



## wd: completed transcript

From: robert malek

4/27/20 5:25 PM

To: robert malek

### 1ST AMENDMENT FREEDOM OF SPEECH VIOLATIONS

ACS-  
SUPERVISOR  
OF GARCIA MRS BEGHO : (00:16):  
Hello, mr Malek?

MR. MALEK (00:17):  
Yes. Hi mrs Begho. Sorry, I missed your call there.

BEGHO (00:19):  
Uh, yeah, I saw you called me earlier.

MALEK (00:22):  
Sure, yes, yes. And I know you called me earlier too, so I guess we'll start with your call since you called me first.

BEGHO (00:29):  
Okay. Um, so today I didn't call you today.

MALEK (00:34):  
No, yesterday. You called me.

BEGHO (00:36):

I thought we spoke.

MALEK (00:41):  
No, we didn't talk yesterday. No, you called me yesterday or we didn't talk

BEGHO (00:47):  
[inaudible] I don't remember. Can't remember.

MALEK (00:49 ):Okay. no problem with that.

BEGHO (00:52):  
The only thing I just wanted to talk to you about was it's one thing if I would be asking minnie questions regarding what's happening at home and stuff, but it's another if she on her own wants to tell me whatever, you know, she should be able, I think to tell her father whatever she wants or however she feels without that being an issue to ACS, you know, it's one thing if I'm probing stuff as far as, what's happening at home, where are you or whatever. But you know, like recently, Minnie told me that she has a blender at home and Ms. Garcia, told her, Minnie dont talk about whats at home. I was like, you know, its just a blender. I mean, I think that, you know, I think that she should feel free as a five year old to tell her father or whatever she would like without that being something that you have to stop. What do you think about that ?

BEGHO (02:08):  
Mr Malek? Okay. I'm going to be frank with you. The fact is, Minnie is five. She is, um, very plain, very sweet girl. She says things the way she sees it.

MALEK (02:35):

293

Yes,

Speaker 1 (02:36):

but you are not taking it like that. That's the problem I have because if she tells you anything about her mother, about her brother, you call a report on it. Instead of you sharing it with us, this is what Minnie said. Can you look into it? We would definitely do that. But you call a report on it. But you're calling a report and everybody is running crazy. Everybody is running crazy and they find out there's no truth to it. You are wasting everybody's time. Okay. This is why we're supervising the visits. This is why ACS is involved. You do not need to call. My manager has spoken to you about this. It's not that you don't know. ACS / We do investigation. If she tells you some issue, if she tells us Mrs. If she tells us that uh, Mrs, this is what happened last night. We will say, okay, we would go out and speak with the mother, speak to whoever we need to speak to to find out the truth of the matter because that's what we do. When you call in a report, it goes to, it depends on the time it goes to another section of ACS and then if it's too late they will not be able to see them. They will send it back to another unit and that is when you need to go out the following day to see them.

MALEK (04:17):

Right? Right. The following. It doesn't have to happen at night. It can be, it can be the following day.

BEGHO (04:25):

That's what I'm saying. But you could have shared it with us cause we do investigation to. Rather than you call the scr every day or every other day about what Minnie shares with you when we find out they are unfounded. Most of it they send it back to us and say it is unfounded, which we could have been able to do and return to you to say, Mr. Malek we did the investigation. This is the outcome. Instead of calling several reports into scr. What SCR does we do as well.

MALEK (05:08):

Well

*ACCORDING TO  
ACS THEMSELVES. 2 MORE INDICATED  
7 CASE OPEN SERVICES -*

BEGHO (05:09):

and that is why we are not comfortable with Minnie to be sharing anything at home with you. You are here to interact with Minnie. You are here to play with Minnie. You are not here to be hearing things about the mother or the mother did anything wrong to her. Yes. She can say. But not oh. Mommy did this mommy bought a blender. Whats that. Its nothing.

MALEK (05:40):

Well, look, a five-year-old is not going to know the difference. You know, if a five-year-old is going to say I have a blender. I mean, you know, to a five-year-old child's mind, there's nothing wrong with that. As far as saying what happened or her saying like, she wanted to say to me something about her shelter or that Joe was strong. He carries her. Now, I didn't call and make a report because she said that Joe carries her and he is strong.

