

May 11, 2006

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

Re: Sidney Massey
Mario Martis
SCI Case #2005-1352

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Sidney Massey, the former Principal at PS 37 also known as River East Elementary School (“River East”) in Manhattan, committed conduct which endangered the schoolchildren under his supervision.¹ Specifically, Massey improperly permitted Mario Martis, a former Department of Education (“DOE”) employee who was on the DOE’s Ineligible List, to work full time as a “parent volunteer” at River East and allowed Martis unrestricted access to students at the school.

The investigation also substantiated that “volunteer” Mario Martis acted inappropriately toward a number of male students.² Martis, who gave the appearance of being a school employee, befriended male students and invited them to stay overnight at his home, where he “wrestled” with and slept with them.³

This investigation began in May 2005, when a confidential informant (“CI”) contacted the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) and reported a rumor that Massey had permitted Martis improper access to the school and its students.

¹ In September 2005, Massey resigned from the DOE. He remains eligible for employment with the DOE.

² In 2000, Martis had been charged with Sodomizing a 12-year-old boy whom he had tutored. As a result of that arrest, Martis was convicted of Endangering the Welfare of a Child and was placed on the DOE’s Ineligible List. When this investigation began Martis was denied further access to River East. He later attempted to “volunteer” at another public school, but was turned away.

³ Both parents and school personnel told investigators that they thought Martis was a school employee.

Investigators spoke to the CI who confirmed the information contained in her complaint. According to the CI, after she sought to learn Mario's last name, a parent told her that Massey said to the parent "I do not want his name mentioned" and "He's [Mario] in a very vulnerable position."⁴

The parent confirmed her conversation with Massey which occurred after the CI asked about Mario.⁵ The parent informed investigators that she was shocked and confused by Massey's comments.

Our investigation involved obtaining background information about Massey and Martis, interviewing employees, students, and their parents. As we pursued our inquiry, Massey interfered with our efforts. Prior to investigators attempting to interview a male student at River East, Massey insisted on contacting the boy's mother privately. Investigators from this office informed the principal that they did not object to him contacting a parent of any student to obtain consent for an interview, but they needed to be present during the telephone call. Massey repeatedly refused to allow investigators to be present while he notified the parent. Massey was told that it was not appropriate for him to speak with the parents of students investigators needed to interview as he was a subject of the investigation. As a result of his conduct, Massey was removed from the school and assigned to administrative duty.⁶

While he was still at the school, investigators spoke to Massey who provided some background information. He was appointed principal of River East in July 2004, and prior to that he had been director of the school for 12 years.⁷ According to Massey, Martis worked for him as a school aide at River East, in 1998 from May to September, until Martis was reassigned to another school after being accused of improperly interacting with a then eight-year-old male student ("Student L").⁸

Investigators questioned Massey as to Martis's presence at the school in 2005. Massey described Martis as a volunteer who had been assisting at the school since September 2003, generally working from 8:30 am until 3:00 pm Monday through Friday. Massey stated that Martis did not have any children attending River East but he was "raising" Student L and his 12-year-old brother ("Student A").⁹ Massey claimed that Martis was not being paid for working at River East and that he did not know if Martis had other employment.¹⁰ Massey maintained that he had been unable to hire Martis as a school employee due to budgetary constraints. However, in January 2005, while Martis was "volunteering" at the school, Massey hired someone else as a school aide.

⁴ The CI's inquiry pertained to Martis.

⁵ Referring to Martis.

⁶ Massey was removed in May 2005, from River East and reassigned to the Regional Office in Region Nine.

⁷ River East was a program attached to Junior High School 99 in Manhattan, before it became PS 37 in the 2004-2005 school year.

⁸ A parent reported observing Martis touch and kiss Student L. Massey did not immediately report this complaint to the appropriate authorities, but instead spoke to Student L's mother who acknowledged a relationship between her family and Martis. Three months later, Massey finally reported the allegation after the parent filed another complaint, this time, with the then Community School District 4 Offices. Thereafter, Dr. Evelyn Castro, Executive Director of Special Projects for the DOE, decided that Martis would be trained and transferred to another site. Student L, who was attending River East at the time, is now 16 years old.

