

September 28, 2004

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

Re: Thomas Baskin-Bey
James Lavalì
Jafa Berger
SCI Case #2004-0313

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that Thomas Baskin-Bey, former Principal at the Street Academy High School in Brooklyn, allowed an individual, who had no affiliation with the school system, unrestricted access to students at that school. In addition, Baskin-Bey mishandled an allegation of assault and possible sexual abuse of a student by this same individual.¹ Moreover, it was determined that James Lavalì, Dean at the Street Academy, provided deliberately incomplete information about the incident in a Department of Education (“DOE”) Occurrence Report.² Furthermore, Jafa Berger, teacher at the Street Academy, became aware of the incident involving Student A and Tarleton and, despite knowing that Baskin-Bey was not going to report the matter to the Superintendent, took no steps to do so on her own.³

Specifically, an eighteen-year-old male student (“Student A”) had informed Baskin-Bey that Robert Tarleton, a member and representative of the Omega Gamma Delta Fraternity (“O mega”) based in New Jersey, had inappropriate physical contact with

¹ Unrelated to this investigation, in February 2004, Baskin-Bey was reassigned to 131 Livingston Street, Brooklyn and in March 2004, he was reassigned as a teacher to the Euphrasian Residence at the Career Education Center in Manhattan.

² Lavalì was not reassigned during this investigation. The paperwork used to document the incident is entitled B.O.E. Occurrence Report.

³ Berger was not reassigned during this investigation.

him.⁴ Rather than reporting the allegation, as required, to his Superintendent and this office, Baskin-Bey handled Student A's allegation himself. He waited several weeks after learning of the incident before contacting the Kings County District Attorney's Office and thereafter enlisted Lavalì to prepare an inaccurate DOE Occurrence Report.

This investigation began in February 2004, when Doreen Cokley, Local Regional Instructional Superintendent for Alternative High Schools, notified this office that she had learned that Baskin-Bey failed to notify the Superintendent's Office of the occurrence of a sexual incident involving Student A and Tarleton. Moreover, Cokley stated that Baskin-Bey had recruited Street Academy students to become members of the fraternity with which Tarleton was affiliated. Furthermore, Cokley reported that Lavalì had admitted that he failed to accurately document the facts of this incident when he wrote the relevant DOE Occurrence Report.

In March 2004, as a result of an investigation by this office, Tarleton was arrested by members of the Pompton Lakes Police Department in New Jersey and charged with Hazing. In May 2004, Tarleton pleaded guilty to that charge and was sentenced to a fine. In addition, Tarleton was instructed by the New Jersey Court to refrain from any contact with Student A.

Doreen Cokley

Investigators interviewed Cokley who confirmed her complaint. According to Cokley, in December 2003, Baskin-Bey advised her that an incident had occurred involving a male student at the Street Academy and a person not affiliated with the school. Cokley stated that Baskin-Bey informed her that he had notified Bernard Gassaway, Senior Superintendent for Alternative High Schools, about the incident and that the Kings County District Attorney's Office was handling the matter.⁵ Cokley stated that Baskin-Bey provided few details of the incident, which he described as a "hazing," only reporting that it occurred during the summer of 2003 and took place in New Jersey. Cokley explained that after a new principal, Bridgett Carrington, was assigned to the Street Academy, in February 2004, she advised Carrington of the incident with Student A. According to Cokley, approximately one week later, Carrington provided her with a DOE Occurrence Report which referred to a matter involving Student A.⁶ Cokley stated that after reading the document, she apprised Gassaway about its contents.⁷ Cokley then met with Student A, who explained that he was a member of Omega and had been

⁴ Student A has since turned nineteen-years-old. Omega originated at Boys High School which is the current site of the Street Academy.

⁵ Gassaway stated that Baskin-Bey never informed him of the incident involving Student A and Tarleton.

⁶ The report, which had been written by Lavalì, provided no details of the incident and indicated that the Superintendent had been contacted on December 19, 2003.

