

August 7, 2007

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

Re: Maritza Tamayo
Ira Simmonds
SCI Case #2007-0852

Dear Chancellor Klein:

An investigation conducted by the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) has substantiated that Principal Maritza Tamayo, assigned to the Unity Center for Urban Technologies (“Unity High School”) in Manhattan, solicited \$900 from a subordinate to pay for a Santeria ceremony performed at the school.¹ Additionally, Tamayo and Assistant Principal Ira Simmonds used the Department of Education (“DOE”) Small Item Payment Process (“SIPP”) to pay an individual for the transportation of students to and from Unity High School and also solicited money from school staff to pay part of the transportation cost.²

The investigation began in February 2007, when an anonymous caller contacted SCI and reported numerous allegations of employee misconduct against Tamayo, including a complaint that Tamayo had conducted Santeria ceremonies at Unity High School with an individual named “Gilda” and that the principal had asked staff members to participate in and help pay for the cost of the ceremonies. The caller named former Unity High School Assistant Principal Melody Crooks-Simpson as one subordinate whom Tamayo had approached for a monetary contribution.³ The caller also alleged that, during January 2007, Tamayo hired Gilda to pick up several students from their

¹ Tamayo was not reassigned during this investigation.

² Simmonds was not reassigned during this investigation.

³ Crooks-Simpson is currently assigned to the Bronx Coalition Community High School.

residences, transport them to Unity High School to take the English and Math Regents exams, and then return them to their homes. Gilda was reported to have charged \$350 and Unity High School staff members were asked to pay part of the cost.

On March 9, 2007, an anonymous male caller contacted SCI with further information. The caller reported that Gilda Fonte was Tamayo's female friend who performed the Santeria ceremony and drove the students to the Regents exams.⁴ The caller added that Tamayo had asked Unity High School Teacher Stacy Shapiro to pay \$350 to Gilda for the cost of the transportation and, thereafter, Shapiro was paid back with \$250 from the school's imprest funds and \$100 collected from staff members. According to the caller, a Unity High School teacher, identified as Mr. Klinge, collected the money.⁵ The caller reported that Crooks-Simpson was made to pay \$900 for the Santeria ceremony and was in possession of the cancelled check.

SCI investigators interviewed Crooks-Simpson who said: "There was always a running joke that, because many of the students were ill-behaved, we should use sage to cleanse the building." Crooks-Simpson continued that Tamayo told her that she had a friend who could perform such a service and "the lady could burn sage and incense in the school and it would calm the students down." According to Crooks-Simpson, sometime in January 2006, Fonte walked into Tamayo's office while Crooks-Simpson was there and Tamayo said: "This is the lady I told you about." Crooks-Simpson added that, approximately one week before the mid-winter break of 2006, Tamayo asked her to come to Unity High School on the Tuesday during the break, when school was not in session, to participate in a Santeria ceremony during which Fonte would sprinkle chicken blood on the building. Crooks-Simpson explained that she did not attend because "I've never been to a Santeria ceremony and I was afraid." Crooks-Simpson related that on Wednesday, the day after the scheduled Santeria service, Tamayo called her at her residence and reported: "You missed a beautiful ceremony." Tamayo then said: "It's not going to work without you." According to Crooks-Simpson, Tamayo explained that Fonte had to "do something with me involving cards and told me to come into the school on Friday." Crooks-Simpson added that she remembered Tamayo saying: "We need to pay Gilda [Fonte] for the materials." Crooks-Simpson said that Tamayo told her: "Wear white; if there's anything evil, it won't get on you." Crooks-Simpson informed investigators that she was hesitant, but felt compelled to go.

Crooks-Simpson related that she arrived at the school on Friday at approximately 9:30 a.m., wearing a white dress, and met Fonte in the conference room just outside of Tamayo's office. Crooks-Simpson said that Fonte displayed Tarot cards on the table, "took two puffs from a brown cigar, let the smoke rise, and placed it on the table." Fonte then asked Crooks-Simpson to shuffle the cards and place them in four piles on the table.

⁴ The caller incorrectly spelled her name as "Fanti."

⁵ Klinge is Andrew Klinge, a teacher assigned to the Unity Center.

According to Crooks-Simpson, Fonte began mumbling something in “I’m not sure what language,” flipped over each pile of cards, and commented on each card. Crooks-Simpson said that the entire ceremony took approximately 30 minutes and, as they were leaving the room, Fonte said: “Maritza [Tamayo] took care of the money.” Crooks-Simpson informed investigators: “I did not discuss money that day because I did not want to pay for it.”