⁹ Student A has since turned 13 years old. According to the mother of Student A ("Mother A"), Martis tutored Student L and is godfather to Student A.

¹⁰ Massey stated that he had loaned Martis money which Martis eventually paid back.

When investigators from this office asked Massey about Martis's criminal background, Massey claimed he had no knowledge of any arrests. Massey then retracted his response and asserted that Martis had a "DWI problem in Long Island." Despite the fact that a Grand Jury subpoena had been sent to Massey at the school, Massey denied having any knowledge of Martis's 2000 Manhattan arrest for Sodomy.¹¹

Moreover, Massey asserted that it was only after he learned of this investigation that he asked Martis why he was no longer employed by the DOE whereupon Martis informed Massey that an incident occurred which prohibited his employment in the school system.¹²

After investigators learned that Martis had been placed on the DOE's Ineligible List due to his conviction for Endangering the Welfare of a Child they contacted the Manhattan District Attorney's Office ("DA's Office") to obtain information about Martis's 2000 criminal case. Assistant District Attorney Audrey Moore advised investigators that in January 2001, the DA's Office had issued a subpoena to "Sidney Massey, Principal of River East Elementary School" which requested "Any and all records related to former employee, Mario Martis (DOB 9/9/76)." Moore advised investigators that attached to this subpoena was a letter from the DA's Office addressed to Massey which advised that in lieu of appearing personally with the documents requested the principal could simply mail them and named a paralegal who could be contacted with any questions about the matter. According to Moore, the top of this letter contained a handwritten memo indicating: "Note 5/30 Mr. Massey sd. [said] he has no recds [records] – must get recds [records] fm. [from] Bd of Ed [Board of Education]."¹³

School personnel provided information about Martis's presence at River East. In an interview with investigators, the school aide hired by Massey in January 2005, reported that Martis appeared to her to hold a school position. This school aide, Michelle Harrington, stated that she saw Martis everyday in the same classroom and assumed that he was an employee. According to Harrington, at some point she asked Martis what position he held in the school and he told her that he was a parent volunteer. Harrington said she thought it was strange that someone who was a volunteer was at the school everyday assigned to the same classroom. Harrington also noted that Martis was the only parent volunteer at River East. Harrington reported that Martis introduced Student A to her as his son.¹⁴

Investigators spoke to Abigail Stricoff, a former River East teacher, about Martis.¹⁵ Stricoff stated that in the fall of 2003 Martis began volunteering at the school and was present in her class for entire days, two to four times a week. In addition, Stricoff reported that Martis accompanied River East students on a school sponsored overnight trip.

¹¹ Investigators were unaware of the existence of the Grand Jury subpoena when they spoke with Massey.

¹² Martis denied ever discussing this matter with Massey.

¹³ According to Moore, the paralegal who wrote the note is no longer employed at the DA's Office. Investigators contacted the former paralegal who confirmed Massey's response to the subpoena.

¹⁴ Student A is not Martis's son.

¹⁵ While working at the school her surname was Traktman.

Investigators spoke to Emily Gohn, a teacher at River East, about Martis. Gohn reported that beginning in September 2004, Martis, although a volunteer, served as a teacher's assistant in her class. Gohn estimated that Martis was in her class an average of four days a week for most of the day and did other tasks at the school on the remaining day. Gohn stated that Martis developed a close relationship with several of the nine-year-old male students ("Students B, C, and E") in her class.¹⁶ Gohn explained that Martis took the boys to play basketball and helped the students with their homework.

Investigators spoke to several young males regarding their interaction with Martis.

