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THE STATE EDUCATION DEPARTMENT  
THE UNIVERSITY OF THE STATE OF NEW YORK

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In the Matter of  
NEW YORK CITY DEPARTMENT OF EDUCATION  
v.  
NATALIE WILLIAMS  
Section 3020-a Education Law Proceeding (File #8,253)

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DATE: March 25, 2009  
TIME: 9:34 a.m. to 11:51 a.m.  
LOCATION: NYC Department of Education  
Office of Legal Services  
49-51 Chambers Street  
New York, New York 10007  
BEFORE: ARTHUR RIEGEL, ESQ.  
Hearing Officer  
One Willow Lane  
Hewlett Harbor, NY 11557

1 Natalie Williams - 3-25-2009  
 2 APPEARANCES:  
 3 FOR THE COMPLAINANT:  
 4 MINERVA JOHN-STULL, ESQ., of Counsel  
 MICHAEL BEST, ESQ.  
 5 NYC Department of Education  
 Office of Legal Services  
 6 49-51 Chambers Street  
 New York, New York 10007  
 7 Telephone: (212) 374-6741  
 8 FOR THE RESPONDENT:  
 9 Pro se  
 10 ALSO PRESENT:  
 11 Denise Welles  
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1 Natalie Williams - 3-25-2009  
 2 INDEX OF PROCEEDINGS  
 3 Michael Bellotti; Sworn 408  
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1 Natalie Williams - 3-25-2009  
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1 Natalie Williams - 3-25-2009  
 2 (The hearing resumed at 9:34  
 3 a.m.)  
 4 THE HEARING OFFICER: All  
 5 right. We are ready to continue the  
 6 Department's case-in-chief in the matter of the  
 7 charges preferred against Natalie Williams. I  
 8 would note for the record that at the end of  
 9 our last session, Ms. Welles had indicated to  
 10 me that beginning today -- beginning with this  
 11 session, she would be doing the cross  
 12 examination of Department's witnesses. The  
 13 record will show that I had previously ruled  
 14 that since this is an arbitration and one need  
 15 not be admitted to the practice of law in New  
 16 York State, I see no reason to preclude Ms.  
 17 Welles from -- from conducting the cross  
 18 examination.  
 19 Second, I would also note for  
 20 the record that the Department, in the person  
 21 of Minerva John-Stull, sent an e-mail dated  
 22 March 20th of 2009, at two twenty-eight p.m.,  
 23 to me and to Ms. Williams, advising her of the  
 24 identity of the witnesses who would be

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1 Natalie Williams - 3-25-2009  
 2 appearing today. Those witnesses are Mr.  
 3 Bellotti, who is in the room at the moment and  
 4 then Assistant Principal Volkert,  
 5 V-O-L-K-E-R-T. In addition, upon receipt of  
 6 that on the same day, at four forty p.m., I  
 7 sent a -- a response e-mail to Ms. John-Stull  
 8 and to Ms. Williams, reminding everyone that we  
 9 were on the record today as of nine fifteen.  
 10 So this is my way of -- of  
 11 indicating that the Department has complied  
 12 with my request of notifying Ms. Williams in  
 13 advance as to who the witness -- witnesses will  
 14 be on a given day. I believe that we have  
 15 covered all of the housekeeping issues,  
 16 although, Ms. John-Stull has just indicated  
 17 that she has something to -- to raise.  
 18 Yes?  
 19 MS. JOHN-STULL: Yes. When  
 20 Mr. Kevin Kent had testified, Ms Williams  
 21 requested class rosters from the 2005-2006  
 22 school year. I've made numerous attempts to  
 23 receive these documents. And the last e-mail  
 24 that I got was yesterday that -- it's -- it's a

