

November 6, 2006

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

Re: Johnny Cuevas
Maurice Collins
Ingrid Buntschuh
SCI Case #2006-0025

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that thirty-seven-year-old Johnny Cuevas, a teacher assigned to A. Philip Randolph High School (“Randolph”) in Manhattan, had an inappropriate relationship with a female student (“Student A”) in 2005, when she was eighteen-years-old.¹ Moreover, after our investigation had commenced, Cuevas contacted a sixteen-year-old female student (“Student C”) and engaged in conduct which made her feel uncomfortable.²

The investigation further substantiated that Principal Maurice Collins knew about Cuevas’s alleged conduct in 2005, when it occurred, but failed to report it to this office.³ Instead, he handled the matter on his own. In addition, while our investigation was in progress, Collins confronted Cuevas about information that the teacher had provided to our investigators.

We also found that Assistant Principal Ingrid Buntschuh failed to cooperate with our investigation.⁴ When questioned as a witness in this matter, Buntschuh said that she had no memory of the topic raised at a cabinet meeting held by Collins two weeks earlier, which had been called to discuss the Cuevas allegation. In contrast, every other employee in attendance described the meeting in detail.

¹ On January 17, 2006, pending the outcome of this investigation, Cuevas was reassigned to the Manhattan Regional Operation Center. Student A has turned nineteen-years-old.

² Student C has turned seventeen-years-old.

³ Collins was not reassigned during this investigation.

⁴ Buntschuh was not reassigned during this investigation.

This investigation began on January 4, 2006, when Assistant Principal David Loughlin contacted this office about an anonymous complaint that had been forwarded from 311. Loughlin reported the allegation that Cuevas was dating an unidentified female student and had gone to the Dominican Republic with her. The complaint continued that Collins had known about the relationship between Cuevas and the girl, but had done nothing about it.

Assistant Principal Loughlin provided additional details to investigators. On January 3, 2006, Principal Collins gave the assistant principal an e-mail message which contained the anonymous complaint that had been made to 311, which Loughlin then reported to this office. That same day, Collins held a cabinet meeting which was attended by Loughlin, Assistant Principal Virginia Tomlinson, Assistant Principal Shep Brown, Assistant Principal Ingrid Buntschuh, and Assistant Principal Rosalie David. Loughlin explained that the purpose of the gathering was the 311 complaint and he added that Collins made conflicting comments during the meeting. According to Loughlin, Collins initially said that he was not aware of an inappropriate relationship between Cuevas and a female student, then Collins said that he was aware of a possible relationship between Cuevas and a female student which occurred in 2005, and ultimately Collins said that, in 2005, he investigated the allegation involving Cuevas and a female student and determined that there was no wrongdoing.

Loughlin also informed investigators that, in April 2005, Assistant Principal Tomlinson approached him and Assistant Principal Brown and told them that Physical Education Teacher German Sanchez had reported to her that he had observed Cuevas and a female student together in the Dominican Republic. Specifically, he saw Cuevas and the girl kissing in a swimming pool at the hotel where he was vacationing. According to Loughlin, he and Brown instructed Tomlinson to advise Principal Collins about the matter immediately.

Assistant Principal Tomlinson confirmed Loughlin's account. Tomlinson explained that, in April 2005, Sanchez informed her that he had observed Cuevas with Student A at a hotel in the Dominican Republic during spring break. According to Tomlinson, Sanchez said that, over the course of several days, he observed Cuevas and Student A together at the hotel where apparently both teachers were staying and, in one instance, saw them kissing on the lips in the swimming pool. Tomlinson added that she reported the information from Sanchez to Assistant Principal Loughlin and Assistant Principal Brown. In turn, they advised her to tell Principal Collins about Sanchez's observations.

Tomlinson continued that, thereafter, she immediately approached Principal Collins and reported the information provided by Sanchez. According to Tomlinson, in response, the principal told her that he would handle the matter. A few days later, Collins told Tomlinson that he had investigated her report and spoken with Cuevas who said that he happened to be staying at the same hotel as Student A who was vacationing with her sister. Collins informed Tomlinson that the matter was closed and he was satisfied that nothing had happened between Cuevas and Student A. Tomlinson informed SCI investigators that Collins did not mention speaking with Sanchez as part of his investigation.