Student B described his relationship with Martis as follows:¹⁷

- Student B stayed at Martis's home several times from Friday night until Sunday.
- Student B slept in Martis's bed with Martis.¹⁸
- Martis told Student B not to tell his mother that they slept together because she might get upset.
- Martis told the boy that he had a new bike that he wanted to give to Student B. He invited Student B to spend the night at his home so the boy could ride the bike and play video games. Martis never gave him the promised bike.
- Martis wrestled in bed with Student B while both were in their underwear. Student B even described himself as the champion because he was able to get on top of Martis and pin Martis down on the bed.
- Martis played basketball, baseball and kickball with Student B and other male River East students, traded video games with Student B and helped him with his Math.
- Sometimes Martis walked Student B home after school.
- Whenever he saw Student B in school, Martis told him how much he missed him.
- Martis made his hair curly so it looked like Student B's hair.
- Martis told Student B "you spoil me." When asked how he spoiled Martis, Student B said he just was nice to Martis unlike Martis's two sons.¹⁹
- According to Student B, Martis was assigned to stay with the boys in the locker room at a pool near the school as the students changed into their swimming trunks. Student B stated that Martis always held up a towel in front of the boys while they were changing their clothes so no one could see them naked. Student B said that Martis was always facing the boys as he held up the towel.

¹⁶ Gohn believed that Student A was Martis's son.

¹⁷ Student B has since turned 10 years old.

¹⁸ Student B said that Martis told him that he wanted Student B to sleep with him in case Student B had bad dreams. Martis told Student B that if he had a bad dream he would be there to wake him up. Student B was asked if he ever had bad dreams to which the boy responded sometimes but not often.

¹⁹ Although not actually related to the boys, Martis often refers to Student A and Student L as his sons.

Student C described his relationship with Martis as follows:²⁰

- One morning when he was walking to school in the rain, Martis pulled over in his car and drove Student C to school. Martis told Student C not to tell anyone that he was in Martis's car.
- On a Friday, Martis told Student C that he was going to come by his house to play baseball. The following day Martis and Student A showed up at Student C's residence to play ball.
- On Wednesday, May 18, 2005, while on school premises, Martis told Student C that he was fired from River East because a parent tried to get "another teacher" fired but he was fired instead.
- Student C reported that Student B and a 12-year-old student ("Student D") spent the night at Martis's home. Student C said that Students B and D told him that they played video games, wrestled and boxed with Martis at his apartment.

Student D described his relationship with Martis as follows:²¹

- Student D slept over Martis's apartment a number of times.²²
- The first time Student D stayed overnight was at Martis's request.
- Student D slept in Martis's bed with Martis on three occasions.
- Student D put pillows between himself and Martis because he was uncomfortable sleeping with Martis.
- Martis told Student D that he might not be back at the school because he was not a teacher.

Student E described his relationship with Martis as follows:²³

- Student E and several other boys played basketball with Martis.
- Martis gave Student E a Detroit Pistons basketball jersey. Student E added that Martis gave Student C a jersey but his mother forced him to return it to Martis.
- Martis took Student E, Student B, Student C and another nine-year-old male student ("Student F") to the school's book room and instructed them not to tell anyone because the other students would be jealous and upset that he did not take them.

Student F informed investigators that Martis asked him to play basketball with him and other students on Saturdays at Columbia University.²⁴ Student F said he never went because he was not allowed to go.

²⁰ Student C has since turned 10 years old.

²¹ Student D has since turned 13 years old.

²² Student D described Student A as his best friend.

²³ Student E has since turned 10 years old.

²⁴ Student F has since turned 10 years old.

A 12-year-old male student (“Student G”) described his relationship with Martis as follows:

- Student G, who no longer attends River East, stated that Martis used to help students with reading, math and writing.
- Student G played basketball with Martis during recess and after school along with other River East male students.
- On a class trip to Connecticut, he and Martis roomed with several other students. Student G stated that Martis slept in the same bed with Student A.
- Student G went to the movies with Martis, Student A and Student A’s older brother, Student L.
- Student G slept at Martis’s home on several occasions.
- On two or three occasions he and Martis were together in Martis’s bed. Student G claimed that when he fell asleep Martis woke him up and the boy then slept on a cot.

An 11-year-old male student (“Student H”) described his relationship with Martis as follows:²⁵

- Student H was on the River East school basketball team coached by Martis.
- Martis tutored him about two times in the library.
- Student H went to the movies on a Saturday with Martis and other students.
- Student H went to Columbia University with Martis and other students to play basketball.

