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**REPORT ON THE USE BY FDNY MEMBERS
OF BOGUS DEGREES ISSUED BY ST. REGIS UNIVERSITY**

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I. INTRODUCTION

A. Origin of the Investigation

The New York City Fire Department (FDNY) requires its members to meet established educational requirements to qualify for hiring and promotion. The Department of Citywide Administrative Services (DCAS) publishes the requirements for candidates' initial appointment to the FDNY in periodic firefighter examination announcements. The FDNY itself sets forth the educational requirements for promotion in orders and regulations.¹

On October 30, 2005, the New York City Department of Investigation (DOI) learned that FDNY Battalion Chief Daniel O'Gara had previously submitted a bogus "baccalaureate degree" to the FDNY in order to obtain his promotion to the rank of Battalion Chief. The phony degree was issued by an entity called "St. Regis University" ("St. Regis"), which is not an actual university and holds no educational accreditation in the United States.

Following the discovery of O'Gara's St. Regis degree, DOI conducted a search of all FDNY uniformed promotion files dating back to 2002, and determined that, including O'Gara, fourteen FDNY officers had obtained purported degrees from either St. Regis or one of its "affiliates,"² and submitted these degrees to the FDNY either when seeking appointment to the FDNY or when seeking promotions. Consequently, DOI's investigation expanded beyond Chief O'Gara to include the following thirteen additional FDNY members: Battalion Chief John Polly, Battalion Chief Gary Esposito, Deputy Chief Paul Ferro, Deputy Chief Richard Howe, Captain Lawrence Sloan, Captain Donald Brown, Captain Martin Cass, Captain Mark Barra, Captain Edward O'Donnell, Captain Thomas Fitzgerald, Lieutenant Ralph Talarico, Lieutenant Matthew Zitz and Firefighter Mark Thalheimer. This report sets forth DOI's findings regarding the use of phony St. Regis degrees by FDNY members, as well as policy and procedure recommendations to address identified administrative issues.

B. Summary of Findings

According to its website, www.stregis.com, St. Regis operated out of the Republic of Liberia as an "online distance learning institution" accredited by the "Liberian Ministry of Education that has various affiliations and satellites throughout the world." DOI has established that St. Regis, which operated under a number of bogus university names or "affiliates," was not an educational institution but was in the business of selling

¹ These educational requirements are discussed in detail, *infra*, at pages 3-5 and the Exhibits cited therein.

² On its website, St Regis gave interested parties the ability to purchase degrees bearing the name of St. Regis or one of a number of so-called affiliates, such as "Hartland University," "New Manhattan University," "America West University," and "St Lourdes University." As with St. Regis, none of these affiliates were real educational institutions.

fraudulent academic credentials, and that St. Regis “satellites” were, in fact, only post office boxes at locations throughout the United States.

DOI has found that all fourteen FDNY members it investigated purchased St. Regis degrees and attempted to use them to meet FDNY educational requirements.³ Of these, the FDNY promoted four officers without sufficient proof of required college credits. The FDNY promoted three of these four officers, Battalion Chief Daniel O’Gara, Deputy Chief Richard Howe, and Deputy Chief Paul Ferro, based on their submission of bogus degrees from St. Regis. While the FDNY rejected a St. Regis “degree” submitted by a fourth officer, Captain Edward O’Donnell, it nevertheless promoted him without documentation of the requisite college credits.

Nine of the remaining officers, Battalion Chief John Polly, Battalion Chief Gary Esposito, Captain Lawrence Sloan, Captain Donald Brown, Captain Martin Cass, Captain Mark Barra, Captain Thomas Fitzgerald, Lieutenant Ralph Talarico and Lieutenant Matthew Zitz, purchased false and misleading academic credentials from St. Regis and submitted them to the FDNY for their promotions. The FDNY rejected their St. Regis college degrees, but the officers were promoted because they obtained the requisite college credits from legitimately accredited academic institutions.

One current FDNY Firefighter, Mark Thalheimer, sought to use a St. Regis “affiliate” degree prior to graduation from the Fire Academy to meet the minimum educational requirements set by DCAS to be appointed as a firefighter. While the FDNY rejected his St. Regis college degree, Thalheimer was hired because he obtained the requisite college credits from a legitimately accredited academic institution.

DOI’s findings to date lead to the conclusion that these individuals directly violated FDNY regulations, which require candidates for hiring or promotion to submit to the FDNY proof of college credits from an accredited institution.

This Report is based on interviews of FDNY personnel, FDNY records and FDNY regulations, all obtained in conjunction with this investigation. It provides an overview of applicable FDNY regulations and orders and summarizes the testimony

³ One FDNY Battalion Chief whose name surfaced in this investigation did not ultimately try to obtain a promotion with the FDNY based on bogus qualifications. This Battalion Chief told DOI that he first learned of “St. Regis University” from O’Gara. The Battalion Chief never actually purchased or received a degree from St. Regis, but prior to his November 2004 promotion to Battalion Chief, he wrote and submitted an e-mail to St. Regis that detailed his life experience in a three to four page essay. St. Regis documents indicate that the Battalion Chief sent this e-mail to St. Regis on August 31, 2002. In response to his submission, St. Regis told him that if he sent them approximately \$600, he would qualify for the “Bachelor of Science degree in Business Management.” Thereafter, in August 2002, the Battalion Chief called the FDNY Bureau of Personnel and was informed that the FDNY did not accept St. Regis degrees. The Battalion Chief then abandoned his quest for a St. Regis degree. St. Regis documents establish that the Battalion Chief never paid for or received a degree. Ultimately, he was legitimately appointed to Battalion Chief based on the number of college and PONSİ credits that he submitted to the FDNY Tenure Desk by the time he took the Battalion Chief exam in 2004. Because this officer never ultimately pursued a St. Regis degree, he is not identified or discussed further in this report.

given by the FDNY members involved, each of whom offered an account as to when, why, and how he obtained the degree that was submitted for his promotion.

II. FDNY REGULATIONS

As far back as 1998, the FDNY has had educational requirements for promotion. The promotional candidate must satisfy the educational requirements in effect on the date on which the Notice of Examination for that particular civil service title was published.

A. 1998 Notice of Exam for Deputy Chief

The 1998 Notice of Examination for Deputy Chief requires candidates to have received forty (40) college credits from an accredited university by the end of their one-year probationary period.⁴ A subsequent amendment to this Notice of Exam emphasized the accreditation part of this requirement by stating explicitly that the college credit requirement can be met *only* with credits from an *accredited* college or institution. Department Order #71, 7/9/99.⁵

B. PA/ID 71-97 (April 6, 2001)

Educational requirements for promotion to Deputy Chief and several other FDNY ranks are set forth in Personnel Administration/Informational Directive (PA/ID) 1-97, which generally requires that in order to be considered for promotion to the rank of “Fire Marshal, Lieutenant, Supervising Fire Marshal, Captain, Battalion Chief or Deputy Chief, members must meet the specific educational requirements for each rank one month prior to date of promotion.”⁶

The April 2001 PA/ID spells out the mechanics and substance of this educational precondition on several provisions relevant here, among them:

- 3.1 It is the responsibility of the member to be aware of the educational requirements of the rank to which the member wishes to be promoted and to have fulfilled those requirements no later than one month prior to the date of promotion.
- 3.2 To satisfy the specific educational requirements for promotion, the member must have attended an accredited college or university and obtained the required credits. Official proof of completion must be provided to the Bureau of Personnel no later than one month prior to the date of promotion.

⁴ See Exhibit 1 attached hereto.

