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FOR IMMEDIATE RELEASE
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DOI-SCI INVESTIGATION FINDS UNION MEETING AT BROOKLYN PUBLIC SCHOOL IMPROPERLY CLOSED TO PUBLIC AND PRESS

Today, Mark G. Peters, Commissioner of the New York City Department of Investigation ("DOI"), and Richard J. Condon, Special Commissioner of Investigation ("SCI") for the New York City School District, issued a Report into allegations that a meeting sponsored by Local 1182 of the Communications Workers of America and attended by the Mayor in July 2014 improperly excluded members of the press. The investigation focused on whether the meeting and its approval by the Department of Education ("DOE") conformed with DOE Chancellor's Regulations D-130 and D-180, and Section 414 of the New York State Education Law, which govern the use of public school buildings and the procedures that DOE officers and employees must follow regarding holding events in school buildings. The investigation found the following conduct was improper, but inadvertent:

- a flyer about the event did not include a required disclaimer stating that DOE did not sponsor or endorse the event, and
- reporters from the New York Post were denied access to the meeting, in violation of the rules governing the use of school property.

The investigation also found there was a need to correct the communication failure between the Mayor's Office and the DOE Counsel's Office; and the failure of the Mayor's Office staff to obtain legal advice prior to the event.

A copy of the full Report follows this release and can also be found at the following links: http://www.nyc.gov/html/doi/html/doireports/public.shtml and http://www.nycsci.org/

DOI Commissioner Mark G. Peters said, "Public access to events on public property is the foundation of a democratic society. City officials and agencies must educate themselves on the rules and be careful to follow them."

Special Commissioner of Investigation Richard J. Condon said, "The report details how the meeting at Public School 66 which should have been open to the public and the press was instead a closed meeting."

The Office of the Special Commissioner of Investigation is part of the New York City Department of Investigation and Special Commissioner Condon reports to DOI Commissioner Peters.

The findings of the Report have been referred to First Deputy Mayor Anthony Shorris and Chancellor Carmen Fariña.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

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November 25, 2014

Hon. Anthony Shorris
First Deputy Mayor
City Hall
New York, NY 10007

Hon. Carmen Fariña
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Communications Workers of America
P.S. 66K
SCI Case No. 2014-4374

Dear First Deputy Mayor Shorris and Chancellor Fariña:

Based on news media reports, on July 16, 2014, the Office of the Special Commissioner of Investigation ("SCI") commenced an investigation concerning a meeting sponsored by Local 1182 of the Communications Workers of America ("CWA") on the evening of July 14, 2014 at P.S. 66 in Brooklyn.[1] The CWA was granted a permit by the Department of Education ("DOE") to use the P.S. 66 cafeteria for what the CWA's permit application described as a "meeting with the mayor." Mayor Bill de Blasio attended the event, which a newspaper account later described as a "union rally from which the public was barred."[2] The same paper later reported that "the public and press were barred from the CWA rally."[3] SCI sought to determine whether the meeting and its approval by the DOE conformed with DOE Chancellor's Regulations D-130 and D-180, and Section 414 of the New York State Education Law. These provisions restrict the use of public school buildings by candidates, elected officials, and political organizations, and generally require that the use of a school be "non-exclusive and open to the general public."[4]

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[1] On July17, 2014 SCI received a complaint by letter dated July 16, 2014 from a former DOE employee concerning the same matter; this complaint (also based on news media reports) was incorporated into this investigation.
[2] F. Rosario and C. Campanile, *De Blasio at Secret Union Meet in Cablevision War,* N.Y. Post, July 15, 2014.
[3] A. Short, C. Campanile and Y. Gonen, *Mayor's Meeting all Wet; Union Rally at PS "Breaks Rules,"* N.Y. Post, July 16, 2014, at 8.
[4] DOE Chancellor's Reg. D-180 I. (H).

SCI investigators interviewed 11 DOE employees, three New York City Police Department School Safety Agents, and the Assistant to the Mayor's Director of Intergovernmental Affairs concerning this matter. SCI requested documents dating from June 1 through August 21, 2014 concerning the July meeting from the DOE and the Office of the Mayor. The documents produced in response to SCI's requests were chiefly emails. Several, however, were in redacted form, with accompanying statements by the Mayor's Deputy Counsel that the redacted text (1) "was unrelated to the meeting at P.S. 66;" (2) related "to legal interpretation and/or advice;" or (3) was protected by "attorney client privilege."

