

May 4, 2009

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

Re: Tyrone Brown
SCI Case #2008-3199

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Tyrone Brown, the executive director of the Brooklyn Music and Arts Program (“Brooklyn Program”), a community based organization which is housed within Boys and Girls High School and does business with the Department of Education (“DOE”), engaged in an inappropriate relationship with a 17-year-old female student (“Student A”) who attended the Brooklyn High School of the Arts and was a member of the Brooklyn “Steppers” Marching Band (“Band”), one of the activities offered at the Brooklyn Program.¹

This investigation began on July 30, 2008, when Principal Pamela Randazzo, assigned to the Brooklyn School for Music and Theater, contacted the office of the Special Commissioner of Investigation (“SCI”) and reported a complaint lodged by a former Brooklyn Program employee, Jermainique Brown, who alleged that Tyrone Brown had admitted to the Brooklyn Program staff that he had sexual contact with Student A.²

¹ Brown continued in his position during this investigation. In a letter to the Research Foundation of the City University of New York (“CUNY”), effective April 17, 2009, Brown resigned from his position as the Executive Director of the Brooklyn Music and Arts Program. Student A has turned 18.

² Principal Randazzo informed investigators that her school previously had contracted with the Brooklyn Program for some of its students to participate in a marching band, but she had cancelled the contract for various reasons, including the Brooklyn Program’s failure to pay \$1,500 when it used the school for a performance.

SCI investigators met with Jermanique Brown (“J. Brown”) who said that Tyrone Brown (“T. Brown”) called a meeting at T. Brown’s house in May 2008, to discuss the Band’s upcoming trip to Bermuda. J. Brown arrived at the meeting with two male former students (“Student C” and “Student D”) and, after they rang T. Brown’s doorbell, Student A answered the door in her pajamas. J. Brown added that T. Brown stayed in his bedroom while Student A “hung out” in the living room with them. J. Brown asserted that T. Brown never came out of his bedroom, so he left with Student C and Student D.

J. Brown continued that the Band went to Bermuda for “Drum Line Live” at the end of May 2008, although he did not go on the trip. J. Brown reported that, when the Band returned to New York, there were a lot of rumors about inappropriate sexual conduct involving T. Brown, Brooklyn Program employee Renita Leonce, and Student A.

In June 2008, T. Brown called a staff meeting at the Brooklyn Program office located inside Boys and Girls High School. According to J. Brown, T. Brown admitted to the staff that he had done inappropriate things, was sorry for them, and had not meant to hurt anyone’s feelings. T. Brown also told the staff that he was leaving and would return periodically to check up on things. J. Brown informed the investigators that “this was a big deal” because T. Brown had always been a “hands on person” and never took time off from the Brooklyn Program.

SCI investigators visited the residence of Student C, but he was not there. Student C did not respond to requests to contact the assigned investigator. SCI investigators also visited the residence of Student D who was not available. The assigned SCI investigator subsequently received a telephone call from someone identifying himself as Student D who said that he did not want to make a statement about Student A and T. Brown.

SCI investigators met with Student A who asserted that she and some members of the Band had been to T. Brown’s house, but nothing inappropriate ever happened while she was there. Student A said that T. Brown occasionally picked her up in the morning to take her to school and occasionally drove her home after Band practice. Student A maintained that she never wore pajamas while she was at T. Brown’s house.

Student A said that, with her mother’s permission, on May 22, 2008, she went with the Band to a competition in Bermuda and T. Brown was in charge of the trip. Student A informed investigators that T. Brown was like a father figure to her. According to Student A, nothing inappropriate occurred between her and T. Brown during the trip. Student A added that the boys and the girls were in separate sections of the hotel.

Student A continued that, after they returned from Bermuda, there was a meeting to discuss Student A’s absenteeism and the rumors about Student A and T. Brown.

Student A, her mother, her grandmother, T. Brown, and his wife – from whom he was separated – attended the meeting. Student A said that she and T. Brown denied that they were having a sexual relationship. Student A added that she was sick in bed for the next three days because she was so upset by the rumors.

In a telephone conversation with the assigned investigator, Student A's mother acknowledged that, soon after the Bermuda trip, she heard rumors that T. Brown and her daughter had engaged in an inappropriate relationship while in Bermuda. The mother confirmed that she attended a meeting with Student A, Tyrone Brown, and his wife to determine whether the rumors were true and that Student A and T. Brown denied that anything inappropriate happened on the trip. The mother added that she was satisfied that the rumors were just rumors.

The mother informed the assigned investigator that she allowed T. Brown to pick up Student A and take her to school in the morning because Student A had begun cutting school. The mother also reported that she knew Student A went to T. Brown's house with other students. The mother asserted that Student A was never alone with T. Brown in his house.