⁵ See Exhibit 2 attached hereto

⁶ See Exhibit 3 attached hereto

- 3.2.1 If the member has previously attended an accredited college or university and has the credits needed to meet the requirement for promotion, it is the member's responsibility to have the college/university forward an official transcript of courses taken and credits earned directly to the Bureau of Personnel.
- 3.2.2 If the member wishes to have FDNY Fire Academy, EMS Academy or other training-related courses considered for college credit, the member must enroll at an accredited college or university. The college or university will determine which of these courses will be awarded college credit and how many credits should be awarded. The number of credits awarded may vary according to the college/university's policy. It is the member's responsibility to arrange for his/her official FDNY transcript to be submitted to the college or university he/she attends (see Section 5 of the PA/ID).⁷

C. DCAS Requirements

DCAS periodically publishes a "Notice of Examination" for the position of firefighter. On September 25, 2002, DCAS published a "Second Amended Notice" for Firefighter Exam no. 2043 to be held on December 16, 2002. The Notice provides that in order to qualify for appointment, the prospective firefighter must have "successfully completed 30 semester credits from an accredited college or university" by the date of appointment.⁸

D. Foreign College or Institution.

On February 14, 2003, the FDNY issued Department Order No. 12, to address specifically credits earned at a foreign college or university. This order requires those candidates who have foreign credits to have them evaluated by an approved foreign education evaluation service. This evaluation was to be completed before the Tenure Desk could verify if the candidate could be promoted. In particular, Department Order No. 12 states:

All candidates for promotion that are submitting college credits earned at a foreign college or university in order to meet the educational requirement for promotion need to have the credits evaluated. The promotion desk has a list of approved foreign education evaluation services that will evaluate the credits that have been obtained from a foreign college or university. This evaluation must be performed before the promotion desk can verify if

⁷ *Id.*

⁸ *See* Exhibit 4 attached hereto.

the candidate has the necessary college credits needed for promotion.⁹ (Emphasis original).

E. Non-Collective Credits.

A subsequent December 2004 revision to PA/ID 1-97 amended Section 3.2. It sets forth circumstances in which a promotion candidate may meet the FDNY's college credit requirement with non-collegiate credits.¹⁰ As revised, Section 3.2 now reads:

- 3.2 To satisfy the specific educational requirements for promotion, the member must have *the required college credits by passing accredited college or university courses or have satisfactorily completed non-collegiate training programs offered by the FDNY that have been evaluated by the Program on Non-Collegiate Sponsored Instruction (PONSI) with College level credit recommendations having been made.* (Emphasis added).
- 3.3 Official proof of completion must be provided to the Bureau of Personnel no later than one month prior to the date of promotion.

F. PONSI Credits/Life Experience

Non-collegiate training programs that are offered by the FDNY have been evaluated by the Program on Non-Collegiate Sponsored Instruction (PONSI) with college-level credit recommendations having been made.

PA/ID 1-97, 4.3 states:

It should be noted that PONSI proposed credit recommendations, but colleges and universities are under no obligation to honor them.

A PONSI recommendation is not binding on colleges or universities. An FDNY member who wished to use life experience to obtain college credit has an obligation to discuss his/her FDNY training, life experience, previous professional training and/or coursework with an *accredited* college or university to determine the number of credits they are prepared to award.” (PA/ID 4.3) (Emphasis added).

⁹ See Exhibit 5 attached hereto.

¹⁰ See Exhibit 6 attached hereto.

III. WITNESS INTERVIEWS

DOI interviewed all of the FDNY members who submitted bogus St. Regis degrees to the FDNY. The following is a summary of these interviews, which this Report divides into three subsections, as set forth below:

- A. Officers promoted without sufficient educational credentials.**
- B. Officers promoted based on legitimate academic credentials, but who submitted a bogus college degree to the FDNY.**
- C. Member who obtained the St. Regis degree prior to appointment to the FDNY.**

The witness summaries appear within each subsection chronologically, based on when each witness learned about St. Regis.

DOI also interviewed FDNY personnel assigned to the “Tenure and Promotion Desks.” Both desks are staffed by the same uniformed FDNY personnel. They are responsible for assuring: (1) that those new FDNY members who received tenure on completion of their first year service meet all FDNY requirements, and (2) those FDNY members who are seeking promotion have fulfilled all FDNY requirements, including educational requirements. A summary of interviews related to the Tenure and Promotion Desks appears in subsection D below.

A. Officers promoted without sufficient educational credentials

As was noted above, the FDNY promoted four officers without sufficient proof of required college credits. The FDNY promoted three of these four officers, Battalion Chief Daniel O’Gara, Deputy Chief Richard Howe, and Deputy Chief Paul Ferro, based on their submission of bogus degrees from St. Regis. While the FDNY rejected a St. Regis degree submitted by the fourth officer, Captain Edward O’Donnell, it nevertheless promoted him without documentation of the requisite college credits.

1. Officers whose promotions were validated based on bogus college degrees

Battalion Chief Daniel O’Gara

DOI interviewed Chief Daniel O’Gara under oath on December 6, 2005. O’Gara is a Battalion Chief who has been employed by the Department since 1979. He was a Houston, Texas police officer before joining the FDNY. He took the Battalion Chief

exam in 1999 and was promoted in March 2002. At that time, Battalion Chiefs were required to have obtained 40 college credits before they could be promoted. O’Gara admitted to DOI that he had only 12 FDNY PONSI credits at that time, and thus was ineligible for promotion. O’Gara also admitted that he was aware of the provisions of PA/ID 1-97, which required all candidates for promotion to submit proof of the requisite college credits from accredited colleges.

Chief O’Gara testified that he first became aware of St. Regis in 2002 through a friend, who was not an FDNY employee. When his friend suggested that O’Gara look into online degree programs, O’Gara went on the internet, searched for “accredited colleges,” and came across several online schools, one of which was St. Regis. Documents obtained by DOI establish that O’Gara communicated with St. Regis via the website in April 2002. O’Gara stated that he was “drawn to St. Regis,” because of the published testimonials from people in the military, who claimed to have used St. Regis degrees for promotions.

Through its website, O’Gara provided St. Regis with his Houston Police Department experience as well as information about his experience with the FDNY. In response, St. Regis informed O’Gara that he would qualify for a “Bachelor of Science degree in Criminal Justice.” O’Gara paid \$550 by credit card for this degree.

O’Gara admitted that he had some concerns about whether his “degree” would be accepted because it was “an online process” and “not a brick and mortar school.” Despite these concerns, O’Gara admitted that he called St. Regis to request that a copy of his “transcript” be sent to the FDNY Tenure Desk.¹¹ This transcript was retrieved by DOI from O’Gara’s FDNY promotion file. O’Gara claimed that prior to purchasing the degree from St. Regis, he contacted the FDNY Tenure and Promotions Desk and had several conversations with Tenure Desk employee Gloria Aiken. O’Gara stated that he told Aiken that he went online “to an accredited college” and asked her if his degree met the requirements of PA/ID 1-97. O’Gara stated that Ms. Aiken advised him that his degree would meet the requirements of the PA/ID. However, O’Gara admitted that he did not believe that Ms. Aiken took any steps to confirm whether St. Regis was actually accredited. In fact, O’Gara didn’t think that the FDNY had “looked into it like [I] would have preferred.”

Another Tenure Desk employee, Debbie Crosky Smith, had several telephone conversations with O’Gara in which she questioned the validity of his St. Regis degree. According to O’Gara, he did not trust Ms. Smith’s judgment and requested to speak to a supervisor. The supervisor who O’Gara contacted was Victor Herbert. O’Gara said to Mr. Herbert, “I went on the internet, put in the accredited colleges. This [St. Regis] came up.” He asked whether the St. Regis degree met FDNY educational requirements for the promotional exam. O’Gara stated he provided Mr. Herbert with the website address and asked him to check it out for him. O’Gara called Mr. Herbert back a few days later and claimed that he was informed by Mr. Herbert that St. Regis met the FDNY requirements. O’Gara then requested Mr. Herbert put that in writing.

¹¹ See Exhibit 7 attached hereto.

O’Gara testified that he received a letter from Mr. Herbert, which stated that his St. Regis degree “should” meet the FDNY requirements. O’Gara was not satisfied with this language because he didn’t want “any gray area.” He immediately called Mr. Herbert back and confronted him about the language. According to O’Gara, Mr. Herbert told him that he would have another more suitable letter sent out immediately. O’Gara was unable to produce the “first” letter, stating that he no longer had it. The “second” letter from Victor Herbert is dated May 20, 2002 – a full month after O’Gara had paid for his St. Regis degree.¹² O’Gara stated that once he was in receipt of the letter from Victor Herbert, he “felt totally comfortable” with the St. Regis degree that he had obtained.

