

August 13, 2007

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

Re: Shango Blake  
SCI Case # 2006-0103

Dear Chancellor Klein:

The Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) has substantiated that Shango Blake, the Principal of the Jean Nuzzi Intermediate School (“IS 109”) in Queens, misappropriated more than \$30,000.00 in funds collected from students and/or their parents, used various schemes to conceal the misappropriations, and failed to provide a credible explanation as to what happened to the money.<sup>1</sup>

Blake also committed corporal punishment in that he struck and choked a thirteen-year-old male IS 109 student (“Student A”).

The investigation began in January 2006 when Deputy Director of Operations for the New York City Department of Education Office of School Food (“School Food”) Lorraine Burke contacted SCI and reported that she had received an e-mail from School Food Accounting Consultant Sabra London which stated that Blake had taken more than \$2,500.00 of the school lunch fund monies collected by IS 109 and was unresponsive to repeated requests for payment.<sup>2</sup> Then, in July 2006, SCI received a complaint of corporal punishment committed by Blake and incorporated it into the investigation.

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<sup>1</sup> Blake was not reassigned during the pendency of this investigation.

<sup>2</sup> The weekly amounts past due for the June 2005 school year end were: \$678.50, \$563.15, \$57.00, and \$1,265.20 which amounted to a total of \$2,563.85. These amounts were outstanding because the checks issued to School Food were returned for insufficient funds. Investigators later discovered that as of December 2005, the actual amount that IS 109 owed School Food was \$9,277.30.

Misappropriation of School Funds and Financial Irregularities

The SCI investigation revealed that from May 2005 through June 2006, approximately \$30,000.00 in funds collected from students for school lunches, for graduation expenses, and from snack sales were misused or missing.

The school essentially hid the school lunch money it had collected. A review of School Food records revealed that from May 26, 2005 through June 30, 2006, IS 109 collected funds from students for their lunch accounts, but at the end of the year, School Food was owed \$18,084.25. Per Blake's request, the school aide responsible for crediting students' accounts for payments received did not enter the payments into the school's program that tracked the funds. That resulted in a showing that the student population owed lunch money which had already been paid, but "negative balance" letters were not sent to parents. If the children actually owed lunch money, then the letters would have been disseminated.

The school also collected money from students to cover the cost of caps and gowns for graduation. The vendor delivered the goods which were valued at more than \$6,000.00, but Blake ordered a "stop payment" on the check drawn to cover the resulting invoice. Blake, however, could not account for what happened to the graduation monies collected.

The same circumstance occurred with respect to the vendor that supplied snacks to the school. Although from February 2006 through May 2006, the school took in approximately \$6,500.00 in cash as the snacks were sold, the vendor did not receive any payments during that time period.

At Blake's instruction, rather than depositing funds collected into the IS 109 checking account, the school's treasurer would give the principal cash that she received from students for lunches and snacks or from fundraisers.<sup>3</sup> Neither Blake nor the treasurer kept records of these transactions. She estimated that, between September 2004 and January 2006, she gave Blake at least \$10,000.00 in cash collected for various school purposes.

Blake misused the school's Small Item Payment Process ("SIPP") to pay for the caps and gowns and to pay the money owed to the vendor for the snacks sold at the school. Blake also misused the SIPP account to pay other vendors. Additionally, Blake used SIPP checks made out to a vendor, but with the school's address on them, to replenish the school's bank account. The back of each check reflected that the checks were all deposited in the school's bank account. This was a further misuse of the SIPP account and the diversion of the checks to the school account was a further misappropriation of funds.

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<sup>3</sup> Teisha Forbes was the school's treasurer at the time.

In January 2006, SCI investigators reviewed the school's ledger in the presence of Blake and School Treasurer Teisha Forbes. The receipts portion of the ledger contained no entries after February of 2005 and the disbursements section had no entries after September of 2004.

Between November 2004 and January 2006, the school issued more than \$14,000.00 in checks when there were insufficient funds in the school checking account to cover them.

On September 29, 2006, a check in the amount of \$11,258.65 was paid to School Food. On November 7, 2006, a check in the amount of \$6,825.60 was paid to School Food, thereby satisfying IS 109's debt to School Food. SCI has not been able to determine the source of the monies used to satisfy the \$18,084.25 debt.

#### Details of the Investigation

SCI investigators spoke with Burke who stated that in November 2005, she became aware that IS 109 owed School Food money because on several occasions, the school failed to make the required payments to School Food.<sup>4</sup> Burke stated that she was informed by School Food Consultant London and School Food Supervisor at District 29, Kelley Bacci, that they met with Blake prior to the Christmas break and he advised them that he had no money because he had to spend money on limousines for the school's DVD premiere.<sup>5</sup>

In January 2006, investigators met with School Food Regional Coordinator Tracy Cashin who explained that School Food had received no monies from IS 109 since October 2005 and that several checks which were written to School Food in May 2005 and June 2005, had bounced.<sup>6</sup> According to Cashin, on December 23, 2005, London and

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<sup>4</sup> When Burke contacted SCI, she stated that she was informed that Blake had stated to School Food representatives that the funds were used for limousine rides to the airing of his school's DVD release. Burke continued that she was told that Blake said, "do you know how much a limousine costs? I don't have the money in my account anymore."

<sup>5</sup> In a conversation with SCI investigators, Local Instructional Superintendent ("LIS") Phillip Steinberg disclosed that Blake had stated to him, "I'm borrowing from Peter to pay Paul" for school bills. Steinberg continued that both he and Superintendent Judith Chin had reservations over what Blake was doing and stated that "all principals know the SOPM and all have gone through budget training." It should be noted that in July 2006, Steinberg provided SCI with e-mail complaints from February 2006 which referenced financial improprieties at IS 109. Steinberg did not immediately report these allegations to SCI. One of the e-mails, dated February 9, 2006, was anonymous and alleged that with respect to the investigation involving Blake, people should speak "with the woman who sells snacks (she hands over the money to him)."

<sup>6</sup> Cashin explained to investigators that School Food operated on two reports: a report that documented the number of meals served to students ("MIE-1"), and a report which reported the monies collected for the meals served to students ("MIE-2"). Investigators learned that based upon the weekly MIE-2 report, the school collected and was responsible for writing a check to School Food that matched the weekly MIE-2 totals.

Bacci met with Blake concerning the outstanding balance of \$9,000.00 that IS 109 owed School Food.<sup>7</sup>

In an interview with investigators, London stated that she, Bacci, and School Food Manager Kelly Lazo met with Blake on December 23, 2005. According to London, Blake told them that “the funds weren’t there” and explained to them about the school’s DVD pertaining to how children should dress. London further stated that Blake told her about renting limos for a premiere at a local college. London recounted that Blake asked her for a “payment plan” to which she responded “no.” London added that Blake then said: “something like, once I get it, I’ll send it to you.”

After the meeting, London sent an e-mail to Blake referencing the fact that a bank application had been given to Forbes for the opening of a new account. A separate bank account was supposed to be maintained by the school solely for managing School Food payments. In an interview with investigators, Forbes acknowledged that she and Blake had applied to open a separate bank account for the School Food monies, however, the account was not opened until approximately eleven months later, in the fall of 2006.

Investigators met with Bacci who provided additional relevant information. Bacci told investigators that in October 2005 or early November 2005, she contacted Blake and inquired as to where the monies were that were owed to School Food. Bacci recalled that Blake informed her that he would have the checks to her in “about a week” although no checks were received. Bacci continued that when she met with Blake on December 23, 2005, to discuss the monies owed, Blake told her: “you’re bombarding me. I don’t appreciate this.” Bacci recounted that London, Lazo, and Forbes were also present for the meeting. According to Bacci, London told Blake that School Food needed its money to which Blake replied: “I don’t have the money. I released my DVD, ‘Tuck in Your Shirt.’”<sup>8</sup> Bacci continued that Blake further stated: “I had to get limos, you don’t understand.”<sup>9</sup> Bacci related that Blake asked for a payment plan to which London

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<sup>7</sup> In an e-mail dated January 10, 2006, from Cashin to Regional Finance Manager Marlene Siegel and to Superintendent Judith Chin, with a copy to Burke, Cashin noted that London met with Blake on December 23, 2005 to discuss the outstanding balances due to School Food. According to Cashin, there were pre-payments made by either students or parents for meals from October 21, 2005 through December 23, 2005 for the amount of \$6,713.45. Moreover, IS 109 still owed School Food the amount of \$2,563.85 which was outstanding from May and June of 2005. As of December 23, 2005, the total amount IS 109 owed School Food was \$9,277.30. Investigators discovered that in March 2006, IS 109 gave School Food six checks to cover the weekly MIE-2 totals due for the time period from November 18, 2005 through December 23, 2005. However, IS 109 still owed \$4,516.20 which covered the time period from May 26, 2005 through November 11, 2005.

<sup>8</sup> According to Bacci, Blake premiered his DVD at York College. The actual title of the DVD is “Tuck That Shirt In.”

<sup>9</sup> Forbes stated that she was present for the meeting, however, she did not recall Blake mentioning limousines and stated that “she did not think he would say that.” Forbes told investigators that she did recall that Blake showed his DVD to the School Food representatives during the meeting at which time she left the room because she had seen the DVD before.

replied “no” and told him, “we want our money.” Bacci stated that Blake responded that he would see what he could do.

Investigators spoke with Lazo who stated that she was a manager at School Food and had “overseen operations” at IS 109 for approximately four years. Lazo informed investigators that every week she was responsible for submitting an accounting of lunch meals served (“MIE-1”) and the monies collected (“MIE-2”) to Bacci. According to Lazo, after the MIE-2 forms for the week were filled out and approved by either Blake or Forbes, a check was written to School Food and the original MIE-2 forms were sent to Bacci. Lazo continued that Forbes regularly gave her deposit slips for monies Forbes collected, but noted that Forbes, without any explanation, stopped giving her deposit slips in October 2005. Lazo reported that in October 2005, she asked Forbes for the money School Food was still owed and Forbes gave her checks in amounts which did not coincide with the MIE-2 reports that Lazo submitted.<sup>10</sup> Lazo informed investigators that the checks were given back to Forbes.

Lazo continued that on December 9, 2005, she spoke with Blake in the hallway of IS 109 and Blake asked her to reverse pre-payments that the school made. Lazo explained to investigators that pre-payments were the lunch money collected from students and their parents by School Aide Ria Pallas in the main office. The money was given to Forbes who then wrote the checks to School Food. According to Lazo, Blake told her: “do what you have to do. I don’t have the money.” Lazo stated that she sent an e-mail to Bacci regarding Blake’s request to which Bacci responded that she could not reverse the pre-payments to indicate that students still owed lunch money.

Lazo further stated that on December 23, 2005, she, Bacci, and London met with Blake. Lazo recalled that Forbes was also present for the meeting and that Blake and London did most of the talking. Lazo recounted that during the meeting Blake stated: “I don’t have the money. I have expenses. We had the premiere for the CD and had to rent limos.” Lazo indicated that during the meeting Blake said he would speak with Forbes and work out a payment plan, although Lazo maintained that she did not think a plan was ever worked out.<sup>11</sup> According to Lazo, however, on January 18, 2006, Blake gave her a check in the amount of \$4,556.00 to cover part of the outstanding debt IS 109 owed School Food.<sup>12</sup> Lazo reported that she spoke with Bacci and informed her of the check. Bacci stated that the check amount did not coincide with any money amounts owed and

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<sup>10</sup> Lazo told investigators that in October 2005, Bacci told her about the four checks totaling \$2,563.85 which were written to School Food and that had bounced in May 2005 and June 2005.

