

June 24, 2009

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

Re: Kim Tatum
Dwight Beharrie
SCI Case #2007-4280

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Kim Tatum, the custodian assigned to PS 84 in Brooklyn, created time records and other documents, which falsely indicated that Dwight Beharrie was working as a cleaner at PS 84.¹ These time records covered the periods from January 25, 2006 to May 31, 2006, and August 16, 2007 to January 24, 2008. An analysis of Tatum's payroll records document that during those periods Tatum paid Beharrie more than \$14,000 in Department of Education ("DOE") funds to which he was not entitled. An analysis of Beharrie's bank records document that he received and deposited the checks.

This investigation began in November 2007, when a confidential complainant reported to the Office of the Special Commissioner of Investigation ("SCI") that Tatum was punching timecards for non existent employees and keeping the paychecks for herself.

SCI investigators interviewed the confidential complainant who said that he had observed Tatum punching a timecard on a number of occasions even though she was not required to use a timecard. The complainant continued that Tatum held on to the timecard after she punched it and did not put it in the rack with the custodial timecards. The complainant asserted that "Dwight Beharrie" was the name of the "custodial worker" for whom Tatum was punching a timecard.

¹ Kim Tatum was not reassigned as a result of this investigation. Tatum took Beharrie off the payroll in January 2008. On June 12, 2009, Tatum voluntarily transferred to PS 120 in Brooklyn.

The complainant provided investigators with his handwritten notes which documented the dates and times when he observed Tatum punch a timecard. A comparison of Beharrie's timecards with the complainant's handwritten notes revealed that on 28 out of 35 dates between October 5, 2007 and December 28, 2007, the times were the same or within a few minutes of each other. The complainant recorded only one date between December 29, 2007 and January 24, 2008, the last day on which Beharrie's timecard was punched. The complainant reported that he did not observe Tatum punch a timecard after February 6, 2008. On February 8, 2008, investigators received personnel records for all custodial workers at PS 84 which had previously been requested from Tatum.

SCI investigators spoke to PS 84 Cleaner Carlos Acosta who said that Tatum had hired him in 2004, and he had been assigned to the first floor, which included the main office of the school, for the last two years. Acosta added that he first met Beharrie when Beharrie started working at the school in January 2006. Acosta continued that he saw Beharrie at the school and spoke with him while Beharrie was doing plumbing work and painting the auditorium ceiling. According to Acosta, he remembered Beharrie working at the school during the winter break in February 2006, but thereafter, he never saw Beharrie at the school again.

Acosta remembered that, on a weekend during the 2007 Christmas break while he was working at the school, Tatum showed up in the afternoon, around 2:00 p.m. Acosta observed Tatum enter the main office and he heard the sound of the time clock being punched. An examination of the timecards and the custodial payroll sheets revealed that Acosta worked at the school on Saturday, December 22, 2007, from 7:00 a.m. until 2:09 p.m. A review of Beharrie's timecard for that date showed that Beharrie was signed in by Tatum at 7:00 a.m. and punched out at 2:10 p.m.

Investigators showed Acosta an analysis of the hours worked by Beharrie for the time period from January 2006 to January 2008. Acosta responded that if Beharrie had been working the hours indicated on the timecards, then his hours would have overlapped with Acosta's hours and he would have seen Beharrie at the school. Acosta added that Beharrie never worked on Saturdays and Sundays as indicated on the timecards. According to Acosta, he never saw Beharrie punch in or out at the school and never saw a timecard for Beharrie in the rack.

SCI investigators interviewed Mariusz Ankiewicz, known as Mario, who said that he had been a cleaner at PS 84 for five years. Ankiewicz added that Tatum was his direct supervisor and he currently worked from 12:00 p.m. to 9:00 p.m., Monday through Friday, and occasionally worked on Saturdays and Sundays.² Ankiewicz reported that he met Dwight Beharrie when Beharrie worked at the school in 2006. Ankiewicz explained that he saw Beharrie at PS 84 five or six times, painting the ceiling in the auditorium, and

² Ankiewicz said that he previously worked from 10:00 a.m. to 7:00 p.m. and 11:00 a.m. to 8:00 p.m., Monday through Friday.

doing some work in the basement of the school. Ankiewicz added that he never saw Beharrie at the school on any weekend when Ankiewicz worked at the school.

Ankiewicz continued that, from 2006 through 2008, he was assigned to clean the second floor of the school. Ankiewicz acknowledged that the custodial staff was required to punch in at the start of the day and punch out at the end of the day. Ankiewicz said that he punched his own timecard and that he never punched the timecard of any coworker.

Ankiewicz informed investigators that, on one occasion, when he was in the hallway on the first floor at around 5:00 p.m., he observed Tatum carrying a timecard and heard the sound of a timecard being punched in the time clock located in the main office. Ankiewicz said that Tatum was not required to punch a timecard and he believed she was punching someone else's timecard. Ankiewicz added that all custodial employees were required to maintain timecards in the main office and he never saw a timecard for Dwight Beharrie in the rack.