DOI interviewed Debbie Crosky Smith. She confirmed that she had several telephone conversations with O’Gara. She told DOI that when she questioned the validity of his St. Regis degree, O’Gara became very upset.

DOI also interviewed Victor Herbert. He had no recollection of sending a “first letter” as O’Gara testified. Herbert also recalls his telephone conversation with O’Gara differently. Herbert told DOI that O’Gara contacted him by phone “in last minute mode” and asked him “if I could help him with this issue of accreditation.” Herbert asked O’Gara what school he had gone to and whether O’Gara had any indication that it was an accredited school. Herbert testified that he thought that O’Gara was referring to *Regis College*, an accredited institution in Massachusetts. Notably, Herbert’s letter supports his recollection. In it Herbert states:

As discussed in our recent telephone conversation. The requirement for promotion to the rank of battalion chief is a bachelor’s degree. Your Bachelor of Science degree in criminal justice ... from Regis College fulfils that requirement (Emphasis supplied).

Herbert further stated that it was O’Gara’s responsibility to determine if the school was accredited because “we [the Fire and Life Safety Division] were not in the business of verifying accreditation.” According to Herbert, his response to O’Gara meant that “if you are telling me this is an accredited institution, it seems to me that it meets the language of the PA/ID as currently written. But I am not in an authoritative position to say to you, therefore, you will be promoted.”

It appears that O’Gara was the first to purchase a degree from St. Regis, of the fourteen FDNY officers (counting O’Gara) who eventually bought the bogus degrees. By his own admission, O’Gara recommended St. Regis to Chiefs Richard Howe, Paul Ferro and Kevin Woods. He also told Captain Lawrence Sloan, who had formerly been a Lieutenant under O’Gara at Engine 204 in Brooklyn, about buying on-line degrees from St. Regis.

¹² See Exhibit 8 attached hereto.

Deputy Chief Richard Howe

Richard Howe is a Deputy Chief who has been with the FDNY since 1979. He took the Deputy Chief exam in 1998 and was promoted in August 2002. At that time, Deputy Chiefs were required to have obtained 40 college credits before they could be promoted. Richard Howe had no college credit at that time. Therefore, Howe was promoted by the FDNY without having met the requirement for promotion.

Chief Howe told investigators that he first heard of St. Regis through Daniel O’Gara. Around the time when Howe was promoted in September 2002, O’Gara told Howe that he had obtained a degree from St. Regis and it was approved by the FDNY. After this conversation, Howe visited the St. Regis website and wrote and submitted an essay about his personal information and work experience.” He received an e-mail notification from St. Regis stating that based on his essay he would qualify for an “Associate Degree of Arts in Fire Science Management.” Howe stated that he did not remember how much or by what method he paid for his St. Regis degree. St. Regis records obtained by DOI indicate that Howe paid \$551 for the degree on October 1, 2002. St. Regis records dated October 2002 also indicate that Howe requested a graduation date of June 2001,” which was fourteen months prior to his promotion. Thus, the backdated degree created the false impression that Howe had complied with Department Order 24, which required him to have 40 credits before reaching one year in the rank.

Upon receipt of his “Associate Degree” from St. Regis in October 2002, Howe made a request to St. Regis that they forward his transcript to Gloria Aiken at the FDNY Tenure Desk. Inside his FDNY promotion/tenure file was an undated post-it note that stated “call him to advise him that this degree is unacceptable.” Another notation in the file indicated that someone had called Richard Howe on February 2, 2003, and left a message for him. Howe asserted that it was not until June 2003 that he was notified by the FDNY Tenure Desk that his degree from St. Regis was unacceptable. Upon learning this, Howe reached out to Daniel O’Gara. O’Gara advised him that it was “no problem,” the FDNY had accepted his St. Regis degree, and he had a letter stating that he is in compliance with “all the regulations that they want.” O’Gara then provided Howe with a copy of the Victor Herbert letter. O’Gara advised Howe to show it to the Tenure Desk. Howe then called the Uniformed Fire Officers Association (“UFOA”) and was advised to send everything, including O’Gara’s letter, to the FDNY Bureau of Personnel. Howe did as he was instructed by the UFOA. He told DOI that he assumed that his degree was accepted by the FDNY because he was granted tenure in the title of Deputy Chief on September 8, 2003.

In his interview with DOI, Howe admitted his contacts with the St. Regis website in all respects except he denied requesting the backdated graduation date. He also admitted to investigators that he never took any coursework or tests to obtain his degree. He simply wrote “just an essay or so answering questions and entering data from my training at work” and paid a fee. He also never took any steps to determine the legitimacy of the degree, even when issues with it were raised. He claimed that he

purchased it because his “buddy [O’Gara]...did all the fact work, looked into it and said it was fine.”

Deputy Chief Paul Ferro

Paul Ferro is a Deputy Chief who has been working for the FDNY since 1981. He took the Deputy Chief exam in 1998 and was promoted on September 10, 2001. At that time, Deputy Chiefs were required to have obtained 40 college credits before they could be promoted. Paul Ferro had no college credits at that time. Paul Ferro was promoted to Deputy Chief without having met the requirements set by the FDNY.

Chief Ferro told DOI investigators that he first heard of St. Regis through Chief Daniel O’Gara. He stated that “around the time when he was promoted” in September 2001, O’Gara told him that he had obtained a degree from St. Regis and it was approved by the FDNY. St. Regis documents indicate that Ferro’s initial contact with the St. Regis website was in November 2002, more than one year after his promotion. Ferro visited the St. Regis website and submitted information listing the training courses he had taken at the FDNY, his experience as an electrician, and his prior service in the U.S. Navy. With that, he received an “Associate of Applied Science Degree in Fire Science Management” from “America West University” which was one of the “university” options on the St. Regis website. He admitted that he never took any classes or wrote any papers to earn credits toward his degree. St. Regis records indicate that Ferro paid \$500 for the degree on November 12, 2002. St. Regis records dated November 2002 also indicate that Ferro requested a backdated graduation date of June 5, 2001. This request reflects Ferro’s attempt to comply with PA/ID 1-97, which requires candidates to have obtained their college credits before they are in title for one year. Ferro obtained a degree that showed he satisfied those credit requirements three months prior to his promotion, when, in fact, he did not satisfy the promotional requirements. In his interview with DOI, Ferro admitted the contacts with the St. Regis website in all respects, but denied requesting a backdated graduation date.

Ferro admitted that he took no steps to verify the legitimacy of this St. Regis degree. He stated that he was just going by the letter that O’Gara had received from Victor Herbert. But, Ferro did admit he was concerned enough to make a few calls to the FDNY about using life experience to obtain college credit. Ferro stated that he discussed St. Regis with Dr. Stephan Hittmann (Director of Fire and Life Safety) and asked about:

the whole online thing – going online and getting these credits, are we going to accept that and [Hittmann’s] answer was we’re checking it out now, something to that effect, and we’re going to have somebody get back to you. Somebody did call me back and said they are accepting life service credits and I’m pretty sure they mentioned St. Regis as well.

Ferro received his transcript from America West University, a St. Regis University affiliate, and hand delivered it to the FDNY Tenure Desk in November 2002, over one year after he received his promotion to Deputy Chief.

2. Officers promoted without any proof of college credits

Captain Edward O'Donnell

Edward O'Donnell is a Captain who has been with the FDNY since 1987. He took the Captain's exam in June 2002, and was promoted to Captain in November 2004 without possessing the required college credits. At the time of his promotion, Captains were required to have obtained 60 college credits before they could be promoted. O'Donnell had 16 legitimate college credits from Nassau Community College and 17 PONSİ credits that could have been converted into legitimate college credits. He needed at least 27 more college credits to be promoted to Captain.