BEGHO (06:14):

I'm sorry. I didn't hear what you're saying. Can you repeat it.

MALEK (06:18):

Minnie said that Joe was strong and he carries her. She said that in last visit. I didn't make a report in reference to that. She wanted to say something about her shelter, I didn't say anything about it. Everything seems apparently fine there.

BEGHO (06:48):

No but you called a report saying that Joe hit her head. Thats when you called a report which we saw.

244

MALEK (07:07):

Okay. That, that wasn't yesterday.

BEGHO (07:10):

I didn't say yesterday. I said that was one of the reports you called.

MALEK: A previous....

BEGHO(07:17):

That was the same day Joe lifted her up. That wasnt another day.

MALEK: A different day..

BEGHO: Yeah,

So why are you calling a report on that?

BEGHO: we saw it. We saw the mark that was very very light. It wasn't anything to write me about.

MALEK (07:35):

Well, I think, okay. The thing is in reference to that is that if there is, , abuse or neglect, then ACS is supposed to be reporting this to the SCR. So now I, as a parent, I feel that, that this is a neglect issue and that's why I made the call. You disagree with it. But the reason why I felt that it's a neglect issue is, is the following. It's because I made an SCR call, in the beginning of November when I read in detective Sardinias police report that Margaret says that she smacks and yells at Minnie.

BEGHO (08:27):

I'm not talking about that, I'm not.

MALEK (08:30):

I know. I'm talking about the parallel of why I did this. I know I'm not going there for no reason. Now. What I learned in the SCO program is the importance of being a role model. And when the parent does this type of behavior, then the children then mimic that type of behavior. So then we have a situation that, because the parent uses physical means with children, which is improper according to what I've learned and also ACS doesn't have any allegations against me for doing that to the kids in the first place. So I've believed that on my own in the first place. Now when you have a parent that's using physical force with children and yelling rather than using more diplomatic means, then this is a bad role model. And this is why you have a situation where minnie hits Joe in the mouth and then there's some type of scuffle among, uh, among the two and then Joe gets hurt and Minnie gets a mark on her forehead. It's like, okay, what is happening here is dangerous. We have a past where many, uh, has been injured by Joe. We have a situation where the mother is using physicality, which is improper. And then we have a situation here where, because of this, the children got into an altercation. And Joe is essentially, Joe is not just a child. He's almost basically a father, like a father figure there. So if we're getting into the usage of hitting and smacking and yelling, you may think that this is not a form of neglect, but me as a parent, I feel that it is. And that's why I made that call. If you had agreed with me and said, yeah, you know, we, we agree with, with, with your thinking or how you feel about this, then I may have not made that call. But where there is....

BEGHO (10:23):

No. You didn't even discuss it with me. The way, you're saying now was not what

245

you said. When I saw the mark. We didnt have a discussion about it. I just looked at the mark and i said, Oh, it's not, it's not even a scratch.

MALEK (10:44): Oh. There's no doubt. I'm not saying that it wasn't minor. I'm not saying that, but what I'm saying is that there was, there was some type of physical anger thing and scuffle that went on between these two people.

BEGHO (10:56):

No, no, no. That's not true. That is not true. That's not true. Because you did not do, this is what I am saying . This is your place. When you see that kind of thing , speak to mrs garcia. Mrs. Garcia, can you look into this please ? And let me know what took place. What you are saying now is not what happened. There was no physicality there was nothing. What happened was Minnie, they were trying to get Minnie ready to come and see you . Minnie was struggling and saying I dont want to go. I dont want to go , I dont want to go. So Joe picked her up and said Minnie, please get dressed and lets go. And Minnie threw her head on him. There was no physicality there .

MALEK (11:40):

You're saying this is a matter of Minnie coming to see me and she and she didn't want to go ?

BEGHO (11:44):

That's it. That's what happened.

REALLY?!  
TURN TO PAGE 32

MALEK (11:47):

Who? Okay. Now who told you this? How do you know that's what happened? You weren't there. My Daughter told me that it was over a video game.

BEGHO (11:57):

No, that's not it. It was not over a video game.

MALEK (12:00):

You werent there and the issue is that the mother is trying...

BEGHO (12:05):

Well you called this in. You called this in.. okay ?And they investigated it and I'm telling you what I read, but I'm not going to tell you who said what or not.