Tomlinson also confirmed that, on Tuesday, January 3, 2006, she attended a cabinet meeting held by Collins to address a report that Cuevas was having an inappropriate relationship with a female student and that the principal had knowledge about the allegation. According to Tomlinson, Collins told the assembled staff members that someone had made an anonymous report about Cuevas and a current student, which he asserted was information he had not known. Tomlinson added that those in attendance then looked at each other in disbelief and, upon seeing that reaction, Collins changed his statement and said that he was aware of an allegation of a relationship between Cuevas and a student which had occurred the previous year. Collins also told those assembled that he had conducted an investigation, during which he spoke with both Cuevas and Student A, and found no wrongdoing.

Assistant Principal Shep Brown also described the January 3rd cabinet meeting held by Principal Collins to discuss the information given by an anonymous caller to the 311 hotline which indicated that Cuevas was having an inappropriate relationship with a female student with the knowledge of the principal who did nothing about it. He said that Collins made it sound as if the allegation were current. Brown added that this triggered a negative response from Brown, Loughlin, and Tomlinson because the e-mail most likely was referring to an allegation that was reported to Collins by Tomlinson the previous year. According to Brown, when Collins sensed that his comment had provoked the negative reactions, he acknowledged that the allegation was not new and that he had investigated it during the prior school year by speaking to both Cuevas and Student A. Collins told those gathered that Cuevas said he met Student A at a café in the Dominican Republic and that Cuevas and Student A had stayed at the same hotel.

Brown also informed investigators that he asked Collins: "Isn't it true that anyone who is under investigation is supposed to be removed from the school pending the investigation?" According to Brown, Collins responded: "That's my call."

Assistant Principal Rosalie David also attended the January 3rd cabinet meeting held by Principal Collins in his office. David confirmed that the topic of discussion was an anonymous complaint to 311 concerning Cuevas's relationship with a female student at the school. David said that, when Collins initially brought up the subject, he attempted to brush it off and made it sound as if the allegation were current. According to David, that provoked an outburst from Assistant Principal Tomlinson who announced that the information had been reported to him last year. David added that Collins then admitted that the allegation was from last year and that he had investigated it. The principal informed the assembled staff members that he had spoken with Cuevas who told him that he met Student A in the Dominican Republic at a café. David also reported that Collins made it sound as if he also had spoken with Student A about the allegation.

In an interview with investigators which occurred on January 17, 2006, two weeks after the January 3rd cabinet session, Assistant Principal Ingrid Buntschuh confirmed that she attended the meeting, but claimed that she did not remember what was discussed.

In an interview with investigators from this office, Maurice Collins acknowledged receiving the 311 hotline report about Cuevas dating a female student and being together on a trip to the Dominican Republic. He also verified that he had prior knowledge of the allegation. Collins confirmed that, in April 2005, Assistant Principal Tomlinson reported to him that Sanchez had observed Cuevas and Student A together at the same hotel in the Dominican Republic. Collins denied being told that Sanchez had seen Cuevas and Student A kissing in a swimming pool and asserted that he and Tomlinson had a "casual conversation" about the information from Sanchez. The principal added that he investigated the matter himself. According to Collins, in April 2005, he spoke with Cuevas who told him that he and Student A had arranged to meet at a café in the Dominican Republic during the spring break. Collins continued that Cuevas gave him assurances that nothing of an inappropriate nature happened and that Student A, along with her older sister or her aunt, also had been vacationing in the Dominican Republic. Collins said that he was satisfied with Cuevas's account and was satisfied that nothing of an inappropriate nature had taken place.

Collins maintained that he had spoken to Student A as well. According to the principal, Student A told him that she had vacationed in the Dominican Republic and that she and Cuevas had arranged to meet at a café while there. Collins asserted that he was satisfied with the explanations given by both Cuevas and Student A, which indicated that "nothing happened."

Collins admitted that he did not speak with Sanchez in April 2005.⁵ He defended that decision by reiterating that he was satisfied with the answers provided by Cuevas and Student A and did not think it was necessary to speak with Sanchez. Upon further questioning, Collins acknowledged that it would have been a good idea to speak with Sanchez to learn what he had observed. The principal also admitted that he had not reported the allegation to anyone. Asked to explain that decision, Collins said that he thought his investigation was sufficient and he was satisfied that nothing had occurred between Cuevas and Student A.

Despite his failure to report the information about Cuevas and Student A in April 2005, Collins acknowledged that he was aware of his responsibility to report allegations to this office. As evidence of that, Collins pointed to his instruction to Assistant Principal Loughlin to contact SCI immediately after receiving the complaint that had been lodged with 311.