Captain O'Donnell first heard of St. Regis "sometime between the Captain's exam and his promotion" through word of mouth in the firehouse kitchen. St. Regis documents indicate that O'Donnell first corresponded with them in December 2002. He stated that he went to the website and "typed up a transcript" of his life experience. He further stated that he included his prior work experience as a coach, a printer and a recovery worker at the World Trade Center as well as 16 valid college credits that he had previously earned from Nassau Community College. He stated that he was told by St. Regis that their degrees would be accepted by the FDNY. He then paid approximately \$600 to receive a "Bachelor of Business Administration in Business Management" from Hartland University. He admitted that he enrolled in no coursework to obtain his degree. O'Donnell had his Hartland transcript sent to the FDNY Tenure Desk. On his Hartland University transcript, O'Donnell received a grade of A- for a course in Business Law worth 4 credits. O'Donnell stated he had no life experience in the legal field, but offered that his neighbor is a lawyer and that they speak frequently.

In 2003, O'Donnell received a letter from Gloria Aiken at the FDNY Tenure Desk stating that the FDNY was not accepting his degree. He stated that did not make him especially curious about the legitimacy of the degree he had purchased, but rather O'Donnell stated that he "tried to find out what they do accept." O'Donnell stated that he was angry that he had paid \$600 for a degree that was not accepted by the FDNY so he called St. Regis to ask for a refund. According to O'Donnell, in two days he received a full refund.

B. Officers promoted based on legitimate academic credentials, but who submitted a bogus college degree to the FDNY.

Captain Donald Brown

Donald Brown is a Captain who has been with the FDNY since 1985. He was a New York City Police Officer prior to joining the FDNY. He took the Captain's exam in 1997 and was promoted to Captain in September 2000. At that time, Captains were

required to have obtained 24 college credits before they could be promoted. Captain Brown had 24 valid college credits from Empire State College and PONSI.

Captain Brown first heard of St. Regis University in early 2001, after he had been promoted to Captain, from Battalion Chief Richard Howe. Brown stated that he was told by Howe that he could obtain a degree over the internet based on "life experience." Howe also advised him that Dr. Stephen Hittmann had stated that St. Regis degrees were being accepted. Based on this information, Brown then went online in October 2002, almost two years after he was promoted to Captain, to the St. Regis website and applied by writing an essay on his "life story." In response, St. Regis informed him by e-mail that he would be granted a "Bachelor of Science Degree in Fire Science." He received a transcript containing a list of courses that Brown said he believed were based on his life experience essay. Captain Brown admitted that he never took any courses for these credits. Furthermore, he admitted that he had submitted no statements regarding any relevant life experience for subjects which appeared on the transcript such as "Natural Science," "Calculus," "Freshman Composition" and "U.S. History."

Captain Brown admitted that he obtained the degree from St. Regis for "future promotional exams" for Battalion Chief and Deputy Chief. According to St. Regis documents, Brown requested that his transcript be sent to the FDNY in October of 2002. Although he was never notified that this transcript had been received by FDNY, he was eventually told by the Tenure Desk that his degree from St. Regis would not be accepted. Upon learning this, Captain Brown told Captain John Dunne, the UFOA Captain Representative, that his degree had been rejected by FDNY. Brown also wrote a letter stating that he felt that it was unfair that the FDNY had "changed the rules" with regard to obtaining credits from foreign universities. According to Brown, the PA/ID in 1997 did not mention anything about foreign universities, which is what he assumed this degree to be. Brown stated that Dunne spoke to Chief Edward Moriarty on his behalf but that FDNY continued to take the position that the degree was "no good."

Captain Martin Cass

Captain Martin Cass has been with the FDNY since 1984. He was a New York City Police Officer prior to joining the FDNY. He took the FDNY Captain's exam in June 2002, and was promoted to Captain in October 2003. At that time, Captains were required to have obtained 60 college credits before they could be promoted. Captain Cass had been granted a total of 74 PONSI credits from a combination of his police and fire academy work and various training that he obtained from the Federal Emergency Management Agency ("FEMA"). These credits were converted into legitimate college credits through Excelsior and Frederick Community Colleges in February 2003, after Cass took the Captain's exam.

Captain Cass told investigators that he first heard of St. Regis through Captain Donald Brown. He stated that Captain Brown had explored St. Regis' online program and that Cass believed that the FDNY was accepting St. Regis degrees to meet the promotion requirements as set forth in PA/ID 1-97 (2001). Captain Cass stated he

thought St. Regis to be an “online university” where one would be awarded college credit based on life experiences. He first contacted St. Regis by visiting their website in November 2002, after taking the Captain’s exam. On that website, he filled out an application form and wrote his “life story.” St. Regis replied that based on his submission, he would qualify for a “Bachelor of Science Degree in Fire Science.”

According to documents that DOI obtained from St. Regis, Cass paid \$695 for his “Bachelor’s Degree in Fire Science.” He admitted to investigators that although his St. Regis transcript indicated that he had received a grade of “A” in calculus for 5 credits, he had done no work in calculus nor had he described any experience in calculus in his life story. Similarly, his St. Regis transcript indicated that he received a grade of “B” in “World Literature II” for 4 credits, yet he admitted that he submitted nothing in his life experience essay relevant to World Literature.

Captain Cass stated that he requested that St. Regis send an “official” copy of his transcript to the FDNY Tenure Desk. Shortly after the FDNY received this transcript, Cass was informed by the Tenure Desk that it was not accepted, according to Cass, because FDNY “changed the requirements for accreditation.” When Cass was informed that his St. Regis degree was not accepted by the Fire Department, he stated that he “pursued other avenues” such as having his PONSI credits transferred by Excelsior and/or Frederick Community College. His Excelsior and Frederick College transcripts indicate that his PONSI credits were converted into college credits in February 2003, after Cass attempted to use his St. Regis degree to fulfill the FDNY’s college credit requirement.

Captain Mark Barra

Captain Mark Barra has been with the FDNY since 1987. He was a New York City Police Officer prior to joining the FDNY. He took the Captain’s exam in June 2002, and was promoted to Captain in July 2005. At that time, Captains were required to have obtained 60 college credits before they could be promoted. Before he was promoted, Captain Barra had been granted a total of 65 PONSI credits from a combination of his Police and Fire Academy work and various training that he had received from the Federal Emergency Management Agency (“FEMA”). These credits were converted into college credits through Excelsior and Frederick Community Colleges, both of which are accredited colleges.

Captain Barra first learned of St. Regis University from Battalion Chief Daniel O’Gara. Barra stated that he was told by O’Gara that he had received a degree from St. Regis for “life experience credits.” Barra asked O’Gara if St. Regis was an accredited school because he was concerned whether the FDNY would accept credits from a foreign institution. O’Gara responded that he “had a letter from the job stating that it was [accredited].”

In December, 2002, Captain Barra went to the St. Regis website and began the application process for the degree. He stated that he wrote about “his life history from

high school” as well as his prior work experience as a welder and pipe fitter. He also recalled entering information about his FDNY PONSI and NYPD credits. Based on the information that Barra provided online, he was informed by St. Regis that he was qualified to receive a “Bachelor of Science Degree in Fire Science Management.” He stated that he paid between \$500 and \$700 by credit card for this degree and within weeks received a transcript and diploma from St. Regis.

Captain Barra also admitted to investigators that he did not take any courses for his St. Regis degree. He admitted to investigators that although his St. Regis transcript indicated that he had received a grade of “A” in Calculus for 5 credits, he had done no coursework in Calculus. He claimed, however, that he obtained relevant life experience by attending trade schools when he was younger, which he said “had a lot to do with math.” Similarly, even though his St. Regis transcript indicated that he had received college credit and grades for classes such as Freshman Composition, U.S. History, Natural Science, and Social and Behavioral Science, he admitted that he had never done any work to earn those credits. Barra never informed anyone at the FDNY that he had not done any coursework to obtain his St. Regis degree.

Once Barra paid for this degree, he requested St. Regis forward his transcript to the FDNY Tenure Desk. When the FDNY received his transcript from St. Regis in December 2002, Barra was advised that since St. Regis was a foreign institution, he would have to have the credits evaluated by either Globe Language Services¹³ or World Educational Service. Although he did not remember which one, Captain Barra stated that he paid between \$100 and \$200 to have one of these services evaluate his credits. He was told that his credits could not be verified, prompting him to realize that “he had been ripped off.” He had his PONSI credits converted into college credits by Excelsior College.