A 12-year-old male student (“Student J”) described his relationship with Martis as follows:²⁶

- Student J was on the school’s basketball team that was coached by Martis.
- Student J went to Columbia University on a Saturday with Martis and other boys from River East.
- On a class trip to Connecticut, Student J stayed in the same room with Martis and Students A, C, D, G, H, and I. Martis slept in the same bed with Student A, whom Student J believed was Martis’s son.

Investigators spoke to the parents of several of the boys interviewed about Martis.

After investigators interviewed Student C, Student C’s mother (“Mother C”) contacted them. Mother C reported that her husband (“Father C”) had deleted Martis’s cell phone number from Student C’s cell phone. Thereafter, when Father C examined Student C’s cell phone, he saw the name “Mets.” Student C informed his parents that he had seen Martis at a pizzeria shop and Martis told Student C to list his number under “Mets” rather than Mario. Student C informed investigators that Martis knew that his parents did not want him conversing with Martis on the phone.

²⁵ Student H has since turned 12 years old.

²⁶ Student J has since turned 13 years old.

The father of Student F ("Father F"), a member of River East's Parent Teacher Leadership, stated that for the last two years he thought that Martis was a school aide because he was always at the school. According to Father F, in April 2005, after Massey informed him that Martis was a volunteer, he became troubled by Martis's constant presence at the school.

Student G's mother ("Mother G") stated that she had thought Martis was an employee of the school. When asked what Martis did at the school, Mother G said that Martis used to tutor her son. Mother G informed investigators that Student G stayed over at Martis's residence three or four different weekends. Mother G reported that she thought Student G had slept on a mattress on the floor. According to Mother G, prior to our investigators' arrival at her residence, her cell phone rang and Martis's name appeared. She did not answer that phone call and no message was left.

Mother J stated that in May 2005, an employee of River East told her that Martis was not supposed to be working in the school. According to Mother J, when she questioned Massey as to the accuracy of the information she received, the principal responded that a parent's complaint about a teacher could result in Mario [Martis] getting hurt. Mother J continued that Massey did not elaborate on how Martis could get hurt.

Investigators spoke to Mother A, who informed them that she met Martis at River East many years ago when Student A's other brother, Student L, was in the first or second grade. According to Mother A, Martis became a very good friend of the family and subsequently became the godfather of both Student A and her daughter who is now in kindergarten. Mother A confirmed that Student L was the child whom Martis kissed before the former school aide was removed from River East in 1998.

Investigators spoke to Student A who claimed that neither he nor any of his friends ever slept with Martis in the same bed. Despite being told that his friends acknowledged sleeping in the same bed with Martis while Student A was present, Student A continued to deny that they did. In response to investigators question "did Martis ever do anything to you that made you uncomfortable," Student A responded "I'm not gay." Student A repeated this response three other times during his conversation with investigators.

Investigators spoke to Student L, the brother of Student A. Student L denied that Martis ever behaved inappropriately toward him or Student A. Student L also denied that anyone ever slept in the same bed with Martis. When Student L was asked specifically about Students B, D and G, who each admitted to sleeping in the same bed with Martis, Student L said it was a lie and no one ever slept with Martis. Student L then abruptly ended the discussion saying that he did not want to speak any further.

Mother A was asked about Martis's finances. According to Mother A, Martis informed her that Massey paid him for taking students to Randall's Island and for coaching basketball at the school. Martis told Mother A that Massey paid him \$60 to \$70 a week from the school fund account. Mother A said she had personally witnessed at least two or three cash payments from Massey to Martis and knew that one payment was \$120.

Investigators spoke to Nicholas Lindsay-Jones, Special Education Teacher for Support Services at River East, who stated that he was part of a group who took students to Randall's Island on Thursdays during the 2004-2005 school year. According to Lindsay-Jones, Martis and Harrington, whom he supervised, received payment for their services as a result of an agreement with Massey. Lindsay-Jones estimated that Martis was paid \$30 per trip and that he paid Martis in cash at the conclusion of each trip.²⁷

Investigators spoke to Dr. Evelyn Castro, Executive Director of Special Projects for the Department of Education, regarding the subject of school volunteers. Dr. Castro stated that she was the Superintendent of Community School District ("CSD") 4 until July 2003 when it became Region 9 and that all school volunteers in CSD 4, where River East is located, had to go through the non-DOE Learning Leaders Program. Sally Defore, who headed up this program in CSD 4, informed investigators that Massey never sent Martis to the program for training and screening.