SCI's investigation and conclusions are described herein.

Summary of Findings.

State law and the DOE Chancellor's Regulations required that the meeting at P.S. 66 be open to the public, which included representatives of the press. However, because of faulty communication between the agency with knowledge of the rules (the DOE) and the agency planning the event and with knowledge of the facts (the Mayor's Office), these rules were not followed. While it does not appear that there was any intent to violate the rules, both the Mayor's Office and the DOE must establish a more effective system of communication to prevent such a recurrence of this circumstance.

The Office of the Mayor and the CWA planned the meeting at P.S. 66. The Mayor's Office informed the CWA that the event was to be closed to the press. The CWA organizer, in response to an inquiry by the P.S. 66 custodian, summarized this directive (without mentioning the Mayor's Office) as: "No press. It's open to the public." This message was ultimately transmitted (through several DOE intermediaries) to the DOE General Counsel as: "They are not expecting press coverage and the event will be open to the public." On this basis, the DOE General Counsel recommended approval of the permit to use the school.

Due to a DOE clerical error, the CWA did not receive the DOE permit documentation, which contained a summary the Chancellor's Regulations regarding political meetings and access by the public, until after the July 14th meeting.

As acknowledged by a CWA official, New York Post representatives sought to attend but were barred from the meeting by the CWA. According to the CWA official, they believed the Post representatives to be from Cablevision, the company with which the CWA was in a labor dispute. Regardless of their affiliation, these persons were members of the public, and should not have been barred from the school.

A flyer advertising the P.S. 66 meeting, which was drafted by the CWA and edited by members of the Mayor's Office, failed to include a disclaimer required by the Chancellor's Regulations. The flyer should have noted that the DOE did not sponsor or endorse the CWA event.

SCI cannot determine whether the P.S. 66 meeting was "political activity" as restricted by the Chancellor's Regulations. The Mayor's prepared remarks for the meeting were not overtly political. However, SCI has no record of what the Mayor and other participants actually said at the event. SCI requested recordings, transcripts or written accounts of the meeting from the Office of the Mayor; none was received.

State Law and DOE regulations regarding the use of public school buildings.

New York State law permits the DOE to adopt regulations concerning the use of school facilities. The statute allows "social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be non-exclusive and open to the general public." N.Y. Educ. § 414 (1) (c). The law also allows "holding political meetings. But no meetings sponsored by political organizations shall be permitted unless authorized by a vote of ... the board of education ... ." N.Y. Educ. § 414 (1) (e).[5] Although the term "political organization" is not defined in the Education Law, the Public Officers Law states that it "means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body." N.Y. Pub. Off. § 73-a. According to the Election Law, an "independent body" is "any organization or group of voters which nominates a candidate or candidates for office to be voted for at an election. ... ." N.Y. Elec. § 1-104 (12).

Chancellor's Regulation D-130 sets forth the procedures that DOE officers and employees must follow pursuant to Section 414 of the Education Law regarding political activities in school buildings. The regulation prohibits the issuance of permits for use of a school "by any person, group, organization, committee, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee ... ." Chancellor's Reg. D-130 (II) (A). Specifically, "No rallies, forums, programs, etc., on behalf of, or for the benefit of any elected official, candidate, candidates, slate of candidates or political organization/committee may be held in a school building after school/business hours ... ." Chancellor's Reg. D-130 (II) (B).[6]

Access by members of the general public to events in schools as required by Education Law Section 414 is also specified in the Chancellor's Regulations. "Permits may be granted for holding social, civic, and recreational meetings and entertainment, and other uses pertaining to the welfare of the community. All such uses shall be non-exclusive and open to the general public." Chancellor's Reg. D-180 (I) (H). This regulation also states that "School Buildings may not be used for conducting **political events**, activities, or meetings ... ." Chancellor's Reg. D-180 (XI) (B).[7]

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[5] In New York City, the board of education referenced in the statute has been replaced by the DOE; the authorization vote described in the statute is not applicable in these circumstances.

[6] The regulation allows an exception for candidate forums where the permit application includes a written representation that all candidates have been invited to participate. Ch. Reg. D-130 (II) (D).

[7] Bold in original. This regulation allows an exception for candidate forums as noted above.

With respect to public notices (including flyers) about events at schools, the regulation requires that they include the disclaimer:

> This activity is not sponsored or endorsed by the New York City Department of Education or the City of New York.

