

May 22, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Erin Sayar
SCI Case #2012-0032

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that 35-year-old Erin Sayar, a teacher assigned to James Madison High School in Brooklyn, had a sexual relationship with a 16-year-old male student (“Student A”).¹ The relationship between Sayar and Student A was discovered as a result of their communications on the social media site Facebook.

This investigation began on January 3, 2012, when Assistant Principal John Puglionisi contacted the office of the Special Commissioner of Investigation (“SCI”) and reported that a female student (“Student B”) had lodged a complaint against Sayar who had been making personal comments to Student B’s boyfriend, Student A, on Facebook. For example, Sayar wrote that she was scared of the way she felt about Student A.

SCI investigators met with 14-year-old Student B who asserted that Student A was not her boyfriend, but she had a crush on him. Student B said that, during a free period in November 2011, she went to meet Student A who was in Gym class in the weight room. To get there, Student B had to pass through a small office; when she arrived at that location, she found Student A and Sayar alone in the office. Student B

¹ Sayar was reassigned during this investigation. She has turned 36. Student A has turned 17.

described the office as a small space with one desk and two chairs; Sayar and Student A were seated across from each other. Student B added that Sayar and Student A were smiling at each other and appeared to be flirting with each other. Student B reported that she became upset.

According to Student B, on December 24, 2011, she was looking through Student A's Facebook page when she discovered "in box conversations," from November and December 2011, between Sayar and Student A.² Student B explained that she and Student A had exchanged Facebook passwords which enabled her to read his past conversations. Student B said that, during the conversation on December 4, 2011, Student A told Sayar: "i love you so much" and "I always loved you, since last year." Sayar responded: "Oh no-- I'm not putting myself out there again. I made that mistake last night and you couldn't handle it." During the Facebook conversations, Sayar provided Student A with her cell phone number and repeatedly instructed Student A to delete their exchanges.

Student B reported that she asked Student A about his Facebook conversations with Sayar and he responded that they were only joking. Student B added that Student A posted on his Facebook page that if Sayar got fired, Student B should be blamed.

SCI investigators interviewed Student A who said that, one day in November 2011, he got into trouble at school. The following day, Student A received a Facebook in box message from Sayar who asked: "Is everything ok?" Student A explained that Sayar had been his English teacher for the past two years. Student A claimed that he did not have any other electronic contact with Sayar and did not have contact with Sayar outside of school. Student A maintained that he had never been to Sayar's residence and she had never been to his residence.

According to Student A, he received permission from his Physical Education teacher, who was also his football coach, to visit Sayar's office, located next to the weight room, twice a week from September 2011 through November 2011, to get help with homework. Student A added that, one day while doing homework with Sayar, Student B, who was his girlfriend at the time, entered Sayar's office, became hysterical, and remarked: "I told you not to come here." Student A maintained that the office door was open and he was seated at a desk opposite Sayar.

Student A acknowledged that, in a Facebook posting, he told Sayar that he loved her. Student A admitted flirting with Sayar. Student A denied having any telephone contact with Sayar. Student A felt that Sayar was a good looking woman, but added that a relationship between a student and a teacher was inappropriate.

² SCI obtained a copy of the Facebook conversations.

SCI investigators spoke with Teacher Thomas Mobilia who was also the football coach. Mobilia said that, in September 2011, he received a handwritten note from Sayar who sought permission for Student A to meet with her two days a week, during his scheduled Gym class, so she could provide English tutoring. Mobilia consented to Sayar's request and allowed Student A to miss Gym class to attend tutoring with Sayar.

Records for Sayar's cell phone number revealed that, from December 9, 2011 through January 3, 2012, she exchanged 19 telephone calls with Student A's cell phone. The records also showed that Sayar exchanged 3,856 text messages with Student A between December 4 and December 21, 2011.

SCI investigators met with Assistant Principal Jason Marino who said that Student A asked him about the consequences of being caught lying to the SCI investigators. Student A explained that he lied about his telephone contact with Sayar. Marino brought Student A to Assistant Principal Puglionisi and the boy again admitted lying to the SCI investigators during an interview earlier that day. Student A repeated to Puglionisi that he lied when he said he did not have telephone contact with Sayar. Student A asked Puglionisi: "Do they have the right to look at my phone records?" Puglionisi informed Student A that SCI had subpoena power and would look at his phone records.

SCI investigators re-interviewed Student A who admitted to extensive contact with Sayar by text message and minimal contact with Sayar through phone calls. Student A acknowledged that Sayar had flirted with him on Facebook and in text messages. Student A then disclosed that he had sexual encounters with Sayar on eight to 12 occasions when he was 16. In early December 2011, during an exchange of text messages with Sayar, Student A told her to come to his residence in Brooklyn. Sayar arrived after midnight and Student A entered her SUV. Sayar parked on the side of his apartment building; eventually, they began kissing and then engaged in sexual intercourse and oral sex inside the SUV. Student A added that Sayar also took him to Marine Park where they engaged in sexual intercourse in her SUV. Student A described tattoos etched on intimate parts of Sayar's body. According to Student A, Sayar was married and had a three-year-old daughter.³

Through her attorney, Erin Sayar declined the opportunity to speak with investigators from this office.

It is the recommendation of this office that Erin Sayar's employment be terminated, that she be made ineligible for work with the Department of Education, and that this matter be considered should she apply for a position in the New York City school system, with one of its vendors, or in one of its facilities, in the future.

³ Her husband and daughter also were mentioned in Sayar's Facebook conversations with Student A.

We are referring our findings to Kings County District Attorney Charles J. Hynes for whatever action he deems appropriate.

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 New York 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 Erin Sayar. 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

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c: Courtenaye Jackson-Chase, Esq.
Theresa Europe, Esq.