

September 21, 2004

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

Re: Joan Mahon-Powell  
SCI Case #2003-2312

Dear Chancellor Klein:

Today, investigators from this office arrested Joan Mahon-Powell, a former Local Instructional Superintendent (“LIS”) for Region 6/District 18, on charges of Criminal Possession of a Forged Instrument in the Second Degree and Offering a False Instrument for Filing in the First Degree. The prosecution is being handled by the New York County District Attorney’s Office.

The criminal case is the result of an investigation conducted by this office which substantiated that Mahon-Powell submitted a false document to justify holding the LIS position.<sup>1</sup> Specifically, Mahon-Powell presented a School District Administrator (“SDA”) certificate, originally issued to a former Department of Education (“Department”) employee, which had been altered to appear as if it belonged to Mahon-Powell. Our investigation also revealed that Mahon-Powell had submitted a similar fraudulent document in 1992 when she was promoted to an Assistant Principal position. In fact, Mahon-Powell does not possess an SDA.

This investigation began in September 2003 when Joyce Coppin, then the Executive Director of the Division of Human Resource (“DHR”), notified this office that

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<sup>1</sup> On September 11, 2003, Department of Education officials asked Mahon-Powell to take leave. Thereafter, on September 19, 2003, her employment was terminated. She has not been placed on the ineligible list.

the SDA certificate submitted by Mahon-Powell seemed to be fraudulent.<sup>2</sup> She explained that a check with Dr. Charles Mackey, then an administrator with the Teacher Certification Unit of the New York State Education Department (“SED”), revealed that the SDA certificate purportedly issued to Mahon-Powell actually belonged to retired employee Joan King.<sup>3</sup> Moreover, Dr. Mackey advised that Mahon-Powell does not have an SDA certificate on file with the State.

Coppin confirmed the information in the complaint and provided additional details. According to Coppin, in keeping with the reorganization of the Department and at the direction of the central administration at Tweed, the qualifications for the 113 individuals placed in the LIS positions were verified with the SED. After the LIS names and social security numbers were sent to the SED, on September 8, 2003, Dr. Mackey called in response and reported that there was no record of an SDA certificate being issued to Mahon-Powell. Since the Department had only a photocopy of a certificate on file, Mackey suggested that Mahon-Powell’s original certificate be examined. Thereafter, a notarized letter to the SED attesting to the existence of the SDA certificate would serve as proof of her qualification.

HRS Deputy Executive Director Lawrence Becker also provided relevant information. According to Becker, as a result of Mackey’s advice, Mahon-Powell was asked to bring her original SDA certificate to the DHR office. Initially, Mahon-Powell claimed that she was busy with a school emergency and would not be available until Wednesday, September 10, 2003. Pressed on the importance of complying with the request, Mahon-Powell agreed to appear on Tuesday. However, on Tuesday afternoon, she left a message indicating that she would not be coming, but would arrive on Wednesday morning. Nevertheless, she failed to show and made a number of excuses for her unavailability.

Finally, at about 5:00 p.m. on Wednesday, September 10<sup>th</sup>, Mahon-Powell called to report that she was on her way and Becker informed her that he would come down to inspect the certificate so that she would not have to find a parking space. Upon her arrival, she provided the SDA certificate to Becker who noticed that the document was encased in plastic and that the date and number were different from the one on file. As an explanation, Mahon-Powell offered that her original certificate, dated February 1, 1989, was water damaged and the document provided to Becker, dated February 1, 1999, was the replacement. She claimed that SED officials informed her that the number and date changed when the certificate was reissued. Mahon-Powell remained in her car while the secretary who accompanied her went with Becker to his office where he took the document out of the plastic cover and photocopied the front of it. Becker returned the certificate to the secretary.

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<sup>2</sup> Coppin has retired.

<sup>3</sup> Mackey has retired.

Although he prepared the notarized letter for the SED, Becker had misgivings about the new document supplied by Mahon-Powell. As a result, he faxed a copy of it to the SED with the letter. Shortly thereafter, Dr. Mackey's office notified Becker that the certificate belonged to Joan King. According to Becker, he and Coppin learned for the first time that the SDA certificate number was the social security number of the individual to whom it was issued. Becker and Coppin added that Joan King was a retired Deputy Superintendent in District 19 who served under Mahon-Powell. Although Mahon-Powell was advised that her certificate had not been validated and was under review, no mention was made of the connection to King.

Dr. Mackey immediately noticed problems with the certificate faxed by Becker. According to Dr. Mackey, "COPY" did not show up on the photostat as it should when an original is copied. Moreover, Mahon-Powell's name appeared in a font that differed from the one used on authentic certificates. Dr. Mackey added that he checked the archives and Mahon-Powell was never issued an SDA and no application was pending. He continued that a reissued certificate would retain the original date and number, which corresponds to the applicant's social security number, and would have been marked "Duplicate."