Chancellor's Reg. D-180 (III) (D) (2). The disclaimer must be clearly displayed in typeface of similar size as used in the notice or materials. Finally, "use of the school name is restricted to identifying the location of the activity and may not create an impression of sponsorship or endorsement by the DOE, the school and/or school personnel." Chancellor's Reg. D-180 (III) (D) (3).

The CWA informed the DOE that the meeting would be open to the public, but "no press" representatives would attend.

On July 1st, the DOE received its first communication concerning the July 14th meeting. SCI investigators interviewed P.S. 66 Custodian Enio Vega, who reported that he received a telephone call from Timothy Dubnau, the CWA District One Organizing Director, asking to reserve the school cafeteria. P.S. 66 is located near a Cablevision garage, the worksite of some CWA members and prospective members, and the event was scheduled by the Mayor's Office, at the CWA's request, to coincide with the end of the Cablevision work shift. Vega sent a one-page DOE Extended Use application (that the custodian devised) to Dubnau by facsimile. He returned the completed application to Vega, also by facsimile, the same afternoon. On the line opposite "Nature of Event," Dubnau entered, "Meeting with Mayor de Blasio." This appears to be the first indication to the DOE of the Mayor's participation in the planned meeting for which the CWA sought a permit. Thereafter, through July 14th, Vega and Dubnau were the points of contact for the DOE and the CWA concerning the specifics of the planned meeting at P.S. 66. Importantly, SCI's investigation found no direct communications between the DOE and the Mayor's Office about the CWA meeting until after it occurred.

P.S. 66 Custodian Vega and Dubnau continued communications concerning fees, liability insurance coverage, and documented representations for the use of the school cafeteria. On July 8th, P.S. 66 Principal Lucille Jackson, copying Vega, described the July 14th event as "the Mayor's Town Hall meeting." The same day, Vega wrote to Dubnau and inquired, "What is the meeting about?" Dubnau replied:

> The meeting will be between Mayor de Blasio and Cablevision employees in Brooklyn who have been working to secure a first union contract with the company. The Mayor will be listening to the concerns of the employees, and offering support.[8]

Vega added the notation "???" and forwarded Dubnau's message to Angela Sarni of the DOE Grants Administration and Extended Use Office. Sarni, in turn, forwarded these messages with the

[8] Cablevision Systems Corporation ("Cablevision") and the CWA were engaged in an ongoing labor dispute.

note, "Let me know what the lawyers think" to her DOE supervisor, Patricia Payne. Payne added an inquiry to the string of messages "about the efficacy of having a meeting with the mayor sponsored by the CWA." Payne asked Attorney Danielle Giovannone of the DOE Office of Legal Services ("OLS") Commercial Unit, "Is this allowable? Is a labor union not for profit?" The following day, July 9th, Giovannone forwarded this email string to OLS Attorney Robin Greenfield, with Giovannone's inquiry:

> Robin,
>
> The extended use office is asking whether the following is permissible: The Mayor's office would like to hold a discussion event between the Mayor and Cablevision employees that are members of CWA for purposes of "listening to the concerns of employees, and offering support"
>
> Do we allow elected officials to use the schools for these type of purposes?

At Greenfield's direction, Giovannone forwarded her message to the DOE General Counsel, Courtenaye Jackson-Chase, who replied:

> Is it also open to the general public? Are they expecting press coverage?

Giovannone then slightly revised this inquiry and wrote to Payne:

> Is it open to the public and will there be press coverage?

Approximately one hour later, Giovannone sent another message to Payne:

> Thanks…the issue is less about whether the union is a non-profit (they are not charging admission) and more whether it's ok for an elected official to use the space for this purpose. Let me know when you find out whether it's open to the public and if press will be there.

Payne agreed to "check with the union." This task was delegated to Vega, who wrote to Dubnau:

> Sorry about this! But the DOE lawyers are now asking is the event open to the public and if there will be any press at the event?

Two minutes later, Dubnau succinctly replied: "No press. It's open to the public." This message was relayed to Giovannone, who revised it before sending a separate message to Jackson-Chase and copying three additional OLS attorneys:

> They are not expecting press coverage, and the event will be open to the public.

Giovannone's seemingly slight revision of "No press" took on some significance. Her message to Jackson-Chase and the other OLS attorneys could be inferred to mean that the press was not barred from the event, but that reporters were not expected to attend. Robin King, one of the OLS attorneys copied on the message, replied:

> I don't think this is explicitly prohibited by [Chancellor's Regulation] D-130, do you?