For SCI investigators, German Sanchez described his observations of Cuevas and Student A in the Dominican Republic during the 2005 spring break. Sanchez explained that, soon after his arrival at the hotel, he saw Cuevas and Student A together. It appeared to Sanchez that Cuevas and Student A were staying at the hotel. He also reported that Cuevas and Student A observed him watching them, but Cuevas did not acknowledge him and intentionally avoided him. Sanchez said that, as the days passed, he saw Cuevas with Student A in the hotel pool, and he added that they "looked like" and "acted like a couple."

⁵ In fact, the investigation revealed that Collins never spoke with Sanchez about Cuevas.

According to Sanchez, one day when he was walking near the swimming pool, he witnessed Cuevas and Student A, who were in the pool, embracing and kissing on the lips. Sanchez reported additional sightings of Cuevas and Student A, which included dining together at the hotel restaurant in the evening and walking around the hotel complex while holding hands.

Sanchez viewed a photograph of Student A and identified her as the girl who was with Cuevas in the Dominican Republic in April 2005. He added that, at that time, she was a student at Randolph.

Sanchez informed investigators that his observations of the inappropriate behavior exhibited by Cuevas with Student A made him very upset. Sanchez added that, upon returning to school after the vacation, he immediately approached Assistant Principal Tomlinson and told her everything that he had witnessed between Cuevas and Student A while in the Dominican Republic. In response, Tomlinson said that she would report the information to Principal Collins. Sanchez confirmed that Collins never spoke to him about his observations.

Randolph Attendance Teacher Elbia Perez also visited the Dominican Republic in April 2005, during spring break, and stayed at the same hotel as both Sanchez and Cuevas. During her vacation, Perez observed Cuevas with “a young lady,” approximately 16-to-18-years-old, whom she believed to be his wife or girlfriend. Perez reported that she observed Cuevas and the girl around the hotel holding hands and eating together in the restaurant. Perez did not recognize the girl to be a Randolph student, but added that, at the time, she was relatively new to the school. Perez examined a photo of Student A, but could not identify her as the girl with Cuevas at the hotel. She explained that, during the vacation, she paid little attention to Cuevas and the female he was with; Perez also reiterated that she had been new to the school and did not know Cuevas well. Perez informed investigators that Collins did not speak with her about her observations of Cuevas in the Dominican Republic in April 2005.

It took repeated efforts by the assigned investigator to make contact with Student A who graduated from Randolph in June 2005. When finally he was able to speak with her by telephone – she refused a request to meet in person – Student A expressed anger at the questions about Cuevas and asserted that he was a “very good teacher and a very good guy.” Student A continued that she would “never speak to [the assigned investigator] or anyone who [was] trying to hurt Mr. Cuevas.”

In an interview with investigators from this office, Johnny Cuevas acknowledged that he knew Student A from Randolph and added that she had been in his class before graduating in June 2005. Cuevas confirmed that he went to the Dominican Republic during the 2005 spring break and stayed at the hotel previously identified by Sanchez, where Student A also was a guest. Cuevas said that he had prior knowledge of Student A’s scheduled visit to the Dominican Republic because she mentioned it in class when the students were discussing plans for the break. When asked whether he and Student A talked about seeing each other during the vacation, Cuevas replied: “Yes, I think so.” Cuevas admitted that he dined with

Student A at the hotel, but added that the meal plan was all inclusive and he did not pay for Student A's food. Cuevas then asserted that Student A was in the Dominican Republic with her mother and her sister, but he acknowledged that when he dined with her, they were alone. When questioned about holding hands with Student A while walking the hotel grounds, Cuevas responded: "I don't think so."

Cuevas admitted swimming with Student A in the hotel pool and, although he and the girl both drank Piña Coladas at the pool's bar, he denied that he purchased the drink for her. Questioned about embracing Student A while in the pool, Cuevas said: "There were a lot of people in the pool very close together." Informed that people who knew him may have seen him in the Dominican Republic, Cuevas then admitted that he and Student A embraced on two occasions while in the pool, but he claimed that it occurred because they were playing water games. Cuevas denied kissing Student A on the lips while embracing and, instead, maintained that the girl kissed him on the cheek – maybe twice – as a greeting.

Cuevas denied that anyone, other than SCI investigators, had questioned him about his interaction with Student A in the Dominican Republic. He responded in the negative when specifically asked about speaking with Principal Collins about that subject.

In a subsequent interview with investigators, Collins was asked about Cuevas's contention that the principal had not asked the teacher about the April 2005 vacation in the Dominican Republic. In response, Collins was adamant that he had done so and had spoken to Student A as well. When the assigned investigator noted that either Collins or Cuevas had to be lying, the principal reiterated that, in April 2005, he spoke with Cuevas about the trip. Collins indicated that there were no witnesses to the conversation and that it "took place in [his] office."

