



THE NEW YORK CITY DEPARTMENT OF EDUCATION

FRANCESCA PENA

HS SUPERINTENDENT

333 SEVENTH AVENUE ~ 7TH FLOOR, NEW YORK, NY 10001

December 18, 2007

Mr. Theodore Smith
Teacher

New York, N.Y. 10022

Re: SCI case #2007-2034

Dear Mr. Smith:

On Friday November 9, 2007, we met in my office located at 4360 Broadway for a disciplinary conference. Daniel Acosta, CSA Representative, was present at this meeting.

During the meeting I presented you with a copy of a report issued by the Office of the Special Commissioner of Investigation ("SCI") dated October 9, 2007 (see attached SCI report). This report substantiated that you engaged in misconduct pertaining to threatening the life of Jack Tillem, the arbitrator presiding at your hearing. The report substantiates that during a 3020-a disciplinary hearing being held against you for other misconduct you did, you told your attorney David Kearney, "I am going to kick your fucking head in and kill that fucking arbitrator, Jack Tillem, you hear me?" You also added that you were going to break Tillem in half, and bust his head in.

I gave you time to read the report and gave you an opportunity to respond to the charges.

Mr. Acosta, your UFT representative requested on your behalf an opportunity to submit a written response to the charges. I agreed that you could respond in writing by November 26, 2007. Instead, I received a written response from your attorney, Mr. William A. Gerard on November 27, 2007. You chose not to directly respond to the allegations against you.

Mr. Smith, after careful consideration of the SCI findings, and all of the evidence presented to me, I concur with the SCI charge that you engaged in misconduct when you threatened the life of Jack Tillem, the arbitrator presiding at your 3020-a hearing when you told your attorney David Kearney, "I am going to kick your fucking head in and kill that fucking arbitrator, Jack Tillem, you hear me?". You also added that you were going to break Tillem in half, and bust his head in.

Please be advised that this misconduct may lead to further disciplinary action including an unsatisfactory rating for the 2006-2007 school year and disciplinary charges that can lead to your termination.

A copy of this letter will be placed in your file.

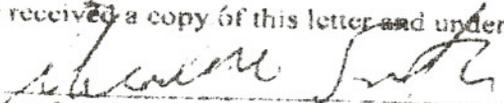
Sincerely,



Francesca Peña
High School Superintendent

Attachment:
SCI case #2007-2034

I have received a copy of this letter and understand that a copy will be placed in my file.


Theodore Smith

Date

Dec-18th 2007

Under Protest