Crooks-Simpson stated that, once school was back in session, Tamayo told her that Fonte charged \$1,800 for the service and Tamayo asked Crooks-Simpson to pay half of the fee. Crooks-Simpson asserted that she thought \$900 was a lot of money and did not know how to pay the \$900 without letting her husband know about it. Crooks-Simpson explained that Tamayo continued to ask for the money, approximately three to four times during a two week period and, on March 20, 2006, Crooks-Simpson wrote a \$900 check from her personal checking account and turned it over to Tamayo.⁶

SCI investigators reviewed documents from Tamayo’s Commerce Bank checking account which showed that, on March 27, 2006, a \$900 check written to Tamayo by Crooks-Simpson had been deposited in Tamayo’s account.

SCI investigators interviewed School Computer Service Technician Keenan Britt who explained that he had worked at Unity High School from September 2003 to June 2006. Britt confirmed that Tamayo was the principal while he was there and that she frequently commented that “the school had negative energy and she needed to get rid of the problem.” Britt said that, sometime during the middle of the 2005-2006 school year, Tamayo was ill and she brought a large white candle, a black doll wrapped in purple cloth, and a white plaster head with pins sticking out of it, into her office. Britt continued that Tamayo placed the head on a bookshelf, the doll on the floor in front of the bookshelf, and the candle behind her desk.

Britt reported that he first met Gilda when she visited Tamayo in her office at Unity High School.⁷ Tamayo introduced Gilda as her friend and Gilda told Britt: “You look as if you need help.” When Britt asked what Gilda meant, Tamayo responded: “She does rituals, Santeria, it’s called black magic.” Britt recalled that, sometime on or about the mid-winter break of 2006, while he was working in the main office at Unity High School, Tamayo arrived with Gilda and another female, whom he described as a dark-skinned Hispanic woman, carrying large elephant plant leaves, a brown paper bag and a flat stainless steel tray. All three females entered Tamayo’s office, but Tamayo came out soon after, remarked to Britt “I need to find a liquor store,” and left the building. Britt continued that Tamayo returned carrying a black plastic bag, the contents of which were not known to him.

⁶ Crooks-Simpson provided investigators with a copy of the cancelled check.

⁷ Britt did not know Gilda’s last name.

Tamayo told Britt that she was waiting for Crooks-Simpson to arrive. Britt added that, at one point, he observed Gilda and the other female dressed in white and each was wearing a white headdress. Britt reported that Gilda was carrying the stainless steel tray – containing approximately 40 lit candles – on her head, while the dark skinned Hispanic female carried the elephant leaves. Britt explained that Tamayo approached him and said: “Crooks is not coming sweetie, you can’t stay, you have to go, everybody has to go.” According to Britt, after he left the building, he realized that he had forgotten a USB cable that he needed, and he returned to the school. School Safety Agent (“SSA”) Urene Lewinson then told him: “Don’t go up there; Maritza said no one can go on the 4th floor.” Lewinson also informed Britt: “It’s really smoky up there; I don’t know what they’re doing.”

SCI investigators interviewed SSA Lewinson who said that she knew Gilda to be one of Tamayo’s friends. Lewinson added that, sometime during the 2005-2006 school year, during a school break when no students were in attendance, Tamayo informed Lewinson that a friend would be coming by. Lewinson reported that Britt also was present and working in the main office. Lewinson explained that Gilda arrived at approximately 9:00 a.m., wearing a white dress and carrying two plastic bags, and walked to Tamayo’s office. According to Lewinson, minutes later, she observed Gilda remove a long stick with branches, white candles, and incense from the bags. Lewinson observed Britt speak to Tamayo and, shortly thereafter, Britt left the building. Lewinson added that Tamayo approached her and stated she wanted the floor clear because she was going to clean house.

Lewinson continued that she went to the 1st floor main security desk and remained there until the end of her workday when she went back up to the 4th floor to retrieve her belongings. Lewinson said that she observed smoke on the 4th floor and smelled incense burning, but did not ask Tamayo what she was doing because “it was something new to me.” Lewinson did not recall a second female and did not recall Britt coming back to the building.