Investigators showed Ankiewicz an analysis of the hours worked by Beharrie, as indicated by the timecards, for the time period from January 2006 through January 2008. Ankiewicz responded that, if Beharrie was working those hours, which overlapped with the hours worked by Ankiewicz, then he would have seen Beharrie at the school. According to Ankiewicz, the only individuals working at the school full-time were Israel, Carlos, and Sammy. Ankiewicz said that never worked with Beharrie on Saturdays and Sundays as indicated on the timecards. Ankiewicz added that he never saw Beharrie punch in or out at the school.

SCI investigators interviewed Samuel Torres who said that he had been a cleaner at PS 84 since 2000. Torres added that Tatum was his direct supervisor and he worked from 12:00 p.m. to 9:00 p.m., Monday through Friday. According to Torres, he first met the "Black guy," referring to Beharrie, in 2006. Torres reported that he saw Beharrie working at PS 84 three or four times, painting the ceiling in the auditorium, and fixing a leak in the bathroom of the school. Torres said that he rarely worked on weekends, but when he did, he never saw Beharrie. Torres explained that only Israel, Carlos, and Mario worked on weekends.

Torres informed investigators that, from 2006 through 2008, he was assigned to clean the third floor of the school. Torres said that, on two occasions during the summer of 2007, when he was in the hallway on the first floor, he observed Tatum carrying something under her clothing and, immediately thereafter, he heard the sound of a timecard being punched in the main office. Torres continued that Tatum was not required to punch in and out and he believed that she was punching a timecard for someone else. Torres added that he never observed a timecard for Dwight Beharrie in the rack and never saw Beharrie punch in or out.

Investigators showed Torres an analysis of the hours and days worked between January 2006 and January 2008, as reflected on Beharrie's timecards. Torres responded that if Beharrie was working those hours, then Beharrie's hours would have overlapped with his hours, and Torres would have seen Beharrie at the school.

SCI investigators interviewed Fireman Israel Dros who said that he had been at PS 84 since 1979, working from 6:00 a.m. to 3:00 p.m., Monday to Friday. Dros occasionally worked on Saturdays and Sundays. According to Dros, he never observed Tatum punch any timecards. Dros reported that he knew all the custodial workers at the school, but did not know anyone named Dwight Beharrie. Dros asserted that he might not know the names of all the part-time workers because he did not see them that often. Dros added that Tatum hired a lot of temporary custodial staff at the school. Dros examined a photo of Beharrie and, in response, did not recall whether he had seen Beharrie at the school. However, Dros noted that the hours indicated on Beharrie's timecards overlapped with those that he worked, and he said: "If the guy was here at the school, I would have seen him." According to Dros, he worked with Acosta on Saturdays and Sundays, but never worked with Beharrie as the timecards indicated. Dros did recall that a Black man had worked at the school a couple of times to paint the ceiling in the auditorium.

SCI investigators met twice with Payroll Secretary Dolores Gateson who had been assigned to PS 84 since 1997, and worked from 7:30 a.m. to 3:00 p.m., Monday through Friday. Gateson said that she worked in the main office where the time clock was located. Gateson added that she observed Tatum punch a timecard a couple of times a week, but that Tatum had stopped doing so about a month earlier.³ Investigators showed Gateson a photo of Beharrie and she responded that she did not know him and had never seen him in the school. In a second interview, Gateson stated that she had observed other custodial staff using the time clock to punch in and out.

SCI investigators spoke twice with PS 84 Pupil Accounting Secretary Lori Monzolillo who had been assigned to the school for 12 years and worked from 8:30 a.m. to 3:30 p.m., Monday through Friday. Monzolillo said that she worked in the main office where the time clock was located. Monzolillo added that she had observed Tatum in the office, but never paid enough attention to know whether Tatum punched a timecard. Monzolillo inspected a photo of Beharrie and responded that she did not know him and had not observed him in the school. In a second interview, Monzolillo stated that she had observed other custodial workers in the main office, including Sammy, Israel, and Carlos.

SCI investigators met on two occasions with PS 84 SAPIS Worker Kathleen Martinet who had been assigned to PS 84 for 16 years and worked in the main office where the time clock was located. Martinet said that she had observed Tatum punch a timecard on occasion, but that Tatum had stopped doing so about a month earlier.⁴

³ Gateson was first interviewed on April 10, 2008.

⁴ Martinet was first interviewed on April 4, 2008.

Investigators showed Martinet a photo of Beharrie and she responded that she did not know him and had not observed him at PS 84. In a second interview, Martinet stated that she also worked during the summer and had never seen Beharrie working during the summer. Martinet added that she had observed other employees, including the custodial helper Israel, using the time clock to punch in and out of the school.