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1 Natalie Williams - 3-25-2009  
 2 and the school secretary. So the grade sheets  
 3 that Mr. Kent submitted are also being  
 4 requested.  
 5 THE HEARING OFFICER: Okay.  
 6 MS. JOHN-STULL: I thought we  
 7 addressed that, Mr. Riegel, that I was not  
 8 going to request that?  
 9 THE HEARING OFFICER: And  
 10 that -- but Ms. Williams has on her -- on her  
 11 own requested them, had no success, she will  
 12 have to pursue whatever other options she may  
 13 deem appropriate if -- if she wishes to seek  
 14 them. Those are not discovery items, as I view  
 15 them. Those are matters of evidence and that  
 16 goes to her defense. But in any event --.  
 17 Okay. Is there anything further?  
 18 MS. JOHN-STULL: No, Mr.  
 19 Riegel.  
 20 THE HEARING OFFICER: Okay.  
 21 Then let me -- let me administer the oath to  
 22 Mr. Bellotti and then we can go forward with  
 23 the testimony.  
 24 Mr. Bellotti, would you raise

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1 Natalie Williams - 3-25-2009  
 2 follow-up, but basically what I was told  
 3 sometime last week is that these -- these  
 4 records were archived and they would have to  
 5 order them. And yesterday in my e-mail I  
 6 said -- you know, I inquired as to what's going  
 7 on and I was told they were still doing a  
 8 search on those documents. So I haven't  
 9 received it as of yet, but I just want you to  
 10 know that I am continuing in the search of  
 11 these documents and keeping e-mails to show  
 12 that I am searching for these documents.  
 13 THE HEARING OFFICER: Okay.  
 14 Perhaps -- perhaps it would be helpful at some  
 15 point if -- if, in the aggregate, we can just  
 16 put those e-mails in because --  
 17 MS. JOHN-STULL: Okay.  
 18 THE HEARING OFFICER: --  
 19 because it's showing compliance --  
 20 MS. JOHN-STULL: Okay.  
 21 THE HEARING OFFICER: -- Yes?  
 22 MS. WILLIAMS: May I add that  
 23 I also requested the grade sheets that Mr.  
 24 Clark -- Mr. Kent claims I crumpled before him

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1 Natalie Williams - 3-25-2009  
 2 your right hand, please?  
 3 Do you swear the testimony  
 4 you are about to give is the truth, the whole  
 5 truth, and nothing but the truth?  
 6 MR. BELLOTTI: Yes, sir.  
 7 MICHAEL S. BELLOTTI; Sworn.  
 8 THE HEARING OFFICER: Okay.  
 9 Can you give me your full name, please?  
 10 THE WITNESS: Michael S.  
 11 Bellotti.  
 12 THE HEARING OFFICER: Okay.  
 13 You can relax. Is Bellotti with two L's and  
 14 two T's?  
 15 THE WITNESS: Two L's and two  
 16 T's.  
 17 THE HEARING OFFICER: Yes.  
 18 Okay.  
 19 THE WITNESS:  
 20 B-E-L-L-O-T-T-I.  
 21 THE HEARING OFFICER: Very  
 22 good.  
 23 Ms. John-Stull?  
 24 MS. JOHN-STULL: Thank you.

3 (Pages 405 to 408)

Page 409

1 Bellotti - Direct - Stull  
 2 Good morning, everyone.  
 3 DIRECT EXAMINATION  
 4 BY MS. JOHN-STULL:  
 5 Q. Good morning, Mr. Bellotti.  
 6 **A. Good morning.**  
 7 Q. Who do you work for?  
 8 **A. John F. Kennedy High School.**  
 9 Q. Okay. And who is your -- are  
 10 you employed by the New York City Department of  
 11 Education?  
 12 **A. Yes, I am.**  
 13 Q. And how long have you been  
 14 employed by the New York City Department of  
 15 Education?  
 16 **A. Thirty-seven to thirty-eight**  
 17 **years.**  
 18 Q. Okay. And what is your  
 19 current position?  
 20 **A. I'm the foreman of the**  
 21 **custodial staff.**  
 22 **MS. JOHN-STULL: Mr. Riegel,**  
 23 **can you hear?**  
 24 **A. (Cont'g.) Foreman of the**