Investigators spoke to Camille Aromando, the former deputy superintendent of CSD 4.²⁸ Aromando recalled the investigation of the complaint involving Martis kissing Student L.²⁹ Aromando explained that Martis was transferred because the District felt it was in everyone's best interest for him not to be at River East.

Investigators spoke to Martis who explained that in 1998 he volunteered at River East for about 3 or 4 weeks.³⁰ Martis acknowledged that no background check was conducted on him at that time. Martis confirmed that shortly thereafter he was hired by Massey as a school aide and only then was he fingerprinted. He stated that he met Mother A through his work with Student L while assigned to River East. Martis acknowledged that after the investigation was conducted with respect to him kissing Student L, Castro transferred him to the Harbor Academy ("Harbor").³¹

Martis stated that while he was at Harbor he was tutoring a boy who accused him of physical and sexual abuse for which Martis was subsequently arrested and prosecuted.³² Martis admitted that he accepted the plea offer under which he pled guilty to Endangering the Welfare of a Child.

According to Martis, he began volunteering at River East for the second time in May 2004, his first return to River East since he had been reassigned to Harbor in September 1998.³³ When investigators questioned Martis about his timeline and suggested that it was as early as September 2003 that he had returned to River East, Martis insisted that it was in May 2004.³⁴

²⁷ Lindsay-Jones also paid Harrington in cash at the end of each trip.

²⁸ Aromando retired from the DOE in July, 2003.

²⁹ Massey failed to report this matter to this office in a timely manner.

³⁰ Massey was director at the school at that time.

³¹ After Martis was assigned to this school, it was converted into a Charter School.

³² Martis's victim did not attend Harbor.

³³ Martis acknowledged that he had not attended the volunteer training sessions nor had he been re-fingerprinted prior to "volunteering" at River East.

³⁴ Massey reported that Martis began volunteering in September 2003. In addition, Stricoff reported that Martis began volunteering at the school in the fall of 2003.

Martis claimed that he and Principal Massey never had a discussion about rehiring him at River East and that Massey had not asked him why he was no longer working at Harbor.³⁵ Martis confirmed for investigators that he knew, based on his conviction for Endangering the Welfare of a Child, that he was not permitted to work in New York City public schools. Martis stated he did not have a paying job and was spending all of his days at River East.³⁶ Martis reported that his responsibilities at the school included accompanying students to Randall's Island for which Massey agreed to pay him \$30 a trip and accompanying students to the pool where he was assigned to the locker room when boys changed.³⁷

According to Martis, Massey loaned him approximately \$240. Martis acknowledged that he went on two overnight school trips. Martis denied that he slept in the same bed with Student A or any other boy on either trip.

Martis explained that Student A and Student L started staying overnight with him on a regular basis during the summer of 2004. Martis said they stayed about five nights a week and this continued during the entire 2004-2005 school year. Martis explained that their mother was having problems and he was Student A's godfather so he was just trying to help. When asked where they slept, Martis said he had an extra bedroom where Student L slept and Student A slept on an extra bed that was in Martis's bedroom. When asked by investigators if he always had that extra bed in his bedroom when Student A stayed overnight, Martis replied that he did not. Martis stated that he always had a couch in his room that Student A slept on before he got the bed.

When asked about other students who have spent the night at his residence, Martis said that Students B, D, and G spent the night at his residence. Martis denied wrestling with the boys; he claimed he was only boxing with them. At first, Martis denied that any of the students slept in his bed, but then admitted that Student B had slept with him twice. Martis explained that Student B told him that he did not want to sleep by himself because he was afraid of having nightmares. Martis said that Student B told him that he sleeps with his mother at home.

Martis contended that he had parental consent to sleep with Student B. However, his contention was refuted by the boy's mother. Martis stated that he saw Student B's mother in June 2005 and she asked him about the sleeping arrangements when Student B spent the night. Martis said he told Mother B that Student A was sleeping with him originally while Student B was in Student A's bed. Martis said at this point Student B's mother acknowledged that her son did get scared at night. Mother B informed investigators that she did not have this discussion with Martis.

