

June 22, 2010

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

Re: Jill Schifter
Anthony Maulella
Janice Lewart
Bradley Lewart
SCI Case #2009-3146

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Jill Schifter and Anthony Maulella, who are not Department of Education (“DOE”) employees, enrolled their daughter (“Student A”), a resident of New Jersey, in New York City public schools. Student A, a 17-year-old in the 11th Grade, has attended DOE schools since the 7th Grade, without her parents paying non-resident tuition. Student A’s parents used the Manhattan address of non-DOE employees Janice and Bradley Lewart to claim City residency.

This investigation began on September 11, 2009, when the office of the Special Commissioner of Investigation (“SCI”) received an anonymous complaint which had been forwarded to SCI by the Office of the New York State Attorney General. The complainant alleged that Schifter and Maulella lived in New Jersey, but Student A was enrolled at the Fiorello H. LaGuardia School of Music & Art and Performing Arts (“LaGuardia”) in Manhattan.¹

¹ An additional allegation, that LaGuardia officials were complicit in Student A’s enrollment, was not substantiated.

The assigned SCI investigator confirmed that Schifter and Maulella lived in New Jersey. SCI also learned that Student A was enrolled at LaGuardia, but Schifter and Maulella did not pay non-resident tuition to the New York City school system.

Student A's DOE records indicated that she resided at an apartment on 5th Avenue, on the Upper East Side of Manhattan. SCI determined that the occupants of the residence on 5th Avenue were Janice and Bradley Lewart. The assigned investigator learned that Janice Lewart was registered to vote under that address and voted in Manhattan. Schifter and Maulella voted in Hudson County, New Jersey, and were not registered to vote in New York City.

Student A applied for a drama audition at LaGuardia in December 2006, using as a home address the apartment on 5th Avenue in Manhattan. The application was stamped "ACCEPTED." At the time of her application to LaGuardia, Student A listed her current school as the Professional Performing Arts School, a public junior high school in Manhattan. According to the LaGuardia application, prior to that, Student A attended the Cornerstone School in Jersey City, New Jersey.

Student A's file at LaGuardia contained the documents which were submitted as proof of New York City residency when Student A was entering the 7th Grade at the Professional Performing Arts School. Schifter and Maulella submitted to the DOE:

- 1) A letter, dated June 30, 2005, signed by Schifter, which stated: "Please find our phone bill with our current NYC address for proof of residency." Attached to this letter was a final disconnect notice, dated June 21, 2005, from Verizon addressed to Anthony Maulella at the 5th Avenue address, showing an amount overdue.
- 2) A letter, dated August 26, 2005, signed "Jill Schifter" and "A. Maulella" in the same handwriting, which stated: "Please find enclosed our recent ConEd & Verizon bills that verify our Manhattan residency." Along with the letter were the Verizon disconnect notice, dated June 21, 2005, and a ConEdison invoice addressed to Anthony Maulella at the 5th Avenue address, which showed the date of the next meter reading as September 16, 2005.

SCI received documentation from Verizon which revealed Maulella's history as a Verizon customer at the telephone number assigned to the 5th Avenue apartment. The records showed three invoices with billing dates of June 13, July 13, and August 13, 2005. Prior to June 2005, that number was assigned to the Lewarts at the 5th Avenue address. After the number was disconnected under Maulella's name, it again became the Lewarts' telephone number.²

² This number was used for Student A's home telephone number on her application to LaGuardia and was on the emergency contact card maintained at the school.

SCI received documentation from ConEdison which revealed that Bradley Lewart had been the customer at the 5th Avenue apartment since September 1, 1992, but Maulella's name appeared as the customer at the 5th Avenue residence for a short period of time beginning on July 21, 2005. On August 17, 2005, Lewart again became the ConEdison customer at that location, and was the current customer.

The assigned SCI investigator left business cards at the 5th Avenue address and left telephone messages for the Lewarts, but received no response. SCI investigators interviewed building Superintendent Randy Jaquez who said that, to his knowledge, the Lewarts were the only occupants of the apartment at the 5th Avenue address. Jaquez did not recognize the names Schifter or Maulella as ever being residents at the 5th Avenue address.

SCI investigators visited a location in North Bergen, New Jersey where "Schifter/Maulella" appeared on a mail box for apartment C4. They interviewed Supervisor/Landlord Louis Claudio who said that, for the past several years, Schifter and Student A had been the residents in apartment C4.

