



Special Commissioner of Investigation
for the New York City School District

ANASTASIA COLEMAN
COMMISSIONER

**Annual Report of the Special Commissioner of Investigation for the New York City School
District for Calendar Year 2022**

The office of the Special Commissioner of Investigation for the New York City School District (“SCI”) is entrusted with autonomy in investigations concerning the New York City Department of Education (“DOE”), the largest school district in the nation. SCI has broad authority and discretion to conduct investigations to root out corruption, prevent waste and fraud, ensure safety, and eliminate the misuse of taxpayer resources. Although SCI was established as separate from the DOE and the New York City Department of Investigation (“DOI”), the office is empowered with authority similar to that of DOI, such as the ability to obtain testimony and records by subpoena. The SCI commissioner also serves as the inspector general for the New York City Teachers’ Retirement System (“TRS”) and the Board of Education Retirement System (“BERS”), evaluates and investigates all whistleblower claims involving DOE employees and vendors under the City Administrative Code, and serves as the investigative arm of the New York City Conflicts of Interest Board (“COIB”) regarding violations of Chapter 68 of the City Charter by DOE employees and others.

In many ways, 2022 represented a return to business-as-usual after the onset of the COVID-19 pandemic. SCI set a new high-water mark for complaints received – 9,813 individual complaints – an amount that surpassed the previous high of 9,638 in Calendar Year (“CY”) 2019. In fact, the number of complaints SCI received increased by nearly 60 percent from CY 2021.

Budget and Structure:

The New York City Office of Management and Budget (“OMB”) Fiscal Year 2022 funding for SCI operations provided \$6.1 million, with an additional \$335,131 for operational expenses – a total of approximately \$6.4 million. This annual sum is identical to the 2021 appropriation after small annual increases in 2016, 2017, and 2018, from \$5.5 million (2016) to \$5.9 million (2018). SCI’s budget is a line-item of the DOE’s overall annual budget, and comprises approximately 0.017 percent of the \$38

billion allocated to the DOE.¹ SCI is mandated to investigate misconduct and fraud concerning the largest public school system in the country, one that employs approximately 135,000, and maintains approximately 1,800 schools and other facilities.² The DOE also contracts with myriad vendors for goods and services, totaling tens of billions of dollars.³

SCI is currently authorized for 69 employees, including investigators, attorneys, and administrative and support staff positions. Within the past three calendar years, the office added 16 hires in various capacities. However, like many City agencies, SCI has suffered difficulties with employee retention in recent years, and many of those gains were offset by retirements or resignations. Currently, SCI has 50 positions filled. Under normal conditions, SCI would anticipate reaching our 69-employee cap within the current year. However, even a full complement of 69 employees would scantily be enough to perform truly comprehensive oversight of such a massive entity as the DOE. To fully realize the mission of this office, our workforce must ultimately expand beyond the current quota of 69 employees – a goal we hope to realize in the coming years.

Calendar Year 2022 Statistics:

In CY 2022, SCI continued its commitment to promote integrity and accountability within the DOE through investigations, administrative and disciplinary recommendations, criminal prosecution referrals, and policy and procedure recommendations. As noted above, SCI received 9,813 complaints in CY 2022, a significant increase from the 6,185 received in CY 2021. These complaints alleged misconduct, waste, fraud, financial mismanagement, and criminal activity within the DOE, TRS, and BERS, by employees, vendors, contracted workers or volunteers. The complaints contained allegations of violations of administrative and criminal codes, various chapters of the City Charter, and the DOE Chancellor’s Regulations.

Specifically, in CY 2022, SCI:

- Investigated 351 cases that were opened in 2022, and closed 467 cases overall. The most frequent types of complaints SCI substantiated in CY 2022 were Employee Misconduct, Failure to Report, and Unsupervised Children.
- Received 12 complaints specifically alleging violations of Chapter 68 of the City Charter as administered by the Conflicts of Interest Board (“COIB”), and referred 22 to COIB overall.
- Investigated two complaints concerning BERS.
- Made 65 Policy and Procedure Recommendations in 36 cases.