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1 **Bellotti - Direct - Stull**  
 2 Q. Thank you. And approximately  
 3 how many people do you supervise?  
 4 **A. Twenty-two to twenty-five**  
 5 **people at a given time.**  
 6 Q. Okay. And as the  
 7 supervising -- as the foreman -- custodian  
 8 foreman at John F. Kennedy High School, do you  
 9 have a walkie-talkie or radio that the -- that  
 10 the school administrators also have?  
 11 **A. Yes, I do. I have one in my**  
 12 **office.**  
 13 Q. Is it something that you take  
 14 with you all the time?  
 15 **A. Only when there's not a**  
 16 **secretary in the office to answer the phone.**  
 17 Q. Okay. I'm going to direct  
 18 your attention to approximately -- to on or  
 19 about -- withdrawn.  
 20 I'm going to direct your  
 21 attention to on or about October 28, 2005. It  
 22 was open school night. Do you remember that  
 23 evening?  
 24 **A. Yes.**

Page 410

1 **Bellotti - Direct - Stull**  
 2 **custodial staff -- sorry.**  
 3 THE HEARING OFFICER: Okay.  
 4 MS. JOHN-STULL: Mr.  
 5 Bellotti, do us a favor and try to keep your  
 6 voice up. Okay?  
 7 THE WITNESS: Yes, ma'am.  
 8 MS. JOHN-STULL: All righty.  
 9 I'm going to repeat my last question.  
 10 BY MS. JOHN-STULL: (Cont'g.)  
 11 Q. What is your current  
 12 position?  
 13 **A. I'm the custodial foreman at**  
 14 **John F. Kennedy High School.**  
 15 Q. And how long have you been  
 16 assigned to John F. Kennedy High School?  
 17 **A. 1984.**  
 18 Q. Okay. Briefly tell us what  
 19 are your responsibilities as the custodial  
 20 foreman at John F. Kennedy High School?  
 21 **A. I supervise all the cleaners,**  
 22 **all the maintenance, and the heating and**  
 23 **maintaining of John F. Kennedy High School,**  
 24 **building and grounds.**

Page 412

1 **Bellotti - Direct - Stull**  
 2 Q. Okay. On that evening, did  
 3 you have your walkie-talkie with you?  
 4 **A. Yes, I did.**  
 5 Q. Why is it that you had it  
 6 with you?  
 7 **A. Because open school night**  
 8 **starts approximately around six o'clock at**  
 9 **night. Our secretary goes home between four**  
 10 **and five o'clock. So there's nobody in the**  
 11 **office. If somebody was stuck in an elevator**  
 12 **or if they needed me, that's the easiest way to**  
 13 **get a hold of me without going over the P.A.**  
 14 **system.**  
 15 Q. Okay. And on that day and --  
 16 and sometime after, you know, six p.m., do you  
 17 recall hearing on the radio a chase in the  
 18 building?  
 19 **A. Yes.**  
 20 Q. Tell us about that.  
 21 **A. It was going over the radio,**  
 22 **up this staircase, through this hallway, all**  
 23 **over the place, and I couldn't imagine what was**  
 24 **going on. So I kept listening to it on the**

4 (Pages 409 to 412)

Page 413

1 **Bellotti - Direct - Stull**  
 2 **radio because nobody was calling me, but**  
 3 **everybody was all over the radio. So it would**  
 4 **attract your attention because it's not normal.**  
 5 Q. Okay. And tell us more.  
 6 What else did you hear?  
 7 **A. They were chasing somebody up**  
 8 **and down the building.**  
 9 Q. And who is they to the best  
 10 of your ability?  
 11 **A. Security, Rob Colon --**  
 12 Q. Okay.  
 13 **A. -- who was a dean at the**  
 14 **time.**  
 15 Q. Okay. And how is it that you  
 16 know they were chasing someone in the building?  
 17 **A. Because they said it over the**  
 18 **radio.**  
 19 Q. Okay. And did you -- did you  
 20 ever find out who it is they were chasing?  
 21 **A. Yes, I did.**  
 22 Q. And how -- who is that  
 23 person?  
 24 **A. Natalie Williams.**