About ten days after interviewing Cuevas, on January 20, 2006, SCI investigators spoke with the teacher's union representative, Richard Williams, who reported that Principal Collins had called Cuevas at home approximately six times on Monday, January 16, 2006 – the holiday commemorating the birthday of Dr. Martin Luther King, Jr. – when the public schools were closed.⁶ Cuevas told Williams that Collins had made the phone calls from his office at Randolph and, when finally they spoke, he asked Cuevas to come to the school that day to meet with him. According to Williams, Cuevas said that the principal requested the meeting because Collins wanted the teacher to change a statement that he had given to SCI investigators when they interviewed him. Williams informed our investigator that Randolph staff members Paul Villeneuve and Juan Mesa were in the room when Cuevas reported Collins's conduct to him. Williams asserted that he felt it was his responsibility to notify SCI and that Cuevas wanted to speak with the assigned investigator about the January 16th conversation that he had with Collins.

In a subsequent interview conducted in the presence of union representative Richard Williams, Johnny Cuevas said that he had not been entirely truthful in his statements to SCI

⁶ Williams provided investigators with a notarized signed statement.

investigators during the first interview. Cuevas specifically noted his negative answer when questioned about speaking with Principal Collins in April 2005, but claimed to have an explanation for having done so.

Cuevas then proceeded to provide an account which implicated Principal Collins.⁷ According to Cuevas, in late April or early May 2005, Collins summoned him to the principal's office and said that, although he had not received a complaint, he wanted to clarify some rumors about Cuevas dating Student A. Cuevas then told Collins that, during the spring break in April 2005, he went on vacation to the Dominican Republic and, although Student A stayed at the same hotel, nothing happened between him and Student A. The teacher added that, in late April or early May 2005, Collins informed him that he had interviewed Student A and she denied any inappropriate relationship with Cuevas. The teacher also asserted that Collins told him that he was not going to make a report about rumors and advised Cuevas not to mention the rumors to anyone. According to Cuevas, Collins further instructed him not to mention to anyone that he had spoken about the rumors with the principal. Cuevas maintained that the principal's instruction was the reason why he told SCI investigators that he did not speak with Collins.

Cuevas continued his account. He said that, on January 4, 2006, Collins called him to the principal's office and informed him that the Chancellor's Office had received an anonymous e-mail message alleging that Cuevas had a sexual relationship with Student A which Collins was attempting to cover up.⁸ According to Cuevas, Collins said that he had not reported the possible inappropriate relationship between the teacher and Student A raised in April 2005, and again instructed Cuevas not to tell investigators anything about the meeting with him in April 2005. Cuevas claimed that Collins's directive made him feel very uncomfortable, but he felt compelled to obey it because the principal was his boss.

According to Cuevas, on January 16, 2006, the Martin Luther King, Jr. holiday, the "Caller ID" device at his residence showed many calls from Collins. Initially, the teacher did not pick up the telephone because he did not want to be disturbed by the principal, but ultimately he answered his call. Collins instructed Cuevas to proceed to Randolph to meet with him, although he did not say what they would speak about. Cuevas said that he did not want to comply, but again asserted that he had to obey the principal.

Upon arriving at the school, he found it to be locked, but was let in by Collins. They went to the principal's office where Collins told him that investigators were going to be coming back to speak with Cuevas and that he had to change his previous statement in which he maintained that the principal had not spoken to him in May 2005.⁹ Cuevas reported being very confused by Collins's request, because it was the opposite of what he had instructed the year before when he met with the principal regarding the same situation. According to

⁷ Cuevas also provided investigators with a notarized signed statement.

⁸ Cuevas said that Collins also informed him that the e-mail message alleged that Cuevas was a racist. The anonymous complainant did allege that Cuevas encouraged the racial division at the school.

⁹ In his written statement, Cuevas described Collins telling him "there was a complot [*sic*] in the school against him, that the investigation was to get [Collins] through [Cuevas]."

Cuevas, the new request made him feel very uncomfortable and he felt very intimidated by Collins. Cuevas added that, as a result, he approached Williams so that he could tell the truth to SCI investigators.¹⁰

In the presence of union representative Williams, Randolph Teacher Juan Mesa confirmed that, on January 17, 2006, he was present during a conversation between Cuevas and Williams. However, according to Mesa, he did not hear the topic of their discussion.