¹ SCI’s oversight counterparts in other large urban school districts received a much larger percentage of their public school budgets. For example, in 2021, the Office of Inspector General for the Chicago Board of Education was allocated 0.093 percent of that city’s school budget (Chicago Public Schools, [Chicago Public Schools Budget 2022-2023](#), at 56 & 157 [2022]). The Office of the Inspector General for the Los Angeles Unified School District received 0.043 percent of that district’s school budget for the 2021-2022 school year (Los Angeles Unified School District, [Adopted Final Budget 2022-2023, Budget Services and Financial Planning](#), at Section II 10-11 [June 2022]).

² In 2021-2022, the NYC school system student headcount numbered 1,058,888. As of fall 2021, the DOE is comprised of 1,859 schools, of which 271 are charter schools (New York City Public Schools, [DOE Data at a Glance](#), [2022]). Furthermore, the New York City public school system employs almost 135,000 people full-time (New York City Public Schools, [Benefits and Pay](#), [2022]).

³ (Checkbook NYC, [New York City Active Expense Contracts FY 2022](#), [2023]).

- Substantiated in 198 investigations that 263 individuals or entities violated criminal statutes, the DOE Chancellor’s Regulations, or other administrative regulations.
- Referred 98 substantiated cases to the New York State Education Department (which licenses teachers, principals, and other pedagogues).
- Investigated 136 cases involving inappropriate or sexual misconduct by DOE employees or vendors, and substantiated allegations against individuals in 40 such cases.
- Made 324 personnel-related recommendations based on SCI’s substantiated findings.⁴ The subjects investigated included teachers, administrators, paraprofessionals and other DOE personnel, volunteers, and contracted service providers. SCI recommended disciplinary action in 138 instances, a majority of which included recommendations up to and including termination. SCI also made recommendations of 116 problem codes (as possible bars to future employment or contracts; these are often recommended when the subject has resigned or been dismissed before SCI has concluded its investigation), 38 financial recovery actions, 22 recommendations for appropriate disciplinary actions by DOE administrators, and seven other actions (e.g., retraining in lieu of disciplinary action, review of policy, review of vendor contracts). As a result of SCI’s investigations, many employees underwent special training (or retraining) related to their misconduct.
- In addition, 29 DOE employees and vendors who were the subjects of SCI complaints resigned during the pendency of SCI’s investigations. SCI received 11 complaints of retaliation for review under the whistleblower statutes, and completed reviews of eight whistleblower claims received in 2022 or earlier, none of which were substantiated.⁵
- SCI substantiated 39 cases that identified to the DOE precise amounts of loss, theft, or mismanagement of funds, totaling approximately \$439,000. SCI also identified hundreds of thousands of dollars due to loss, theft, or mismanagement of other monies for which an exact amount could not be determined.⁶ In addition, SCI was responsible for the continued collection and monitoring of restitution or fines in numerous cases.⁷
- SCI investigations led to four arrests (a vendor, a school aide, a former-PTA member, and a DOE teacher).⁸

In its discretion, SCI refers complaints and information to other City agencies for review and appropriate action, including internal DOE units, or may monitor another agency’s actions, such as the New York City Police Department and the Administration for Children Services, before deciding to commence an SCI investigation or review. In CY 2022, SCI referred 7,607 complaints to other agencies.

⁴ SCI may make multiple personnel recommendations regarding any individual subject. These may include problem codes, restitution payments, disciplinary action, or other recommendations.

⁵ Further information regarding SCI’s processing of whistleblower cases in FY 2022 is published on our website (The Special Commissioner of Investigation for the New York City School District, [SCI Report of Whistleblower Complaints and Statistics for Fiscal Year 2022](#), [October 14, 2022]).

⁶ SCI frequently referred such matters back to DOE for its own audit and review of cases involving indeterminate monetary value such as time and leave issues or per session irregularities.