⁷ As per Gassaway's instruction, Cokley immediately reported the matter to this office.

recruited by Baskin-Bey. According to Cokley, Student A stated that Baskin-Bey introduced him to Tarleton who would come to the school almost every Tuesday to take the boy to New Jersey.⁸ Cokley stated that Student A was reluctant to discuss the matter involving himself and Tarleton.

Cokley explained that she then spoke to Lavalı who had prepared the DOE Occurrence Report concerning Student A and Tarleton. According to Cokley, Lavalı advised her that the document she possessed was not in its original form and that, in accordance with Baskin-Bey's instructions, its contents had been "watered down," so as not to include any reference to sexual abuse. Moreover, Lavalı informed Cokley that after Baskin-Bey edited the contents of the Occurrence Report, the principal then directed Lavalı not to forward the document to the Superintendent's Office because Gassaway had been otherwise apprised of the situation.⁹

Bernard Gassaway

Gassaway advised investigators that Baskin-Bey never reported the incident involving Student A and Tarleton to him. In fact, according to Gassaway, he first became aware of the matter involving Student A in February 2004, when Cokley notified him about it. Moreover, Gassaway stated that Baskin-Bey never discussed the operation of the fraternity at the Street Academy with him.

James Lavalı

In an interview with investigators, Lavalı stated that on December 19, 2003, Baskin-Bey advised him of an incident that had occurred between Student A and Tarleton. According to Lavalı, Baskin-Bey stated that sexual contact had taken place with the use of some type of lubricant and that the District Attorney's Office would be handling the matter, therefore, it was to be kept strictly confidential.¹⁰ Lavalı explained that it was his responsibility to complete most of the school's required DOE Occurrence Reports and, accordingly, he advised Baskin-Bey that the document needed to be prepared. Lavalı stated that Baskin-Bey complained that "the people in the Superintendent's Office did not like him" and, therefore, he did not want them to learn of the incident involving Student A. Lavalı stated that although Baskin-Bey reluctantly authorized him to write the Occurrence Report, upon reviewing it, the principal instructed

⁸ According to Cokley, Student A stated that the fraternity meetings took place in Pompton Lakes, New Jersey.

⁹ According to Cokley, Lavalı stated that over Baskin-Bey's objection he faxed the Occurrence Report to the Emergency Information Center.

¹⁰ According to Lavalı, when he informed Baskin-Bey that Gassaway should be notified, Baskin-Bey responded that the District Attorney's Office was handling the matter. Lavalı stated that Baskin-Bey failed to indicate to which District Attorney's Office he was referring.

Lavali to rewrite the paperwork without including any “graphic” details.¹¹ Lavali explained that the original document included a description of Tarleton paddling Student A’s naked buttocks and then placing some type of lubricant on the boy’s testicles causing him to suffer substantial pain. Lavali acknowledged that the final version of the Occurrence Report failed to include the specific details of the incident involving Student A and Tarleton as originally reported to him by Baskin-Bey.

According to Lavali, although Baskin-Bey indicated that he did not intend to forward the matter to the Superintendent’s Office because the people there “don’t like him,” the principal ultimately stated that he would contact that office. Lavali stated that after he forwarded the Occurrence Report to the Emergency Information Center (“EIC”), he provided limited information to the EIC employee who requested details of the incident.¹² Lavali stated that prior to learning of the incident, Baskin-Bey permitted Tarleton “free reign of the school” including the holding of the fraternity’s meetings in the principal’s office.

In a subsequent interview with investigators, Lavali claimed that Baskin-Bey advised him that he had notified Gassaway and Cokley and therefore Lavali indicated this on the Occurrence Report. Lavali added that after he forwarded the document to EIC, he told the EIC representative that at the direction of his principal, referring to Baskin-Bey, he was not permitted to provide any additional information about the incident. Lavali explained that it is his typical procedure to speak to the student involved prior to writing the Occurrence Report, but that he failed to do so in this instance because Baskin-Bey advised him that he had interviewed Student A and instructed Lavali not to speak to the boy.