<sup>11</sup> In an e-mail dated January 13, 2006, Finance Manager Siegel informed Blake that he should proceed to implement his plan for payment to School Food for the amount of \$9,277.30 by paying in two installments: a check for the amount of \$4,500.00 to be submitted by January 17, 2006, and the balance by the first week of February 2006.

<sup>12</sup> Investigators reviewed IS 109’s bank records for January 2006 which reflected that as of January 17, 2006, the total amount in the school’s account was \$2,807.58. The records further reflected that there were no additional deposits made to the account until January 23, 2006.

advised Lazo to return the check to Forbes and instruct her to issue one check for each week that matched the School Food report of the amounts owed.<sup>13</sup>

On January 23, 2006, SCI investigators interviewed Forbes and Blake at IS 109. Forbes informed investigators that she had become the treasurer in September 2004 and, prior to that position, she had been a paraprofessional at the school. Forbes explained to investigators that parents went to the main office to make pre-payments for the children's lunch accounts. Forbes continued that School Food and the schools shared a "WebSmart" computer program which tracked the checks and cash. Forbes added that the school's account was with JP Morgan Chase and noted that bank deposits were made on a weekly basis. When investigators reviewed the school's ledger in the presence of Forbes and Blake, they discovered that numerous months had passed with no entries noted in the receipts or disbursements portions of the book. Specifically, nothing had been recorded in the receipts portion of the ledger since February 2005 and there had been no annotations documented in the disbursements section of the ledger since September 2004. Moreover, when investigators spoke with both Forbes and Blake on January 23, 2006, each of them stated that the school's bank account currently had a negative balance of \$771.00. Investigators then removed the school's ledger and advised both Forbes and Blake to immediately start a new ledger.

Two days later, on January 25, 2006, Bacci received a check from IS 109 in the amount of \$4,516.20.<sup>14</sup> When investigators returned to IS 109 on January 27, 2006, they inquired of Forbes and Blake as to how they were able to write a check with a negative bank balance. Forbes and Blake claimed that Chase was allowing the school to "pass this check through."<sup>15</sup> On January 30, 2006, the check in the amount of \$4,516.20 was returned for insufficient funds.<sup>16</sup> When SCI investigators met with Forbes again at the end of June 2006, they were informed that the amount of \$4,516.20 was still owed and that a new check had not been issued.

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<sup>13</sup> On January 18, 2006, Blake sent an e-mail to Siegel stating that the check he gave to Lazo was returned to Forbes and that apparently the Region was "incorrect regarding the agreement to make two payments." In response, Siegel sent an e-mail to Cashin indicating that any check received should clearly be applied to IS 109's outstanding balance.

<sup>14</sup> This check covered the bounced checks for weeks ending May 26, 2005, June 7, 2005, June 10, 2005, and June 27, 2005. It also included weekly payments for October 21, 2005 through November 11, 2005.

<sup>15</sup> While visiting IS 109, investigators questioned Blake about the check in the amount of \$4,516.20 and he responded that "the bank was allowing them to write the check although they didn't have the money to cover it yet." According to Blake, "they put in enough money to cover the \$700.00 deficit and the bank was allowing the \$4,000.00 check to clear because they knew the school's March 2006 fundraiser was coming up."

<sup>16</sup> In a subsequent interview with investigators, Blake maintained that he did not know about the negative \$771.00 balance and that it was his understanding the check would clear based upon information Forbes provided. Forbes, however, told investigators that to her knowledge, Blake was aware that the money was not in the account when she wrote the check for \$4,516.20. According to Forbes, she told Blake the amount that was in the bank account and what deposits she had to make and Blake told her to write the check and he signed it.

When investigators met with School Food Chief Financial Advisor Lawrence Weintraub and London, they were provided with a document that detailed the outstanding monies IS 109 owed School Food for the period of May 2005 through June 2006. The document revealed that as of June 30, 2006, a total of \$18,084.25 in lunch funds had been collected by IS 109 and was due to School Food.<sup>17</sup> Weintraub explained to investigators that the situation with IS 109 was a “unique case” and that “an incident like this one had never happened before.”<sup>18</sup>

According to Weintraub and London, this outstanding debt included the amount of \$4,516.20 which IS 109 still owed because Blake never replaced the check that had been returned for that amount six months prior. Additionally, there was a payment due for the week ending on June 16, 2006 for the amount of \$1,607.90, a payment due for the week ending on June 23, 2006 for the amount of \$701.50, and a large payment due for the week ending on June 30, 2006 in the amount of \$11,258.65. When investigators inquired as to the large sum of money that was reflected for the week of June 30, 2006, Weintraub stated that this was the amount that IS 109 reported at the time, however, there was no indication when the monies had been collected. Weintraub explained that at the end of the school year, Bacci and Lazo reviewed the entries made by IS 109 into WebSmart and noted the additional amounts of money School Food was owed for June 2006. Although School Food should have been receiving payments every week based upon the MIE-2 report, this did not occur. At the very least, at the end of the school year, IS 109 should have satisfied its outstanding debt to School Food since the WebSmart computer reflected that the lunch funds had been collected. School Food was not paid, however, and on August 4, 2006, Bacci addressed a letter to Blake itemizing the outstanding weekly checks owed to School Food which amounted to a total of \$18,084.25.<sup>19</sup>

Investigators learned that on September 26, 2006, a meeting was held at IS 109. The meeting was attended by Blake, the school’s new Treasurer Lisa Gerard, Joseph Capra and Mae Fong from the Center for Educational Innovation – Public Education Association (“CEI-PEA”), Lazo, London, Cashin, and Bacci.<sup>20</sup> The meeting was convened to review the status of the cafeteria account; to discuss the implementation of

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<sup>17</sup> The dates listed and the weekly amounts due were as follows: May 26, 2005- \$678.50; June 7, 2005- \$563.15; June 10, 2005- \$57.00; June 27, 2005- \$1,265.20; October 21, 2005- \$678.55; October 28, 2005- \$565.25; November 4, 2005- \$528.50; and November 11, 2005- \$180.05. The above-mentioned monies owed were for the time period from May 26, 2005 through November 11, 2005 which amounted to a total of \$4,516.20. The additional amounts still outstanding were for the month of June which totaled \$13,568.05.

<sup>18</sup> Weintraub told investigators that other schools forwarded the money owed to School Food on a timely basis. Weintraub continued that the situation with IS 109 was unusual for two reasons: “first, the school failed to forward the money it owed; and second, the school spent the money it owed and thought that was okay.”

<sup>19</sup> At the conclusion of her letter, Bacci stated the following: “Please contact my office at the above number Monday through Friday between 7:30 a.m. until 3:00 p.m. and arrangements will be made for the checks to be picked up from IS 109.”

<sup>20</sup> Through her attorney, Gerard stated that as a tenured employee she declined to be interviewed by SCI.

new school procedures related to the collection and payment for student meals at IS 109; and to establish a timeline to reconcile the existing School Food balance. Despite the fact that from May 2005 through June 2006, IS 109 had collected the funds from students for school lunches, an outstanding balance of \$18,084.25 remained. As a result, it was established during the meeting that IS 109 would pay School Food the amount of \$11,258.65 by September 30, 2006, and the remaining monies owed would be paid by November 9, 2006.

London provided investigators with copies of the two checks issued by IS 109 to satisfy the outstanding School Food debt. A check in the amount of \$11,258.65 was paid to School Food on September 29, 2006.<sup>21</sup> Another check in the amount of \$6,825.60 was made payable to School Food on November 7, 2006, thereby satisfying IS 109's remaining debt to School Food.<sup>22</sup> Investigators noted that the check dated November 7, 2006, was drawn from a separate account that had been established at JP Morgan Chase solely as a "lunch account."<sup>23</sup> SCI has not been able to determine the source of the monies used to satisfy the \$18,084.25 debt.

Investigators reviewed IS 109's financial records which reflected that during the time period from November 1, 2004 through January 25, 2006, a total of nineteen checks amounting to \$14,083.11 were returned for insufficient funds. Among the checks that were returned were numerous checks to vendors, checks to School Food, and several checks to students that were graduation awards. Investigators further discovered that from January 2005 through January 2006, funds in the amount of \$8,903.56 from the school's account were used for the DVD premieres.<sup>24</sup>

After the initial meetings with Forbes at IS 109, investigators interviewed Forbes under oath in the presence of her attorney on several occasions at SCI. Forbes stated that she was the treasurer at IS 109 from September 2004 until June 2006. Forbes explained that she had expressed to Blake that she wanted more responsibilities at the school and he informed her that the treasurer was retiring and he would like her to assume the position. Forbes continued that she met with the previous treasurer, Tom Guercio, a couple times a week, for "a little over a month."<sup>25</sup> Forbes explained that Guercio instructed Forbes as to how to maintain the school's ledger which involved receiving and monitoring money for

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<sup>21</sup> This check was paid out of IS 109's school fund account.

<sup>22</sup> This check was paid out of IS 109's lunch account.

<sup>23</sup> On December 23, 2005, following the meeting Blake had with representatives from School Food, London sent an e-mail to Blake instructing him to open a separate bank account solely for managing School Food payments.

<sup>24</sup> During his tenure at IS 109, Blake promoted two DVDs: "The Time Is Now," and "Tuck That Shirt In." Investigators discovered that \$11,403.45 was the actual amount in checks issued from the school's account for various costs pertaining to the two DVDs. However, \$2,500.00 in funds used was re-deposited into school's account from the SIPP account. The various checks issued were for limousines, the DVD premieres at York College, DVD/CD reproduction, buses, and other related expenses.

<sup>25</sup> Guercio told investigators that at the time when he retired from his position at IS 109 he could not recall any problems paying school bills.

deposits, issuing receipts, writing checks, and maintaining accurate records of income and disbursements.<sup>26</sup> Despite the fact that it was clear that the ledger had not been filled out in months, Forbes told investigators that she had made notations in the ledger to the best of her ability since she became the treasurer in 2004.<sup>27</sup> When investigators inquired of Forbes as to the reasons for her obvious failure to properly maintain the ledger, Forbes reluctantly disclosed that she decided to stop filling out the ledger because she “could not fill it out.” Forbes continued that she was “unsure of correctly filling out the ledger” and “wasn’t sure how to balance everything.”

Forbes told investigators that shortly after she became the treasurer, Blake would often ask her for cash. Forbes continued that Blake asked her for cash “sometimes weekly, sometimes every day,” or sometimes it would be “a couple of times a month.” According to Forbes, the amount of cash that she gave Blake varied. Forbes estimated that sometimes the daily amount ranged from \$50.00 to \$300.00 or for the week, it could range anywhere from \$500.00 to \$600.00. Forbes told investigators that when there was something that Blake needed to pay, he would tell her to give him whatever she collected for the day or for the week.<sup>28</sup> Forbes recalled that on a couple of occasions, Blake instructed her to turn over the money which had been collected from the students as payments for their school food accounts. Forbes estimated that she gave Blake approximately “a couple of thousand” dollars around June of 2005. Forbes further disclosed that there were numerous instances where she would not be advised as to what the money was used for so she would be unable to account for the disbursement in the school’s ledger. Forbes told investigators that she often did not get a receipt for the cash that she gave Blake so she did not know how to record it in the ledger. Forbes estimated that during the two year period when Forbes was the treasurer, from September 2004 through June 2006, she gave Blake approximately \$10,000.00 in cash. Forbes told investigators that she based this amount on miscellaneous monies that were collected, as well as the records from fundraisers and the snack account.