⁷ Restitution noted here consists of court ordered repayment of monies over a period related to past SCI cases. Fines during this period were issued by either the DOE or COIB.

⁸ Iber Pomaii, the DOE vendor, was arrested on June 20, 2022 (SCI Case No. 2022-5073); Cristian Cabrera, the DOE school aide, was arrested on September 20, 2022 (SCI Case No. 2022-6687). These two cases are described at p. 7, *infra*. Mark Haynes was arrested on March 22, 2022, and pled guilty to grand larceny in the second degree on January 17, 2023. Noni Porter was arrested on September 17, 2022, and charged with two counts of felony possession of a fraudulent instrument in the second degree. All criminal cases remain open and ongoing.

In addition, during or after its own investigations, SCI may also refer criminal findings to an appropriate prosecutor's office. In CY 2022, SCI referred 17 such cases to prosecutors' offices.⁹

Mayoral Executive Order 11 of 1990 provides that the SCI commissioner "shall recommend such remedial action as he or she deems necessary, and monitor the implementation by the [DOE] of recommendations made by him or her."¹⁰ The purpose of SCI's Policy and Procedure Recommendations ("PPRs") is to assist the DOE in recognizing and preventing fraud, corruption, mismanagement, and systemic deficiencies. SCI made numerous PPRs to the DOE in 2022, related to corruption hazards, mismanagement, and other ongoing or systemic deficiencies. All SCI PPRs are available on SCI's website, including the date issued, the exact recommendation, the acceptance status, the implementation status, the implementation date, and the DOE response.¹¹

CY 2022 Case Highlights:

Among the SCI reports and events in the past year:

- **Case No. 2019-2692:** SCI substantiated that Sanford Rich, the Executive Director of BERS, approved a significant salary increase for BERS Deputy Executive Director Daniel Miller, based on false information put forth by Miller to justify his raise. Miller falsely claimed (to Rich and, under oath, to SCI investigators) that he received a competing job offer with a higher salary from an Ohio public pension system. Rich then asked the BERS Board of Trustees for an increase in his own salary based on Miller's newly increased compensation.¹²
- **Case No. 2021-4862:** SCI released a report in January 2022, detailing past and present concerns regarding the DOE practice of vouchering contraband items seized at DOE facilities.¹³ Several PPRs were made as a result.
- **Case No. 2022-5073:** SCI, in coordination with NYPD, arrested Iber Pomaii on June 20, 2022; he was charged with Rape in the First Degree, a Class B felony, and additional related charges.¹⁴
- **Case No. 2022-6687:** SCI, in coordination with NYPD, arrested Cristian Cabrera on September 20, 2022. He was charged with Endangering the Welfare of a Child, a Class A misdemeanor.¹⁵
- **Case No. 2020-3984:** SCI Issued a report detailing an investigation into the ordering, receipt, inventory, and distribution of Personal Protective Equipment by the Department of Education in response to the COVID-19 Pandemic.

⁹ Specifically, four cases to the New York County District Attorney's ("DA's") office; four to the Kings County DA's office, five to the Bronx County DA's office; three to the Queens County DA's office; one to the New York State Attorney General's Office; and one to the United States Attorney's Office for the District of New Jersey. In addition, SCI has worked regularly with both the Southern and Eastern District United States Attorney's offices.

¹⁰ (The Special Commissioner of Investigation for the New York City School District, *Executive Order 11*, [June 28, 1990]).

¹¹ A complete list of all CY 2022 PPRs made to the DOE is published on our website (The Special Commissioner of Investigation for the New York City School District, *Policy and Procedure Recommendations from 2019 to the Present*, [March 22, 2023]).

¹² The BERS Trustees declined Rich's request to increase his salary; Rich and Miller remain in their current positions at BERS. SCI advised the BERS Trustees of its findings in August 2022. In March 2023, Rich reduced Miller's salary by 24 percent in response to SCI's findings.

¹³ Contraband items seized at DOE facilities may include weapons, drugs, tobacco or vape products, to name just a few.

