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May 22, 2007

Richard Conden
Office of the Special Investigator
80 Maiden Lane, 25th Floor
New York, NY 10038

Dear Mr. Conden:

In a critical situation involving the Department of Education (DOE) that began in September of 2004, I have been experiencing egregious lies, fraud, forgery, misstatements on-and-off the legal record, and now falsification of the most recent legal transcript which I received today. The parties concerned were: myself; Jack Tillem, Arbitrator; David Kearney, my attorney; as well as Theresa Europe, Esq. and Susan Jalowski, Attorneys for the DOE who were present at a conference call on May 10, 2007 at 10:00 A. M.

I have included a copy of the May 10, 2007 transcript. On May 3, 2007 in a letter to Mr. Tillem, after enduring twelve hearings I finally spoke up and said with the best of reasons, and evidence, that the Arbitrator was from the beginning "tilted" against me. On the third page of the enclosed transcript indicated as page 1063, following line 9, there is a most serious omission of statements made clearly on the record during the conversation at a most crucial point during the entirety of these hearings. The following statements are entirely missing from the transcript of the conversation:

MR. KEARNEY: "I'm here with ... Terry are you on the line?"

MS. EUROPE: "Yeah, I am."

MR. TILLEM: "Oh, I'm sorry, yeah go ahead."

MR. KEARNEY: "We are going to request a brief off-the-record conference with you. Ms. Europe has asked that you call her ... office from your cell phone."

MS. EUROPE: "Or you can call Mr. Kearney and he can conference me in ... however."

MR. TILLEM: "What number do you want me to call?"

MS. EUROPE: "Did you want to call, since Mr. Kearney is requesting the conversation, why don't you call him and then you guys can conference me in."

MR. TILLEM: "Okay, what's the number, Dave?"

MR. KEARNEY: "(212) 986-6840."

MR. TILLEM: "All right, I'm going to hang up on this phone."

MS. EUROPE: "Yeah, don't hang up on the conference. Don't hang up on the conference."

MR. TILLEM: "Okay, check, all right just put it on hold then."

MS. EUROPE: "Put it on hold."

MR. TILLEM: "(212) 986-6840?"

MR. KEARNEY: "Yes."

MR. TILLEM: "All right, if I get disconnected, I'll call right back. I'll put it on hold."

MS. EUROPE: "Okay."

(Off the record discussion.)

MR. TILLEM: "Hello."

MS. EUROPE: "Okay."

MR. TILLEM: "Yea, I'm back."

MS. EUROPE: "I'm on."

MR. KEARNEY: "Mr. Tillem?"

MR. TILLEM: "Yup."

MR. KEARNEY: "Can we go on the record, I just want to say something briefly."

MR. TILLEM: "Yeah, well hopefully ... Dana are we on the record?"

DANA: "Um, I can put still."

MR. TILLEM: "Yeah, put it there."

DANA: "All righty, go ahead, you're all set."

All of the above was omitted from the transcript. The bearing of this omission is substantive to the case because, following this particular secretive "off the record discussion" between Mr. Tillem, Mr. Kearney and Ms. Europe, the Arbitrator decided to change or "amend" his clear testimony from the beginning of the conference call. This testimony was recusing himself from the case as a result of my letter of May 3rd explaining why I felt that he was "tilted" against me.

From the next part of this transcript, you will see that the Arbitrator now explains that my attorney Mr. Kearney had given what I flatly contradict as being falsified information. Mr. Kearney's falsification is clearly evidenced in a number of e-mails in my possession.

This case that began in September of 2004, began with my complaining of oversized classes and an illegal program of over one hundred students that I was forced to teach. And, in addition, the DOE has finally agreed that this was an illegal situation. However, for three years the principal involved and then the local superintendent have harassed me with bogus escalating charges based on clear lies, falsified and even forged documents submitted by the DOE, and now statements of threats never made.

All these actions must now stop. There should be a clear investigation of all proceedings during these years that are destroying my health, which is now extensively documented

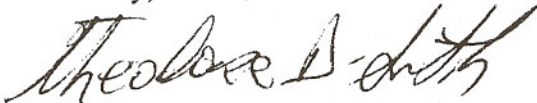
by medical professionals, is destroying my career, because I am unable to be properly employed during these proceedings and is now compromising my very life by the severity of threatened more false charges. All because I initially complained to a Principal about an illegal program that I was forced to teach. Please see her admissions in her testimony.

Additionally, on April 12th, after attending every hearing scheduled, I was unable to attend that day's hearing because of illness. I had sent an e-mail to my attorney the day before and faxed him two signed letters dated April 11th from my doctor on the 12th clearly stating my condition at the time. In an e-mail dated April 12th from my attorney, "Subject: Call from Hearing Officer," it was explained to me that I was being assessed \$1,600 for the cost of the hearings by Mr. Tillem.. I was told that, "You must bring a check for \$1,600 to the next hearing date." On April 18th, after the hearing, I was told again by the attorney that Mr. Tillem wanted a check from me for \$1,600. I reviewed my record of attendances in my letter of May 3, to Mr. Tillem hoping that he would release me from this. In addition I am curious to know why this fine is not stated in the record.

The above is just the most recent and now completely unacceptable part of one long and very deceptive trail of scheme-after-scheme on the part of the DOE to cover up for egregious lies and falsified actions. I have extensive documentation since 2004 proving without question one falsehood after another that is being deceptively suppressed under the guise of further accusations and false charges as cover-up after-cover-up over time. All documentation referred to is available upon request.

Please respond to me at your earliest possible convenience with respect to the enclosed which I feel is to the point. Thank you so very much.

Sincerely,



Theodore D. Smith

Enclosures