¹³ Globe Language Service (“Globe”) is located in Lower Manhattan. It is a company that one can utilize to perform a variety of services such as translation of documents and evaluation of foreign degrees for a fee. Vino Bangaru, the Executive Director of Evaluation Services from Globe Language Service, was interviewed by DOI on January 17, 2006. She stated that she had contact with approximately six FDNY employees during 2001-2003 in regard to St. Regis degrees, and stated this was the first and only time she had seen St. Regis degrees. She stated that all of the employees told her that they were seeking to be promoted with their FDNY degrees. Ms. Bangaru stated that after looking at the physical degrees and transcripts that were brought to Globe by the FDNY officers for evaluation, she was able to immediately determine that they were bogus. She was immediately suspicious because the FDNY members who requested evaluations of the St. Regis documents were “atypical” Globe clients in that they were Americans who possessed degrees allegedly granted in Liberia. Ms. Bangaru went to the St. Regis website and saw that it was *recognized* but not accredited with the “Government of Liberia,” whereas the usual accrediting body for a foreign institution is that country’s Ministry of Education. She also checked the International Universities Handbook, which lists foreign accredited educational institutions, and found no listing for St. Regis. She also said the transcripts and diplomas, which had blurry ink, coupled with the “beautiful leather binders” appeared odd in an obvious way. Ms. Bangaru stated that the FDNY employees were all told that Globe would not evaluate their “degrees” because St. Regis was not an accredited institution.

Lieutenant Matthew Zitz

Lieutenant Matthew Zitz has been with the FDNY since 1992. He was a New York City Transit Police Officer prior to joining the FDNY. He took the Lieutenant's exam in 2002 and was promoted to Lieutenant in February 2003. At that time, Lieutenants were required to have obtained 40 college credits before they could be promoted. Matthew Zitz has 40 college credits from Excelsior College dated February 2003, which he received by transferring his FDNY training courses.

Zitz first heard of St. Regis "through the grapevine" although he claimed that he does not know anyone else who had actually received a degree from St. Regis. St. Regis documents indicate that Zitz first corresponded with them in January 2003. He stated that he contacted St. Regis by phone and described his life experience. Based on this conversation, Zitz was told by St. Regis that he was qualified to receive a "Master's Degree in Fire Science Management." Zitz has no Bachelor's Degree, nor has he ever attended college. He paid approximately \$821 to receive his Master's Degree.

Zitz received a copy of the transcript from St. Regis and was told that he would be able to "make corrections" to it as needed. He did not do so. He requested that an official copy of his transcript be sent to the FDNY. When the FDNY received that transcript, Zitz was advised that the degree would not be accepted. Zitz stated that he had previously spoken to Dean Tow, FDNY Director of Candidate Investigation, who allegedly stated "whatever you get is good with me. Just get accredited and I'll accept it." Zitz assumed that "accredited" meant that he should get the credits evaluated so that the FDNY would accept them. He stated that he looked in the phone book and decided to take his transcript to "SDR Educational Consultants" in Lower Manhattan. Zitz felt a sense of urgency because he needed his credits accepted by the FDNY by February 2003 in order to be promoted. Zitz provided a document to DOI dated January 27, 2003, from SDR stating that his credentials from St. Regis had been "evaluated" and that he had completed the requisite studies for a "Master of Science Management" which would be "similar to a program of traditional study and research leading to the Master of Fire Science degree in the U.S." SDR charged Zitz a fee of \$300 for this service. As part of this investigation, DOI attempted to contact SDR, but they were no longer in business.

Zitz presented the SDR document to the FDNY, but he was again told that the Master's Degree would not be accepted. Zitz stated that he and Chief Edward Moriarty, who was the Chief in Charge of Personnel, met with Dean Tow. At that meeting, according to Zitz, Tow denied ever having spoken to Zitz previously. Moriarty then told Zitz that there was nothing further that he could do and advised Zitz to have his 40 PONSİ credits transferred by Excelsior by the time he was promoted.

Captain Thomas Fitzgerald

Captain Thomas Fitzgerald has been with the FDNY since 1987. He took the Captain's exam in 2002 and was promoted in May 2003. At that time, Captains were

required to have obtained 60 college credits before they could be promoted. As of February 2003, Thomas Fitzgerald had 39 valid college credits from Excelsior College; 37 credits from Frederick Community College for his FEMA training; and 4 credits from Empire State College. Fitzgerald was properly promoted with 80 total credits.

Captain Fitzgerald stated that he first heard of St. Regis from Lieutenants Martin Cass and Donald Brown. St. Regis documents indicate that Fitzgerald's first communication with them was in November 2002, before his promotion to Captain. Fitzgerald stated that he went to the website and "wrote something about his life experience" with both the FDNY and previous jobs, including his work for a tile and marble company. He stated that he paid approximately \$500 for a "Bachelor of Science in Fire Science Management." Also, in this e-mail, Fitzgerald requested that a transcript be sent to the FDNY Tenure Desk and that all correspondence to him be sent in care of Martin Cass at Cass's home address. Fitzgerald claimed he did so because, "someone would always be home at Cass's residence to receive mail."

By his own admission, Fitzgerald was skeptical about St. Regis simply because he had to pay money for the degree, but he nevertheless went through the process of purchasing a degree. In January 2003, Fitzgerald was informed by the FDNY Tenure Desk that his St. Regis degree would not be accepted and he would not be promoted the following month. But he also said that the Tenure Desk told him that he could "get the degree accredited by another agency," which he recollected to be Globe Language Services. Fitzgerald contacted Globe, but could not recall much of his interaction with the service except that "at the end they told me they can't help." When Fitzgerald reached this "dead end" with Globe, that is when he had his FEMA and PONSI credits transferred so that he could be promoted to Captain. In order to advance in the future to the rank of Deputy Chief, Fitzgerald acknowledged that he would need to have a Bachelors degree.

Captain Lawrence Sloan

Lawrence Sloan is a Captain who has been with the FDNY since 1990. He was a New York City Police Officer prior to joining the FDNY. He took the FDNY Captain's exam in 2002 and was promoted to Captain in January 2004. At that time, Captains were required to have obtained 60 college credits prior to promotion.

Captain Sloan stated he first became aware of "St. Regis University" from a flyer that was posted on the bulletin board at Engine Company 204 in Brooklyn. He recalled that flyer advertising an online degree program. He was also told about St. Regis by Battalion Chief Daniel O'Gara. According to Sloan, O'Gara told him that his "degree" was from St. Regis and that he had a letter from FDNY stating that the degree was being accepted. After the discussion with O'Gara, Sloan went online and looked into St. Regis. St. Regis documents indicate Sloan's initial contact on the website was in July 2002. He stated that he needed this degree to "get enough credits to go on in his career." Sloan stated that he "is not a computer literate person, but it [St. Regis's website] was that simple." He indicated that there were a number of "colleges" advertised on the website

from which he could choose to purchase a degree. He also indicated that the St. Regis website contained testimonials from others who used the service and represented that St. Regis was “accredited” and “guaranteed.” Sloan stated that he wrote and submitted a two-page essay on the website describing his “life experience,” and paid \$562 by credit card to purchase a degree from “New Manhattan University.” Sloan stated that he chose New Manhattan University because “as a firefighter I spent most of my time in midtown Manhattan.”

After purchasing his degree, Captain Sloan then received a transcript from “New Manhattan University” that reflected grades and courses, and that awarded him a “Bachelor of Business Administration in Fire Science.” He admitted he took no courses or tests. Sloan received grades of A and B+ on the transcript, which Captain Sloan thought were a very accurate reflection of his life experience. For example, “New Manhattan University” awarded him a grade of B+ for a course called “Wildland Fire Management.” He told investigators that he did not have any experience in “Wildland Fire Management.” However, he stated the credits were justified because he has “read books on the subject in the past.” He also contended that a course in “Wellness for Life” dealt with wildfires.