MALEK (12:16):

Look you don't. I understand that though it would be in your notes that I'm entitled to in discovery anyway. But the point is here is that I only believe my daughter mrs begho. I have to believe my daughter. When my daughter tells me something..

BEGHO (12:32):

No you cannot. Listen, that's a five year old.

MALEK (12:37):

A five year old has, first of all, okay, I understand, but a five-year-old a) has no reason to lie and b), this is what I'll do.

BEGHO (12:46):

A five year old would embellish, okay, a five year old would embellish. A 5 year old would not say everything that needs to be heard. So you as an adult cannot say, okay, I believe what the five year old says over what an adult sees.

MALEK (13:03):

Adults also lie. Okay, this is what I can do. This is what I can do. I understand that yourself or whomever may believe what Margaret and Joe has to say. How's about

BEGHO (13:22):

Even your daughter, even your daughter...

MALEK (13:24):

Well, I believe my daughter. But regards to Margaret and Joe and whether or not they are truthful, okay. I can give you something that I have put together. Okay. That shows, I'm not, I have this together all laid out and it's titled the 28 statements of impeachment by Margaret and Joe where they have contradicted themselves in reference to me abusing the family as well as well as well as Joe's father.

BEGHO(14:01):

Who are they going to impeach ?

MALEK (14:02):

I have shown in this document where Margaret and Joe have come have repeatedly contradicted their own statements in ACS notes. I have 28 different, I have 28 different examples of this. I have spent hundreds of hours on the 200 pages of discovery that I received up until January about January seven, 2019. It's about 200 pages of documents that I received. Like I said, I spent untold hours on all those pages and I have actually itemized one after another where they have lied to ACS. Now I can give that to you. I'm not charging you for that. I can give it to you. You can take a look at it. So you can have an idea and understand that Margaret and Joe lie about the fathers and lie to even ACS.

MALEK (15:03):

Let me give you an example where they have lied to you and the court. They told you in your report that the reason why the children didn't go to school was there was a fire drill at the shelter at one o'clock in the morning. Now I spoke to the department of homeless services Umbudsman. I have his phone number and his name, who told me that that is impossible. That the reason they gave ACS is impossible that ever happened. And ACS reported it to the court and didn't tell the court that they lied. So they lie. That's just one example. They lie to you and I can prove that to you. So you could have a better understanding that yes, Minnie may embellish, but an embellishment is not as bad as a lie. And I tell you the truth when I tell you something like when Minnie has said that mommy's gonna kill me. If I tell you something, it is the truth and part of the problem here is the whole thing of don't record, you can't record. But if there was a recording I'd simply go over to you. I'd play the recording and say here she said it and it would really help everybody to get to the truth and the bottom of some of these things.

BEGHO (16:16):

You recorded it or what did you say ?

MALEK (16:18):

I'm not saying that. It really would be nice if we could have some type of transparency as far as what's said so that if I say that, okay Minnie said this, it isn't as if, okay mr Malik is nuts or mr malek is making this up or he's lying. If it was on tape, it would be nice that I can play it or you could play it and say, " here " here's the tape, listen to it. But anyway, what I'd like to do is I'd like to give you that document that outlines where they have lied to ACS about myself and Joe's father as well in their own statements right out of your notes so that you could see what i'm talking about.

BEGHO (17:08):

No, not out of my notes because I dont know Joes father and I dont know what you are talking about..

MALEK (17:13):

Written in the ACS notes is also about Joe's father as well. I don't know if you know this, but it's written in the ACS notes that Margaret and Joe have lied against Joe's father according to ACS. That, that they have a history of lying against Joe's father as well. So

BEGHO (17:34):

How do you know ?

MALEK (17:35):

Because I have it in your notes. When I see you....

BEGHO (17:38):

no, how do you know its a lie?

MALEK (17:41):

How do I know it's a lie? ACS themselves determined that they lied against the son's father. That not only

BEGHO (17:55):

ACS said its a lie ?

MALEK (17:56):

Yes. ACS determined that Margaret and Joe both lied against against the son's father in 2015.

MALEK (18:06):

ACS did this. Now I'll show you. where ACS determined this and I know that they lied against the sons father.

BEGHO (18:16): Yeah. You know they lie....