Forbes further told investigators that checks and cash to be deposited in the bank were placed in a safe at IS 109. Forbes continued that she was “supposed to be the only one” who knew the combination to the safe, however, one day Blake contacted her by phone and requested the safe combination. Forbes explained that when she informed him that she was not aware that the principal was supposed to have access to the safe, Blake replied that it was his school and he could have access to wherever he wanted. Forbes added that she provided Blake with the combination but did not know if he was able to

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<sup>26</sup> Forbes explained that she maintained the ledger for the school’s food account, various fundraisers, and the sale of snacks at the school.

<sup>27</sup> As noted previously, no entries had been recorded in the receipts portion of the ledger since February 2005 and no annotations had been documented in the disbursements section of the ledger since September 2004.

<sup>28</sup> Forbes recalled that sometimes the children were going on a trip and he was accompanying them so he would tell Forbes that he needed “some cash for them.”

open the safe. Forbes further stated that the Assistant Principal of Operations, Sandy Erlich, was with Blake when he contacted Forbes by phone.

According to Forbes, the first time she recalled that Blake ever asked to see the school's ledger was in January 2006, after SCI investigators met with Blake and Forbes and reviewed the school's ledger. Forbes further stated that she and Blake did not have regularly scheduled meetings to discuss the finances of the school. Forbes explained that "maybe once a month" they would meet to discuss what monies they had in the account, what bills needed to be paid, and what bills were paid. Forbes continued that although she did not maintain a ledger, she did keep a folder of what bills needed to be paid. Forbes reported that prior to her random meetings with Blake, she contacted the bank and obtained the balance in the school's account. Forbes further stated that based upon the balance in the account and the checks that were still outstanding, she would write checks for the bills that needed to be paid. Forbes maintained that she presented Blake with the available balance in the account and then he told her what checks to write out. A review of the finances at IS 109 revealed, however, that often there was not enough money in the account to cover the outstanding checks and bills.

Forbes stated that based upon her conversations with Blake, she believed that he was aware of the outstanding bills and that there was not enough money to cover them. Forbes related to investigators that when she discussed with Blake the account balances and the deposits that she had to make, he advised her to write the checks anyway because he was sure that "everything would balance out." Blake, however, never explained to Forbes how the account would "balance out" in light of the fact that the checks written clearly exceeded the balance in the account.

Investigators also learned that a "stop payment" was placed on two checks. According to Forbes, a check in the amount of \$6,125.00 made payable to Achieva Recognition Company ("Achieva") on June 6, 2005 was stopped.<sup>29</sup> Forbes informed investigators that although the money had been collected from the students for their caps and gowns, Blake instructed her to place a "stop payment" on the check. Forbes told investigators that Blake told her that he wanted to use the funds to pay other outstanding bills that had accumulated during the school year. Prior to placing the stop payment on the check to Achieva, however, IS 109 had already received the ordered merchandise. Over one year later, on July 10, 2006, SCI investigators interviewed the owner of Achieva, Ivan Posner, who stated that IS 109 still owed him \$5,751.80.<sup>30</sup> Forbes related to investigators that she believed that the debt to Achieva ultimately had been paid by the

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<sup>29</sup> In an interview with investigators, Assistant Principal Kerry Williams ("K. Williams") indicated that she spoke with Ivan Posner who was the owner of Achieva. K. Williams recalled that Posner was very upset especially since he rushed to provide the students with their caps and gowns on time.

<sup>30</sup> Posner told investigators that Blake would not get on the telephone to discuss the matter with him so he contacted LIS Steinberg and told him that he had not been paid. Posner explained that after his call to Steinberg, Blake contacted him and said, "I'll get you paid." Posner continued that Blake advised him that he needed to wait "until next year's budget to pay him."

SIPP account.<sup>31</sup> Forbes further stated that Achieva did deliver caps and gowns to IS 109 in 2006, however, the account was handled by Gym Teacher Stephanie Harris. According to Forbes, Harris collected the funds from the students and paid Achieva directly. Forbes added that the other check on which Blake instructed her to place a “stop payment” was for the amount of \$1,300.00 to Coach USA dated May 5, 2005. Forbes stated that the check to Coach USA was stopped because the school used another bus company.

During the interview, investigators presented Forbes with a check that was issued on December 23, 2005 made payable to CMD International Incorporated (“CMD”) for the amount of \$2,500.00.<sup>32</sup> Forbes explained to investigators that the check was for the reproduction of the school’s DVD, “Tuck That Shirt In.” When Forbes was questioned further as to where the money came from to cover the check, Forbes responded that the money came from “the account that was being... (pause)... that was School Food money.” According to Forbes, IS 109 owed School Food a large amount of money and it was her understanding that whatever was put into the school’s bank account was supposed to go to pay the outstanding School Food debt. Investigators inquired of Forbes as to whether she ever broached the subject with Blake about how they were going to pay the School Food account. Forbes maintained that Blake always stated that they would pay them on a future date.

Investigators discovered, however, that three days earlier, on December 20, 2005, five checks each in the amount of \$499.00 were issued from the school’s SIPP account and were made payable to CMD. According to the Standard Operating Procedures Division of Financial Operations Manual (“SOPM”), “it is impermissible to attempt to circumvent the purchasing thresholds by making multiple awards to the same vendor within the same fiscal year (also referred to as ‘split purchase orders’).”<sup>33</sup> Moreover, although the SIPP checks were made payable to CMD, the school’s name and address were on the checks. Forbes told investigators that Blake instructed her to deposit the checks in the school’s bank account which she did. Thus, not only was SIPP being improperly used to make multiple payments to vendors, it was also being improperly used to replenish the school’s bank account for monies paid for services rendered.

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<sup>31</sup> A review of the SIPP records revealed that from September 19, 2005 through December 22, 2005 a total of nineteen payments all under the amount of \$500.00 was paid to Achieva.

<sup>32</sup> December 23, 2005 was the same day that Lazo, Bacci, and London met with Forbes and Blake at IS 109 to discuss outstanding monies owed to School Food.

<sup>33</sup> Investigators spoke with Siegel who confirmed that Blake paid for numerous items using the school’s SIPP account instead of using purchase orders as required. Siegel further stated that five payments of \$499.00 were made payable to a company named CMD on December 20, 2005. A review of the files revealed that IS 109 also paid the following vendors using SIPP: nineteen payments were made to Achieva from the SIPP account; four SIPP payments to Admiral Coach & Tours; two SIPP payments to Charles Lilly; and two SIPP payments to E.R. Moore each in the amount of \$2,000.00. With respect to the payments to E.R. Moore, investigators discovered that on December 13, 2005, Siegel sent a letter to Blake advising him that the SIPP payments to E.R. Moore “were deviations from the SOPM.” Further, Siegel instructed Blake to “implement appropriate actions at [his] current school to prevent any incident of deviations.”

During the interview, investigators inquired of Forbes if she was evaluated during the time she was treasurer at IS 109. Forbes responded that during the two years that she was the treasurer at IS 109 she was evaluated once at the end of each year. Forbes informed investigators that Blake was her supervisor and the person who reviewed her performance. According to Forbes, each time he evaluated her she received a “satisfactory” rating from him. Although Forbes did not know for certain what the evaluation was based upon, she believed that attendance and overall performance were two of the criteria that were used to assess an individual’s performance. Forbes further advised investigators that in addition to being treasurer, she also sold snacks during lunch time in the school cafeteria. Forbes added that the snack items were supplied by vendor Walter Carol and that she would often give Blake the cash collected from the sale of these snacks.

Investigators interviewed the owner of Walter Carol, Walter Zarzycki, who provided additional relevant information. Zarzycki told investigators that he had delivered cookies and snacks to IS 109 since 1988. Zarzycki explained that he would visit IS 109 once a week to see what goods needed to be replaced and then he would deliver the snacks. According to Zarzycki, during the time when Guercio was the treasurer at IS 109 he was paid on a regular basis, every two weeks. Zarzycki stated that after Forbes became the treasurer, he was being paid “more or less” until March 2005. Zarzycki stated that during March and April of 2005, he continued to make deliveries, however he did not receive payment until June 2005.<sup>34</sup> Zarzycki noted that he did receive payments for the snacks that he delivered in May 2005.

Zarzycki further stated that he continued to make deliveries and “ultimately got paid” during the time period from September 2005 through December 2005 but in February 2006, “the problems started.” Zarzycki explained that from February 7, 2006 through May 31, 2006 he delivered to IS 109 thirteen times although he was not paid for the snacks and cookies he provided.<sup>35</sup> According to Zarzycki, as of May 31, 2006, IS 109 owed him \$6,580.50. Zarzycki continued that when he complained to Blake about the outstanding debt owed to him, Blake responded: “don’t you have other customers that are paying you?”

Zarzycki related to investigators that in either March or April of 2006, he received a check from IS 109 for a “couple of thousand” dollars. Prior to depositing the check in his account, however, Zarzycki had a representative from his bank contact JP Morgan Chase to confirm that the funds were in IS 109’s checking account. Zarzycki was informed that there were not sufficient funds to cover the check. Zarzycki stated that he immediately reported this information to Blake who stated that he was sorry and that “he had to pay this, he had to pay that.” Zarzycki further stated that Blake told him he would

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<sup>34</sup> Zarzycki told investigators that for deliveries he made from March 16, 2005 through April 20, 2005 he was owed the sum of \$4,175.35 which he did not receive until June 15, 2005.

<sup>35</sup> Zarzycki stated that he continued to make deliveries without being paid because in the past, he always received the monies he was owed.

give him another check and a couple of weeks later, he received a check for approximately \$3,000.00. Zarzycki presented the check to his bank and after a representative contacted JP Morgan Chase, Zarzycki was informed that if deposited, the check would bounce. Once again, Zarzycki returned the check to Blake who told him that he would pay him in full in July 2006. Zarzycki never received any payments from IS 109 with the exception of \$114.00 in cash that he received from Forbes in June 2006. Zarzycki added that May 2006 was the last time he made any deliveries of snacks to IS 109.

On September 7, 2006, Zarzycki wrote a letter addressed to Superintendent Judith Chin in which he advised her about the outstanding debt IS 109 owed him. As of September 2006, the outstanding debt amounted to \$6,466.50. Zarzycki reported that since September 18, 2006, he had been receiving SIPP checks in various denominations of \$500.00 or less. Zarzycki noted that as of July 17, 2007, IS 109 made the final payments to satisfy its outstanding debt.<sup>36</sup>

Investigators met with Erlich and interviewed her under oath. Erlich told investigators that she began working as an assistant principal at IS 109 in April 2002. Several months later, in September 2002, Blake also assumed an assistant principal position at the school. According to Erlich, Blake became the Principal at IS 109 at the end of 2003. Erlich explained to investigators that initially she did not have any financial duties at the school, but currently she was in charge of the SIPP payments. Erlich added that she also supervised the Math department.