Page 415

1 Bellotti - Direct - Stull  
 2 attention to on or about November 1st, 2005 to  
 3 December 19, 2005. During that timeframe, did  
 4 you --?  
 5 MS. JOHN-STULL: Can I just  
 6 have a moment, please?  
 7 THE HEARING OFFICER: Go  
 8 ahead.  
 9 BY MS. JOHN-STULL: (Cont'g.)  
 10 Q. Okay. During that timeframe,  
 11 did you observe flyers in the hallway or in the  
 12 garbage can?  
 13 **A. Hallway, floor, garbage can.**  
 14 Q. Okay. Tell us about that.  
 15 **A. There were flyers all over**  
 16 **the place about students -- students on strike.**  
 17 Q. Okay. What else do you  
 18 remember about the flyers?  
 19 **A. They were white.**  
 20 Q. Uh-huh.  
 21 **A. They were John F. Kennedy**  
 22 **striped.**  
 23 Q. What did you do -- now did  
 24 this stand out to you?

Page 414

1 **Bellotti - Direct - Stull**  
 2 Q. How is it that you -- how did  
 3 you come to find this out?  
 4 **A. Two ways, they had mentioned**  
 5 **her name that she wasn't allowed in the**  
 6 **building. And then I proceeded to come out of**  
 7 **the boiler room and they were escorting her out**  
 8 **of the building.**  
 9 Q. Okay. Now prior to this  
 10 date, were you familiar with Natalie Williams?  
 11 **A. Yes, I was.**  
 12 Q. How so?  
 13 **A. She was a teacher at John F.**  
 14 **Kennedy High School in the science department.**  
 15 Q. Okay. And prior to this  
 16 date, had you -- you had seen Natalie Williams  
 17 before?  
 18 **A. Yes, many --**  
 19 Q. Okay. Approximately how many  
 20 times -- at least?  
 21 **A. Twenty-five -- a hundred**  
 22 **times, maybe.**  
 23 Q. Okay. Thank you. Mr.  
 24 Bellotti, I am now going to direct your

Page 416

1 Bellotti - Direct - Stull  
 2 **A. Yes.**  
 3 Q. Why?  
 4 **A. Because I couldn't understand**  
 5 **what students were going on strike. I didn't**  
 6 **know what this was all about.**  
 7 Q. Okay. Excuse me. What did  
 8 you do with the flyers, if anything?  
 9 **A. I brought them to the**  
 10 **principal.**  
 11 Q. Now during this time period,  
 12 approximately how many times had you observed  
 13 these flyers?  
 14 **A. Probably two or three.**  
 15 Q. And when you say on the  
 16 floor, in the garbage can, the hallway,  
 17 approximately how many flyers are we talking  
 18 about?  
 19 **A. Between fifty and a hundred.**  
 20 Q. Okay. And these same flyers  
 21 that you just referred to, had you seen anyone  
 22 giving out those flyers?  
 23 **A. Yes, I did.**  
 24 Q. Who did you see giving out

5 (Pages 413 to 416)

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1 Bellotti - Direct - Stull  
 2 those flyers?  
 3 **A. Natalie Williams.**  
 4 Q. Where did you see her giving  
 5 out the flyers?  
 6 **A. At exit five.**  
 7 Q. Okay. Now is this on -- in  
 8 the inside of the building or the outside of  
 9 the building?  
 10 **A. Outside of the building.**  
 11 Q. Okay. And why did you give  
 12 the flyers to the principal?  
 13 **A. To find out what the strike**  
 14 **was all about and why somebody was giving**  
 15 **flyers out that are all over our hallways for**  
 16 **us to clean up.**  
 17 Q. Now was -- is that part of  
 18 your responsibilities to clean up --  
 19 **A. Yes.**  
 20 Q. -- the hallways?  
 21 **A. Yes, and the outside.**  
 22 **MS. JOHN-STULL: I'm going to**  
 23 **show the witness what's already in evidence as**  
 24 **D Ten --**