Jackson-Chase promptly responded to King, Giovannone, and all the copied attorneys:

> No, it's not prohibited, hence my questions. It's fine to approve.

Vega informed Dubnau that the CWA permit was approved the same afternoon, July 9th. The custodian told SCI investigators that he did not transmit a copy of the actual DOE Extended Use Permit to Dubnau. These form documents included a summary of the Chancellor's Regulations concerning the use of school buildings (including, as set forth above, political events, disclaimers in public notices, and access by the general public) and a representation that the permit holder is familiar with the Regulations.

Angela Sarni handled the billing and notices to the CWA for the July 14th meeting. These tasks are incorporated into the DOE's Custodial Payroll System ("CPS") software which generates the documentation and sends it by email to the permit applicant. Sarni told SCI investigators that on July 9th, she entered the data for the CWA meeting into the CPS, and sent the permit, invoice, and summary of the pertinent Chancellor's Regulations to the CWA by email. On the day after the July 14th meeting, Sarni had yet to receive payment from the CWA or a response to her July 9th email. Sarni investigated the matter, and discovered that she had used a CWA email address from a previous permit in the DOE files from July 2013, rather than the address Dubnau provided to the P.S. 66 custodian.[9] Vega then inquired of Dubnau, who said that he had not received Sarni's email (including the summary of Chancellor's Regulations). Sarni then sent the documents to Dubnau by U.S. Mail on July 15th. The CWA has paid the DOE invoice.

Jackson-Chase's advice to approve the July 14th event was based on the information obtained from the CWA. There were no communications between the DOE and City Hall before the meeting at P.S. 66. If the Mayor's Office had communicated directly with Jackson-Chase or her staff, this entire problem could have been avoided. As described below, emails obtained by SCI from the Mayor's Office show that the decision to restrict attendance by members of the press was made by the Mayor's staff and transmitted to the CWA. The CWA, in turn, informed the DOE merely that there would be "no press," but not that this was due to a restriction imposed by the Mayor's Office.

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[9] The July 2013 permit was for the CWA to use a Forest Hills school gymnasium for basketball games. Dubnau was not the applicant.

The CWA and the Office of the Mayor planned the P.S. 66 event.

As described above, on July 1st, Dubnau of the CWA first contacted P.S. 66 to reserve the cafeteria. Thereafter, Robert Master of the CWA and Gabriel Schnake-Mahl and others in the Office of the Mayor planned the specifics of the meeting at the school. Master, who requested the Mayor's appearance, is the Director of Legislative and Political Activities for District One of the CWA, which encompasses New York, New Jersey and the six New England states. Schnake-Mahl is the Assistant to the Mayor's Director for Intergovernmental Affairs.

On July 3rd Schnake-Mahl emailed Andrea Hagelgans, Director of Agency Communications in the Office of the Mayor, a message titled "Feedback on CWA event?" He wrote: "Open press? Videographer? Flyer?" Later that day, Schnake-Mahl replied to a message from Master; Schnake-Mahl stated, in part: "Comms leaning towards closed press, but will have definitive answer on Monday."[10] On Monday morning, July 7th, Schnake-Mahl wrote to Hagelgans asking for a decision that day about the CWA's advertising flyer, a videographer, and whether the event should be open to the press. Later that morning, he wrote to Hagelgans:

> Fyi—they think closed press is fine, and ok with whatever we prefer re: videographer.[11] Looking for an ok on the flyer (with whatever edits we want) so that they can build the event internally.

That afternoon, Schnake-Mahl told Hagelgans that he left a draft copy of a CWA flyer announcing the event on her desk, and asked to be informed when it had been reviewed and approved. Monday evening, Master wrote to Schnake-Mahl pressing for a decision. Schnake-Mahl replied, attaching a revised flyer to the message: "Comms team signed off on attached version. Closed press. No videographer … ."

The flyer.

The flyer approved by the Mayor's Communication staff and transmitted to Master was provided to SCI by the Mayor's Office along with a prior draft. Apparently, no one from the DOE was shown these items, which did not include the disclaimers required by Chancellor's Regulation D-180 (III) (D). The final version contained the CWA logo and stated:

Mayor de Blasio Wants to Meet All
Brooklyn Cablevision Techs!

Monday, July 14th at 5:30 pm.

Inside PS 66

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[10] "Comms" is a reference to the Mayor's Communications staff.
[11] "[T]hey" is a reference to Master and the CWA.