Erlich informed investigators that she was trained at the Region concerning the use of SIPP funds and added that Blake also attended several regional training sessions. Erlich stated that she never had regular meetings with Blake to discuss SIPP payments. According to Erlich, when Blake wanted to pay something using SIPP, he contacted her on the phone and said "I need" and "do it." Erlich continued that after she received her instructions from Blake she would inform secretary Susan Druss as to what to input and then Erlich would approve the payment.<sup>37</sup>

During the interview, investigators presented to Erlich a document which reflected that from September 2005 through December 2005, a total of nineteen SIPP payments were made payable to Achieva. Erlich identified the report and stated that Blake instructed her to pay Achieva using SIPP. Erlich informed investigators that she knew that using SIPP to "split up a bill to a vendor" was in violation of the regulations and the training she had received at the Region. Erlich continued that SIPP was to be used for purchasing current items not to cover past bills. Additionally, the bill to Achieva

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<sup>36</sup> Zarzycki further informed investigators that Blake contacted him in July 2007 and inquired if he would continue to "do business" with IS 109. Zarzycki stated that he told Blake that IS 109 would have to provide him with a "check in advance" and once the check cleared, then deliveries of snack goods would be made to the school. According to Zarzycki, Blake responded that he would "think about it."

<sup>37</sup> Through her attorney, tenured secretary Susan Druss declined to be interviewed by SCI investigators.

for the students' caps and gowns should have been paid from the senior funds that had been collected. According to Erlich, when she informed Blake that she did not believe they should be "doing it this way," Blake responded, "it is a Board of Education vendor and they have a vendor number, so just do it. I spoke with my friends and we can pay it off this way."<sup>38</sup>

Erlich further explained to investigators that the misuse of SIPP occurred on other occasions with other vendors such as CMD International, Inc. Investigators presented Erlich with copies of five SIPP checks dated December 20, 2005 made payable to CMD. Each of the checks was for the amount of \$499.00. Investigators also showed Erlich another SIPP check payable to CMD on January 12, 2006 for the amount of \$450.00 and a SIPP check payable to CMD on January 13, 2006 for the amount of \$300.00. Erlich informed investigators that Blake instructed her to make the checks payable to CMD but to put the school's address on the checks. Erlich told investigators that Blake told her to have the checks delivered to the school and he would take care of it. A review of the back of each check reflects that the checks were all deposited into the school's bank account.

At the conclusion of the interview, investigators asked Erlich why a misuse of SIPP occurred around December 2005. According to Erlich, December 2005 was the time period in which Blake's second DVD, "Tuck That Shirt In," premiered at York College.

Under oath, investigators spoke with School Aide Ria Pallas who stated that she had worked at IS 109 for approximately two years.<sup>39</sup> Pallas described her responsibilities at the school as a "little bit of everything." According to Pallas, she would often help out with the mail or assist in the main office or the lunch room when necessary. Pallas further stated that it was also her job to handle the pre-payments of school lunches and explained that when she received either a check, money order, or cash, she would credit a student's account in the WebSmart computer. Pallas told investigators that WebSmart was a program which listed all of the students and documented the various amounts each student was required to pay for lunch along with any balance the student owed. Pallas explained that once the information was entered into WebSmart, a receipt was generated and she would give the receipt to the parent and keep a copy for herself. Pallas added that the money she collected from parents or from students for their school lunches, she gave to Forbes.<sup>40</sup>

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<sup>38</sup> Erlich informed investigators that when she was at the Region sometime between February and April of 2006, one of the people from the budget department stated to her "you have been flagged" because the SIPP account was not supposed to be used to split a bill. Erlich reported to investigators that she then told Blake, "you have been flagged."

<sup>39</sup> Investigators learned that Ria Pallas's mother, Angela Moustogiana, currently worked at IS 109 and was one of Blake's secretaries.

<sup>40</sup> Pallas told investigators that when she gave Forbes the money she had collected, Forbes signed a receipt indicating she received the money.

Pallas informed investigators that she had been using WebSmart for the past year and a half and that she was trained in its operation by Assistant Principal Kerry Williams (“K. Williams”). Pallas stated that K. Williams was the supervisor of the lunch program and she also had access to WebSmart. Pallas continued that K. Williams was in charge of lunch applications and determined who was required to pay the full price for lunch and who received reduced price or free lunches. Investigators asked Pallas if there were any reports that were generated from the WebSmart system to reflect the balance a student owed. Pallas responded that there was a letter which was sent out to the students’ parents that addressed the issue. According to Pallas, when she inputted the required information into WebSmart, she was able to determine if a student had a negative balance. Pallas maintained, however, that she had nothing to do with generating or sending out negative balance letters.

During the interview, investigators presented Pallas with an envelope containing numerous receipts and a roster detailing the students who owed lunch money. The envelope contained receipts dated from June 2005 through November 2005 amounting to a total of \$4,361.65. When SCI investigators retrieved the envelope from Pallas in February 2006, she admitted that she had not inputted the information into the WebSmart computer.<sup>41</sup> Investigators inquired of Pallas if anyone ever told her not to enter the receipts into the WebSmart system and she insisted that no one had given her such an instruction.<sup>42</sup> According to Pallas, “she was only at the school four hours a day and when she was pulled in different directions, she didn’t have time to do everything.” Pallas continued that WebSmart closed approximately two and one-half weeks before school ended and did not begin to operate again until the end of September so information could not be inputted during those time periods. Pallas further explained that at the end of September when the WebSmart computer was available, she had been instructed by K. Williams to process 1,600 lunch forms addressing whether a student received a full price, reduced price, or free lunch. Pallas insisted that K. Williams was aware that the receipts were not entered into WebSmart, although Pallas could not remember when she imparted this information to K. Williams.<sup>43</sup> Pallas also advised investigators that currently all of the receipts from June 2005 through November 2005 had been entered into WebSmart.<sup>44</sup>

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<sup>41</sup> Pallas told investigators that she received only the receipts and that the money which corresponded to the receipts would have gone to Forbes because she was the treasurer.

<sup>42</sup> Forbes told investigators that Pallas told her that Blake wanted her to “hold off” on posting the payments to the students’ lunch account although Pallas never explained to Forbes the reason for the delay.

<sup>43</sup> K. Williams told investigators that Pallas never told her that she was unable to make the necessary entries into the WebSmart system and according to K. Williams, there was no reason that the receipts should not have been entered into WebSmart in a timely manner.

<sup>44</sup> Pallas met with investigators on April 27, 2006. Investigators retrieved the envelope containing \$4,361.65 in receipts that had not been entered into WebSmart on February 16, 2006. Although Pallas insisted that she did not have the time or capability to input the receipts into WebSmart for approximately eight months, during the pendency of this investigation Pallas made all necessary entries into WebSmart. Within a period of just two months, from February 16, 2006 until Pallas met with investigators on April 27, 2006 Pallas had been able to access WebSmart and input the \$4,361.65 in outstanding lunch receipts.

Pallas further stated that in addition to not having the time to operate WebSmart, she also did not have access to it. According to Pallas, there was only one computer at the school which had WebSmart on it and that machine was often used by Gerard who was an intern administrator at the time.<sup>45</sup> Pallas stated that if Gerard was on the computer completing a project for the school, she did not have access to WebSmart. Pallas told investigators that she used the computer “when she was able to use it” and admitted that she never told Gerard that she needed to use the computer to perform her work. Moreover, Pallas claimed she “could not remember” if there ever was another time during her employment at the school when she had approximately \$4,000.00 in lunch receipts that she failed to enter into the system for over eight months.

Investigators met with K. Williams who was interviewed under oath and who provided additional relevant information. K. Williams stated that she was one of the assistant principals at IS 109 and that she had assumed the position in either February of 2000 or 2001. K. Williams explained to investigators that she was currently in charge of several departments at the school, but that her main responsibility was overseeing the Special Education department.<sup>46</sup> When investigators inquired of K. Williams if she had any financial duties at the school, K. Williams responded that she had been one of the signatories on the school’s bank account but she no longer had that responsibility.<sup>47</sup>

K. Williams further told investigators that she had certain responsibilities at the school with respect to the lunch program. K. Williams informed investigators that both she and Pallas were trained on WebSmart and that it was her responsibility to send out the negative balance letters for students who owed money for lunch. K. Williams told investigators that in June 2005 Blake instructed her not to send out negative balance letters. K. Williams continued that Blake did not explain why he did not want the letters sent out but instead advised that he would tell her when she could send the letters to the students.<sup>48</sup> K. Williams informed investigators that she recalled that in December 2005, representatives from School Food were at the school to discuss monies owed.

With respect to Pallas’s claim that she could not enter the \$4,361.65 in receipts into WebSmart because K. Williams had given her the task of processing 1,600 lunch forms, K. Williams disagreed. K. Williams told investigators that she never instructed Pallas to work on lunch forms rather than entering information into WebSmart. Moreover, K. Williams stated that Pallas never informed her that she was having

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<sup>45</sup> Gerard is currently the treasurer at IS 109.

<sup>46</sup> K. Williams informed investigators that in addition to being in charge of Special Education, she was responsible for Physical Education, Technology Education, Foreign Language Education, Fine Arts and Dance, special projects, assemblies, and lunch.

<sup>47</sup> K. Williams told investigators that Blake informed her that the school needed another signature on the checks so she became one of the signatories. K. Williams explained that after she met with her lawyer, however, she realized that she did not have to be one of the signatories so she no longer signed checks.

<sup>48</sup> When investigators initially met with K. Williams at IS 109 on February 10, 2006, K. Williams told investigators that Pallas said to her, “I know why they don’t want the negative balance letters going home; because kids already paid and parents would be shocked to see that they hadn’t paid.”

problems putting all the required amounts into WebSmart.<sup>49</sup> In fact, K. Williams maintained that when she asked Pallas if she had applied all the monies to the students' WebSmart accounts, Pallas replied that she had done some of them but not all of them. K. Williams further stated that she asked Pallas what the problem was and Pallas responded that Blake told her not to make any entries in WebSmart and that he would let her know when to make additional entries.<sup>50</sup>

In June 2007, investigators met with Joseph Capra, a consultant employed by CEI-PEA.<sup>51</sup> Capra explained to investigators that he has consulted for CEI-PEA for the past four years and prior to his position at CEI-PEA, he was employed by the Department of Education ("DOE") for thirty-five years.<sup>52</sup> Capra informed investigators that in late August 2006, another CEI-PEA employee named Fong apprised him that Blake was experiencing problems with Galaxy.<sup>53</sup> According to Capra, Fong was already working at IS 109 helping with "professional development." Capra recounted that he contacted Blake via e-mail and met with him in early September 2006.

Capra stated that when he reviewed IS 109's Galaxy system, he did not notice anything problematic. Capra continued that Blake then called him into his office and began asking him questions unrelated to Galaxy. Capra explained that Blake informed him that he had another situation which involved a problem with the school's financial books. Capra said that he asked Blake to see the school's ledger, bank statements, and annual reports and Blake responded that he did not have these items.<sup>54</sup> Capra noted that the school was required by the DOE to file an annual report which documented the deposits made for the year and the payments issued. Capra further stated that the principal was supposed to initial the bank statements to indicate that he reviewed the statements and that he was aware of the school's financial transactions.