SCI investigators spoke with Administrative Assistant Renita Leonce who said that she had worked for the Brooklyn Program since 2004, and before that, she was a student member of the Band. Leonce added that she had been friends with Student A for the past five or six years, but became even closer friends in May 2008. Leonce asserted that male and female students and staff went to T. Brown's house to "hang out," watch television, play video games, and "just joke around." According to Leonce, she never witnessed T. Brown do or say anything inappropriate to any student.

Leonce confirmed that the Band went to Bermuda in May 2008, for a competition. Leonce reported that she had sex with T. Brown in his room while they were in Bermuda. According to Leonce, when they came back from Bermuda, the rumors were very strong about T. Brown having a sexual relationship with Student A and she then recalled that T. Brown and Student A were very close while they were in Bermuda. However, Leonce added that she never witnessed any inappropriate sexual behavior between T. Brown and Student A.

Leonce continued that, in late June 2008, T. Brown had a staff meeting at which he announced that he was sorry for leaving, but he needed to take a vacation. Leonce confirmed that this was out of character for T. Brown because he never took a vacation. According to Leonce, T. Brown did not mention anything about his behavior with Student A.

SCI investigators spoke to Administrative Assistant Farica Francis who said that she had worked at the Brooklyn Program since the summer of 2008, and she was a

student in the Band from 2005 until 2008. Francis added that she never saw T. Brown do or heard him say anything inappropriate toward any student, including herself. According to Francis, she had been to T. Brown's house with staff and students where they played video games and "just hung out." Francis did not attend the Bermuda trip. Francis confirmed that T. Brown held a meeting, in June 2008, at which he shocked the staff by announcing that he was going to take a vacation. Francis did not recall T. Brown apologizing for anything during the meeting.

SCI investigators interviewed Daniel Serette, the Brooklyn Program Administrative Assistant whom T. Brown had named the acting director when he took time off during the summer of 2008. Serette said that he had been a part of the organization first as a student and then as an employee. Serette added that he heard the rumors about T. Brown acting inappropriately on the trip to Bermuda, but he did not believe them. Serette did not attend the Bermuda trip.

SCI investigators met with Dance Instructor Fatima Alonzo, a former Brooklyn Program employee, who said that, during a Band practice sometime before May 2008, she noticed T. Brown – who normally did not get involved with the individual Band members – practicing with Student A. Alonzo added that T. Brown and Student A "played around" with each other during practice; for example, they would give each other "little play taps" on the arms.

Alonzo continued that, prior to the Bermuda trip, T. Brown had a barbeque at his house, attended by staff and students. At T. Brown's direction, Alonzo went to his room to get money for the passports for the Bermuda trip and, as she looked out his window, she saw T. Brown hugging Student A. Alonzo then observed T. Brown and Student A under an umbrella, walking down the block, hugging each other.

On the Bermuda trip, Alonzo saw T. Brown sit next to Student A on the plane. Alonzo asserted that T. Brown and Student A were constantly together during the trip. Alonzo added that she witnessed T. Brown flirt with Student A and with Leonce during the Bermuda trip. According to Alonzo, sometime in July 2008, T. Brown called a staff meeting at which he said that he was sorry for everything he had done and was moving to Atlanta to get some help. Alonzo said that T. Brown did not elaborate on what he did wrong because, in her opinion, it was understood.

According to Alonzo, sometime in August 2008, Student A showed her a sexually explicit text message on her cell phone, which she said came from T. Brown.

SCI investigators spoke with a 16-year-old female student ("Student E") who was in the 12th Grade at Medgar Evers High School in Brooklyn.³ Student E currently

³ Student E has turned 17.

worked as a dance instructor for J. Brown, but previously had worked for T. Brown at the Brooklyn Program. Student E said that she was good friends with Student A. According to Student E, sometime before February 2008, Student A told her that whenever she got into a fight at home, she would go to T. Brown's house and sleep on the couch because she thought of him like a father. Student A assured Student E that nothing ever happened between her and T. Brown.

Student E continued that, when the Band went to Atlanta for a Jamboree in February or March 2008, she shared a room with Student A. Student E said that T. Brown spent a lot of time with Student A on the trip and they seemed very close. According to Student E, T. Brown spent time in their hotel room and sat on Student A's bed where they talked. Student E added that T. Brown hugged Student A and told her to make sure she used birth control when she had sex with boys.

According to Student E, two days before the trip to Bermuda, she saw T. Brown and Student A shopping together in Victoria's Secret on Fulton Street in Brooklyn. Student E said that she did not see whether they bought anything because she left the store.

Student E informed investigators that she went to Bermuda to compete, but had no money, so T. Brown gave her \$10 to bring his luggage up to his room on the 3rd floor. Student E said that, while delivering the bags, she saw Student A going into the room next to T. Brown's room. Student E's room assignment was on the 1st floor. Student E reported that, whether T. Brown and Student A were alone or with a group of people, they seemed inseparable.