SCI investigators interviewed Gilda Fonte who explained that she lived in the same building and on the same floor as Maritza Tamayo and that they had been friends for several years. Fonte described herself as a religious woman who “prays all the time.” Fonte said that Tamayo was very sick and was going for surgery, “so I prayed for her for help.” Fonte denied using candles on a tray. Fonte asserted that there was one large white candle in Tamayo’s office. Fonte denied participating in Santeria. Fonte said: “I am Catholic.” Fonte denied receiving a fee for the ceremony. Fonte maintained: “I did not take money from anyone.” Fonte acknowledged that she had used Tarot cards in the past, but did not recall doing so at Unity High School.

SCI investigators interviewed Tamayo who stated that she had known Fonte for approximately 15 years. Tamayo denied taking part in a religious ceremony of any kind at Unity High School. Tamayo also denied contacting Crooks-Simpson and instructing

her to come to Unity High School to meet with Fonte and to take part in a ceremony. According to Tamayo, the head in her office was an interior decorating project that her niece made approximately one year earlier and gave to Tamayo as a gift. Tamayo added that the black doll wrapped in purple cloth was left in her office by Ronald Ross, the former principal at Unity High School.⁸

Tamayo reviewed the \$900 check made payable to Tamayo, which had been written by Crooks-Simpson. Tamayo maintained that it was a payment for a trip to Cancun, Mexico which Crooks-Simpson and her family took with Tamayo and her family in the spring of 2005. Tamayo explained that she had a vacation time share in Cancun and that Crooks-Simpson and her family accompanied her on a seven day, all inclusive vacation. According to Tamayo, the cost for Crooks-Simpson was \$1,400 and the \$900 check was partial payment for the trip. Tamayo claimed that Crooks-Simpson paid about \$500 in cash up front and paid the remainder by check. Tamayo asserted that she would retrieve the documents relating to the Cancun trip and turn them over to the investigators.

As of the date of this report Tamayo has not produced any documents with respect to the trip to Cancun.

The assigned SCI investigator re-interviewed Crooks-Simpson concerning Tamayo's explanation for the \$900 check. Crooks-Simpson acknowledged that she and her family took a trip with Tamayo and her family to Cancun and stayed at Tamayo's time share. According to Crooks-Simpson, on December 21, 2004, she paid for the trip by giving Tamayo a \$1,200 check to cover lodging, food, and other expenses.⁹ Crooks-Simpson also produced her checkbook ledger with the following entry: "12/21 Maritza Tamayo \$1,200.00 Cancun."¹⁰ The trip took place in April 2005; Crooks-Simpson's \$900 check to Tamayo occurred in March 2006. Crooks-Simpson asserted: "Why would I pay her [for the Cancun trip] a year later?"

The assigned SCI investigator questioned retired Principal Ronald Ross about the black doll wrapped in purple cloth which Tamayo said was left in her office by Ross. Ross responded: "[He] absolutely did not have a doll like that in [his] office or in the school building."

SCI investigators interviewed Unity High School Teacher Andrew Klinge who reported that, at a staff meeting in January 2007, Tamayo proposed hiring a car service to transport students to and from school to take the Regents exams and she also suggested that the staff chip in to pay the fee. Klinge told investigators that Tamayo made arrangements for the car service to transport the students during a three day period and

⁸ Investigators observed this doll in Tamayo's office. They also saw the head, made of Styrofoam type material, wrapped in aluminum foil with pins protruding from it.

⁹ Crooks-Simpson provided the check to SCI.

¹⁰ Crooks-Simpson provided the ledger to SCI.

the principal said that the fee would have to be paid immediately.¹¹ Klingle added that he accompanied Tamayo into Simmonds's office to discuss payment options and Simmonds said that he would be able to "cut" a SIPP check for \$250, "but it would take a couple of days."¹² Klingle suggested that Teacher Stacey Shapiro might help by giving the money up front, telling Tamayo that he was sure Shapiro would agree to do so. According to Klingle, Tamayo replied: "Well, she better do it because she's F status and only here two times a week; when it comes time to choose who's going to be here at the end of the year and who's not, she'll be the first to go to the wall."

Klinge informed investigators that he contacted Shapiro who agreed to help. Klingle traveled to Shapiro's residence and retrieved the money. Klingle reported that, after the students had received the three days of transportation, Tamayo instructed him to pay the \$350 to Fonte. Klingle asked Tamayo whether he should get a receipt and Tamayo responded: "No, don't get a receipt; I'll take care of that, I know the lady." According to Klingle, Tamayo asked him to collect money from the staff to raise the remaining \$100 needed to repay Shapiro.

SCI investigators interviewed an additional seven Unity High School teachers who confirmed that they each contributed \$5 toward the transportation of students for the Regents exams.