After he reviewed the transcript, he requested that St. Regis send his New Manhattan University official transcript to the FDNY. He stated that before he actually had the transcript sent to FDNY, he called the Fire and Life Safety Office and subsequently spoke to a “doctor” (whose name he could not recall) at Fort Totten. He told the “doctor” that he had been trying to call FDNY Headquarters to determine if this degree would be accepted but that no one had a “clue what was going on.” Sloan stated that the “doctor” told him that they “were working on correcting which way we’re going with St. Regis degrees.”

After his “official” transcript arrived at the Tenure Desk, Sloan received a letter from the FDNY stating that he had to bring his transcript to “another college to be accredited.” At that point Sloan stated that he decided not to do that, and he “gave up on St. Regis and went with his other credits.” Sloan has a total of 62 valid credits from Suffolk Community College, an accredited college, which include his FDNY and NYPD Academy credits. These credits were forwarded to the FDNY in January 2003. Sloan stated to investigators that, although he did not need the St. Regis credits for the promotion to Captain, he had sought the St. Regis degree in order “to get enough credits” to qualify for the next promotional level.

Battalion Chief John Polly

Battalion Chief John Polly has been with the FDNY since 1992. He took the Battalion Chief exam in 2004 and was promoted in November 2005. At that time, Battalion Chiefs were required to have obtained 80 college credits before they could be promoted. John Polly has 80 college credits on file with the FDNY.

Chief Polly told investigators that he first heard of St. Regis from a retired firefighter named Fred Cappetta. Polly stated that Cappetta was on light duty at FDNY headquarters, had gone to the Tenure Desk and had found out that the FDNY was accepting St. Regis degrees to meet promotional requirements. Cappetta told Polly that St. Regis was a website promoting online degrees “that the job was accepting.” According to St. Regis documents, Chief Polly’s first contact with the site was in December 2002, prior to taking the Battalion Chief exam. Polly stated that he went to the St. Regis University website and submitted a paper detailing his life experience. He also claimed that he submitted the credits that he had earned from St. John’s to St. Regis.

When asked about the life experience paper that he had written, Polly thought he had “mentioned being a fireman.” He also wrote about his experience as a union laborer and operating engineer because he thought, “that type of experience would be more valuable for a degree.” After submitting his paper on his life experience through the website, Polly received a transcript by e-mail that he said he could proof-read and make changes if needed.

Polly admitted to investigators that he had no life experience relevant to the courses listed in the transcript and did not take any courses in subjects such as Esthetics of Sound and Broadcasting. Polly stated that he “felt no need to edit [the transcript] because it added up to the proper number of credits and a Bachelor’s Degree.” He then paid \$750.00 by credit card and two weeks later received a Bachelor of Science Degree in Communications from St. Lourdes University which was “awarded” on June 5, 2000. Polly denied asking St. Regis for that specific graduation date.

When asked if he did anything at all to determine the legitimacy of the school, Polly stated the he thought “if the job accepted it, they were the ones who must have investigated it.” He thought it was a legitimate university, even though he did not know physically where it was, because the home page contained “lawyer language.” Polly stated that nothing about St. Regis struck him as odd, but rather was a “pretty easy way to get a degree.”

When he received his degree he noticed that it contained a raised seal from the Republic of Liberia. This discovery *did* strike Chief Polly as odd, yet he did nothing to stop it from being submitted to the FDNY. He had previously requested that St. Regis send an official transcript to the Tenure Desk. Polly claimed that he never called the FDNY and asked if his transcript had been received, but rather had Fred Cappetta go to the Tenure Desk for him. After he had gone to the Tenure Desk, Cappetta informed Polly that the FDNY was no longer accepting St. Regis degrees. Polly then went to “Plan B” which he described as having to “study for [promotional] exams and take FEMA classes online” for credits.

Battalion Chief Gary Esposito

Battalion Chief Gary Esposito has been with the FDNY since 1987. He took the Battalion Chief exam in January 2005 and was promoted in October 2005. At that time,

Battalion Chiefs were required to have obtained 80 college credits before they could be promoted. Gary Esposito has a total of 81 documented college credits, including 24 credits from Iona College, 32 credits from Frederick Community College and 3 credits from St. John's University.

Chief Esposito told investigators that he first heard of St. Regis through retired firefighter Fred Cappetta. When Esposito was a captain studying for the Battalion Chief exam, Cappetta told him about a website that was giving college credit for life experience that "was being accepted by the job." After this conversation, Esposito visited the St. Regis website, wrote and submitted an essay stating "why [he] deserved these life credits." It was his understanding that St. Regis would determine what degree he was entitled to based on the life experience he included in his essay. He requested a Business degree based on the courses that he had taken in college. Esposito stated that after he paid several hundred dollars by credit card he received a St. Regis Bachelor of Arts in Business Management degree. St. Regis records obtained by DOI indicate that Esposito paid \$661.50 for the degree on January 10, 2003. St. Regis records also indicate that Esposito received a graduation date of December 2002. Esposito admitted to investigators that he never took any coursework or tests to obtain his degree beyond writing an essay about his life experience.

Upon receipt of his bachelor's degree from St. Regis in 2003, Esposito also requested that St. Regis forward his transcript to the FDNY Tenure Desk because "that was the point of this." According to Esposito, he never followed up with the Tenure Desk to affirm that his transcripts were received.

About eight months later, prior to taking the exam for Battalion Chief in 2005, Esposito called Gloria Aiken at the FDNY Tenure Desk for a "status check" on his credits. Esposito claimed that Gloria Aiken told him that he had a total of 48 credits on file with the FDNY. Esposito claimed that he never asked Aiken about his St. Regis degree and, conversely, that she never told him that his St. Regis degree would not be accepted by the FDNY. He also stated that Aiken sent him an official list of his PONSI credits.

At about the same time, Esposito stated that Fred Cappetta told Esposito that he was informed by Captain Edward O'Donnell that that "the job" was no longer accepting St. Regis degrees. Esposito spoke to O'Donnell and learned that he had received a refund for his St. Regis degree. Esposito decided to pursue a refund and within days received a money order for the full purchase price.

When asked if he did anything to determine the legitimacy of St. Regis University, Esposito stated that he "was not going to ask where St. Regis was" yet he insisted that he found it "odd that Hittmann was accepting credits" from St. Regis because at the time even he "questioned why the job would be accepting life experience credits." Esposito never spoke directly to Hittmann, but "heard that the guy who runs training said these credits were good to go." When asked about his motivation for

purchasing a degree from St. Regis, Esposito stated that “[I] was able to do this and have the job leave me alone.”

Lt. Ralph Talarico

Ralph Talarico is a Lieutenant who has been with the FDNY since 1996. He took the Lieutenant exam in 2002 and was promoted in May 2003. At that time, Lieutenants were required to have obtained 40 college credits before they could be promoted. Ralph Talarico stated to investigators that he possesses a total of 40 college credits. In his promotion file, which was obtained from FDNY, there is documentation for 28 credits from Frederick Community College, 10 credits from Empire State College and 2 credits from the College of Staten Island.

Talarico stated that he first heard of St. Regis in January 2003 “through the firehouse grapevine.” He was in Ladder 161 in Staten Island at that time. Regarding St. Regis, other firefighters had told Talarico that “guys have been using this and it’s been working.” Talarico stated that he went online to the St. Regis website and filled out a “basic” application which took him about a half an hour. He remembers the website stating that St. Regis was an accredited foreign college. Talarico did not recall writing an essay on his life experience or even mentioning the fact that he was a firefighter with previous college credit. He merely chose the degree that he wanted, paid about \$800 and within two weeks received by mail a Bachelor of Arts degree in Communications.

Talarico recalled hand delivering his St. Regis transcript to Debbie Crosky-Smith at the FDNY Tenure Desk in February 2003. According to Talarico, Smith took one look at the transcript and “said it was no good.” She refused to accept the transcript from him and he walked away. Talarico never questioned why his degree wasn’t being accepted and did not ask for a refund from St. Regis.

