

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of COUNCIL OF
SCHOOL SUPERVISORS; MARK CANNIZZARO, as
President of the Council of School Supervisors and
Administrators; ANDREA GNECCO; JESSICA
ROSINSKY; JOSELYN ESPINOZA; and PIERANNA
VACCARO,

Plaintiff,

-against-

BOARD OF EDUCATION OF THE CITY OF NEW
YORK and DAVID C. BANKS, as Chancellor of the City
School District of the City of New York,

Defendants.

**AFFIRMATION IN
SUPPORT OF
RESPONDENTS'
AFFIRMATION IN
OPPOSITION TO PETITION**

Index No. 155220/2022

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GERALD P. CONROY, an attorney duly admitted to practice law before the Courts of
the State of New York, affirms under penalty of perjury that:

1. I am a Deputy Commissioner of the office of the Special Commissioner of
Investigation for the New York City School District ("SCI"). I have served in this role since July
2001. I was the Executive Counsel of SCI from November 1999 to July 2001. I submit this
affirmation in support of Respondents' Affirmation in Opposition to Petition.

2. SCI is an independent law enforcement agency with a mandate to
investigate corruption, conflicts of interest, unethical conduct and other misconduct within and
related to the New York City Department of Education ("DOE").¹

¹ SCI derives its authority from N.Y. General City Law § 20.21, NYC Charter Chapter 34, and
NYC Mayoral Executive Order No. 11 of 1990. *See Condon v. Sabater*, 113 A.D.3d 203, 204 (1st
Dep't 2013) (SCI "was established in 1990, as an arm of the City Department of Investigation. It

3. I have been assigned to direct SCI's ongoing investigation of allegations that, among other things, DOE employees submitted false documents in response to DOE COVID-19 mandates. These documents purport to show that the employees received the required COVID-19 vaccination when, in fact, evidence obtained by SCI to date demonstrates that this is very likely to be untrue.

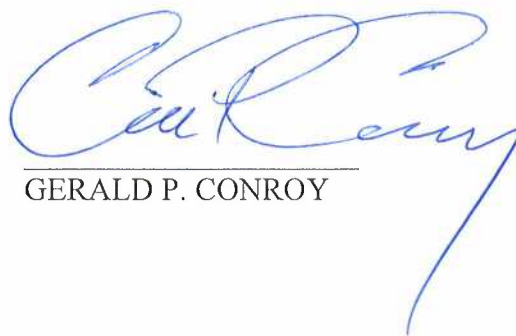
4. The statements in this affirmation are based upon personal knowledge and upon information and belief, the sources being the files of this office, documents obtained from the DOE, the New York State Department of Health (pursuant to an SCI subpoena), a district attorney's office within the State of New York, as well as conversations with representatives of the aforementioned offices and four additional law enforcement agencies. The district attorney's office records were produced to SCI for use in its investigation by order of a New York State Supreme Court Justice pursuant to New York Criminal Procedure Law § 190.25(4) (a), which directs that SCI may not disclose the nature and substance of these records except in specified circumstances. Such circumstances are not applicable to this proceeding; this order remains under seal.

5. In April 2022, SCI determined that there was a high probability that approximately 92 DOE employees had not received one or both required COVID-19 vaccinations, contrary to their written verifications submitted to the DOE. While SCI's investigation was (and remains) ongoing, SCI reported this information to the DOE leadership so that it might take whatever action regarding their employees it deemed appropriate in the interest of public health and, specifically, the safety and wellness of DOE students, employees, and their

has investigatory and subpoena power and reports the results of its investigations to the [DOE], which has the power to take disciplinary actions against employees.”).

families. SCI provided DOE with a list of the employees in question. DOE advised SCI that a few of the listed employees were not currently active, and notified the remaining employees that they could not report to their workplace and were placed on leave without pay.

6. SCI continues to gather evidence concerning the subject employees (and others) and will report its findings and recommendations at the conclusion of its investigation.



GERALD P. CONROY

Dated: June 22, 2022
New York, New York