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1 Bellotti - Direct - Stull  
 2 that you are able to tell us that this is the  
 3 time you observed these flyers, either being  
 4 given out by the Respondent or in the hallway?  
 5 **A. It was near Christmastime.**  
 6 **It was cold.**  
 7 Q. Okay.  
 8 **A. And I had to go outside and I**  
 9 **had no jacket.**  
 10 Q. Okay. Other than the flyers  
 11 that you observed, did you ever observe  
 12 anything else that were given out to students?  
 13 **A. Basically the flyers.**  
 14 Q. Okay. I am now going to  
 15 direct your attention to December 2005 in the  
 16 vicinity of -- or on or about between December  
 17 5th to December 15th. Was there -- did there  
 18 come a time between that two-week period that  
 19 you observed the Respondent being escorted out  
 20 of the building?  
 21 **A. Yes, I did.**  
 22 Q. Tell us about what --  
 23 approximately what time of the day was it? Was  
 24 it the morning --

Page 418

1 **Bellotti - Direct - Stull**  
 2 THE HEARING OFFICER: Okay.  
 3 MS. JOHN-STULL: -- the  
 4 first -- first page only.  
 5 BY MS. JOHN-STULL: (Cont'g.)  
 6 Q. Mr. Bellotti, tell us, do you  
 7 recognize the first page of what's in evidence  
 8 as D Ten?  
 9 **A. Yes.**  
 10 Q. And what is that?  
 11 **A. John F. Kennedy strike --**  
 12 **strike and a protest starting before the first**  
 13 **period.**  
 14 Q. Thank you. Now is this one  
 15 of the flyers that you observed between the  
 16 time period I mentioned?  
 17 **A. Yes.**  
 18 Q. And is this one of the flyers  
 19 that you gave to the principal?  
 20 **A. Yes.**  
 21 Q. Now Mr. Bellotti, how is it  
 22 that sitting here today, and this was a  
 23 timeframe I gave you of about a  
 24 month-and-a-half to two-month period, how is it

Page 420

1 Bellotti - Direct - Stull  
 2 **A. Morning.**  
 3 Q. -- evening, afternoon?  
 4 **A. Morning.**  
 5 Q. Okay. Tell us what you  
 6 observed?  
 7 **A. Her -- Ms. Williams being**  
 8 **escorted out of the building.**  
 9 Q. Okay. By whom?  
 10 **A. Security -- safety officers.**  
 11 Q. Okay. And do you know why  
 12 Ms. Williams was being escorted out of the  
 13 building?  
 14 **A. Because she wasn't supposed**  
 15 **to be in the building.**  
 16 **MS. JOHN-STULL: I have no**  
 17 **further questions for this witness.**  
 18 THE HEARING OFFICER: Okay.  
 19 Ms. Welles, do you have any cross examination  
 20 for this man?  
 21 CROSS EXAMINATION  
 22 BY MS. WELLES:  
 23 Q. With respect to the time  
 24 period she questioned you about November of

6 (Pages 417 to 420)

Page 421

1 Bellotti - Cross - Welles  
 2 2005 to December of 2005, Ms. Williams was not  
 3 allowed in the building. Is that correct?  
 4 **A. Yes.**  
 5 Q. And except for the time that  
 6 you saw her escorted out of the building or  
 7 chased, she was not in the building. Is that  
 8 true?  
 9 **A. I have no recollection of**  
 10 **whether she was in the building.**  
 11 Q. You have no knowledge that --  
 12 **A. No knowledge.**  
 13 Q. -- she was? Okay. With  
 14 respect to the -- the flyers --  
 15 **A. Uh-huh.**  
 16 Q. -- okay. Is -- is it your  
 17 testimony that you observed Ms. Williams  
 18 outside the building, handing out the flyers?  
 19 **A. Yes, it is.**  
 20 Q. Okay. And how many days did  
 21 you see this?  
 22 **A. Once -- twice.**  
 23 Q. Okay.  
 24 **A. Once or twice.**