MALEK (18:20): Joe was saying my father beat me, i'm injured and there were no injuries on him. I have a notarized letter from my dad and even the police, they saw no injuries on him. Margaret has said his father punched him in the eye and the kid couldn't see. I can show you this stuff. I mean, it's really unbelievable. The kind of things that she's said against the son's father and ACS in the notes that I'll show you in discovery. I've spent, God knows how many hours going over the discovery that I was given. You don't have time. You have so many cases, you don't have time to, go over 200 pages back and forth, you know, find out, you know, what's, what's a contradiction here and there.

MALEK (19:02):

You don't have time. I respect that. I'll give you that document, mrs Begho so you can see it. I'll give it to you. I, I'm not just talking when I see it, I'll give it to you and then maybe we could talk again sometime and have a little progress. I have nothing to hide and then that way, maybe you'll have a different view about, Minnie in relation to Margaret and Joe. The assaults of Minnie in 2018 were terrible. The abuse of her by Joe that was supposedly investigated by the police when not investigated. There were lies that was said to the police. It was terrible. I have the, I have the video, I have the audio, I gave it to Travis Johnson.

MALEK (19:48):

I'll give you a copy to hear it. Minnie said Joe threw her because she was crying. I'll say this one more thing. Margaret told the police and is in the police report that this wasn't the only time that Joe has injured her from Margaret's own statements. I got it in the police report. I could give it to you.

248

BEGHO : That what ?

MALEK: That when minnie was injured on October 11 by Joe throwing her, Margaret admitted to the police of the 77 precinct, that this wasn't the only time that Joe has injured her as well. Margaret admitted to this and the 77 pct....

BEGHO (20:30):

I wasn't, I wasn't privy to that its in the notes.

MALEK (20:36):

I respect that. There is a great deal to this case. I've spent hundreds of hours with this to uncover this. I did, I pulled information out of foil, out of freedom of information law to get these police reports. I mean, I did my homework, I'll show it to you. This is why I feel the way I do. Mr Malek is not nuts. I will show you what I have so you could see that, Hey, I'm not just talking about nonsense. I'll give it to you. I'll give you a copy when I see you and then we could talk again sometime. It's okay. I mean, you know, at least maybe we've made a little progress today. A little bit, right? A little, a little. Look. We get along a little better now than what we used to. So, all right.

BEGHO: well, thats true...

MALEK: You know, step by step by step. You told me not to call the, SCR, after our last conversation, I didn't so little by little...

BEGHO (21:31):

Exactly. I appreciate that too. Call me and let me know. This is what Minnie shared with me. Can you look into it? Definitely. We will look into it rather than call the report and then everybody is running helter skelter and then they come back and say Mrs. Bell, this is what you see is nothing.

MALEK (21:50):

Look, I think that there's a distrust unfortunately that maybe we have for each other as far as Malek telling the truth is ACS doing their homework.

BEGHO (22:04):

Well give us an opportunity to say either you negative or to say, Oh, mr Malik is telling the truth, but I have not even done that for us since we've been working with you is like you have a lot of distrust for us, which is not good. there is no reason for that.

Malek (22:29):

Well, let me do this because maybe, there is some reason for it, but possibly we can move forward. id like to show you some things. i mean, stuff happened that never should have happened.i mean i remember seeing Joe going to visitation with my daughter during school days over at acsat 19 rogers, he wasnt going to school. he is showing up at acs over there. Its like, how does acs have a child over in their facility during school days over and over again and allow this to happen ?

BEGHO : that was before . that we before we got the case. but we have been working with you now.... and you have not even given us an opportunity to work with you properly. you dont trust us and there is nothing we have done to have that kind of notion about mrs garcia or myself. there is no reason for you to distrust us. you know what I think ? all we want to do is make your visit with your daughter enjoyable and for both of you to form a bond. thats all we care. come here, have fun with your child and go. do your services and let the court decide

249

what is going to happen. the decision is not ours to make it is for the court. but when you come here and you're looking at minnie. what's this, what's that ? no. if minnie tells you something that is not okay, bring it to mrs garcias attention to look into it. mrs garcia I will need you to look into this for me. this is what minnie said... this is what we do with other families who come here. they are not calling reports the way you are calling reports...because when a report is called it destabilizes everybody...and then when they get there, they are not seeing exactly what you are calling in for.. so if you bring to our attention because you are here with us we are able to see what you are saying. Hear you, we can do the investigation and say mr malek you know you are right. We are putting measures in place so that this doesnt happen again. But when you call in a report it is not the same.. you understand what I am trying to say

MALEK : I understand.