C. Member who obtained the St. Regis Degree prior to appointment to the FDNY

Firefighter Mark Thalheimer

Mark Thalheimer is a Firefighter who was appointed to the FDNY in March 2004. He took the Firefighter exam in 1999. At that time, incoming Firefighters were required to have obtained 30 college credits before they could be hired by the FDNY. Mark Thalheimer stated to investigators that he possesses a total of 32 college credits from FEMA courses that he had taken online from Frederick Community College. In his personnel file, which was obtained from FDNY, there is an original course transcript from Hartland University, a St. Regis affiliate, indicating that Firefighter Thalheimer had obtained a Bachelor of Science in Communications degree in June 2000.

Firefighter Thalheimer told investigators that he first heard of St. Regis through retired Firefighter Fred Cappetta in 2003. Thalheimer had received a letter from the

FDNY Candidate Investigation Division informing him that he must have obtained 30 college credits, before his appointment. Thalheimer stated to investigators that he had tried to obtain college credits, but was having a difficult time because of his work schedule. His mother-in-law then contacted Fred Cappetta. Cappetta told Thalheimer that he could help him out but that “he couldn’t guarantee that it would work.” Cappetta did mention however that members “taking promotional tests were using [St. Regis] and getting away with it.” Thalheimer stated that he believed what he was told by Cappetta, went onto the St. Regis website and “entered almost everything he did in [his] entire life.” On that website, he was able to choose which college he wanted his “degree” to be granted from. He chose Hartland University. Based upon the life experience that he submitted, Hartland informed Thalheimer which credits and/or degree he was eligible to receive. He stated that he did not review or make changes to the transcript, simply that he didn’t “go too deep, once I got this I was done with it. I had my college credits.” St. Regis records indicate that Thalheimer paid \$731.00 for his degree in January 2003. Thalheimer stated that within a month after he paid he received an official transcript and a diploma in a leather binder by mail. Thalheimer admitted that he was able to choose a graduation date for his Hartland degree and he chose 2000. He admitted that he never wrote any papers or took any courses to obtain his degree.

Firefighter Thalheimer brought his Hartland University transcript with him to a meeting with his candidate investigator at the FDNY. FDNY records indicate that Thalheimer’s meeting with his candidate investigator was in May 2003. According to Thalheimer, about a month after this meeting, the investigator, Yvette Pabon, called Thalheimer and informed him that Hartland University was not a legitimate institution and the FDNY would not accept the degree. Pabon asked if Thalheimer knew that Hartland was in Africa. He told her he had “no clue.” She then told him that he needed to get the required 30 credits before he was appointed.

Admittedly anxious and fairly close to appointment with the FDNY, Thalheimer then began to search for methods of obtaining college credits – other than actually attending college courses. He told investigators that he “knew there was no way [I] was gonna go to college for thirty credits in that short of period of time, that’s when I came across FEMA credits.”

D. The FDNY Tenure and Promotion Desks

As was noted above, the FDNY Tenure and Promotion Desks are staffed by the same uniformed FDNY personnel. They are responsible for assuring: (1) that those new FDNY members who received tenure on completion of their first year of service meet all FDNY requirements, and (2) those FDNY members who are seeking promotion have fulfilled all FDNY requirements, including educational requirements.

In January 2003, Debbie Crosky Smith, a staff analyst at the Tenure Desk, began to raise questions about the legitimacy of St. Regis. By that time, the FDNY had already

accepted St. Regis degrees from O’Gara (May 2002), Howe (October 2002) and Ferro (November 2002).

In her testimony before DOI, Smith recalled questioning both the St. Regis degrees of O’Gara and Howe that she received. Smith checked the Higher Education Directory and could not find St. Regis University listed as an accredited institution.¹⁴ Smith stated that in the last few years, the FDNY has relied upon the Higher Education Directory alone to verify college degrees received from candidates. She then asked her former supervisor, Dean Tow, if he knew anything about St. Regis.¹⁵ DOI interviewed Dean Tow, the Director of Candidate Investigations, who stated that in response to Smith’s question, he requested information from St. Regis about their “degree program” and received a response from them stating, in essence, that St. Regis was not a United States university, but could be evaluated by an “outside agency” to achieve equivalency to a degree granted from a U.S. institution.¹⁶ Tow then forwarded the St. Regis response to Smith and he did nothing further on the matter. In his DOI interview, Tow espoused no view, one way or the other, about the response from St. Regis.

The FDNY began rejecting St. Regis degrees and rejected them from Brown, Cass, Barra, O’Donnell, Zitz, and Sloan. In July 2003, the FDNY Tenure Desk began questioning how to handle uniformed personnel who were already promoted based on their St. Regis degrees. Records obtained by DOI show that Personnel Chief Moriarty forwarded Staff Analyst Debbie Crosky Smith a handwritten note dated July 21, 2003, regarding O’Gara’s promotion to Battalion Chief. This note stated that the FDNY would not revoke O’Gara’s promotion. It referenced an FDNY Order that would make clear the procedures that FDNY would use in the future to evaluate St.Regis degrees.¹⁷ In response to this note, Smith e-mailed Moriarty questioning what would happen if other officers received promotions based on St. Regis degrees that the FDNY already accepted, but her question was never answered.

IV. OTHER CITY AGENCY REQUIREMENTS FOR COLLEGE CREDITS

As part of its investigation, DOI obtained and reviewed a list of all persons who bought degrees from St. Regis or one of its affiliates. DOI cross checked all of the names

¹⁴ The Higher Education Directory lists all institutions of higher learning which are fully accredited by U.S. educational standards.

¹⁵ Smith began working at the FDNY Tenure Desk in August 2003, however she was not the clerk who accepted academic credentials that were submitted for promotion by officers.

¹⁶ See St. Regis University Letter dated January 21, 2003, attached as Exhibit 9.

¹⁷ Moriarty was referring to Department Order No. 12 dated 2/14/03 which states “[all] candidates for promotion that are submitting college credits earned at a foreign college or university in order to meet the educational requirement for promotion need to have the credits evaluated. The promotion desk has a list of approved foreign education evaluation services that will evaluate the credits that have been obtained from a foreign college or university. This evaluation must be performed before the promotion desk can verify if the candidate has the necessary college credits needed for promotion.

on the list with the names of New York City employees in the Payroll Management System (“PMS”). The only City employees who purchased these bogus degrees were FDNY members.

DOI then examined how several other New York City agencies handled educational requirements for hiring and promotion. At the New York City Department of Correction (“DOC”), 60 college credits are needed to become a Correction Officer. However, if a candidate has a total of 39 college credits, he/she is permitted to enter the academy. The Corrections Academy awards 21 college credits upon completion. DOC also awards 1.75 credits for each year of service that an employee completes. All promotions require that the employee have the 60 credits.

DOC’s Applicant Investigation Unit is required to confirm each degree with the college. If the college is in a foreign country that the Unit cannot contact, they use Globe Language Service to assist with verification.

The New York City Department of Probation (“DOP”) requires Probation Officers to possess a Bachelor’s Degree with a minimum of 30 credits in sociology, law, social work, guidance counseling, psychology, education, criminal justice, rehabilitation counseling or any related subject. These same requirements hold true for promotional purposes with DOP, however, advanced degrees are preferred.

According to DOC/DOP as a general rule they do not accept foreign diplomas. While foreign diplomas are rarely accepted, a candidate submitting a foreign diploma must have it translated and evaluated by World Education Services, who assesses its American equivalent and provides a breakdown of the courses.¹⁸ For domestic diplomas DOC/DOP asks that the candidate bring the original diploma with the school seal along with an original transcript. Copies are taken and maintained by DOC/DOP. In the event that the candidate does not have the original diploma, DOC/DOP sends a verification letter directly to the school.

The New York City Police Department (“NYPD”) requires candidates to have completed 60 college credits before they can be hired. The NYPD Academy awards 28 college credits upon completion. 64 college credits are needed for promotion to Sergeant, 96 credits are needed for promotion to Lieutenant, and a Bachelor’s degree is needed for promotion to Captain and above.