Page 423

1 Bellotti - Cross - Welles  
 2 closed off from the street?  
 3 **A. No, it's not. There's a**  
 4 **street leading into it.**  
 5 Q. There's a private street?  
 6 **A. There's a Board of Ed. street**  
 7 **leading into the campus. There are lights and**  
 8 **sidewalks that are maintained by New York City**  
 9 **Board of Ed. There are three schools there and**  
 10 **the sidewalks and the lights and the street all**  
 11 **belong to the Board of Ed. It's Board of Ed.**  
 12 **property. The sidewalk that we maintain and**  
 13 **shovel and the kids walk down is Board of Ed.**  
 14 **property. It's a dead end street.**  
 15 Q. But it's your testimony --  
 16 it's your testimony that she was, in fact,  
 17 out -- not inside the school handing out  
 18 these -- these flyers?  
 19 **A. She was outside the school,**  
 20 **on Board of Ed. property.**  
 21 Q. Okay. Well that's your  
 22 contention. I'm not sure.  
 23 MS. JOHN-STULL: Objection.  
 24 MS. WELLES: Give me one

Page 422

1 **Bellotti - Cross - Welles**  
 2 Q. Okay. And was -- and -- but  
 3 it's your testimony that it was not on school  
 4 property. Is that correct?  
 5 **A. No, I did not testify it**  
 6 **wasn't on school property. I testified that it**  
 7 **was on school property.**  
 8 Q. Okay. Now I don't understand  
 9 the geographical terrain. Can you explain --  
 10 can you just, for my own understanding, outside  
 11 the building, what -- to what extent is the --  
 12 the school property?  
 13 **A. Any -- any sidewalk that's**  
 14 **around it is the school property. The road**  
 15 **coming into John F. Kennedy High School where**  
 16 **there are signs posted, for Board of Ed.**  
 17 **employees only, the road we maintain and sweep**  
 18 **every day is school property. Otherwise we**  
 19 **wouldn't be maintaining it.**  
 20 Q. So -- so basically -- so --  
 21 so it's my understanding this is like a campus  
 22 that's --  
 23 **A. Yes.**  
 24 Q. -- closed off from the --

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1 Bellotti - Cross - Welles  
 2 moment.  
 3 I don't have any more  
 4 questions for this witness.  
 5 MS. WILLIAMS: Can I ask  
 6 questions? Can I ask questions? Can I?  
 7 MS. WELLES: No. We don't  
 8 need anything else.  
 9 MS. WILLIAMS: Yes, I do.  
 10 MS. WELLES: Then tell me.  
 11 Excuse me; can we go off the  
 12 record for one moment?  
 13 THE HEARING OFFICER: Sure.  
 14 Off the record for a minute, please.  
 15 (Off the record)  
 16 THE HEARING OFFICER: Okay.  
 17 Ms. Welles, do you have anything further?  
 18 MS. WELLES: I do. I do.  
 19 THE HEARING OFFICER: Okay.  
 20 BY MS. WELLES: (Cont'g.)  
 21 Q. I need to understand the  
 22 exact location where you saw Ms. Williams  
 23 handing out the flyers.  
 24 **A. On the sidewalk.**

7 (Pages 421 to 424)

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1 **Bellotti - Cross - Welles**  
 2 Q. Okay. I know you say on the  
 3 sidewalk, but can you give me -- what streets  
 4 are we talking about?  
 5 **A. There's two. There's Terrace**  
 6 **View Avenue at one time and Tibbetts Avenue.**  
 7 Q. There's what?  
 8 **A. Terrace.**  
 9 Q. Terrace.  
 10 **A. T-E-R-R-A-C-E View, V-I-E-W,**  
 11 **Avenue.**  
 12 Q. Okay.  
 13 **A. And then Tibbetts,**  
 14 **T-I-B-B-E-T-T-S.**  
 15 Q. And do they intersect?  
 16 **A. No.**  
 17 Q. Okay. What are they -- do  
 18 they run parallel?  
 19 **A. Yes.**  
 20 Q. Okay. So one is on what --  
 21 the front of the school and one's on the back  
 22 of the school?  
 23 **A. No -- no.**  
 24 Q. Okay.