BEGHO : Exactly.

MALEK : I hear where you are coming from. I am not interrogating Minnie. I dont do that. Minnie on her own tells me things but I think part of the problem that we have is that you do an investigation, you ask margaret and i will show this to you in the presentation that i give you. i want to give you the family offense petition that i gave over to the attorney for the child so you see what I am talking about where acs believes..

BEGHO: My manager is calling me i think we have to suspend the conversation of Minnie.

MALEK: I'll just be very fast. ACS believes the things that margaret and joe are saying but then again the things that margaret and joe are saying may not be so and if you take a look at some of your notes and compare its like wait a minute they didnt tell the truth here. and that is what happened with some of the investigations that I got in discovery where acs got this answer from this person and this answer from that person and there were 4 or 5 different answers about how my daughter got injured but no one from acs compared the five six answers as to how my daughter got injured. so you know what, i would like to give you some of the things that i have so that when you do speak to margaret you have a little more of a questioning eye that i may have because you can see wait a minute maybe she doesnt always tell the truth. so thats where i think you and i have a little rift where you believe margaret and dont believe me, etc

BEGHO: No.

MALEK: Or dont believe Minnie or something. Margaret and Joe lie and they lie alot and you have to see some things that I have that actually substantiate this. So when you do the investigation its like wait a minute. maybe what they are telling us sounds good but may not be so. Would you mind if I gave you some of these materials to look at ?

BEGHO: I already have them. Its the notes you have..

MALEK : Well, yeah but the thing is though as far as what i found in these notes the contradictions i can point them out to you. The family offense petition that i put together is from the police reports , from the recordings, its the whole deal. There are things you dont know about you dont have.

BEGHO; Ok. Thank you. Have a nice weekend. I will see you on Monday ?

250



MALEK: Yeah, yeah you bet.

BEGHO : TAKE CARE BYE BYE

MALEK: TAKE CARE BYE BYE

2-28-20 MRS BEGHO ACS.....

251

MALEK (00:02):

3-12-20 BEGHO

MALEK (01:03):

Yes, Hi Mrs. Begho, Robert Malek here....

BEGHO (01:03):

Hello ?

BEGHO (01:15):

I'm sorry. Who's speaking please ?

MALEK (01:17):

Oh, this is all Robert Malek.. How are you?

BEGHO (01:20):

I'm good. Thank you.

MALEK (01:21):

Okay. Um, how come on no court report. Have you ever written that my daughter runs to me in happiness and she's so happy to see her dad and you never put that down in any report.

BEGHO (01:36):

Uh. Mr. Malek. I don't have anything to say about any report or anything. Okay ? All i wanted was for your daughter not to fall. Okay. The child could fall and then it's become a liability. She's supposed to walk to you and then you come pick her up and hug her. But at this time, they say say no hugging, no nothing. So for you to accuse me of not allowing your daughter to show you love, I mean, I don't understand that . Okay ? we do not want children running around. Nobody's saying your child doesn't love you. I care about you, but she could be running and she could fall. And then what?

MALEK (02:21):

Look she's been running.

BEGHO (02:21):

Ok Mr. Malek...

New Speaker (02:24):

Other children don't sometimes run when they, when they play ?

BEGHO (02:29):

Okay. Mr. Malek. It's okay. I've heard you. I've heard you. I've got to go.

MALEK (02:35):

The situation with the laptop, there's a problem with my daughter and I watching a Barbie movie together. ?

BEGHO (02:45):

What?

MALEK (02:47):

Ms. Garcia said that my daughter and I can't even watch a Barbie movie together, because you said that it's possible that the laptop can be recording. I mean, is that, I mean, that's, I think this is crazy

BEGHO (02:58):

that I said the laptop could be recording ?

MALEK (02:59):

yeah

BEGHO (03:00):

Was I there when you are working ? When you are watching it ? So why would you say, I said,

MALEK (03:06):

She said...

New Speaker (03:06):

because she said, she said, she said that we can't watch a movie, a Barbie movie, because you said that the laptop could be recording us. So Mrs Begho said, I said, then call, Miss Begho then.