Martis then admitted that Student D may have slept with him, but only because he (Martis) fell asleep while they were watching television in Martis's bed. Martis stated that Student G has spent the night on at least two different occasions, but was not sure if Student G slept in Martis's bed with him.

³⁵ Massey claimed he did ask Martis about his employment at Harbor, but only after he learned of this investigation.

³⁶ Martis claimed that he received funds as a beneficiary of his mother's estate.

³⁷ Martis admitted that Lindsay-Jones paid him, but denied that he held a towel up for any student changing.

When investigators attempted to re-interview Massey, through his attorney, Massey declined the opportunity.

By his actions and omissions, Massey exposed the children at River East to Mario Martis, a person barred from employment with the DOE.³⁸ Massey knew or should have known that Martis had been convicted of Endangering the Welfare of a Child after having been arrested and prosecuted for a Sodomy charge involving a 12 year old boy. Massey knew that some years before Martis had touched and kissed another boy, an incident which Massey had failed to properly report to the appropriate authorities, and which resulted in Martis's first removal from River East.³⁹

Massey allowed Martis to function as a parent volunteer and accompany children from the school on overnight trips, giving the former school aide unsupervised and apparent limitless access to the school and its students. Massey circumvented safeguards in place to help protect schoolchildren, including his failure to utilize the ineligible list, and neglecting to direct Martis to attend a training program for volunteers.

In addition, Massey interfered with our efforts to investigate the complaint involving him and Martis.

Mario Martis, knowing he was ineligible to work in a school because of his conviction for Endangering the Welfare of a Child, functioned as a full time parent volunteer. In this position, he was able to befriend students and engage in the touching of a number of children who told investigators that they wrestled with and slept in bed with Martis.

In September 2005, Sidney Massey retired from the DOE. Although Massey voluntarily removed himself from the school system, he remains eligible for employment. Therefore, it is the recommendation of this office that Massey be placed on the Ineligible List. In addition, it is the recommendation of this office that Mario Martis remain on the Ineligible List.

For at least 10 years, this office has reported on the need to fingerprint and conduct background checks on volunteers who have contact with New York City public schoolchildren.⁴⁰ Chancellor's regulation A-845 addresses the screening procedures for "mentor volunteers" which requires successfully completing a background check to work on a one-to-one basis with students in an unsupervised situation.⁴¹ At present, there is no regulation that deals specifically with the issue of screening volunteers in other than formal mentoring programs. As we have done in the past, it is again the recommendation of this office that the DOE conduct background and fingerprint checks on all volunteers who are in regular contact with schoolchildren.

³⁸ As a result of his criminal conviction, Martis had been placed on the DOE's Ineligible List.

³⁹ Martis was transferred to another school.

⁴⁰ See James Watson, SCI Case # 01-3163 where we recommended that all volunteers who are in regular contact with schoolchildren be fingerprinted. See also, *Blind Faith: An Investigation into the Hiring Practices for Non-Board of Education Personnel Working in School*, August 1999, which included the recommendation that the BOE consider fingerprinting all those volunteers who may have unsupervised contact with students and taking other steps to ensure that all individuals are carefully screened and supervised. See also, Troy Lee, SCI Case # 96-0983 where we recommended that the BOE screen all volunteers who are in a school on a regular basis and who come in contact with students, particularly where they are unsupervised in their activity.

⁴¹ According to the DOE website, a revision of Chancellor's regulation A-845 is pending. Therefore, the version dated June 29, 1993, is currently in effect.

Moreover, principals throughout the system should be reminded of the proper procedures that must be taken when dealing with volunteers and others having access to New York City public schools and its students. All steps must be taken to ensure the children's safety and well-being.

This matter has been referred to the Manhattan District Attorney's Office.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also sending our findings to the State Education Department for whatever action it deems appropriate. 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. Please notify Ms. Daly within thirty days of the receipt of this letter of what, if any, action has been taken or is contemplated against Sidney Massey and Mario Martis. 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:ECD:gm

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