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1 **Bellotti - Cross - Welles**  
 2 **around and come into 30th Street and Tibbett**  
 3 **Avenue. That's the way the building's set up.**  
 4 **This block coming in, there are sidewalks here**  
 5 **and a road and sidewalks here. We maintain**  
 6 **this whole thing. These are our lights coming**  
 7 **up here and this is our sidewalk up here. So**  
 8 **it's all our property.**  
 9 THE HEARING OFFICER: But the  
 10 question -- I think that the question Ms.  
 11 Welles is really asking is, using that diagram,  
 12 where did you see -- where did you see --?  
 13 **A. I seen her at both locations.**  
 14 BY MS. WELLES: (Cont'g.)  
 15 Q. On what day?  
 16 **A. At separate times.**  
 17 THE HEARING OFFICER: Which  
 18 locations are you talking? Can you point out  
 19 where you saw her? Okay.  
 20 THE WITNESS: Tibbett Avenue  
 21 and Terrace View Avenue.  
 22 THE HEARING OFFICER: Okay.  
 23 BY MS. WELLES: (Cont'g.)  
 24 Q. Okay. And it's your

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1 Bellotti - Cross - Welles  
 2 **A. John F. Kennedy High**  
 3 **School -- the exact address of John F. Kennedy**  
 4 **High School is 99 Terrace View, which is the**  
 5 **fourth floor.**  
 6 Q. Okay. This is Terrace View?  
 7 **A. Right.**  
 8 Q. Okay.  
 9 **A. Tibbetts --.**  
 10 Q. Over here?  
 11 **A. The building is shaped like**  
 12 **an H. Would you like me to draw it for you?**  
 13 Q. Yes, would you please? Thank  
 14 you.  
 15 **A. Sure. It's shaped like an H.**  
 16 **Okay. Now you have a tremendous amount of**  
 17 **exits and exits into John F. Kennedy High**  
 18 **School. This would be the fourth floor, which**  
 19 **would be Terrace View Avenue. And this would**  
 20 **be the first floor, which would be Tibbetts**  
 21 **Avenue. Okay. They're two separate blocks.**  
 22 **In order to get from here, being there's**  
 23 **tracks, Metro North, you have to go out the**  
 24 **fourth floor and walk all the way down and**

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1 Bellotti - Cross - Welles  
 2 testimony that she was handing out white  
 3 flyers, at that time?  
 4 **A. Right -- right.**  
 5 MS. WELLES: No further  
 6 questions.  
 7 THE HEARING OFFICER: Okay.  
 8 Anything further?  
 9 MS. JOHN-STULL: Nothing  
 10 further.  
 11 THE HEARING OFFICER: Thanks  
 12 very much.  
 13 THE WITNESS: Thank you very  
 14 much. Thank you very much.  
 15 MS. JOHN-STULL: You're  
 16 welcome.  
 17 (Off-the-record discussion)  
 18 THE HEARING OFFICER: Okay.  
 19 We are -- we are -- your next witness is  
 20 Assistant Principal Volkert?  
 21 MS. JOHN-STULL: Correct.  
 22 THE HEARING OFFICER: Okay.  
 23 Let's go off the record.  
 24 (Off the record)

8 (Pages 425 to 428)

Page 429

1 Bellotti - Cross - Welles  
 2 THE HEARING OFFICER: Okay.  
 3 We are back on the record. I just would like  
 4 to note that earlier this morning, Ms. Williams  
 5 had requested a -- a document from the  
 6 Department certifying the dates on which she  
 7 attended hearings pursuant to these charges.  
 8 And during a break, Ms. John-Stull either  
 9 produced or caused to be produced a letter  
 10 certifying the dates on which Ms. Williams was  
 11 here. It has been given to her so that her  
 12 request has been complied with.  
 13 We are now prepared to hear  
 14 the testimony of Assistant Principal Volkert.  
 15 Is there anything you need to -- to talk about  
 16 before we go on the record -- before we proceed  
 17 with testimony?  
 18 MS. JOHN-STULL: No, other  
 19 than before I conclude my testimony, I will  
 20 need to take a break to check on a fax.  
 21 THE HEARING OFFICER: Okay.  
 22 Mr. Volkert, I need to swear you in, so if  
 23 you'd raise your right hand?  
 24 Do you swear the testimony

