

April 20, 2005

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

Re: Carlos Osorio
SCI Case #2005-0459

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Carlos Osorio, a school aide and part-time custodial cleaner assigned to Eastside Community High School in Manhattan, used the school's telephone service to make calls to the Dominican Republic, and incurred long distance charges totaling in excess of \$13,000.¹

In February 2005, Principal Intern Bennett Lieberman contacted this office and reported that the school had been notified by AT&T security that its phone service had been used to call the Dominican Republic with some frequency since December 2004. Principal Mark Federman determined that the calls had been made by Osorio. At that time, the resulting long distance charges amounted to approximately \$365 and we referred the matter to the Office of Special Investigations ("OSI"). Then, in March 2005, Lieberman again contacted this office and reported that additional months of long distance service had been reviewed and the adjusted total of charges incurred exceeded \$13,000. We contacted OSI, recalled the case, and opened an investigation.

Principal Federman provided relevant information to investigators. The principal explained that AT&T security contacted him and reported that there was an increase in the long distance usage at the school. Federman confirmed that the initial amount AT&T reported to him was \$362.43, but that the final adjusted amount was \$13,179.51. The calls, which began in June 2004 and continued until February 2005, originated at East Side Community High School and were made to several telephone numbers in the Dominican Republic. According to Federman, he knew that Carlos Osorio was Dominican and,

¹ On February 17, 2005, Osorio was reassigned from his school aide position to the Region 9 Operations Center. On March 11, 2005, as a result of this investigation, custodian Richard Gorgoglione terminated Osorio's employment as a part-time cleaner. The custodian noted that Osorio made most of the calls during his cleaner shifts.

therefore, questioned the school aide about the long distance use. Osorio immediately confessed to the principal that he made the calls and added that he wanted to make restitution.

In an interview with investigators from this office, Carlos Osorio admitted making the telephone calls from Eastside Community High School to the Dominican Republic between June 2004 and February 2005, and offered an explanation for his conduct.² According to Osorio, his father, who is incarcerated in New Jersey and cannot make telephone calls, asked him to get information about his uncle who is very ill and living in the Dominican Republic. Osorio acknowledged that he knew the school's long distance code and used it to make the calls from there. Osorio asserted that, after making several calls without being questioned, he thought that the school must have had "some kind of unlimited use plan." Osorio added that he was very sorry and wanted to make restitution.

Carlos Osorio stole in excess of \$13,000 in phone use from the Department of Education. He must be required to repay the amount owed for his unauthorized telephone use. We note that Osorio already has been fired from his cleaner position and recommend that his employment as a school aide also be terminated. We further recommend that this matter be considered should he apply for any type of position in the City school system or in one of its facilities in the future.

We are forwarding our findings to New York County District Attorney Robert M. Morgenthau for whatever action he deems appropriate.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning Carlos Osorio. 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:ss

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

² For investigators, Osorio also wrote a statement about his conduct.