According to Capra, Blake told him that he had a problem with School Food and "with some vendors." Capra related that Blake stated that he had "some arrears" and showed Capra a number of checks issued to School Food that were returned due to

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<sup>49</sup> K. Williams told investigators that she knew that many parents had paid the lunch fees and the students' accounts should have had a zero balance but when she checked the computer she noticed many "big balances" on students' accounts.

<sup>50</sup> School Secretary Linette Edwards ("L. Edwards") informed investigators that she overheard several parents complain that they could not understand how they had a balance on their child's account because they had already paid the required lunch fees.

<sup>51</sup> Capra explained to investigators that CEI-PEA was a non-profit organization. Capra worked as an independent contractor at CEI-PEA.

<sup>52</sup> Capra told investigators his last position with the DOE was at District 27 where he was in charge of programming at the middle schools. Capra continued that during his career, he held various teaching positions and from 1975 until 2001 he was a teacher at Middle School 226 where he also handled the school's financial books and the treasury. Capra added that had a degree in accounting.

<sup>53</sup> Capra stated that Galaxy was the financial computer system for the school's budget to fund personnel positions, per diem work, and per session hours.

<sup>54</sup> Capra recalled that Blake told him that the ledger and bank statements "were in someone else's possession." Blake told Capra he did not have an annual report.

insufficient funds. Capra questioned Blake as to why after the first bounced check, the books were not examined. Blake did not reply. Capra recalled that Blake told him that the amount owed to School Food was a “big number,” and Capra later learned that amount was \$18,084.25. When Capra inquired about the vendors that were owed money, Blake responded that it was Walter Carol and Achieva. Capra continued that Blake acknowledged that the amount owed to Carol was approximately \$6,000.00. Capra expressed to investigators that he wondered if other vendors were owed money as well.

Capra related to investigators that when he inquired as to where all the money went, Blake responded that he did not know. Capra recalled that the only justification Blake gave for the outstanding \$18,000.00 debt to School Food was a problem with WebSmart and kiosk.<sup>55</sup> Capra maintained that Blake’s explanation could not account for the thousands of dollars that the school was in arrears. During the interview Capra stated, “I was shocked at all the different people collecting money, such as school aides and secretaries, and wondering where all the money would wind up?” Capra said that he advised Blake that he should not have co-mingled School Food monies with other school cash funds and that the SOPM was very clear on that issue. Capra added that after the meeting held on September 26, 2006 at IS 109 to address various School Food issues, a separate bank account was established solely for the School Food finances.<sup>56</sup>

With respect to the outstanding debt owed to Walter Carol, Capra explained that he contacted Michael Fikes who was the Budget Manager for the DOE Empowerment schools. Capra stated that he asked Fikes what mechanism could be used in Galaxy, within the DOE guidelines, to compensate the vendor for his services rendered. Capra continued that after speaking with Fikes, he arranged to have vendor Walter Carol paid monthly through SIPP until the debt was paid in full.

At the conclusion of the interview, Capra informed investigators that between September 2006 and February 2007, he visited IS 109 a total of four or five times. Capra added that he has not returned to IS 109 since February 2007.

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<sup>55</sup> Investigators learned that a kiosk was a machine wherein students would enter their pin number, deposit monies for their meals, and then receive a receipt that reflected their account balance.

<sup>56</sup> The minutes of the September 26, 2006 meeting referenced the fact that “IS 109 was not given a kiosk for collecting student lunch money when the cafeteria discrepancy came to light.” In an e-mail addressed to Blake dated October 4, 2006, School Food Deputy Director of Operations Burke stated that the minutes sent to her by the School Food representatives in attendance at the meeting “required some clarification.” In her e-mail, Burke noted that the situation at IS 109 was not the result of any problem with the WebSmart system. According to Burke, “the problems stemmed from the MIE-2 monies not being submitted and the bounced checks not re-submitted.” Burke further explained in her e-mail that IS 109 was not given a kiosk because the school was not to collect cash, “only checks and money orders.” Burke continued that “the school’s plan was to send the negative balance letters monthly through [K.] Williams, A.P.” Burke forwarded a copy of the e-mail she sent to Blake to School Food representatives Cashin, Bacci, and London and to Chief Executive Office of Empowerment Schools Eric Nadelstern, and Marty Oestreicher, who at the time was the Executive Director for Support Services.

Interview with Shango Blake

On several occasions, in the presence of his attorney and under oath, SCI investigators met with Shango Blake to address the allegations against him. Blake informed investigators that in August 2002, he began working at IS 109 as an interim acting assistant principal.<sup>57</sup> Blake continued that he was the interim acting principal from 2002 until May 2003 when he was promoted to the position of principal of IS 109. Blake noted that as of September 2006, eight months after the start of this investigation, IS 109 became an Empowerment school. Blake explained that as the principal of an Empowerment school, he had greater control over the school's budget, calendar, and professional development programs, and he also had greater financial accountability and autonomy.

Blake informed investigators that at the time when he assumed the position of principal at IS 109, Guercio was the treasurer at the school. Blake stated that in May 2004, Guercio retired and Blake selected Paraprofessional Forbes to be the treasurer. Although Guercio was a Math teacher, Blake admitted that "to [his] knowledge" Forbes did not have a financial background.<sup>58</sup> Blake recalled that Guercio trained Forbes and according to Blake, Guercio reported to him that he "thought she got it and she would be okay." Blake admitted, however, that he was not focused on the treasury to the degree that he needed to be. Blake explained to investigators that he had "a lot of overwhelming issues that he had to deal with" such as school safety issues, student performances, and addressing parental concerns.

During the interview, investigators questioned Blake as to whether he had regular meetings with Forbes once she became the treasurer. Investigators further inquired if Blake ever reviewed the school's ledger which Forbes was supposed to maintain and accurately record the school's income and disbursements. Blake admitted to investigators that he should have had regular meetings with Forbes but he did not. Blake stated that there were serious problems with Forbes as the treasurer which he did not realize until SCI began this investigation and pointed out the problems with the school's ledger. When SCI investigators removed the ledger from the school, both Forbes and Blake were instructed to start a new ledger. Blake told investigators that he could "not

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<sup>57</sup> Blake told investigators that when he began working at IS 109 as an assistant principal both K. Williams and Erlich were also assistant principals at the time. Blake continued that he and Erlich competed for the position of principal at IS 109.

<sup>58</sup> SOPM section 5.1.1 states in pertinent part that the principal: is ultimately responsible for the collection, distribution, and accounting of all general school fund money; must make certain that all receipts and expenditures are monitored on a regular basis; must appoint a responsible member of the regular school staff to be the school treasurer and the treasurer should have experience in budget and/or finance and/or should have some aptitude for simple accounting procedures; and the principal must ensure that bills are paid on a timely basis.

recall” if he ever looked at the ledger once Forbes became the treasurer.<sup>59</sup> When investigators presented Blake with the school’s ledger and noted the lack of notations in the receipts and disbursements sections of the ledger, Blake stated that nine months later, in the “beginning of this year” a new ledger was started.<sup>60</sup> Blake further told investigators that although they did not have a ledger at the school for almost nine months, it was his understanding that Forbes was keeping a file with a list of all the checks that were being written. Blake acknowledged, however, that as the principal, he was ultimately responsible for the financial situation that existed at the school.<sup>61</sup>

Investigators questioned Blake regarding the meeting he had with Bacci, London, and Lazo, on December 23, 2005. Blake related to investigators that he recalled the meeting with representatives from School Food and stated that they discussed monies owed to School Food. Blake maintained that during the meeting he never stated that he did not have the money to pay School Food because he was promoting his DVD and had to use the money on limousines.<sup>62</sup> Blake stated that he did not remember ever having any conversation with representatives from School Food pertaining to his DVD project and how it related to what was owed to them. When investigators presented Blake with a check to CMD dated December 23, 2005 in the amount of \$2,500.00 Blake acknowledged that CMD was the company which reproduced his DVD entitled “Tuck That Shirt In.”<sup>63</sup> Blake further acknowledged that the premiere of the DVD was in December 2005.

Blake further told investigators that when he became the principal at IS 109 the school had only one bank account in which School Food monies and other monies were deposited. According to Blake, when Forbes told him the balance in the account she did not distinguish between monies that belonged to the school and monies that was owed to School Food. Although he failed to cite any specifics, Blake claimed that there was

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<sup>59</sup> Blake told investigators that he did recall seeing the school ledger while Guercio was the treasurer at the school.

<sup>60</sup> Blake maintained that the new ledger was started in September 2006, after IS 109 became an Empowerment school.

<sup>61</sup> Blake admitted to investigators that during the two years when Forbes was the treasurer at IS 109 he evaluated her twice and both times he gave her a satisfactory rating. Blake added, however, that his evaluation of her was not based solely upon her ability as the treasurer at the school.

<sup>62</sup> SCI investigators initially interviewed Blake at IS 109 in January 2006. When investigators questioned Blake as to why the school owed over \$9,000.00 to School Food, Blake responded that he spent the money and had no money to pay them. Blake further told investigators that the school had a “mismanagement issue” and that they were “using money all from out of one pot, including the food piece.” Blake continued that Bacci and Lazo had advised him that checks had bounced and he explained that in December 2005, there was a fundraiser at York College for the premiere of the school’s video, “Tuck That Shirt In.” Blake added that limousines were rented for the students.

<sup>63</sup> Investigators interviewed the owner of CMD Company, Sunny Hsia, who provided investigators with a copy of an invoice dated December 19, 2005 in the amount of \$2,875.00. Additionally, Hsia provided a copy of a letter signed by Blake dated December 10, 2005 which authorized CMD to produce 500 DVDs and 500 CDs of “Tuck That Shirt In.” In addition to receiving a check in the amount of \$2,500.00, Hsia stated that Blake gave her \$75.00 in cash and an additional check in the amount of \$300.00 which bounced. The \$300.00 was ultimately paid to Hsia in cash.

“confusion due to a lack of a separate account.” In December 2005, a representative from School Food had directed Blake to open a separate account for school food funds, however, the account was not opened until almost one year later in November 2006.

Blake further claimed that there were times when checks were given to School Food which were not immediately deposited or were returned to him because the check was not written for the correct amount.<sup>64</sup> Investigators stated to Blake, however, that if the school food money was collected and was properly documented in the ledger, the existence of one account could not be considered an excuse for failure to make the required payments to School Food. In response, Blake stated that “he did not keep a good eye over what was going on” and he did not carefully monitor the balance in the account. Blake explained to investigators that since the school was operating from one account, checks for other outstanding bills were paid from the account and due to a lack of a “formalized system” for keeping an accurate accounting of the finances, checks bounced. Blake further informed investigators that he was not supervising Forbes’s work at the level that he needed to and claimed that he was not involved in the “details of the checks” that were written to cover expenses.<sup>65</sup> It should be noted, that the SOPM section entitled “General School Funds and Cash Transactions” provided clear instructions on how to keep and maintain a ledger and how to account for all cash receipts and disbursements. Moreover, Blake admitted that his Region provided numerous training sessions on financial topics. Blake stated, however, that he rarely attended these training sessions and claimed that when he did attend, the training was not effective.