Student A

Student A provided information to investigators. He stated that Baskin-Bey hand-picked him to be a member of Omega and Tarleton, the head of the fraternity, held weekly meetings in Baskin-Bey’s office.¹³ Student A stated that he frequently traveled with Tarleton to the fraternity house in New Jersey where, on occasion, they were joined by Baskin-Bey and other fraternity members from the Street Academy.¹⁴ According to Student A, Baskin-Bey did not require him to submit any type of school permission slip to travel to New Jersey and the principal was aware of his frequent one-on-one trips with Tarleton to New Jersey. Student A added that he regularly accompanied Tarleton to New Jersey because he promised to get the boy admitted to Wesleyan University in Connecticut, upon his graduation from the Street Academy.

¹¹ According to Lavali, Baskin-Bey dictated the contents of the final version of the Occurrence Report.

¹² Lavali stated that Baskin-Bey tailored the information he was permitted to provide to EIC.

¹³ According to Student A, these meetings were held during class hours.

¹⁴ According to Student A, prior to the occurrence of the incident, he and Tarleton traveled to New Jersey, in Tarleton’s vehicle, on an almost weekly basis.

According to Student A, during the summer between his junior and senior years at the Street Academy, he continued to travel with Tarleton to New Jersey on a regular basis. Student A explained that during his last trip to New Jersey, Tarleton proclaimed that he wanted to become the young man's "Big Brother." Student A stated that Tarleton declared that as a "Big Brother" he would help Student A with his life and help him get admitted into Wesleyan University, but first Student A had to participate in "an initiation." After Student A reluctantly agreed, Tarleton drove him to a heavily wooded area, instructed the boy to pull down his pants and underwear, and then proceeded to repeatedly strike his bare bottom with a paddle. Thereafter, Tarleton directed Student A to rub oil onto the boy's testicles which resulted in a burning sensation in that area.¹⁵

According to Student A, in late November 2003, after observing a news report of a hazing incident involving some Long Island boys, he reported the incident involving Tarleton to Baskin-Bey. Student A stated that Baskin-Bey instructed him not to tell anyone about the incident.¹⁶ Student A explained that in January 2004, he accompanied Baskin-Bey to the District Attorney's Office in Brooklyn. Student A stated that he advised Israel Fried, Assistant District Attorney for Kings County, that while he was in New Jersey, Tarleton had struck his buttocks numerous times and told him to place a liquid substance on his testicles which caused substantial pain. At that time, Student A informed Fried that he did not wish to pursue the matter criminally.

Yafa Berger

Berger described her role in the matter for investigators. She stated that Baskin-Bey informed her that he wanted to bring Omega to the school and he later introduced her to Tarleton.¹⁷ Berger explained that in December 2003, Baskin-Bey showed her a statement written by Student A which described how Tarleton had directed the student to pull down his pants and submit to being paddled on his buttocks by Tarleton. Tarleton then directed Student A to place a burning liquid on the boy's testicles. According to Berger, Baskin-Bey informed her that he was aware of the fact that Student A had traveled frequently to New Jersey with Tarleton.¹⁸ Berger stated that after reading the statement, she advised Baskin-Bey that the matter should be reported to Gassaway and the police, but the principal responded that he had to keep the matter away from the Superintendent because he had a bad relationship with him. Berger stated that Baskin-Bey instructed her not to tell anyone about the situation.

¹⁵ According to Student A, Tarleton then drove him to a lake which the boy jumped into in an attempt to relieve the burning genital pain he was experiencing.

¹⁶ According to Student A, Baskin-Bey stated that if the information about the incident was reported it would be embarrassing to the boy, therefore, it should be kept confidential.