The assigned SCI investigator spoke by telephone with an attorney representing Schifter and Student A. The attorney said that Schifter and Maulella were separated. The attorney added that Student A was now living with her father at a new address which had been submitted to LaGuardia – an apartment on West 106th Street in Manhattan. The attorney asserted that he did not represent Maulella, but reported that Jill Schifter and Student A declined to be interviewed by investigators from this office.³

SCI investigators spoke with LaGuardia Pupil Accounting Secretary Maria Lamonica who said that, on or about February 23, 2010, Student A brought in documentation which showed that she had moved. This included ConEdison information in the names of Schifter and Maulella for an address on West 106th Street in Manhattan, and a copy of a lease, dated February 11, 2010, for an apartment on West 107th [sic] Street, for occupancy from March 1, 2010 through February 28, 2011. The lease was signed by Schifter and Maulella and it indicated that Student A was a resident at that address.

SCI investigators visited Brusco Realty and met with Linda Vinueza, the broker who handled the rental of the West 106th Street apartment to Schifter and Maulella. According to Vinueza, she placed an advertisement on "Craig's List" and Schifter responded to the ad, telling Vinueza that she currently lived in New Jersey, but needed an apartment because her daughter attended school in New York City. According to Vinueza, Schifter added that her husband, Maulella, would be at the apartment at all

³ In a letter faxed to SCI, the attorney confirmed that Schifter and Student A "respectfully decline [the] invitation to be interviewed."

times with their daughter, Student A, and Schifter would live at the New York City apartment on weekends.

Vinueza continued that Schifter came to the office, filled out an application, and viewed the apartment. Shortly thereafter, Schifter, Maulella, and Student A appeared at Brusco Realty and signed a lease for the apartment located on West 106th Street.⁴ Vinueza explained that the address on the lease, showing the apartment's location as West 107th Street, was a typographical error, and the actual address was West 106th Street. A review of the application, completed by Schifter, indicated that Schifter and her family had resided in apartment C4 at an address in North Bergen, New Jersey for the past 24 years.

The assigned SCI investigator telephoned Anthony Maulella's cell phone and spoke with an individual who identified himself as Maulella. The investigator asked to interview Maulella in connection with Student A's enrollment in New York City public schools and Maulella responded that he could not talk "at the moment." The investigator attempted to leave his contact number, but Maulella asserted that he did not have a pen. Maulella requested that the investigator leave a message on his home telephone but, when asked for the number, the call disconnected. Another call to Maulella's cell phone went into a voice mail system. The assigned SCI investigator left a message for Maulella which included his contact number and a request to schedule an interview. The assigned investigator asked that Maulella contact SCI whether or not he would consent to an interview. There was no response from Maulella.

SCI investigators visited Bradley Lewart ("B. Lewart") at his work location. B. Lewart said that Jill Schifter was a friend of his wife, Janice Lewart ("J. Lewart"). B. Lewart provided J. Lewart's cell phone number and the number for his attorney – the same lawyer representing Schifter and Student A.

The assigned SCI investigator received a telephone call from J. Lewart and he attempted to schedule an interview with her. J. Lewart requested that the investigator contact her attorney – the same lawyer named by her husband.

The assigned SCI investigator spoke with the attorney who explained that he needed to speak with his clients. By fax, SCI subsequently received a letter from the attorney who reported that he now represented Anthony Maulella, as well as J. Lewart and B. Lewart, and that all three "respectfully decline [the] invitation to be interviewed."

⁴ Vinueza provided SCI with copies of her records concerning the rental of the apartment: the application, the lease, a Bank of America check, and copies of the New Jersey Driver's licenses issued to Schifter and Maulella. The Bank of America check was drawn on a branch located at the Galaxy Mall in Guttenberg, New Jersey. The Driver's licenses listed the apartment C4 address in North Bergen, New Jersey, for both Schifter and Maulella.

The assigned SCI investigator contacted Administrator Sherry Hawn at the DOE Office of Payables Operations and requested the amount of non-resident tuition owed for the education of Student A. By e-mail message, Hawn responded by school year:

2005-2006	\$5,009	(Professional Performing Arts School)
2006-2007	\$5,033	(Professional Performing Arts School)
2007-2008	\$5,295	(LaGuardia)
2008-2009	\$5,119	(LaGuardia)
2009-2010	Unknown	(LaGuardia)

Hawn explained that the State had not yet provided the 2009-2010 rate and she suggested using the 2008-2009 rate. It was not clear whether Student A's move into New York City would affect the amount owed. Nevertheless, Maulella and Schifter owe at least \$20,000, but more likely closer to \$25,000, in non-resident tuition for Student A.

Student A's parents made false representations to gain coveted spots at two specialized City schools. It is the recommendation of this office that the DOE recover the cost of Student A's education as expeditiously as possible.

We are referring our findings to New York County District Attorney Cyrus R. Vance, Jr. 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 this investigation. 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.