The NYPD Education Tracking Unit has four staff members who verify 5000 to 6000 degrees per year, including those needed for uniformed promotions. The Unit confirms all degrees and transcripts with the schools as well as confirming the accreditation status of those schools. DOI was told by a member of the Education Tracking Unit that applicants with foreign degrees are automatically advised to obtain an

¹⁸ A “translation” of a diploma is distinct from verifying it directly with the issuing institution. A translation of a diploma is not a verification although World Educational Services told DOI that they do attempt to verify foreign diplomas to the extent they are able in any given case.

evaluation - an assessment of its American equivalent and a breakdown of the courses - from either Globe or World Education Services. The NYPD relies on those evaluations.

The Department of Health and Mental Health (DOHMH) reports the following in connection with verifying foreign and domestic diplomas:

Domestic degrees: DOHMH requires the applicant to produce the original diploma and, in cases where a particular course of study is a requirement of the position, an original transcript. In general, DOHMH has not verified with issuing institutions the authenticity of the documents. From time-to-time, DOHMH has verified diplomas if there are suspicious circumstances or other "red flags" have appeared. DOHMH is currently in the process of reevaluating whether its procedures should include verification of domestic degrees and will seek DOI assistance in policy development.

Foreign degrees: The Department of Citywide Administrative Services (DCAS) has a list of approved services that translate and evaluate foreign diplomas. The DOHMH applicants are provided the list and required, at their own cost, to employ one of the services. The evaluations are submitted to DOHMH directly by the approved service. DOI was informed that the evaluation service includes, among other things, a verification of the authenticity of the diplomas.

DCAS reports the following in connection with verification of diplomas:

Foreign degrees: DCAS makes available to the candidate a list of diploma evaluation services that the candidate can contact. The candidate is supposed to provide his original diploma (and transcripts) to the service, which examines the original diploma for authenticity. The various services will translate the language on the diplomas. They will then evaluate and rate the diploma based on their experience and knowledge of the foreign schools and their courses. The service will also assess the foreign degree to give an evaluation of how the degree matches with a domestic degree. The services are evaluation services and so they will generally not contact the schools and verify the individual diploma. The service conducts the evaluation and sends the results directly to DCAS. The candidate pays the cost of the evaluation.

Domestic diplomas: For the domestic diplomas, the candidate is required to submit an original diploma with a raised seal. DCAS will send a letter to the school to obtain verification that it is authentic.

DOI met with representatives of Globe and World Evaluation Services. Both report having a myriad of reference sources available to them and staff who possess expertise in evaluating the authenticity of documents and the level of education they reflect. World reports that they make every attempt to verify degrees directly with the institution, while Globe does not. Globe relies strictly on their internal evaluations.

V. ST. REGIS INDICTMENTS

According to public records, the founders of Saint Regis - Dixie and Steven Randock Sr. - were indicted last year on charges of conspiring to commit wire and mail fraud and money laundering connected to their internet "diploma" business. According to the indictment, St. Regis University had no legitimate faculty members, offered no legitimate academic curriculum services, required no course or class work and was not recognized by the U.S. Department of Education. Six additional employees of their "diploma mill" were also charged with various related crimes. Named in the indictment was Dixie Randock's daughter, Heidi Kae Lorhan, who did not have a high school diploma, but who was listed as having a PhD on various of the diploma mill's websites and worked as an "evaluator" for applicants in order to determine what type of fraudulent academic credentials would be sold to the applicant. Others named in the indictment listed themselves as "Provost" and "Chief Academic Officer" of St. Regis University. The cases are pending in federal court in the Eastern District of the state of Washington.

VI. CONCLUSIONS AND RECOMMENDATIONS

Fourteen FDNY members purchased bogus St. Regis degrees to obtain promotions or to be hired by the FDNY. The degrees were not based on any coursework, nor did the degrees reflect any real life experiences. The officers simply paid for a piece of paper. Records show some had St. Regis or its "affiliate" back-date the "degree" awarded, so that the officer could comply with the PA/ID and make them eligible for promotion.

The FDNY officers even obtained fabricated St. Regis transcripts, which represented false "grades" ostensibly earned for specific courses. The officers never enrolled or attended in any of the course that appeared on their St. Regis transcripts. In fact, all of the officers admitted that they did no work beyond writing a short, life experience essay. They all received a college degree, and, in one case, a Master's Degree, without having to take the time or make a commitment to do college level work. Rather, they obtained their degrees by filling out simple, on-line forms and paying the requisite fee.

The FDNY's acceptance of "life experience degrees" without sufficient regulations or oversight was the catalyst for activity, which was dubious at best, and in some cases simply dishonest. O'Gara appears to have initiated the conduct and he became a "carrier," spreading the idea to others. The "degrees" that were accepted by the FDNY in 2002 and 2003 were clearly from an unaccredited institution and were utterly worthless, yet the FDNY Tenure Desk took no steps to verify their authenticity, which enabled the activity to flourish. During this time period, the FDNY relied upon a May 2002 letter from Victor Herbert that referred to *Regis College*, an actual college in Massachusetts, to legitimize O'Gara's "St. Regis" on-line degree. No further steps were taken to verify if St. Regis was, in fact, an accredited institution until January 2003, when Debbie Crosky Smith began questioning the degrees.

The FDNY cannot rely on the Higher Education Directory alone for verification of educational credentials. The FDNY must institute a proactive direct verification process for each educational institution – both foreign and domestic. The FDNY Tenure and Promotion Desks should make direct contact with the institution via letter to confirm that the student does, in fact, possess a degree from that institution. The FDNY could also subscribe to a contract verification service that performs this work for a minimal fee. Finally, the FDNY must be proactive in researching all credits and degrees that are presented to them, especially those that raise suspicions.

Since 9/11, the FDNY has had to make promotions with greater frequency to replenish the ranks at all levels. This has presented a special challenge to those seeking promotion to meet the educational requirements of the Fire Department. This challenge has been compounded by the fact that over time, the educational requirements for each rank have increased substantially. During the time period relevant to this investigation, candidates joining the FDNY were required to have 30 college credits at the time they were appointed. The requirement was reduced to 15 credits in 2006. Similarly, all candidates for promotion with the Department must possess additional college credits before they advance in rank.

From the day officers enter the FDNY academy, they should be counseled and advised on how to achieve promotions and how to achieve promotions in a timely fashion. The FDNY should encourage candidates to be on a degree path prior to joining the Department, to focus employees on achieving promotions which require completed relevant studies. For example, a degree path in Fire Science would enable candidates to attend classes that are directly related to their work. Above all, the FDNY should ensure its employees make a commitment to acquiring higher education, so its goal of promoting a more highly-educated workforce can be accomplished. Moreover, FDNY employees must take advantage of the services that the Fire and Safety Division offers, such as educational counseling and college scholarship opportunities.

The FDNY should consider not accepting academic credits based upon “life experience,” and should instead require candidates meet degree requirements by completing actual classroom coursework.

To the extent that City agencies accept foreign diplomas, the burden should be on the candidate to verify the authenticity of the diploma, and by that we mean more than having a service “evaluate” it. If a person actually graduated from a foreign university program, there are ways they can verify that by corresponding with the foreign institution. If the candidate cannot do that or says it is not possible, that is, if they cannot verify their own degree, then the City agency should analyze whether such a degree should be accepted toward the agency’s educational requirements.

EXHIBITS:

- 1. FDNY Dept Order 24, Supplement 14 (3/6/98) Notice of Exam-Deputy Chief**
- 2. FDNY Dept Order 71, Supplement 41 (7/9/99) Clarification of Educational Requirements for Tenure (Promotion to Lt., Capt., BC, and DC)**
- 3. PA/ID 1-97 (4/6/01) and Addendum 1 (9/10/01)**
- 4. DCAS Posting for FDNY Recruits**
- 5. FDNY Dept. Order 12 (2/14/03)**
- 6. PA/ID 1/97 (12/28/04)**
- 7. O’Gara transcript from St. Regis.**
- 8. Victor Herbert Letter to O’Gara.**
- 9. St. Regis University Letter**