Additionally, SCI investigators retrieved documents from the Regional Finance Manager, Marlene Siegel, which reflected that on December 23, 2005, Blake requested individualized training on rules and regulations governing procurement. Documentation from Siegel also showed that the training was provided and that Blake attended the training session on January 5, 2006. Although documentation indicated that comprehensive instruction pertaining to the SOPM was provided, Blake insisted that no SOPM training occurred. According to Blake, the meeting addressed resolving a problem he had with a music vendor and discussing the school’s recent deviation from the SOPM.

Upon further questioning, Blake admitted to investigators that he was the only person at IS 109 who could order a “stop payment” on a check. Blake then reviewed the check in the amount of \$6,125.00 in which payment had “been stopped” and Blake agreed that he was responsible for the check not being paid. Although Blake could not recall the specific circumstances under which he requested the stop payment on the check, Blake acknowledged that the check “was stopped” after the school had received

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<sup>64</sup> Blake explained to investigators that the school was constantly “playing catch up” in trying to repay the existing debt owed to School Food.

<sup>65</sup> Forbes told investigators that she wrote the checks to cover expenses at Blake’s direction. According to Forbes, she told Blake the amount of money that was in the school’s bank account and he instructed her as to what checks to write.

the merchandise it had ordered from Achieva.<sup>66</sup> Blake further stated that he believed that ultimately Achieva was paid by using SIPP. When investigators mentioned to Blake that SIPP was supposed to be used to make a payment to a vendor for current items and was not to be used as a means of satisfying an existing debt, Blake indicated that he was not aware that “there was a problem using a SIPP account for something that they paid.”<sup>67</sup> Additionally, investigators discovered that Blake also used SIPP to reimburse the school’s bank account for the monies that had been paid to CMD for the reproduction of Blake’s DVD, “Tuck That Shirt In.”<sup>68</sup> Again, Blake reiterated that he did not think there was a problem using SIPP to replenish the school’s account for something that had been previously paid. A review of the SOPM, however, revealed that it was not proper procedure to use SIPP in this manner.<sup>69</sup>

Investigators further questioned Blake as to whether he ever asked Forbes for cash that she had collected from the school’s snack food fund. Blake responded that he only asked her for money when he needed to immediately pay for something at the school. Blake continued that when he received the money he gave Forbes a receipt.<sup>70</sup> Blake further explained that on occasion, money was collected from the snack food and was given to him because Forbes could not be located. According to Blake, he held on to the money until he encountered Forbes and then he gave her the money “to do what she had to do with it.” When investigators questioned Blake as to whether he ever asked anyone to reverse lunch pre-payment entries that had been entered into the WebSmart computer, Blake insisted he never made such a request. Blake explained that he never told anyone to undo pre-payment entries but recalled saying “hold off” on updating the entries into the WebSmart computer.<sup>71</sup> Blake told investigators that he wanted to obtain an accurate accounting of what was owed to School Food and what parents had paid prior to updating the WebSmart computer. Blake maintained that when the computer was updated, letters were generated to parents indicating balances that were owed. Blake continued that he

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<sup>66</sup> Achieva Recognition Company was the vendor that provided IS 109 with the caps and gowns for the graduating students at IS 109. According to Forbes, Blake told her to place a “stop payment” on the check because he wanted to use the funds for paying other bills.

<sup>67</sup> Investigators discovered that from September 19, 2005 through December 22, 2005 a total of nineteen payments had been made to Achieva from SIPP to cover a past outstanding balance.

<sup>68</sup> A total of seven checks were made payable to CMD from the SIPP account. Each check had the school’s address listed on the check and each check was deposited into the school’s bank account.

<sup>69</sup> In the SOPM, “When to Use SIPP,” it states the following: A non-recurring purchase does not require bidding if under \$250.00. From \$250.00 to \$500.00 bids are required for each transaction, except when purchasing items under an established system wide contract for: local transportation costs for NYC DOE employees; reimbursement to NYC DOE employees for “business related” expenses incurred; postage, conference registration; emergency purchases; and refreshments from school food necessary for business meetings and workshops or within the established thresholds for snacks and refreshments provided the total cost does not exceed \$2,500.00.

<sup>70</sup> In an interview with investigators, Forbes stated that she often did not receive a receipt for the cash that she gave Blake.

<sup>71</sup> Investigators discovered that a total of \$4,361.65 in monies collected from June 2005 to November 2005 was not entered into the WebSmart computer.

told K. Williams not to send out the “negative balance letters” until they “could get a handle on the situation.” Blake added that it was only on one occasion that he requested that “negative balance letters” not be sent out.

Blake further noted that when he became the principal at IS 109, there was some “outstanding debt” that already existed, although he did not provide any specific information.<sup>72</sup> Blake claimed that during the time when Guercio was the treasurer, “there was a deficit,” although he could not recall the amount of the debt or recite any reasons for the purported debt. On June 22, 2006, SCI interviewed Guercio who stated that when he was the treasurer, there was never a problem paying bills. Moreover, when SCI asked Blake about the various checks to vendors and students that were returned for insufficient funds, Blake stated that he could not recall any specifics with respect to those checks and admitted that the finances at the school were not a priority for him. Blake further stated that in hindsight, he should have been more focused on the financial situation at IS 109.

#### Corporal Punishment

The SCI investigation found that Blake assaulted a male student who made a comment about Blake’s son. Although Blake and the two staff members who were present when the incident occurred denied that it took place, other credible evidence indicated that the principal choked and punched the boy.

#### Details of the Investigation

This part of the investigation began in July 2006 when Local Instructional Superintendent (“LIS”) Phillip Steinberg contacted the Office of Special Investigations (“OSI”) and reported allegations of physical abuse committed by Blake. After receiving details from Steinberg, OSI faxed the complaint to SCI. Specifically, Steinberg maintained that he was advised by IS 109 Parent Coordinator Wanda Gaines that on July 3, 2006 she received an anonymous 311 complaint along with information from School Secretary Linette Edwards (“L. Edwards”) who reported that approximately two weeks prior, on June 26, 2006, Blake physically abused Student A. According to Gaines, L. Edwards claimed that Blake punched Student A in the chest and choked him in the presence of Substance Abuse Prevention and Intervention Specialist (“SAPIS”) worker James Holder. Moreover, L. Edwards stated that Blake cursed at Student A and threatened Student A that if he touched Blake’s son he would kill him. L. Edwards further reported that after the altercation between Blake and Student A, she observed marks on Student A’s neck.

In reviewing the incident report for the altercation that occurred in Blake’s conference room on June 26, 2006, the listed witnesses to the incident were Blake,

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<sup>72</sup> Blake became the Principal at IS 109 in May 2003. SCI investigators reviewed IS 109’s bank records from January 2003 through present and noted that there was not a negative balance in the account until April 2005, one year and eleven months after Blake became the principal.

Holder, School Aide Supervisor Troy Edwards (“T. Edwards”), and Student A.<sup>73</sup> Only Student A’s statement accused Blake of physical abuse. When SCI investigators went to IS 109 on July 11, 2006 to retrieve the documents and statements pertaining to the incident, Blake stated, “everything is locked up, I don’t know where anything is.” Investigators then contacted Steinberg and he assisted in locating the necessary paperwork.<sup>74</sup> According to Steinberg, Blake initially provided him with copies of all the witness statements instead of the originals. At a later time, Blake provided the original witness statements with the exception of T. Edwards and Student A’s statements which he maintained he could not locate. The original statements of T. Edwards and Student A ultimately were provided to SCI investigators.<sup>75</sup>

SCI investigators spoke with Gaines who stated that on June 26, 2006, L. Edwards approached her and related that she heard Blake curse at Student A and threaten him stating: “if you do anything to my child, I’ll kill you.” Gaines continued that L. Edwards maintained that when Student A exited Blake’s conference room she observed scratches and marks on Student A’s neck. Gaines further stated that according to L. Edwards, after leaving Blake’s conference room, Student A said to Holder: “didn’t you see what [Blake] did to me?” According to Gaines, L. Edwards heard Holder and T. Edwards respond: “No, we didn’t see nothing.” Gaines continued that L. Edwards recounted that Student A became very upset.<sup>76</sup> Gaines further stated that she discussed L. Edwards comments with Steinberg and the matter was reported to OSI which referred it to SCI.<sup>77</sup>

In an interview with investigators conducted under oath, L. Edwards provided additional relevant information. According to L. Edwards, on June 26, 2006 she was using the fax machine in the conference room, which was located between Blake’s office and the main office. L. Edwards continued that as she was leaving the room, Blake and Student A entered. L. Edwards explained that although the door to the conference room was closed, her desk was located next to the door and she could hear Blake speaking. L. Edwards reported that she heard Blake speaking through clenched teeth and heard him proclaim: “if you threaten my son I’ll break your damn neck.” L. Edwards continued that shortly thereafter the conference door opened and Student A entered the main office. L. Edwards recounted that she heard Blake state: “I didn’t hear or see anything that just happened in here, did you Mr. Holder?” According to L. Edwards, Holder responded, “No, I didn’t hear or see anything either.” L. Edwards added that when Student A exited the conference room she noticed that “his neck was red and had fingernail marks on his neck.”

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<sup>73</sup> There is no relationship between T. Edwards and L. Edwards.

<sup>74</sup> Steinberg told investigators that Blake should have informed him about the incident involving Student A but failed to do so. Steinberg added that Blake is “indignant when people don’t agree with him.”

<sup>75</sup> When investigators interviewed School Safety Agent Anthony Mitchell they discovered that attached to his paperwork was Student A’s original statement.

<sup>76</sup> L. Edwards told investigators that Blake and Holder “made like the kid was crazy.”

<sup>77</sup> Gaines provided documentation to SCI which showed that Blake had been the subject of numerous 311 complaints.

According to L. Edwards, Holder and Student A proceeded to walk from the main office and Student A responded to Holder's comments. L. Edwards explained that Student A stated to Holder: "how could you lie like that? You know you saw him choke me and punch me in my chest." L. Edwards added that Holder attempted to grab Student A and restrain him and Student A was trying to get away from Holder. Holder then held Student A down on the floor and security was called. School Safety Agents arrived and handcuffs were placed on Student A. L. Edwards told investigators that Student A wrote a statement detailing what had occurred and in his statement he noted that Blake pushed him against a radiator, punched him in his chest, and choked him.<sup>78</sup> L. Edwards further reported that she briefly discussed the incident with Assistant Principal K. Williams.<sup>79</sup>

Investigators spoke with Student A who reported that on Friday, June 23, 2006 he went on a microphone in the school cafeteria and used the "f" word. Student A further stated that the following Monday, June 26, 2006, T. Edwards told him he was in a lot of trouble and escorted him to Blake's office. According to Student A, Blake stated, "why did you disrespect me in the lunchroom cafeteria?" and Student A replied, "I don't know what you are talking about." Student A maintained that Blake then stated, "why are you lying?" A few minutes later Holder entered Blake's office and together with T. Edwards and Blake they said to Student A, "we all know you did it." Student A recounted that Blake then knocked his black Yankee hat off of Student A's head and threw it to the floor.