SCI investigators interviewed Stacey Shapiro who confirmed that she gave Klingle \$350 in cash up front to pay the car service. Shapiro continued that when she next worked at Unity High School, Klingle gave her \$100 and, approximately two weeks later, she received a \$250 check from the DOE Division of Financial Operations.¹³

Investigators interviewed Unity High School Assistant Principal Ira Simmonds who confirmed that, in January 2007, five students ("Student A" through "Student E") were transported to the school to ensure that they took the Math and English Regents exams. Simmonds said that he, Tamayo, and other staff members decided that a car service would be hired for the transportation of students. Simmonds added that the fee for the car service was \$350 and that "Tamayo hired the car service." Simmonds verified that Teacher "Stacy Shapiro paid for the car service out of pocket and was reimbursed." Simmonds told investigators that he entered the information for a SIPP payment into the Galaxy system only after Tamayo authorized the use of \$250 from the school budget. Simmonds reported that the remaining \$100 to pay Shapiro was raised by collecting \$5 each from members of the staff at Unity High School.¹⁴ Simmonds said that he did not have receipts for the payments to the car service or Shapiro.

¹¹ Tamayo suggested that Gilda Fonte transport the students.

¹² Simmonds said that a check for \$350 would take even longer.

¹³ SCI has a copy of the check.

¹⁴ Investigators obtained the list of staff members who contributed \$5.

The assigned SCI investigator spoke by telephone with Ann Grosso, Regional Network Specialist for Payroll Support, who explained that a transportation transaction of \$250 or less would be prepared at the school level and there would be no need for any paperwork to be forwarded to Grosso. She added: "Because it was \$250 or under, it would not even be on my radar." At the request of the assigned investigator, Grosso conducted a computer check which revealed that the payment processed by Simmonds was a SIPP transaction that had been done by purchase order. Grosso reported that Stacey Shapiro was named as the vendor. Grosso said that the approving officer, "most likely Principal Maritza Tamayo," indicated that the expense was approved and noted that the expenditure was necessary to conduct an educational or administrative program and was in accordance with the rules and regulations of the DOE. According to Grosso, documents such as a date of transportation, reason for the transportation, name of staff member who used the transportation, and an invoice should be on file at Unity High School.

In her interview with SCI investigators, Gilda Fonte asserted that Tamayo asked her to "drive kids to school for a special test" as a favor. Fonte said that she drove students for three days and was paid \$350 in cash for the deed. Fonte added that she used her private vehicle, which is not a car service, and reported that she did not possess a Taxi and Limousine license.¹⁵

During her interview with SCI investigators, Tamayo was asked about the transportation of students. Tamayo said that Klingle and Willie "took charge."¹⁶ Tamayo maintained that she directed Klingle and Willie to notify parents, but acknowledged that she did not have permission slips, and did not know whether parents were actually contacted. Tamayo confirmed that she suggested using Fonte for the transportation and gave Fonte's contact information to Klingle and Willie, even though she knew Fonte was not licensed by the Taxi and Limousine Commission. Tamayo admitted that she contacted Fonte and discussed the \$350 fee with her. Tamayo added that collecting \$5 from each staff member to raise approximately \$100 to help pay part of the transportation cost was discussed at staff meetings.

Tamayo said that she consulted with Simmonds on how to raise the remaining \$250 and he informed her that there was approximately \$1,200 in the transportation budget and Simmonds submitted for \$250 from those funds. According to Tamayo, she believed that Fonte was paid with \$250 in cash that was borrowed from "F" status Teacher Stacey Shapiro and \$100 in cash contributions from the staff. Tamayo maintained that she did not know how Shapiro became involved and did not remember being part of a discussion concerning Shapiro and her ability to pay the "\$250 [*sic*]."

¹⁵ SCI investigators obtained Fonte's business card which described her as a "Professional Driver" offering "24 Hour Services." Investigators learned from the Taxi and Limousine Commission that Fonte's TLC license expired in 2001.

¹⁶ Willie is Unity High School Teacher Matthew Willie.

Maritza Tamayo engaged in employee misconduct and engaged in financial irregularities. Ira Simmonds engaged in financial irregularities.

It is the recommendation of this office that the employment of Principal Maritza Tamayo be terminated, that she be made ineligible for work with the DOE, and that this matter be considered should she apply for any position in the New York City public school system in the future.

It is the recommendation of this office that appropriate disciplinary action be taken toward Ira Simmonds.

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

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the 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 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Maritza Tamayo and Ira Simmonds. 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.