¹⁷ According to Berger, Baskin-Bey recruited students to be members of the fraternity.

¹⁸ According to Berger, Baskin-Bey informed her that Student A had parental permission to travel with Tarleton to New Jersey.

According to Berger, Baskin-Bey was uncertain as to what, if anything, he was going to do with Student A's complaint, therefore, he requested that Berger contact one of her acquaintances in order for Baskin-Bey to seek guidance. As a result of that request, Berger arranged for Baskin-Bey to speak to a judge.¹⁹ Berger stated that Baskin-Bey was advised by the judge that the matter appeared to be criminal, and that the District Attorney's Office should be contacted. Berger explained that, on Baskin-Bey's behalf, she arranged for the principal to meet with Kings County Assistant District Attorney Israel Fried and that, thereafter, Baskin-Bey finally advised Lavali about the incident between Student A and Tarleton.²⁰

According to Berger, after Baskin-Bey was reassigned from the school and subsequent to the start of this office's investigation, the principal contacted Berger and requested that she provide his phone number to Student A with instructions for the boy to call him. Berger complied.

Assistant Principal Dorita James

Assistant Principal Dorita James also provided information. She stated that in December 2003, Baskin-Bey advised her that Tarleton had paddled Student A in New Jersey. James added that Baskin-Bey expressed to her that he did not want to report the matter to Gassaway because he had a bad relationship with the Superintendent. James stated that Baskin-Bey finally assured her that he would notify "the proper people in the DOE." According to James, Baskin-Bey stated that he and Berger were going to accompany Student A to the District Attorney's Office.²¹

Kings County District Attorney's Office

Fried informed investigators that he met with Baskin-Bey and Berger on December 15, 2003, and provided details about the meeting. At that time, Baskin-Bey reported Student A's allegation of being repeatedly struck on the bare buttocks with a wooden paddle by Tarleton and then instructed by Tarleton to rub a liquid substance on Student A's genitals which caused severe pain. Fried stated that Baskin-Bey provided a letter purportedly written by Student A. According to Fried, Baskin-Bey requested that the District Attorney's Office conduct an investigation in a confidential manner and advised the Assistant District Attorney that he did not want people in the Department of Education to learn about the incident involving Student A and Tarleton.²² Fried met again with Baskin-Bey and Student A in January 2004, and Frank Laghezza, Kings County Executive Assistant District Attorney, also was present. Student A

¹⁹ Berger refused to provide the name of the judge.

²⁰ According to Berger, prior to this meeting, Baskin-Bey was reluctant to report the matter to Lavali.

²¹ According to James, Baskin-Bey failed to indicate to which District Attorney's Office he was referring.

²² Fried did not contact this office or anyone at the DOE. Moreover, he did not contact authorities in New Jersey.

confirmed the information that Baskin-Bey had previously provided to the prosecutors. Laghezza informed investigators from this office that Student A was reluctant to cooperate with a prosecution of the matter and he advised the student that he would contact the proper New Jersey authorities if the boy decided to press charges against Tarleton.²³

Omega

George Dejager, an Omega member, informed investigators that in either late 2003 or early 2004, Baskin-Bey advised him of the incident involving Student A and Tarleton.²⁴ Dejager stated that he, in turn, contacted William DeMarco, an attorney who was a fellow member of the fraternity, and the two met with Baskin-Bey in February or March of 2004.²⁵ According to Dejager, Baskin-Bey claimed that he had notified them about the incident with Student A and Tarleton to help shield the fraternity from any negative impact. Dejager stated that he and DeMarco advised Baskin-Bey that Student A's welfare must be the priority in dealing with the matter. Dejager added that subsequent to this meeting with Baskin-Bey, in March 2004, he and DeMarco confronted Tarleton with Student A's allegation. Dejager declined to elaborate on his discussion with Tarleton.