¹⁴ Pomaii's criminal case is ongoing. See CR-010777-22BX, Bronx Criminal Court.

¹⁵ Cabrera's criminal case is ongoing. See CR-023253-22QN, Queens Criminal Court.

- [Case No. 2022-3764](#): SCI substantiated that a 32-year-old DOE teacher engaged in an inappropriate sexual relationship with a teenage female student beginning when she was a freshman in his class.
- [Case No. 2022-1755](#): SCI substantiated that a 27-year-old DOE teacher made inappropriate remarks and engaged in inappropriate sexual communications with a 17-year-old male student – including sending nude photos of herself to him.
- [Case No. 2021-3703](#): SCI substantiated that a DOE Assistant Principal failed to follow proper procedures upon learning that an eight-year-old female student may have been sexually abused by her stepfather – thus allowing the girl to return home to a potentially abusive environment.
- [Case No. 2019-6389](#): SCI substantiated that a teacher (with the help of a 16-year-old student) removed 24 boxes of classroom supplies meant for sixth and seventh grade science classes worth \$8,000.
- [Case No. 2020-3049](#): SCI substantiated that an independent Special Education Teacher Support Services provider under contract with the DOE wrongfully billed the DOE \$12,600 for approximately 140 hours of mandated services that were not provided to a 16-year-old student.
- [Case No. 2021-2927](#): SCI substantiated that a DOE school cleaner allowed individuals to host parties at a school’s playground and facilitated these parties by unlocking the gates and running extension cords from the school to the playground to power speakers and DJ equipment.

DOE Anti-Corruption Report:

In November 2022, SCI made its annual request that DOE specify the most significant areas of potential corruption identified or addressed during the previous 12 months. SCI also requested that the DOE review the department’s responses from the previous year’s report, and reflect on the hazards identified and the progress or challenges faced in addressing those hazards.

The DOE responded to SCI’s requests in January 2023, and described its practices and protocols concerning SCI’s above-outlined request. The 2023 response specifically noted that two of its “most significant areas” were: (1) litigation risk for the Fiscal Year 2022 (“FY22”) DOE budget and (2) parking permits. Notably, SCI provided a PPR to the DOE regarding the parking placards in case 2021-5347, dated June 24, 2022, after SCI substantiated that multiple teachers used fraudulent parking placards. SCI also spoke with the DOE’s Executive Deputy Counsel for Administrative Trials, Operations and Compliance on or about June 15, 2022, concerning a parking placard PPR from SCI case 2020-3638 (issued in November 2021), that was implemented in September 2022.

Concerning the areas identified in its 2022 response to SCI’s inquiries, the DOE provided updates in its 2023 letter to SCI. In summary, the DOE reported:

1. Air Purifiers

As noted in the 2021 response, “the DOE purchased air purification devices as part of its multi-layered COVID transmission mitigation strategy in 2020.” The DOE said that “air purifiers and filters continue to be counted and inventoried prior to distribution to custodian engineers.”

2. Data Security

Per its response, “In September 2022, principals received an email from the Chief Operating Officer, asking them to complete a survey indicating all third-party applications in use by their school, regardless of purchase price, including free or donated software,” and that those that had not already completed the compliance process were required to do so. The DOE also “administered a student privacy training to Central, field, and school-based DOE employees,” with a required deadline of June 30, 2022, and the training for the current school year is being administered between January and February 2023. In addition, the DOE published “new and updated guidance on student data privacy and security policies” at the beginning of the current school year.”

March 29, 2023

Contact: NYCSCI Press Office
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Indictments and criminal complaints are accusations. Defendants are presumed innocent until proven guilty.

Every officer and employee of the DOE is obligated to report immediately to SCI any knowledge of wrongdoing in the school system. We urge parents, students, and other concerned members of the community to get involved and help our children. If you suspect corruption, crime, or fraud at your child’s school, please contact (212) 510-1500, or file a complaint [online](#).