SCI investigators spoke on two occasions with Supervising School Aide Marianna Rizzo who had been assigned to PS 84 for 14 years and worked from 8:00 a.m. to 3:00 p.m., Monday through Friday. Rizzo stated that she worked in the main office where the time clock was located. Rizzo continued that she saw Tatum once in a while, but never observed her punch a timecard. Rizzo examined a photo of Beharrie and responded that she did not know him and had not seen him at PS 84. In a second interview, Rizzo told investigators that she had observed custodial workers, including Mario, Carlos Acosta, and "the Polish fellow," using the time clock.

SCI investigators met with Paraprofessional Antoinette Grecula who had been assigned to PS 84 for 12 years and worked from 6:00 a.m. to 3:00 p.m., Monday through Friday. Grecula said that she observed Tatum punch a timecard several times during the 2007-2008 school year. Grecula looked at a photo of Beharrie and responded that she did not know him and never saw him at PS 84.

SCI investigators interviewed Xenia Beharrie, the estranged wife of Dwight Beharrie, who believed that Beharrie had been employed as a cleaner with the New York City School District sometime in 2006. Xenia Beharrie said that Beharrie only worked part-time and left the cleaner job to look for steady employment with benefits.

Xenia Beharrie informed investigators that she had three joint banking accounts with Beharrie: one at the People's Alliance Federal Credit Union, one at the Municipal Credit Union, and one at Capitol One Bank. Xenia Beharrie continued that she often endorsed checks payable to Beharrie and deposited the checks into the joint accounts.

In an interview with SCI investigators, Dwight Beharrie said that he was currently employed by Continental Custom Windows ("Continental"), located in Trenton, New Jersey, and that he also owned a carpentry and construction business. Beharrie asserted that, while he worked as a cleaner at PS 84, he also performed work on the side as a contractor.

Beharrie continued that Kim Tatum hired him as a cleaner at PS 84 in 2006, but he knew her and her husband prior to receiving a position at the school because he had worked at their properties. Beharrie said that he worked part-time as a cleaner at PS 84 and his hours at the school varied. Beharrie claimed that he always punched his timecard

and no one else punched it for him. Beharrie denied that he was paid as a cleaner at PS 84 when he actually was performing work at the Tatums' residences. Beharrie maintained: "Tatum would never put her job or his job on the line and do something like that."

Beharrie acknowledged that he was separated from his wife, Xenia Beharrie, but still maintained joint bank accounts with her. Beharrie added that he always gave his paychecks to his wife who signed and deposited the checks into one of the joint accounts.

In an interview with SCI investigators, Kim Tatum said that she had been with the DOE for 27 years and had been the custodial engineer at PS 84 for three and one-half years. According to Tatum, she first hired Beharrie to work at PS 84 in August 2007, and he continued there until January 2008. Tatum added that she hired him as a cleaner and he worked at the school painting and conducting plumbing repairs. Tatum reported that Beharrie worked various hours at the school, along with the fireman, Israel Dros, and the other cleaners, whom she identified as Carlo Acosta and Sammy Torres. Tatum maintained that Beharrie also worked on weekends when her full-time cleaners were not available. Tatum said that she paid Beharrie by check from her JPMorgan Chase Bank custodial account. Tatum acknowledged that Beharrie worked with the other cleaners and that they should be known to each other.

Tatum continued that Beharrie and the rest of the custodial staff were required to use timecards to punch in when they arrived at work and to punch out when they left. Tatum confirmed that she did not punch in or out. Tatum claimed that she never punched anyone's timecard.

Tatum informed investigators that she first met Beharrie when he was hired by her husband, Charles Tatum, to do work on an investment property they owned, which was located in Brooklyn. Tatum said that Beharrie was paid by check from a joint account which she maintained with her husband or, if her husband did not have enough money in that account, she would pay Beharrie from her personal account.

Throughout the interview, Tatum claimed that she paid Dwight Beharrie only for hours he worked at PS 84. The interview ended when Tatum asked to confer with an attorney.

The assigned investigator compared the payroll checks issued to Dwight Beharrie by Tatum for work at PS 84 to checks issued to Beharrie while working at Continental Millwork.⁵ Beharrie was paid by Tatum on seven dates in May of 2006, when he was working at Continental.

⁵ Continental Millwork was the prior name of Continental Custom Windows, the company where Beharrie currently is employed.

In an interview with SCI investigators, Continental owner James Farrell said that Beharrie always worked in the daytime. The PS 84 time records indicated that Beharrie was working during the day at PS 84, when he actually was working at Continental.

It is the recommendation of this office that Kim Tatum's employment be terminated, that she be made ineligible for work with the DOE, and that this matter be considered should she apply for any position in the New York City public school system, in one of its facilities, or with one of its vendors, in the future. In addition, the DOE should recover the funds which Tatum wrongfully paid to Beharrie.

We further recommend that Dwight Beharrie be made ineligible for work with the DOE and that this matter be considered should he apply for any position in the New York City public school system, in one of its facilities, or with one of its vendors, in the future.

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. 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 Kim Tatum and Dwight Beharrie. 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.