BEGHO (03:18):

Exactly...

New Speaker (03:19):

. I said, are you kidding me? I mean, that's, I mean, that's going too far here. All right. So I'm glad that I, I asked you about that because she said that you said that I'm like, that's Oh, come on. Well, why don't we enjoys?

BEGHO (03:32):

I wasnt downstairs.

BEGHO (03:32):

If you are not recording, we will know when you are recording. When you come through the door, you will see that there is no videoing written on the door. So is, I mean, it's the policy. You shouldn't be recording. But if you are watching a movie, we cant stop you from watching a movie with your child...

MALEK (03:53):

Right? Well, I'll tell him, look, you know, this is part of the we....

BEGHO (03:57):

I'm going to. Okay. Maybe she felt you were recording. I don't know. I'm going to speak with her.

MALEK (04:02):

Yeah, no. She said that miss Begho said that I can't, watch a movie on the laptop with Minnie because iMrs Begho said that that laptop can be recording. So if you can take that up with her, I was like, that's crazy. I was like, Oh, come on. That's taking it too far.

BEGHO (04:21):

Well, I will speak to her. about it.

MALEK (04:22):

Ok.

BEGHO (04:22):

Have a nice day.

Mr. Malek bought an air-conditioner for the Subject Child Margaret, that keeps the family home at a comfortable temperature. Currently, the home does not pose any danger to the children.

On 10/06/20, home visit, CPS observed Joe and Margaret interacting appropriately with no conflict. The children continue to interact appropriately with each other with minor conflict. The children were observed doing art and crafts that consists of colorful beads and strings. Subject Child Joe told CPS the Non-Respondent mother bought it for him and he is teaching his sister to make necklaces, bracelets and earrings. CPS observed mother and children interactions to be cordial and free of fear and intimidation. The children have always been observed free of suspicious marks and bruises on their faces, chest, backs, arms and feet.

**School:**

The child Joe was promoted and is attending a High School of his choice and is participating in remote learning currently. On 10/05/20, CPS confirmed with Joe's school guidance counselor, that he is participating remotely tentatively. The child Margaret continues to attend her elementary school and was promoted to Kindergarten. She currently is participating in blended learning, that is one week in-person classes and the next week is remote learning. On 09/24/20, CPS confirmed with Margaret's school counselor that she is participating in blended learning.

**Medical:**

The subject children Joe and Margaret are medically up to date. Their immunizations are up to date as well. On 09/15/20, subject child Margaret were seen for injury to her head, routine health exam And routine health maintenance, BMI (body mass index) pediatric, dietary and exercise counseling. Please note there were no concerns noted about Margaret growth (height and weight). Margaret was treated at Urgent care on 09/19/2020 for Acute pharyngitis. The Non- Respondent mother followed through with the Urologist for Margaret and the child is prescribed medication to treat UTI related issue. The Non-Respondent mother takes the children to their medical care and follow through with specialized referrals. DIAGNOSIS 3 YEAR ISSUE

NOT TRUE ALSO IN APPROX FEB 01-2020

**Services and referrals:**

The non-respondent mother and children receives Preventive Services from CAMBA. They have been compliant and adhere to recommendations and suggestions. The non-respondent mother and subject child continue to be consistent with weekly therapy. On 10/01/20, CPS did outreach to each Psychotherapist providing therapy to the family. The Non-Respondent mother therapist stated, Ms. Ingolia continues to actively participate during sessions and is consistent. Margaret's therapist is now seeing the child independently and will provide a letter to the courts. The non-respondent mother is participating in a twelve weeks Parenting class and is set to graduate on 10/20/20.

To date, Mr. Malek has not done the imminent risk assessment. On 03/31/20, CPS provided Mr. Malek with mental health resources in his community as recommended by mental health consultant. Mr. Malek has not followed through with these referrals. CPS participated in two separate domestic violence consultation regarding this case, especially how to engage the respondent father around services and its benefits. CPS explored and engaged the father on services, especially supervised visitation through New York Society for prevention of cruelty to children (NYSPCC). Mr. Malek is not receptive to any type of services at this point. On 07/01/20, referral was given to the non-respondent mother, with recommendations after a domestic violence consultation on 06/26/20. The recommendations include individual/family counseling, with specialization in managing symptoms

FALSE