

June 6, 2006

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

Re: Thomas Everett
SCI Case #2006-0622

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that 59-year-old Thomas Everett, a teacher assigned to Sheepshead Bay High School in Brooklyn, attempted to take a leave of absence without pay to cover the period of time that he would be incarcerated in New Jersey.¹ Everett, a disbarred attorney, had been convicted in Essex County of Theft by Deception and Misappropriation of Entrusted Funds and sentenced to a maximum of 3 years in prison. Everett did not report his arrest or conviction to the Office of Personnel Investigations (“OPI”) as required by the Chancellor’s regulations.

This investigation began in February 2006, when Lawrence Becker, the Executive Director of Human Resources for the Department of Education (“DOE”) contacted this office and reported that Everett had requested a leave of absence without pay as a result of problems with the judicial system in New Jersey. OPI had no record of Everett having been arrested.

¹ Everett is currently not working in the New York City school system.

Investigators obtained the relevant documentation. At the end of January 2006, Everett submitted an application for a leave of absence without pay through April 30, 2006. In an accompanying document, the teacher explained:

I hereby request a leave of absence for 60 – 90 days. The purpose of the leave is in order to Adjust Personal Affairs. I have problems with the State of New Jersey Judicial System. I must fulfill an obligation to the State. Upon completion of this obligation I will return to work.

An investigator contacted officials in New Jersey and learned that Everett had been arrested on May 5, 2005, pled guilty on October 24, 2005, and was sentenced to a maximum of 3 years in prison on January 27, 2006. In court documents stating the reasons for Everett's sentence, the following aggravating factors were noted:

A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust...or the defendant took advantage of a position of trust or confidence to commit the offense...

The defendant committed the offense against a person who he/she knew or should have known was 60 years of age or older, or disabled[.]

Everett was committed to the New Jersey Department of Corrections on January 27th, with a maximum release date of May 18, 2008. Everett's projected parole eligibility date was calculated as November 14, 2006; however, he was let out of prison on May 22, 2006, and placed into the Intensive Supervision Program ("ISP"). According to the ISP agent assigned to his case, Everett must be home by 6:00 p.m. every day and is not permitted to leave New Jersey. Given Everett's request for 60 – 90 days of leave, it seemed apparent that he expected an early release from prison.

The assigned investigator contacted the Essex County Prosecutor's Office and spoke with Assistant Prosecutor Joan Moore who reported that she had worked on the Everett case for over 3 years. She explained that Everett had been an attorney in New Jersey who, as the executor of separate estates of elderly women, stole over \$1 million, none of which was recovered.² One of the estates involved a mother, who died in 1996, and her emotionally troubled daughter who predeceased her in 1994. Everett was paying himself \$300 a day to work with the mother and daughter, Moore said. The other matter

² According to Moore, Everett had been hired by the women rather than being appointed by a court.

involved a woman who was confined to a nursing home from 1994 until her death in 2000. Moore added that she agreed to allow Everett to enter the ISP so he could work and make restitution to the families. Moore informed the investigator that Everett faces a court hearing in the first week of July, at which he is expected to make payments toward the amounts owed to the families: \$800,000 and \$600,000.

Moore referred the assigned investigator to the press release issued when Everett was sentenced. The document revealed that Everett consented to disbarment in 2002. Moreover, the New Jersey Lawyers Fund For Client Protection paid approximately \$570,000 in claims brought on behalf of the estates.

In a conversation with an investigator from this office, Executive Director Becker reported that Everett's leave request had not been approved because he had not provided enough details with his application. When the investigator informed Becker about Everett's incarceration in New Jersey, Becker confirmed that no leave would be approved for the purpose of covering a jail sentence.

In an interview with investigators from this office, Thomas Everett explained that, in 1996, he was the attorney and executor for the estates of "two little old ladies in nursing homes." Everett asserted that he took care of these women, who had died in the nursing homes, but their heirs questioned Everett about the money from the estates. Everett maintained that he failed to keep good records of his billable hours. He claimed that he often would be called out in the evening to assist these clients, but did not record the visits.

Everett added that, after being disbarred, he decided to become a New York City teacher. According to Everett, when he applied at the DOE, he disclosed to OPI that he was under investigation by the Essex County Prosecutor's office. Everett asserted that OPI's response was that he was required to disclose arrests and convictions, not investigations. Everett admitted that his leave of absence request referenced "problems with the State of New Jersey Judicial System" because he wanted to keep the matter confidential between the principal and himself and to hide his jail sentence from the other DOE employees who would see the application.³ Everett reported that he and his criminal defense attorney devised a plan by which he would plead guilty to the top charges, serve 3 months in jail, and be released into the New Jersey ISP. Everett informed investigators that he intended to return to work at Sheepshead Bay High School.

It is the recommendation of this office that Thomas Everett's employment with the DOE be terminated, that he be made ineligible for future work, and that this matter be considered should he apply for any position in a New York City public school.

³ Although Everett informed the principal about his criminal matter, his obligation was to report it to OPI.

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 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 Thomas Everett. 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.
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