Student A recalled that Blake then instructed Holder to escort Student A out of his office. As Student A was exiting Blake's office and entering the conference room he said to Blake, "have a good life you and your son."<sup>80</sup> Student A reported that Blake then exclaimed, "what did you say about my son?" According to Student A, Blake entered the conference room, slammed the door, threw Student A against the radiator, and said, "don't you fucking say something about my son or I'll break your neck." Student A continued that Blake then challenged him to say it again at which point Student A repeated his comments about Blake and his son. Student A explained that Blake then punched him three times in his chest and Student A responded to Blake's behavior by laughing. Student A informed investigators that Blake then grabbed his neck, choked him, and stated, "don't say anything about my son again." Student A said that both T. Edwards and Holder were present in the room when Blake attacked him.

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<sup>78</sup> According to L. Edwards, after the incident Secretary Druss stated to her, "that was a bit excessive." Through her attorney, Druss declined to be interviewed by SCI investigators. Investigators did speak with Secretary Susan Guglietta who stated that she heard Holder from the conference room yelling "calm down, relax" and heard Student A say, "leave me alone." Guglietta further stated that when Student A exited the conference room he exclaimed, "did you see what they did to me?"

<sup>79</sup> L. Edwards related to investigators that she mentioned to K. Williams that she "didn't think it was right, how they handled the situation with [Student A]." According to L. Edwards, K. Williams did not want to discuss the matter because when the incident occurred, Blake never told her about it and she felt she should have been involved since she was the Special Education Assistant Principal.

<sup>80</sup> Blake's son also attended IS 109.

Student A further stated that immediately after the incident Blake addressed Holder and T. Edwards and said, “did you see anything?” Student A told investigators that both Holder and T. Edwards replied, “no we didn’t see a thing” and Holder then opened the door from the conference room to the main office. According to Student A, once he was in the main office he yelled, “Mr. Blake hit me, Mr. Blake hit me!” Student A continued that Holder repeatedly tried to put his hands on Student A to hold him until security arrived but he brushed Holder away. Student A stated that Holder finally grabbed him and put him on the floor at which point the School Safety Agents arrived and handcuffed him.

Student A told investigators that he was taken to the conference room by School Safety Agents Billy Roberts and D. Williams. Student A stated that while in the conference room his handcuffs were removed and he was instructed to write a statement about the incident.<sup>81</sup> After Student A completed his statement, he was again handcuffed and taken to the 105<sup>th</sup> Precinct. Student A recalled that School Psychologist Tanya Shepherd accompanied him to the precinct and he told her that Blake had choked him.

In July 2006, investigators interviewed Shepherd who confirmed that she accompanied Student A to the police station. Shepherd told investigators that she recalled that at the precinct Student A said, “it’s not my fault; he hit me, he hit me.” In a subsequent interview with Shepherd under oath, she stated that twice Student A told her that he was hit by Blake. Moreover, investigators also interviewed Sergeant Robert Shepherd of the 105<sup>th</sup> Precinct who was present at the precinct when Student A was brought there.<sup>82</sup> Sergeant Shepherd informed investigators that he recalled hearing Student A exclaim, “he grabbed me.”

Student A described for investigators the injuries he had as a result of Blake’s conduct. He noted that he had dark red marks on the right side of his neck and revealed that when he went to his after school program entitled, “Project Hope” he informed both Executive Director Ramone Cameron and Basketball Coach Ernest Alvarez that Blake had choked him. Student A also told investigators that he told his mother and his counselor from Mediation Services, Rachel Berzow, about Blake’s improper behavior.<sup>83</sup>

In an interview with investigators conducted under oath, Berzow stated that she had been counseling Student A for approximately six months and during one of their sessions at the end of June, Student A told her about the incident that occurred with Principal Blake. According to Berzow, Student A told her that he had made a snide remark about Blake’s child and the principal had him up against the wall, choked him,

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<sup>81</sup> During an interview with SCI investigators, Student A was presented with a copy of his statement which he identified as the statement he wrote.

<sup>82</sup> Investigators were informed that Sergeant Shepherd was the husband of School Psychologist Tanya Shepherd.

<sup>83</sup> Student A’s mother told investigators that Berzow told her to find out the details about what happened and follow up with a report and change his school.

and punched him. Berzow further stated that Student A told her that when he exited the office, he told others what happened and no one stuck up for him so he “acted out” and was brought to the 105<sup>th</sup> Precinct.

Individually and under oath, SCI investigators spoke with Cameron and Alvarez who both recalled that Student A told them about an incident that occurred between Student A and Blake at the end of June 2006. According to Cameron, Student A stated that Blake had called him into his office and Student A made a comment about Blake’s son which resulted in Blake becoming verbally and physically aggressive. Cameron recalled that Student A stated that Blake had choked him and Cameron stated the he observed “fresh marks” on Student A’s neck, “like a nail going into his skin.”

Investigators spoke with Alvarez who stated that Project Hope met on Mondays and Wednesdays, and that on Monday, June 26, 2006, when Student A “signed in” he observed three or four finger marks on Student A’s neck that “looked fresh.” Alvarez continued that he asked Student A what had happened and Student A confided in him that Blake called him into his office and grabbed him and choked him.

Under oath, investigators spoke with Roberts, who was one of the first School Safety Agents to respond to the scene. Roberts recalled that when he arrived, Student A “almost immediately” exclaimed that he was choked by Blake. Roberts stated that he recalled that at least five times, Student A “kept on making statements that he was choked.” Roberts continued that he and School Safety Agent Desmond Williams (“D. Williams”) handcuffed Student A who was on the ground and they brought him to the conference room.<sup>84</sup> According to Roberts, Student A was on the ground in a struggle with Blake, Holder, and T. Edwards, outside of the main office. Roberts added that after he and D. Williams brought Student A to the conference room, School Safety Agent Anthony Mitchell arrived and they informed him as to what had occurred.<sup>85</sup>

Investigators met with D. Williams and interviewed him under oath. D. Williams recounted that when he arrived on the scene, Student A was on his stomach being restrained by Blake, Holder, and T. Edwards. D. Williams remembered that Student A was very upset and that he immediately stated several times that Blake hit him. D. Williams explained that he recalled that Student A stated that the incident took place in the conference room behind closed doors. D. Williams continued that he and Roberts handcuffed Student A because he was very upset. D. Williams reported that he went to the precinct with Student A and at the precinct, Student A kept repeating that he was hit by Blake. D. Williams further stated that Student A also exclaimed that Blake choked

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<sup>84</sup> There is no relationship between K. Williams and D. Williams.

<sup>85</sup> Investigators spoke with Mitchell who stated that he recalled that at some point D. Williams and Roberts made comments that Student A had stated that Blake had choked him. Mitchell admitted that he wrote his report of what had occurred based upon Blake’s account of what had happened. Mitchell recalled that Blake told him that Student A became irate and made threats to him and his son and that he and Holder had to restrain Student A.

him, and punched him in his chest, and that both T. Edwards and Holder were present in the room when Blake struck him.

School Treasurer Teisha Forbes spoke with investigators under oath and disclosed that she had relevant information pertaining to the incident between Student A and Blake that occurred on June 26, 2006. Forbes stated that she was in the main office at the time and she heard Blake slam the conference room door. Several minutes later, Student A exited the conference room with Holder and Student A was “lashing out.” Forbes stated that Holder tried to subdue Student A but Student A was very angry. Forbes further stated that she had spoken with T. Edwards and Blake as to what had occurred on June 26, 2006.

Forbes related that T. Edwards told her that the prior Friday, June 23, 2006, Student A grabbed the microphone in the cafeteria and began cursing at Blake in front of everyone. After the incident in the cafeteria, Student A disappeared but the following Monday, he was escorted to Blake’s office. T. Edwards told Forbes that Student A tried to deny his activities in the cafeteria and then became defensive and stated to Blake, “good luck to you and your son.” Forbes recalled that T. Edwards told her that Blake then slammed the conference door, threw Student A up against the wall, and started choking him. Forbes continued that T. Edwards stated that no one did anything to stop Blake.<sup>86</sup> Forbes explained that her conversation with T. Edwards took place in the teacher’s cafeteria which was located behind the main cafeteria. Forbes added that T. Edwards told her that after the altercation, Blake said to T. Edwards, “this is what we are going to say.”

Forbes continued that the following Friday, on June 30, 2006, she had a conversation with Blake regarding his altercation with Student A. Forbes recalled that Blake approached her and inquired as to whether she had heard about what had happened to which Forbes responded that she had heard “something about what happened.” Forbes explained that Blake told her what the student said over the microphone and stated that Blake “slammed the conference room door and he had [Student A], he had [Student A] up against the air conditioner.” Forbes continued that Blake then said that for a moment it was like “[Blake] blacked out and then just started choking [Student A] and Blake said he did not realize what he was actually doing until he heard the boy gasping for air.” Forbes then told investigators Forbes further stated that Blake admitted that he then just started “whaling on him” and that Blake told Student A “that’s when you cross the line is when you can threaten me but you don’t threaten my, my family.”

Under oath, investigators spoke with K. Williams regarding any knowledge she had pertaining to the incident involving Blake and Student A. K. Williams informed

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<sup>86</sup> Forbes further stated that while T. Edwards was telling her what had occurred between Blake and Student A, Blake called T. Edwards on his radio. When Forbes inquired as to what was going on, T. Edwards responded that Blake just wanted to make sure they were on the “same page as far as the story they were going to tell.” Forbes continued that Edwards never told her what the “planned story” was going to be.

investigators that Student A was one of her Special Education students. K. Williams recalled that on the day of the incident, she was in the main office and observed T. Edwards bring Student A into the main office and inform him that Blake wanted to speak with him. K. Williams continued that she inquired as to what was going on and T. Edwards responded that the prior Friday, Student A spoke on the microphone and said things about Blake and Blake wanted to speak with him. According to K. Williams, Blake then entered the main office and asked Student A and T. Edwards to go into his office. K. Williams noted that although she was the Special Education supervisor, Blake did not inform her about the incident involving Student A, nor was she invited to participate in any discussions regarding Student A's improper behavior.

K. Williams told investigators that later that same day, Blake contacted her and said that "something had happened" with Student A and that he was being arrested and he wanted her to do an occurrence report. Williams further stated that Blake instructed her to gather the statements of Holder and T. Edwards, and that she should retrieve Blake's statement from his secretary after she finished typing it. According to K. Williams, although she had no personal knowledge of the events surrounding the arrest of Student A, Blake instructed her to write the occurrence report. K. Williams informed investigators that she used Blake's statement to type her report as to what occurred on June 26, 2006 since she did not know what happened.<sup>87</sup> K. Williams disclosed to investigators that this was "not the usual way of doing an occurrence report." K. Williams explained that an "investigation" was generally conducted and if a child was involved, the child was interviewed prior to a report being issued. K. Williams added that in addition to receiving the statements of T. Edwards and Holder, she received a statement from a member of the kitchen staff and a statement written by Student A. Williams told investigators that Blake's statement was the only statement she used to write her report and admitted that the first time she read any statements other than Blake's was during the summer.

Investigators interviewed School Aide Supervisor T. Edwards under oath. T. Edwards related that on Friday, June 23, 2006, he was present in the cafeteria and observed Student A grab a microphone and exclaim, "fuck Mr. Blake, gonna burn this place down." T. Edwards further stated that Student A brought a "trespasser" into the school. T. Edwards explained that he approached Student A and reprimanded him for his conduct and then he apprised Blake of what had occurred in the lunch room.<sup>88</sup> T. Edwards continued that Blake asked Holder to find Student A and bring him immediately to Blake's office, however, Holder could not locate Student A.

