their relationship. We are forwarding our findings for your information and review. In addition, Lam's conduct may constitute a violation of Chapter 68 of the New York City Charter, which is administered by the New York City Conflicts of Interest Board.

We are forwarding a copy of this report to the Office of Legal Services. We are also sending our findings to the State Education Department. Should you have any inquiries regarding the above, please contact Eileen Daly, the attorney assigned to this case. She may be reached at (212) 510-1407. 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:ss

c: Chad Vignola, Esq.
Theresa Europe, Esq.
Rick Stewart, Auditor General