Joan King described the circumstances under which Mahon-Powell obtained her SDA certificate. According to King, on September 9, 2003, she received a call from Mahon-Powell who indicated that there was some confusion because the number on Mahon-Powell's SDA certificate belonged to King. Mahon-Powell continued that Coppin instructed her to get in touch with King right away, obtain her original SDA and School Administrator/Supervisor ("SAS") certificates, and bring them to the DHR office. King agreed to drop off her originals at the District 18 office, and did so. The next morning, Mahon-Powell contacted King and reported that Coppin's office was investigating the discrepancies in the numbers. On Friday, September 12<sup>th</sup>, King called Mahon-Powell and asked that her original documents be returned. Mahon-Powell agreed to send them by mail. King received her SDA certificate in the mail with a "thank you" note from Mahon-Powell. The SAS certificate was not returned.

On September 16, 2003, King recorded a conversation with Mahon-Powell, under the supervision of our investigators. When King expressed bewilderment over the problem with the certificates, Mahon-Powell asserted that she had an e-mail from Becker and then a call from Coppin because there was "a confusion" between the certificates of Mahon-Powell and King, that "they had a confusion downtown ... they had a confusion with the numbers – when they listed the numbers." She also maintained that "Joyce [Coppin] made a big mess ... And I think they sent through different numbers to the State and I think I'm fucked. And I think no one is admitting to this – cause they're not." Moreover, the SED was being "tight-lipped" about the investigation. However, Mahon-Powell specifically claimed that she actually possessed an SDA certificate. Mahon-Powell also maintained that she had not received King's SAS certificate.

Despite her contention that she never had King's SAS document, Mahon-Powell mailed a note to King in which she apologized for losing it. She included a check for \$75.00 to cover the cost of replacing the certificate.

During a meeting at Becker's office on September 18, 2003, investigators from this office provided a subpoena for and obtained the purported SDA certificate from Joan Mahon-Powell, which had been laminated in the interim since it was shown to Becker. The investigators offered Mahon-Powell the opportunity to explain her possession of it. Mahon-Powell continued to behave as if the SDA document in question was authentic. She asserted that her original certificate had been water damaged and that she had applied for a duplicate by sending a check and an application to the SED. According to Mahon-Powell, upon receiving the replacement, she noticed that the date, certificate number, and control number were different and she called the SED. She claimed to have provided her social security number to an individual, whose name she neglected to write down, and was informed that she had a valid certificate in the system.

Mahon-Powell continued that she received an e-mail from Becker informing her that the Department had no record of her SDA and requesting that she bring the original to him. According to Mahon-Powell, in response, she called Becker, because she had a problem at one of her schools and was unavailable that day, and he said there was "a confusion" in the numbers on the certificates. She added that Becker told her that the confusion was between Mahon-Powell and King, but she then retracted that statement. The next day, Tuesday, she called Coppin's secretary, Joy, explained that she could not get there, and made arrangements to meet with her at 7:30 a.m. the next morning. However, Mahon-Powell maintained that she spoke with Joy again on Tuesday and reported that she would be arriving at the office that evening. According to Mahon-Powell, Joy was leaving for the day, but said that someone would be there. When she arrived at 5:15 or 5:30 p.m., she brought her certificate and King's certificate to Becker's secretary who copied only Mahon-Powell's SDA document. Mahon-Powell asserted that this secretary was not the woman who was present in Becker's office at the time of the interview with our investigators and she described the individual with whom she claimed to have met.

Asked to explain why she produced King's certificate, Mahon-Powell responded that Region 6 Superintendent Gloria Buckery told her that there was "a confusion" in the numbers on their certificates and that she should obtain King's document to be examined.

Continuing her tale, Mahon-Powell maintained that she nevertheless arrived to see Joy on Wednesday morning. However, the security guard informed her that no one was there and she returned to the district. Asked to explain her purported Wednesday visit in light of her visit on Tuesday evening, Mahon-Powell responded that she "keeps [her] word." Mahon-Powell claimed that she went to the DHR office yet again on Wednesday evening and, this time, met with Becker who copied her certificate.

According to Mahon-Powell, she did not bring King's certificate because the secretary had already seen it.

Various individuals disputed Mahon-Powell's account.

