

# DECISION ON CROSS



Frederick K. Brewington, who represented Touré and others, applauded the commissioner's decision yesterday.  
**Video: [newsday.com/nassau](http://newsday.com/nassau)**



Board member Betty Cross



Challenger Maribel Touré

- **Education commish:** Hempstead trustee must quit
- **Her challengers had** alleged fraud in board race

BY JO NAPOLITANO

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Longtime Hempstead school board member Betty Cross must immediately step down from her post while Education Commissioner John B. King Jr. considers allegations of voter fraud and misuse of absentee ballots in her May re-election, the state agency chief ruled yesterday.

King does not recognize Cross as a member of the school board and his decision is a "legally enforceable order," said Jonathan Burman, a spokesman for the state Department of Education.

Trustee Lamont Johnson, the school board's newly elected president, said it will comply with the decision.

The election is being investigated by the Nassau County district attorney's office, which has issued three subpoenas to the district in relation to the case, sources have said.

"We've been in constant con-

tact with the state Education Department and our investigation continues," said Shams Tarek, a spokesman for the office.

Without Cross, the board will have Johnson and three other members.

Roger Tilles, Long Island's representative on the state Board of Regents, said he was glad of King's decision but was cautious about what Cross' ouster could mean for the district. He called three of the remaining trustees "holdouts" that were part of an era of dysfunction, adding that he hopes they recognize the community's desire for change.

"The people are restless," he said.

Cross, 68, who before the contested election had served seven terms since 1978 and is a former board president, could not be reached for comment yesterday. She was among seven candidates vying for one of two at-large seats on May 20. She came in third on election night behind Ricky Cooke and Maribel Touré,

who ran as a team.

But when dozens of contested absentee ballots were counted at a hastily called meeting the following day, Cross beat Touré by six votes. Cross and top vote-getter Ricky Cooke were sworn in at that meeting.

Touré and other district residents, represented by attorney Frederick K. Brewington, filed a petition with the education commissioner last month, asking him to remove Cross from the board as an act of "interim relief" until he makes a final decision in the case.

"We applaud the commissioner's determination and his true grit for evaluating the facts that were in this petition," Brewington said at a news conference yesterday. "We thank you, Commissioner King."

Cross has declined to speak about the race. In an affidavit filed this week with the state, she said, "This is clearly a political scheme to reverse the election results and an attempt to disenfranchise the Hempstead voters who voted for me."

King, in his letter yesterday to Austin Graff, the district's lawyer, said the board cannot enforce its May 21 order declaring

Cross a winner in the election and could not seat her on the board, pending King's final determination.

Burman said he did not know if the decision is retroactive to the month Cross has served as a trustee. She was elected the board's treasurer at its July 1 meeting.

The full petition, which names Cross, district clerk Patricia Wright and Hempstead schools, includes affidavits from residents who said they were directed to or tricked into voting for Cross or that they observed unlawful practices May 20 at the polling site at Alverta B. Gray Schultz Middle School.

The petition said some voters who did not ask for and were not qualified to receive absentee ballots were surprised when Cross' supporters arrived on their doorsteps in the days before the election with those ballots in hand. Many of the absentee ballots were walked to the polling site, in violation of election law, the petition charges.

The school district, in answer to a portion of the petition, argued that if the petitioners' claims were true, the entire election would have to be

## What's Next

**July 31.** Hempstead school district and other respondents must file answers to all of the petition's accusations.

**Aug. 11.** The accusers must file their reply to the respondents and a brief arguing why the state should decide in their favor.

**Aug. 18.** The respondents must file a brief arguing why the state should decide in their favor.

thrown out — that Cooke, too, would be affected and that he should have been named as a respondent in the case. Many petitions have been denied on such technical matters.

Brewington said Cooke's election and his behavior during the race were not called into question.