In the presence of union representative Williams, Randolph Language Department Coordinator Paul Villeneuve confirmed that, on January 17, 2006, he was present during a conversation between Williams and Cuevas. According to Villeneuve, Cuevas was complaining to Williams that Collins had forced him to go to Randolph the day before when Randolph had been closed. Villeneuve heard Cuevas tell Williams that he should not have been made to visit the school on a holiday, but he did not hear why Collins asked Cuevas to go to Randolph.

After learning about the Martin Luther King, Jr. holiday meeting, investigators from this office re-interviewed Maurice Collins. The principal admitted that he telephoned Cuevas at home on January 16, 2006, and asked him to visit Randolph to speak with him.¹¹ According to Collins, the reason for the meeting was to discuss “an apparent discrepancy.” Collins explained that he told Cuevas that he was upset at the teacher because Cuevas had told SCI investigators that he did not speak with the principal the year before regarding a possible relationship with Student A. Asked whether he instructed Cuevas to change his statement to investigators, Collins asserted that he told Cuevas that there was “a discrepancy” and maybe Cuevas was “confused.” Questioned about the propriety of confronting Cuevas while a confidential investigation was underway, Collins maintained that he “just wanted to clear up things.” Regarding his discussion with Cuevas when the information about the Dominican Republic surfaced in the spring of 2005, the principal denied telling Cuevas not to mention anything about the allegations because he was not going to report the matter.

The assigned investigator then received an additional allegation of misconduct committed by Cuevas. Assistant Principal Tomlinson reported that Student C, a female student who frequently confided in her, had just disclosed that Cuevas had called the girl on her cell phone in February 2006. Tomlinson added that Cuevas made Student C feel uncomfortable, but the girl was concerned about being involved in the investigation and getting the teacher in trouble.

In an interview with SCI investigators, Student C confirmed that, in February 2006, Cuevas contacted her on her cell phone.¹² According to Student C, Cuevas asked her some

¹⁰ Cuevas said that he did not want to change or clarify any of the statements about Student A made during the first interview. He acknowledged that he had spoken to Student A since that interview, but claimed that they did not discuss the investigation.

¹¹ The principal did not recall meeting with Cuevas on January 4, 2006, to discuss the allegations.

¹² According to Student C, this was the only time she spoke to Cuevas by telephone.

personal questions that were “fresh” and he made her feel uncomfortable. The girl asserted that she did not know how he had obtained her number.

Student C provided details about her conversation with Cuevas. She reported that Cuevas:

- Offered to take her to a diner;
- Told her that he would like her to be with him;
- Asked her to go to the Dominican Republic with him;
- Brought up the topic of sex;
- Asked whether she was wild when it came to having sex;
- Asked whether she ever had sex before and how many partners had she been with;
- Invited her to his apartment.

Student C also described additional contact with Cuevas.¹³ According to Student C, during a communication with Cuevas in an Internet MSN chat room, the teacher requested that she send him a photo of herself wearing a revealing pink bra. Cuevas added that he would like to see Student C in a pair of very tight biker boy pants from Victoria’s Secret. Student C said that Cuevas also mentioned how pretty she was, asked her with whom she lived, and suggested that they could do something after she graduated from high school.¹⁴

Through union representative Williams, upon the advice of an attorney, Johnny Cuevas declined the opportunity to speak further with investigators from this office.

It is the recommendation of this office that Johnny Cuevas’s employment with the Department of Education (“DOE”) be terminated, that he be made ineligible for work with the DOE, and that this matter be considered should he apply for any position in the New York City school system in the future.

It is the further recommendation of this office that Maurice Collins’s employment with the DOE be terminated, that he be made ineligible for work with the DOE, and that this matter be considered should he apply for any position in the New York City school system in the future.

We find Ingrid Buntschuh’s assertion that she did not remember the topic of the January 3, 2006, cabinet meeting to be incredible. It is more likely that she made that claim to avoid having to provide information for this investigation. It is the recommendation of this office that appropriate disciplinary action be taken against Assistant Principal Buntschuh.

¹³ This apparently occurred after Cuevas was reassigned pending the outcome of this investigation.

¹⁴ Student C provided copies of some of the communications she had with Cuevas in an MSN chat room. Some of this material was in Spanish and was translated by an SCI employee.

We are sending a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are forwarding our findings to the New York State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of receipt of this letter of what, if any, action has been taken or is contemplated concerning Johnny Cuevas, Maurice Collins, and Ingrid Buntschuh. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By: _____

Regina A. Loughran
First Deputy Commissioner

RJC:RAL:gm

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