- Buckery asserted that she never told Mahon-Powell to obtain King's certificate and added that she would have no reason to do so since only those holding the LIS positions were being examined and King was retired. In fact, according to Buckery, she had no conversation with Mahon-Powell regarding King.
- On Tuesday, September 9, 2003, Joy Barbagallo, Coppin's secretary, received a call from Mahon-Powell who informed her that she would bring in her certificate the following morning at 7:30 a.m. and asked her to forward that information to Coppin. According to Barbagallo, Mahon-Powell never mentioned visiting the office that evening. Barbagallo continued that she arrived at work the next day at about 7:20 a.m., informed the security guard about Mahon-Powell's expected visit, and asked that she be sent up. However, she did not appear. Moreover, Barbagallo did not know anyone fitting the description of the secretary to whom Mahon-Powell claimed to have shown her certificate on the evening of September 9<sup>th</sup>.
- According to Becker's secretary Evelyn Santiago, on September 9<sup>th</sup>, she worked from 9:30 a.m. until 5:30 p.m. and did not leave early. Santiago added that no one relieves her when she is away from her desk or leaves for the day. Moreover, she did not know anyone who fit Mahon-Powell's description of the secretary in Becker's office.
- Asked about the woman to whom Mahon-Powell claimed to have shown her certificate, both Coppin and Becker responded that no such person existed. They also confirmed that no one filled in for Santiago at the end of the day.
- Zandra Harris, the security guard at 65 Court Street, confirmed that Joy Barbagallo told her that she was expecting a visitor early in the morning on September 10<sup>th</sup> and asked that the person be sent up. Harris added that no one arrived in the morning to see Barbagallo.

Dr. Charles Mackey inspected the "original" SDA certificate provided by Mahon-Powell to our investigators. According to Mackey, it was not an authentic SED certificate. Moreover, he reiterated that there was no application for a certificate on file at SED for Mahon-Powell. Dr. Mackey added that he had been contacted by the Dean of the School of Education at Fordham University and learned that Mahon-Powell had not completed the program required for certification.

A comparison of Mahon-Powell's purported original SDA certificate with King's genuine SDA certificate shows that it is an obvious forgery. King's name has been removed and replaced by Mahon-Powell's. Moreover, the document is smaller than the authentic certificate and is slightly blurred, suggesting that it was scanned and altered.

Through Becker we obtained information about Mahon-Powell's background with the Department. In September 1981, Mahon-Powell was appointed as a regular teacher; prior to that, she served as a per diem substitute. In July 1988, Mahon-Powell was terminated from that position because she did not meet the requirements of a regular teacher. From that point in 1988 until August 1992, she taught as a substitute. Then in September 1992, she was appointed as an assistant principal and served in that position until 1997 when she was promoted to principal. In 1999, Mahon-Powell became the interim acting superintendent of District 19 and, in July 2000, she was appointed as the superintendent of the Chancellor's District. The following year, in a superintendent's line, she became the liaison to the City University of New York. In January 2003, Mahon-Powell lost her superintendent's position because of budget cuts and then filled the vacancy for the deputy superintendent in District 18 until July 2003. At that time, she was made the LIS in Region 6.

Asked whether Mahon-Powell ever met the requirements to be a regular teacher, Becker asserted that her presentation of an SDA certificate in 1992 would have covered both teacher and supervisor requirements.

However, the SDA certificate submitted by Mahon-Powell in 1992 also is suspect. A review of Mahon-Powell's file revealed a photocopy of an SDA certificate purportedly issued to her on February 1, 1989. Presumably, the original of this document would have been the item that Mahon-Powell claimed was water damaged and replaced with the February 1, 1999, certificate. SED has no record of the certificate dated 1989.

Joan Mahon-Powell may not have met the necessary qualifications to be a regular teacher and never possessed the certification necessary to be an administrator. Moreover, she could not meet the requirement to obtain one legitimately. Thus, she chose to manufacture her credentials. The photocopied certificate in her file, which she submitted in 1992, dated 1989, is not genuine. Apparently, she could not produce an original for that document either because she no longer had it, it never existed, or because its fraudulent nature would be evident. Caught off guard by the unexpected examination of the qualifications of the individuals being placed in LIS positions, Mahon-Powell initially came up with a variety of excuses to give her additional time to produce an original certificate. During this period, she obtained Joan King's original SDA certificate, which was reproduced and altered to become Mahon-Powell's certification.

Mahon-Powell came dangerously close to getting away with her deception. Becker's apprehension, which resulted in his decision to send a copy of the fake document to the SED, unraveled her scheme. Even then, she persisted in perpetuating the fraud. Mired in the dishonest plan, Mahon-Powell could not keep up with the details of her lies. For example, although King was not mentioned by Becker or Coppin, Mahon-Powell raised her name in the meeting with our investigators. To get out of this self-created predicament, she falsely cited Buckley as the source for King's involvement. Yet in the a conversation with King, to explain why she needed King's SDA certificate,

Mahon-Powell asserted that it was Coppin's idea to obtain King's document because of "a confusion" with the "numbers." In addition, in an apparent effort to make it more difficult to examine the created document, Mahon-Powell laminated it after Becker's inspection drew suspicion.

Joan Mahon-Powell should be barred from future employment with the Department and this matter should be considered should she seek any position with it in the future.

We are forwarding a copy of this letter to the Office of Legal Services. We are also referring 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 A. Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Joan Mahon-Powell. 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:

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