The assigned SCI investigator spoke by telephone with a 17-year-old female student ("Student F") who did not want to be interviewed in person. Student F said that she was good friends with Student A, but did not agree with the relationship that Student A was having with T. Brown. Student F added that, prior to the Bermuda trip in May 2008, T. Brown took her and Student A shopping and T. Brown bought Student A new clothes and a T-Mobile Sidekick cell phone.

Student F shared a room with Student A during the Band's trip to Bermuda. She explained that it was next to T. Brown's room and the two rooms were connected by a common door. Student F said that Student A spent time alone with T. Brown in his room during the trip. Student F added that she saw Student A and T. Brown holding hands when they were walking in Bermuda.

Student F continued that, after they returned from Bermuda, T. Brown asked Student F what she would think if he told her that he was in a relationship with Student A. Student F responded that she did not like the idea. According to Student F, T. Brown

then asked Student F to let him know if Student A became too emotionally attached to him.

A review of telephone records revealed 50 calls made from Student A's residence to T. Brown's cellular phone between June 13, 2008 and July 24, 2008. The earliest call was made at 12:36 a.m. and the latest call was made at 11:28 p.m. The documentation also showed that 10 of the 50 calls occurred between 12:36 a.m. and 3:37 a.m. The records also revealed 13 calls made from Student A's residence to T. Brown's residence between September 10, 2008 and September 24, 2008. The earliest call was made at 7:33 a.m. and the latest call was made at 5:53 p.m.

A review of records relating to T. Brown's home telephone showed 10 calls made from T. Brown's residence to Student A's cell phone between May 28, 2008 and September 14, 2008. The earliest call was made at 8:57 a.m. and the latest call was made at 10:08 p.m.

Records for Student A's T-Mobile cellular phone revealed that the account was opened on May 15, 2008, was billed to Tyrone A. Brown at T. Brown's residence in Brooklyn, and later was transferred to Kendra Brown at T. Brown's address in Brooklyn. The account was canceled on October 14, 2008. A review of the records showed 379 calls made from Student A's cellular phone to T. Brown's cellular phone between May 15, 2008 and July 23, 2008. In addition, from May 22, 2008 to June 22, 2008, there were 2,999 text message communications between Student A's cellular phone and T. Brown's cellular phone.

The assigned SCI investigator spoke by telephone with T. Brown who said that the cell phone number attributed to him was an old number which he had disconnected in July 2008. T. Brown asserted that he did not own a cell phone and used his wife's cell phone when he needed one. T. Brown first claimed that the number associated with Student A was not his cell phone, but belonged to Student A. T. Brown then maintained that the number was his cell phone which he loaned to Student A. Tyrone Brown added that he took it back from Student A sometime in July 2008, and gave it to his wife.

In an interview with investigators from this office, Tyrone Brown said that he was the founder and executive director of the Brooklyn Music and Arts Program. Brown explained that, for the past two years, he had run the Brooklyn Program from space inside Boys and Girls High School. Brown added that the Brooklyn Program received grant funds directly from the New York State Education Department.

Brown said that he met Student A about four or five years earlier when she entered the Brooklyn Program. Brown acknowledged that, sporadically, staff and students went over to his house "just to hang out" or have a barbeque. Brown added that male students from the Brooklyn Program occasionally dropped by his house on the

weekends to “hang out” and watch television. Brown asserted that the boys sometimes would bring girls, but that was very rare, and the girls were never alone with Brown at his house. According to Brown, Student A never slept over his house for any reason, but she occasionally wore her pajama bottoms as clothes.

Brown confirmed that, in May 2008, the Band went to a competition in Bermuda and stayed at the Grotto Bay Resort. Brown said that the group was split up within the three buildings in the resort: one building contained the boys, the second contained the girls, and he stayed in the third building on the top floor with some parents. Brown added that the alumni who attended the trip stayed on the lower floor. Brown confirmed that Student A was in the room to the right of his room. Brown maintained that the connecting door within the two rooms was never opened. Brown asserted that Student A was never in his hotel room. Brown denied that he hugged, kissed, held hands, or had sex of any kind with Student A while in Bermuda or at home. Brown admitted that he had sex with Leonce in his hotel room in Bermuda.

According to Brown, he had a very close non-sexual relationship with Student A outside of the Brooklyn Program and that he and Student A were as close as two friends could be without having sex. Brown said that they talked about everything, including sex, but not about having sex with each other. Brown added that he gave Student A advice about sex, protection choices, and tricks that boys used to get girls to have sex with them. Brown maintained that he never went out with Student A alone; however, they did go out to dinner with other students present. Brown acknowledged that, between February and May 2008, he drove Student A to and from school at least two times a week, but asserted that he drove other students as well. Brown could not recall the name of any other student whom he chauffeured.