Thomas Baskin-Bey

Investigators interviewed Baskin-Bey who asserted that, in August 2001, Tarleton, then President of Omega, contacted him about restarting the fraternity which had originated at the Street Academy's predecessor, Boys High School. Baskin-Bey agreed and, in September 2001, the Alpha chapter of Omega started at the Street Academy. Baskin-Bey acknowledged that he recruited the students who joined the fraternity and that Tarleton oversaw the weekly meetings which were held in the principal's office. Baskin-Bey stated that prior to August 2001 he did not know Tarleton and that Tarleton was not a DOE employee.

Baskin-Bey stated that in November 2003, Student A reported that during a summer 2003 trip he had taken with Tarleton to Pompton Lakes, New Jersey, Tarleton struck him with a paddle and then had Student A place some type of liquid on the boy's testicles which caused severe pain. Baskin-Bey added that he instructed Student A to write a statement describing the actions he suffered at the hands of Tarleton and the boy

²³ Laghezza did not contact this office or anyone at the DOE. Moreover, he did not contact authorities in New Jersey.

²⁴ Dejager had met Baskin-Bey when Omega's centennial celebration was held in 2002 at the Street Academy.

²⁵ DeMarco represented Tarleton in the criminal proceeding stemming from his conduct toward Student A.

complied.²⁶ Baskin-Bey stated that he notified the District Attorney's Office in Brooklyn during early December 2003 and accompanied Student A to that office in January 2004. According to Baskin-Bey, he contacted the District Attorney's Office because he considered the incident a private matter since Tarleton was not a DOE employee. Baskin-Bey acknowledged that he failed to notify Gassaway about the incident because he felt that the Superintendent did not like him, but asserted that he informed Cokley and that same day filed a DOE Occurrence Report.²⁷ Baskin-Bey denied ever instructing Lavalì to "water-down" the Occurrence Report.

Baskin-Bey stated that, in November or December of 2003, he contacted Tarleton and informed him that he was no longer permitted to enter the Street Academy. The principal added that Tarleton was reluctant to discuss the incident involving Student A. According to Baskin-Bey, after learning of the incident he traveled to New Jersey and advised members of the fraternity about the incident between Student A and Tarleton.²⁸

Conclusions and Recommendations

Jafa Berger became aware of the incident involving Student A and Tarleton and, despite knowing that Baskin-Bey was not going to report the matter to the Superintendent, took no steps to do so on her own. Berger should be officially reminded of her individual obligation to report employee misconduct, including possible sexual abuse of students, and any suspected failure by a fellow employee to notify the appropriate authorities.

After learning of the complaint of abuse, James Lavalì failed to properly report the matter involving Student A and Tarleton. Lavalì admitted that he had completed a purposely vague Occurrence Report. In addition, when questioned by an EIC representative, he withheld pertinent details of the incident. It is therefore the recommendation of this office that appropriate disciplinary action, which may include demotion or termination, be taken against Lavalì.

Thomas Baskin-Bey failed to notify the Superintendent or this office of the abuse of Student A by Tarleton and, in fact, he attempted to hide the facts of the incident from the DOE. Moreover, Baskin-Bey permitted Tarleton to repeatedly interact with Student A in an unsupervised manner on a regular basis, an action which led to the abuse of the boy. It is therefore the recommendation of this office that his employment be terminated and that this matter be considered should he ever apply for any type of position with the New York City public school system.

²⁶ Baskin-Bey declined to provide information pertaining to his knowledge of Student A's frequent trips with Tarleton to New Jersey.

²⁷ Baskin-Bey stated that the Occurrence Report was completed after he spoke to Cokley.

²⁸ Baskin-Bey failed to provide details of this meeting.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Eileen Daly, the attorney assigned to this case. She can be reached at (212) 510-1407. Please notify Ms. Daly within thirty days of the receipt of this letter of what, if any, action has been taken or is contemplated against Jafa Berger, James Lavalì and Thomas Baskin-Bey. 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.
Rick Stewart, Auditor General