

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. SHIMON WARONKER

Plaintiff,

-against-

DOCKET NO.: 2018-cv-0393

HEMPSTEAD UNION FREE SCHOOL DISTRICT, BOARD OF EDUCATION OF THE HEMPSTEAD SCHOOL DISTRICT, DAVID B. GATES, in his individual and official capacity, RANDY STITH, in his individual and official capacity, LAMONT E. JOHNSON, in his individual and official capacity, and Patricia Wright as a necessary party in her capacity as Clerk of the Hempstead School District

**AFFIDAVIT OF
DAVID B. GATES
IN OPPOSITION TO THE
PLAINTIFF'S
ORDER TO SHOW CAUSE
FOR INJUNCTIVE RELIEF**

Defendants.
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STATE OF NEW YORK)
) ss.
COUNTY OF NASSAU)

DAVID B. GATES, being duly sworn, deposes and states under penalty of perjury that:

1. I am a member of the Hempstead Union Free School District' ("District") Board of Education ("Board"). I am also a named Defendant in this Action. I offer this Affidavit based upon my personal knowledge.

2. Over the past several months, I had received information that raised troubling concerns about the Plaintiff and his activities as Superintendent of Schools ranging from the way New American Initiative ("NAI") had been funded by the District, used by the Plaintiff, and how the District paid people who are connected to and members of NAI. I learned that there was a BOCES investigation (**Exhibits C and D**) and wanted the District to conduct an independent investigation into NAI and the Plaintiff.

3. Then, on January 8, 2018, the Board asked the Plaintiff the status of the District's application for the Community School Grant. The Plaintiff reported to the Board that it was

fully submitted with the New York State Education Department. However, it was reported to the Board that the Plaintiff had lied about the status of the Community School Grant, misrepresented the fact that it had been fully submitted. If the District is awarded the Community School Grant, the District stands to receive \$5,418,134.00 from New York State to aid in the improvement of our District. The fact that the Plaintiff had not told the truth to the Board convinced me that he needed to be placed on ALOA with Pay so we could investigate him in seven areas of concern. See, **Exhibit A**, a copy of the Board's resolution.

4. Upon information and belief, there were document sent to the District by the New York State Education Department that reveals that the District's submission made by the Plaintiff contained forty-three (43) errors, which were not addressed prior to re-submission on or about January 8, 2018. In addition, I have learned that because New American Initiative was included in the grant request, the grant application was returned to the District for re-submission.

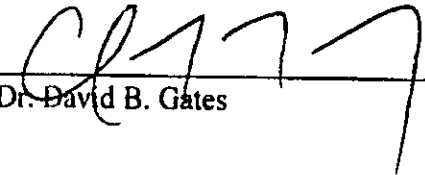
5. As a Board, we took special care and concern about publicizing the areas of concern we had and the areas of investigation we wanted to perform while the Plaintiff was on ALOA with Pay. We added a Confidential Addendum to the Board's resolution to protect the Plaintiff's good-name and to protect against undue influence in our investigations.

6. The Plaintiff was not placed on ALOA with Pay because he wrote an email dated December 6, 2017 or he publicized a Letter to the Community on District letterhead as Superintendent of Schools. The Plaintiff was placed on ALOA with Pay so the District could conduct investigations into seven areas of concern that the Board felt needed to be conducted without the Plaintiff having any undue influence on witnesses, access to the District's computer system and an ability to interfere in any way in the investigation.

7. The Plaintiff has repeatedly refused to give me any information regarding his investigation into Stephen Stroughn, the District's then-Principal of the High School who was terminated based upon the recommendation of the Plaintiff and recently re-hired. Different stories were told to me regarding what the Plaintiff found during his investigation.

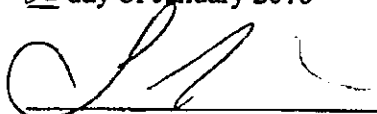
8. Finally, while the Plaintiff alleges that he informed the Board of suspected illegal financial activity, he never reported what he suspected was illegal financial activity to me. To this day I do not know what he is talking about with respect to suspected illegal financial activity.

9. On behalf of myself, the Board and the District, I respectfully request that the Court deny the Plaintiff's Motion for an Injunction.



Dr. David B. Gates

Sworn before me on this
22 day of January 2018



Notary Public

SAMANTHA L. FOUNTAIN
Notary Public, State of New York
No. 01F06268807
Qualified in Nassau County
Commission Expires September 17, 20 20