Brown admitted that he gave Student A a cell phone because she had broken her phone and could not get a new one. Brown acknowledged that the account with T-Mobile was under his name, but he asserted that Student A paid the bill. Brown said that Student A’s mother initially was not aware of the cell phone, but found out about it after the Bermuda trip. Brown added that the mother said that she would switch the account to Student A’s name, but never did. Brown maintained that Student A returned the phone to him and the account was changed from his name to his wife’s name. Brown reported that he and Student A communicated mostly by text messages rather than spoken conversations.

Brown said that, upon returning from Bermuda, he convened a meeting which was attended by Student A’s mother, Student A’s grandmother, Student A, and his wife – even though they were separated – to discuss the rumors that he and Student A had engaged in a sexual relationship while in Bermuda. According to Brown, he told Student A’s mother that he and Student A were just friends and did not have sex. Brown asserted that the mother, the grandmother, and his wife all expressed belief that there was no sexual contact between him and Student A.

Brown confirmed that, in June 2008, he convened a staff meeting to announce that, for the first time in 15 years, he was taking a leave of absence from the Brooklyn Program. Brown said that he apologized to his staff for leaving so abruptly and told them that he had a very rough spring and needed some time alone. Brown admitted that he also apologized to his staff for getting so close to Student A and for acting inappropriately with Student A. Brown reported that his female staff members were disappointed and upset with him for becoming so close with Student A. Brown informed investigators that he had gotten close to other students in the past, but not as close as he became with Student A.

Through her mother, Student A declined to be re-interviewed by SCI investigators.

SCI investigators met with Kendra Brown ("K. Brown"), T. Brown's wife. K. Brown said that she worked with her husband at the Brooklyn Program, from its inception until the beginning of May 2008, when she left because she was having marital problems with T. Brown.⁴

K. Brown added that, while the Band was at the competition in Bermuda, she received calls from the Brooklyn Program staff who informed her that T. Brown was spending a lot of time with Student A and that they had adjoining rooms. According to K. Brown, she confronted T. Brown when he got home, and he denied being romantically involved with Student A.

K. Brown confirmed that, in June 2008, she was present at a meeting with T. Brown, Student A, and the girl's mother and grandmother to discuss the rumors that T. Brown and Student A were involved in a sexual relationship. K. Brown said that the meeting was held at the mother's residence. K. Brown asserted that, as soon as the mother opened the door, T. Brown rushed in to use the bathroom, and he knew exactly where it was, as if he had been there before. According to K. Brown, T. Brown and Student A convinced everyone that they were just very close friends and that nothing sexual was going on between them. K. Brown added that, when the mother asked Student A about a rumor that T. Brown had bought her sexy lingerie for the Bermuda trip, the girl denied it and answered that she and T. Brown had gone shopping, but she bought only a bathing suit and paid for it herself. K. Brown said that the mother was not happy that T. Brown had given Student A a cell phone. K. Brown added that the cell phone was taken away from Student A and given back to T. Brown. K. Brown also reported that the mother was surprised and upset to hear that K. Brown and T. Brown were separated during the time period when Student A had slept overnight at T. Brown's apartment on weekends.

⁴ K. Brown reported that the Brooklyn Program was funded by the New York State Education Department Liberty Partnership Program which gave \$211,000 to the organization through Medgar Evers College. K. Brown said that the Brooklyn Program also received \$15,000 from Russell Simmons and an additional \$20,000 from the Bloomberg Foundation.

According to K. Brown, in late June 2008, after they were separated, T. Brown visited her and confessed that he had a sexual relationship with Student A. K. Brown added that T. Brown was back with the Band and that Student A, who left the Brooklyn Program for a period of time, had returned to the Band as well.

The Brooklyn Program occupies space in Boys and Girls High School under a Memorandum of Agreement with the school which provides that the Brooklyn Program “will adhere to all rules and regulations of the Department of Education as it relates to Personnel” and will take full responsibility for all its staff. It is the recommendation of this office that the DOE require the Brooklyn Program to terminate Tyrone Brown’s association with the Program irrevocably as a condition of continuing the agreement.⁵ If the Brooklyn Program does not agree to take this action, it is the recommendation of this office that the DOE cease doing business with the Brooklyn Music and Arts Program. This would include, but is not limited to, the DOE removing the Brooklyn Program from DOE space, the DOE declining to enter into contracts with the Brooklyn Program for music, dance, and other services, and the DOE refusing to allow its students to participate in the Brooklyn Program. In addition, Tyrone Brown should be made ineligible for work in the City school system, in its facilities, and with its vendors.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department Pre-Collegiate Preparation Programs Unit which administers the Liberty Partnership Program for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Tyrone Brown and the Brooklyn Music and Arts Program. 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:gm

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

⁵ Brown’s letter to CUNY did not indicate that his resignation was irrevocable.