Across from E96th St garage.

Mayor de Blasio would like to meet with all Cablevision techs in Brooklyn to hear what it's been like working for Cablevision without a contract. This is our opportunity to speak directly with our Mayor.

Food served.

Tech 22 Performing

The July 14th meeting at P.S. 66.

On July 11th, Raymond Chao, a Schedule Coordinator in the Office of the Mayor, confirmed that the P.S. 66 meeting was added to the Mayor's schedule. Chao emailed a proposed format for the meeting to Emma Wolfe, the Director of Intergovernmental Affairs (and Schnake-Mahl's supervisor). The message stated, in part:

> Speak briefly at CWA gathering
> 7/14
> 6PM
> 45 mins.
>
> P.S. 66 – Lunchroom
> 845 East 96th Street
> Brooklyn
> Press:
> Closed
>
> Attendees
> ~150 Cablevision workers, some Verizon workers
>
> Proposed Format
> MAYOR arrives to lunchroom
> Chris Shelton introduces YOU
> MAYOR delivers remarks (10 mins.)
> Bob Master delivers remarks
> MAYOR does informal meet & greet rope line with workers
> MAYOR departs

Chris Shelton is the vice president of CWA District One. A subsequent revision of Chao's schedule added Tony Spina, CWA Local 1109 President, to the list of participants.

The Office of the Mayor produced a copy of Mayor de Blasio's prepared remarks for the P.S. 66 event:

CLOSED PRESS
MAYOR BILL DE BLASIO
CWA EVENT
MONDAY, JULY 14, 2014

REMARKS

- Good evening, everyone
- A pleasure to be here tonight with the CWA
- A union that is standing up for its rights
  - To organize
  - To have fair elections
  - And to bargain in good faith
- And want to recognize some of the great leaders and voices with us tonight:
  - **Chris Shelton**, Vice President, Communication workers of American District 1
  - **Bob Master**, Legislative and Political Director, Communication Workers of America District 1
  - **Tony Spina**, President, Communication Workers of America Local 1109
  - **Lawrence Hendrickson**, Cablevision Technician
- It is no exaggeration to say that CWA is standing up for the rights of all working Americans
- Because no employer should be allowed to flout labor laws
- Or every employer in this country will feel that it can do the same thing
- New York is a city with a long and proud union tradition
- And a city that continues to respect unions today
- We have shown that in my Administration
- Negotiated in a respectful way with the AFT, 1199
- And agreed to contracts that took care of the interests of workers
- And the fiscal needs of the City
- And included important reforms in education and health care
- I am troubled by the allegations I have heard about Cablevision
  - That it fired 22 workers a year and a half ago
  - Workers who had asked for a meeting with management to move negotiations along
- We have labor laws going back to 1938 saying that workers cannot be fired for union activities
- I have heard the fired workers were left to fend for themselves for months
- Until massive political pressure returned them to their jobs
- One of them, Clarence Adams, had an awful task when he returned home on that cold January 30th in 2013

- His task was to explain to his wife and 9-year-old daughter and 7-year-old son ....
- ....that his job had been taken away even though he hadn't done anything wrong
- Hadn't done anything but help his fellow workers by serving as union shop steward
- And if it had been hard for Clarence and his family beforehand
- He now had to worry even more about how to pay bills
- Had to rely on unemployment insurance
- On help from the CWA
- On generosity of his fellow workers still employed at Cablevision
- Clarence says his experience taught him we need stronger worker-protection laws
- He is right
- I urge you to stay strong
- I said at the start that you are fighting for all working men and women
- But the truth is, you are fighting for all Americans – working, retired, too young to work, and unemployed
- Because unions do not just fight for their members
- They are bulwarks of progressivism in our nation today
- Fighting against income inequality
- For immigration reform
- For a social safety network for all Americans
    - Years ago, in 1960, John F. Kennedy said this about the labor movement
    - "Our labor unions are not narrow, self-seeking groups.....Their goals are goals for all America – and their enemies are the enemies of all progress."
- It was true then, and it is true now
- You are fighting for all of us
- So, I applaud you in organizing Cablevision workers
- I urge you to continue
- I will stand behind you and do whatever I can to help you get what the law requires and what you deserve

You can count on our support.[12]

SCI has no record of the speech that the Mayor actually delivered at P.S 66, nor does it have any record of the remarks delivered by the other participants in the meeting. SCI specifically asked the Office of the Mayor for transcripts, contemporaneous notes, summaries, and / or electronic recordings of any and all portions of the meeting at P.S. 66; no such materials were produced in response to SCI's request.[13]

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[12] The prepared remarks produced to SCI also included brief remarks in Spanish, and this English translation: "My administration holds labor unions in high regard, as we have demonstrated in our successful negotiations with the UFT and DC 37."