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<sup>87</sup> K. Williams told investigators that Blake instructed her not to include in her report that Student A stated, "I'm going to get your son," although those words allegedly uttered by Student A were included in Blake's statement of what had occurred.

<sup>88</sup> During the interview T. Edwards informed investigators that he knew Student A who was a student in Special Education and one of the "thug" kids.

T. Edwards further stated that on Monday, June 26, 2006, he encountered Student A in the hallway and brought him upstairs to the main office. Blake instructed T. Edwards to bring Student A into his office. Once inside of Blake's office, Student A denied that he engaged in any improper behavior in the cafeteria on June 23, 2006. According to T. Edwards, Blake asked Holder to call Student A's parents and as Holder was walking with Student A through the conference room toward the main office, Student A uttered words to the effect: "hope you have a nice life, if you'll have a life."<sup>89</sup> T. Edwards recalled that Blake then ran past Holder through the conference room, closed the door from the main office to the conference room, and pointed his finger at Student A stating, "don't you ever threaten me or my staff again." T. Edwards further stated that Blake then began "gritting his teeth," raised his voice, and exclaimed, "just get him out of here."

Although T. Edwards admitted that he was present in the room when Blake was reprimanding Student A, he insisted that he never saw Blake choke or punch Student A. According to T. Edwards, after Blake instructed Holder to remove Student A from the conference room, Holder and Student A left the room and proceeded to the main office. T. Edwards recalled that he heard Student A blurting out words but he could not recall what he said, although he did remember Student A stating, "don't touch me, get off of me." T. Edwards continued that he heard a commotion but could not see what was going on. T. Edwards reported that when he exited the conference room to see what was going on he noticed that Student A was acting "aggressive" and Holder was attempting to restrain Student A. T. Edwards informed investigators that Blake called security and the agents arrived and handcuffed Student A.

SCI investigators interviewed Holder under oath regarding the altercation between Blake and Student A. Holder recalled that on Friday, June 23, 2006 Blake contacted him and asked him to "locate [Student A]" and to bring him to Blake's office. According to Holder, Blake did not inform him as to the reason he wanted to see Student A. Holder continued that he was unable to find Student A and on the following Monday, June 26, 2006, Blake once again summoned Holder to his office. Holder stated that when he arrived at Blake's office, T. Edwards, Blake, and Student A were all there. Holder explained that Blake was questioning Student A about what had transpired in the cafeteria on June 23, 2006. Holder maintained that Student A began cursing at Blake and then proceeded to take steps in Blake's direction toward the desk at which Blake was seated. Holder further stated that everyone "wound up in the conference room" which was adjacent to Blake's office and led to the main office. Holder recounted that Student A was very upset and exclaimed to Blake: "I'm gonna get you and I'm gonna get your son" to which Blake responded, "excuse me?" Holder continued that as Student A was walking out, he said, "I hope you have a good life and I hope your son has a good life."

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<sup>89</sup> T. Edwards maintained that he could not remember the exact words Student A used but claimed that Student A threatened Blake, Blake's son, Holder, and him. After the incident T. Edwards wrote a statement about the incident. During the interview investigators presented T. Edwards with his statement which he identified as the statement he wrote after the incident.

Holder recalled that Blake became angry, and yelled at Student A: “what did you say?” Blake then stated to Holder: “get him out of my office.” Holder continued that he escorted Student A out of the conference room and into the main office at which point Student A turned around and was flailing his arms in an agitated state. Holder maintained that he grabbed Student A’s hands and told Student A to calm down. Holder further stated that he continued to restrain Student A and he was holding Student A down on the ground until the School Safety Agents arrived.

Holder reported that later on that day, Blake instructed him to write a statement as to what had occurred. According to Holder, Blake never touched, choked, or punched Student A. In fact, Holder stated that Student A never touched Blake either. Holder did acknowledge that when Student A exited the conference room he was very upset, however, Holder maintained that nothing was said or done to Student A which caused him to become agitated. Holder further insisted that he never heard Student A shout, “Holder, [T.] Edwards, you saw what Blake did?” nor did he ever hear Blake exclaim, “you guys see anything?” Holder added that neither he nor T. Edwards ever responded “no,” to any comments allegedly made by Blake in reference to what happened in the conference room.

#### Interview with Shango Blake Regarding the Corporal Punishment Allegation

In the presence of his attorney, SCI investigators interviewed Blake regarding the corporal punishment incident with Student A. Under oath, Blake insisted that he never punched, choked, or hit Student A.<sup>90</sup> Further, Blake adamantly denied that he ever stated to anyone that he had “blacked out” and just “started choking [him] without realizing what he was doing until he heard the boy gasping for air.” According to Blake, Student A was an “emotionally disturbed kid” who was “volatile” and “had lied in the past.”

Blake informed investigators that on June 26, 2006, Student A was summoned to his office because of Student A’s conduct in the cafeteria on June 23, 2006. Blake explained that he was informed by T. Edwards that Student A had been disruptive in the cafeteria and that he had brought an individual into the building who did not attend the school. Blake stated that he, T. Edwards, Holder, and Student A went into the conference room which was located between Blake’s office and the main office. Blake told investigators that when he proceeded to reprimand Student A for his improper behavior, Student A became upset and hostile and Holder had to restrain him. Blake continued that Holder “tussled” with Student A and brought him out of the conference room and to the main office. Blake further stated that the School Safety Agents arrived and they subdued Student A and calmed him down. Blake maintained that he did not assist in restraining

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<sup>90</sup> During the pendency of SCI’s investigation into the corporal punishment allegations against Blake, several other complaints were received at SCI alleging that Blake used force against other students.

Student A.<sup>91</sup> Blake added that Student A was suspended for his improper conduct and that he never returned to IS 109 but was currently attending another school with a more “restrictive setting.”

Blake told investigators that he, along with T. Edwards, Holder, and Student A wrote statements about what had transpired between Blake and Student A in the conference room. According to Blake, it was “standard operating procedure” for every person to document his version of what had occurred. A statement was also written by a member of the kitchen staff regarding Student A’s conduct in the cafeteria on June 23, 2006. Blake continued that he instructed K. Williams, who was the Special Education supervisor, to collect everyone’s statement and to write an occurrence report. Although K. Williams was not present during the incident, Blake noted that it was proper procedure to delegate to another individual the responsibility of writing the occurrence report and investigating the matter.<sup>92</sup> Blake stated that after completing the occurrence report, K. Williams kept copies of the occurrence report and all the statements in a file.<sup>93</sup> When investigators questioned Blake as to whether he told Williams to omit anything in her report with respect to his son, Blake responded no. In fact, Blake commented to investigators that he, in his own account of what occurred, mentioned Student A’s threat against his son.<sup>94</sup>

#### Conclusions and Recommendations

A review of IS 109’s school and bank records showed no indication of any outstanding debt and no evidence of checks being returned due to insufficient funds before Blake became the principal. Further, many of the expenses incurred by the school should have been paid with monies collected from parents and students for specific purposes such as school lunches, class trips, and graduation expenses. The fact that more than \$30,000.00 was eventually paid with monies from various other sources in no way explains what happened to the monies collected from parents and students.

Blake appointed a treasurer who was not qualified for the position and then he failed to supervise her work or even have regular meetings with her to review the school’s finances. Investigators discovered that a total of \$30,765.75 in funds collected from students for school lunches, from snack sales, and for graduation expenses from

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<sup>91</sup> In the statement written by T. Edwards, he noted that Blake attempted to assist Holder in restraining Student A. Moreover, School Safety Agents Roberts and D. Williams recalled that when they arrived, Student A was on the ground outside of the main office being restrained by Blake, Holder, and T. Edwards.

<sup>92</sup> Blake told investigators that he believed that K. Williams was the person who received Student A’s statement so he assumed she interviewed him prior to writing the occurrence report.

<sup>93</sup> K. Williams told investigators that with every occurrence report, she kept copies of the report and statements and she gave the originals to Blake’s secretary.

<sup>94</sup> Blake, in his statement, claimed that Student A said: “I am going to fuck you up. I am going to get your son.”

May 2005 through June 2006 were misused or missing.<sup>95</sup> Moreover, from November 1, 2004 through January 25, 2006, nineteen checks totaling more than \$14,000.00 were returned for insufficient funds. In addition, School Food as well as numerous vendors were constantly owed money, and a stop payment was issued on a check at Blake's request, after the merchandise had been received from the vendor. At times, it even appeared that Blake's own agenda, including the premiere of his DVD "Tuck That Shirt In," took precedence over other financial obligations such as paying School Food. Blake also used SIPP to satisfy past outstanding debts to vendors and, several times, SIPP checks were deposited in the school's bank account to reimburse IS 109 for items it paid with school funds.

More egregious than the financial mismanagement issues at the school, however, was the allegation that Blake choked and punched a student at IS 109. With respect to the corporal punishment allegation against Blake, we credit the accounts of Student A and other witness regarding what transpired in Blake's office on June 26, 2006. The testimony of witnesses who observed finger marks on Student A's neck coupled with the witnesses who heard Student A immediately exclaim that Blake choked him, corroborated Student A's account of what occurred. Moreover, Forbes in her testimony stated that both Blake and T. Edwards admitted to her that Blake choked Student A. Forbes further testified that T. Edwards told her that after Blake's altercation with Student A, Blake told T. Edwards, "this is what we are going to say."

Shango Blake's financial mismanagement and inappropriate conduct makes it clear that he has no place in New York City public schools. It is therefore the recommendation of this office that Blake's employment be terminated, that he be placed on the ineligible list, and that this matter is considered should he apply for any type of employment with the New York City school system in the future.

In addition, the Region must take responsibility for not promptly reporting to SCI an e-mail complaint it received in February of 2006 referencing financial improprieties at IS 109. This complaint was not referred to SCI until July of 2006 even though the Region was aware that SCI had been investigating the school's finances since January of 2006. In fact, the Region did not notify SCI of any of the financial improprieties at IS 109. This office was not notified until thousands of dollars collected from parents and students was not forwarded to School Food.

Moreover, with respect to the corporal punishment allegation against Blake, the investigation conducted by SCI revealed that the statements made by Troy Edwards and James Holder clearly contradicted all of the other evidence gathered. Therefore, we do not credit the testimony of Troy Edwards and James Holder and recommend that appropriate disciplinary action be taken against them.

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<sup>95</sup> The amount of \$30,765.75 represents the \$18,084.25 in lunch funds collected but not paid to School Food; the \$6,466.50 that was owed to vendor Walter Carol for snacks purchased at the school; and the \$6,215.00 in funds collected from the students for their caps and gowns.

We are referring our findings to the Queens County District Attorney Richard A. Brown for whatever action he deems appropriate.

We further note that the conduct committed by Shango Blake may violate the conflicts of interest provision of the New York City Charter which is administered by the New York City Conflicts of Interest Board.

We are forwarding a copy of this letter to the Office of Legal Services. We are also forwarding our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417. Please notify Ms. Batista within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Shango Blake. 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:VAB:lm

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