

**From:** michael@chwe.net  
**Subject:** SMBPA payments to Dr. Carl Hammer after his felony conviction and dismissal  
**Date:** March 1, 2009 9:38:33 AM PST  
**To:** sbb999@yahoo.com  
**Cc:** hugo.pedroza@smmusd.org, tcuneo@smmusd.org, mmatthews@smmusd.org, michael@chwe.net

Dear Ms. Bennion,

As the parent of a child participating in the Santa Monica High School band program, I am writing to ask for information which you can provide as the Treasurer of the Santa Monica Band Parents Association. In the November 18, 2008 meeting of the SMMUSD Ad Hoc Committee on Child Abuse Policy, you stated that you were responsible for writing checks for the SMBPA.

On August 6, 2004, Dr. Carl Hammer, the former band director at Santa Monica High School, was arrested and charged with two felony counts of lewd and lascivious acts involving a 14 year old girl. On June 21, 2005, as part of a plea bargain, Dr. Hammer gave a plea of no contest to a felony charge of false imprisonment and was sentenced to 60 days of jail time and five years of probation. Dr. Hammer was also ordered by the court to obtain sex therapy counseling for one year. These facts are in the public record. The court transcript of Dr. Hammer's plea and sentencing is available at <http://lincolncommunity.googlepages.com/SA053426.pdf>.

Dr. Hammer was dismissed from his position at Santa Monica High School because of this criminal offense, and could not be rehired given SMMUSD policy, according to Assistant Superintendent Mike Matthews. However, the Santa Monica Band Parents Association (SMBPA) has since then paid Dr. Hammer for, among other things, arranging music and the field show for the marching band. I don't know the precise payments which Dr. Hammer has received, but this year, the item in the SMBPA budget for music arranging is \$5000.

The hiring of Dr. Hammer calls into question the SMBPA's commitment to child safety. A person who observes a former teacher receiving substantial amounts of money from a school activity even after his dismissal for a felony conviction involving a child could reasonably infer that the SMBPA and the Santa Monica High School band program implicitly tolerate to some extent criminal activity involving children. The hiring of Dr. Hammer also invites questions of corruption, in which former colleagues arranged for an employee dismissed for criminal activity to be paid using alternative methods outside official or public oversight.

I would appreciate it very much if you could tell me exactly how much Dr. Hammer was paid, and for what services, by the SMBPA during each year after his arrest and felony conviction. He was paid with funds donated by parents, who have the right to know how their donations were spent.

Thank you very much.

Sincerely yours,  
Michael Chwe