[13] As noted above, Master and Schnake-Mahl discussed having a videographer attend (and presumably record) the meeting; Schnake-Mahl told Master that this would not be permitted.

Emails from July 14th indicate that Schnake-Mahl, Wolfe, and Elana Leopold attended the P.S. 66 event with the Mayor. Wolfe's name also appears in the P.S. 66 sign-in log for that date, along with Dubnau of the CWA. The log lists approximately 96 persons who signed in for the event.

At 7:12 p.m. on July 14th, Frankie A. Martinez-Blanco, Director of Advance, Office of the Mayor, sent an email with the subject line "Post Photog" to Rachel Martin, then an Assistant Press Secretary to the Mayor:

> FYI
>
> A NYPOST photog showed up outside the CWA event to take pictures of the mayor getting in his car. We blocked it off but they caught him when he was pulling off (since the windows are clear).

Subsequent email discussions on July 16th concerning the CWA meeting included a message from Wolfe: "City hall asked for closed press fwiw, not cwa."[14] Schnake-Mahl asked Master of the CWA about what had occurred at the meeting. Schnake-Mahl reported Master's reply:

> From Bob:
>
> "Post guys tried to get in but refused to identify themselves, we did not know they were from post. Thought they were from cablevision. So we asked them to leave. No members of public turned away. U should just blame us."

SCI investigators interviewed Gabriel Schnake-Mahl. The Assistant to the Director of Intergovernmental Affairs said that he was unaware of DOE regulations concerning the use of schools while planning this event with the CWA. Schnake-Mahl said that he did not contact any DOE officials, including anyone from the DOE General Counsel's Office, in advance of the meeting at P.S. 66. He added that he did not hear of anyone from the Mayor's Office or the CWA making such contacts with the DOE. Schnake-Mahl, who attended the meeting at P.S. 66, reported that he did not observe anyone being denied entry.

SCI investigators separately interviewed School Safety Agents Tricia Ramsey and Corrine Blackmon, who were assigned to P.S. 66 on the evening of July 14th. Ramsey said that she periodically walked outside to the front of the building. She reported that she did not observe anyone being denied entry to the school, and she did not hear anything to that effect. Blackmon maintained the sign-in log inside the front door. She told SCI investigators that those

[14] An abbreviation of "for what it's worth."

entering the front door signed in, and that she did not hear of anyone being denied entry. Blackmon noted that she could not see the front sidewalk from her post, and that the Mayor and his detail entered the school from the rear door (and thus did not sign in). Principal Lucille Jackson, who did not attend the event, told SCI investigators that she did not hear of anyone being denied entry.

Conclusion.

We refer our findings for your information.

Both the failure to place a disclosure on the event flyer and the denial of access to reporters from the Post violated certain rules governing school property. It appears that these violations were inadvertent. However, the failure of the Mayor's Office and the DOE Counsel's Office to communicate, and the failure of the Mayor's Office staff to obtain legal advice prior to the event should be corrected within internal policies in the future.

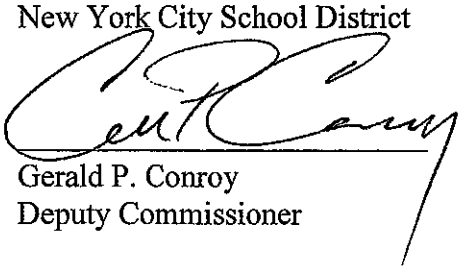
We note that some of the conduct described herein may violate the conflicts of interest provision of the New York City Charter which is administered by the New York City Conflicts of Interest Board.

Should you have any inquiries concerning this matter, please contact SCI Deputy Commissioner Gerald P. Conroy, the attorney assigned to this case. He can be reached at (212) 510-1486. Thank you for your attention to this matter.

Sincerely,

MARK G. PETERS
Commissioner of the
Department of Investigation

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

By: 
Gerald P. Conroy
Deputy Commissioner

MGP:RJC:GPC:lr
c: Courtenaye Jackson-Chase, Esq.