

June 29, 2005

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

Re: Matthew Kaye
SCI Case #2005-0614

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Matthew Kaye, a teacher assigned to Benjamin Cardozo High School in Queens, claimed to be sick when, in fact, he was in Japan on a professional wrestling tour.¹

This investigation began in March 2005, when Principal Rick Hallman contacted this office and reported that documents relating to a wrestling website had been left on the desk of Assistant Principal Leslie Strauss. Upon reviewing the information and checking the site, the administrators discovered that Kaye was a professional wrestler known as "Matt Striker" and he had been on tour in Japan in December 2004 when he used sick leave to cover his absences.

A review of the information left for Strauss revealed that it was from "ThisIsStriker.com." A January 2005 entry on the site noted: "2 new fan photos have been added from Matt's trip to Japan." Also posted on the site is a photograph of Kaye as Striker, the wrestler.

Assistant Principal Strauss, Kaye's direct supervisor, provided relevant information to investigators. Strauss explained that, on December 16 or 17, 2004, a woman identifying herself as Kaye's mother called the school, spoke to a paraprofessional, and reported that she was calling in sick for Matt Kaye as a result of a family emergency.² According to Strauss, she did not hear from Kaye until after the

¹ Effective April 28, 2005, Kaye resigned from the Department of Education. He remains eligible for employment.

² The paraprofessional confirmed that she took this call which occurred on December 16, 2004.

Christmas holiday break. At that time, Kaye informed her that his sister had become ill, he went to California, and brought her back to New York for medical care for anorexia. Kaye was absent from December 16 through December 23, 2004, when the school closed for break.

Despite giving that excuse to Strauss, Principal Hallman informed investigators that Kaye submitted a medical note asserting that he was under a doctor's continued care for "flu like symptoms" causing him to be out of work on December 16, 17, 20, 21, 22, 23, 2004. Kaye also gave in a second note, dated "2/14," indicating that the teacher was seen in the office that day and, without describing the medical condition, claimed that he could not return to work until February 28, 2005.

James M. Liguori, D.O. was the source of the note relating to Kaye's December absences. His office manager, Rosa Rizzo, asserted that Kaye was treated by the doctor on December 16, 2004, January 5, February 14, and March 7, 2005. Dr. Liguori informed investigators that the note looked like one generated by his office, with a stamped signature. In regard to the dates on the note, Dr. Liguori asserted that the note did not indicate that Kaye was seen on those dates; rather, he was "under [his] care."

The February note originated with Mitchell Locke, M.D. His office manager, Iris Lubitz, reviewed Kaye's folder and consulted with Dr. Locke. Thereafter, she reported that the note was legitimate, that Kaye visited the office on February 14, 2005, and was approved to return to work on February 28, 2005.

Despite the contentions of the doctors – both of whom claimed to have seen Kaye on February 14th – other evidence showed that Kaye, as Striker, was wrestling during the extended periods when he failed to show up at his teaching position. A message posted on his website said:

I recently realized that dream on Dec. 16th when I touched down in Tokyo to start my inaugural tour for the ZERO ONE Company. I cannot express in words what this tour has meant to me as a person and as a professional wrestler. Everywhere I went, fans and press alike were courteous and receptive.... Now, I am so excited for the opportunity that lays ahead of me. I have been invited by the offices of ZERO ONE MAX to join their roster for an extended stay of 90 days. I lay awake at night and try to envision all of the things I am going to learn training in the dojo and immersing myself in Japanese culture. I am a Social Studies teacher in my "other life" and I know Japan is rich in history both world and wrestling. Everywhere the ZERO ONE tour bus goes fans smile and children wave and it is great!!

The Zero One website listed "Fight Card" information showing Kaye, as Striker, in matches on December 18, 19, and 22, 2004, in Japan. Moreover, information posted on the "ThisIsStriker" website shows that Kaye, as Striker, participated in wrestling matches

during the 2 week period in February 2005, when he was absent from the school, purportedly as a result of a medical condition. The February 23rd entry on the site notes: "Matt Striker appeared at last night's Smackdown! tapings in Philadelphia, PA and challenged Kurt Angle...." The February 24th posting includes a link to download that entire match.³

Although investigators scheduled an interview with Matthew Kaye, his attorney cancelled it, and reported that the teacher would be resigning. Following his resignation, through his attorney, Kaye declined the opportunity to be interviewed.

It is the recommendation of this office that Matthew Kaye be made ineligible for future employment in the New York City public school system and that this matter be considered should he apply for any position in the future. Moreover, Kaye should be required to repay the Department of Education for the time in December 2004 and February 2005, when he was on unauthorized leave pursuing his other career.

With respect to the medical excuse notes provided to Kaye, we are referring our findings to the New York State Department of Health Office of Professional Medical Conduct for whatever action it deems appropriate.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are forwarding 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 thirty days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Matthew Kaye. 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.

³ The New York City public schools were closed for winter recess the week of February 21, 2005.