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1 Volkert - Direct - Stull  
 2 with the New York City Department of Education?  
 3 **A. I started May 12th, 1992.**  
 4 Q. Okay. And where are you  
 5 currently assigned?  
 6 **A. John F. Kennedy High School.**  
 7 Q. What is your position there?  
 8 **A. I'm an assistant principal.**  
 9 Q. And how long have you been at  
 10 John F. Kennedy High School?  
 11 **A. I started in January of 2002.**  
 12 Q. Okay. And what was your  
 13 position when you started in 2002?  
 14 **A. Assistant principal in charge**  
 15 **of security and discipline.**  
 16 Q. I'm going to direct your  
 17 attention to the school year 2005-2006. What  
 18 was your position then?  
 19 **A. Assistant principal in charge**  
 20 **of security and discipline.**  
 21 Q. Okay. And were you ever --  
 22 are you -- withdrawn.  
 23 Are you familiar with a teacher by the name of  
 24 Natalie Williams?

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1 Bellotti - Cross - Welles  
 2 you are about the give is the truth, the whole  
 3 truth, and nothing but the truth?  
 4 MS. VOLKERT: I do.  
 5 PETER VOLKERT; Sworn.  
 6 THE HEARING OFFICER: Okay.  
 7 Go ahead.  
 8 MS. JOHN-STULL: Thank you,  
 9 Mr. Riegel.  
 10 DIRECT EXAMINATION  
 11 BY MS. JOHN-STULL:  
 12 Q. Good morning.  
 13 **A. Good morning.**  
 14 Q. How are you doing today?  
 15 **A. Good.**  
 16 Q. Very good. Can you give your  
 17 full name for the record, please?  
 18 **A. Sure. Peter, P-E-T-E-R,**  
 19 **Volkert, V-O-L-K-E-R-T.**  
 20 Q. Mr. Volkert, who do you work  
 21 for?  
 22 **A. The New York City Department**  
 23 **of Education.**  
 24 Q. And how long have you been

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1 Volkert - Direct - Stull  
 2 **A. Yes, I am.**  
 3 Q. Do you know -- was she a  
 4 teacher at John F. Kennedy High School?  
 5 **A. Yes, she was.**  
 6 Q. Do you know what subject area  
 7 she taught in?  
 8 **A. Science.**  
 9 Q. Okay. Now were you ever her  
 10 supervisor?  
 11 **A. Never her direct supervisor.**  
 12 Q. Okay. Mr. Volkert, I am  
 13 going to direct your attention to on or about  
 14 October 28, 2005 and it is the evening of -- of  
 15 parent-teacher's conference. Okay. But before  
 16 I do that let me ask you, do you have a  
 17 radio -- a walkie-talkie that's assigned to you  
 18 in that school?  
 19 **A. Yes, I do.**  
 20 Q. All right. And now on  
 21 October -- on or about October 28, 2005 in the  
 22 evening at parent-teacher's conference, were  
 23 you present?  
 24 **A. Yes, I was.**

9 (Pages 429 to 432)

Page 433

1 **Volkert - Direct - Stull**  
 2 Q. And did you have your radio  
 3 at that time?  
 4 **A. Yes, I did.**  
 5 Q. Do you recall hearing  
 6 conversation pertaining to somebody being  
 7 chased in the building?  
 8 **A. Yes, I do.**  
 9 Q. Tell us about that?  
 10 **A. Ms. Williams was in the**  
 11 **building. She was told that she wasn't allowed**  
 12 **to be there. She was spotted in the building**  
 13 **and then she was, according to radio**  
 14 **transmissions, running through the building, at**  
 15 **some point, ran out of the building, where at**  
 16 **some spot the police officers or school safety**  
 17 **agents, who also are part of N.Y.P.D., stopped**  
 18 **her, and then we were told later, either**  
 19 **arrested her or gave her some type of summons.**  
 20 Q. Okay. Did you -- before you  
 21 said we were told later. Everything else that  
 22 you testified to, is this something that you  
 23 heard directly on the radio?  
 24 **A. Yes, it is.**

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1 Volkert - Direct - Stull  
 2 29th of 2005. Did you have the occasion to  
 3 observe an incident of videotaping involving a  
 4 student Ft.Kb.?  
 5 **A. I was the person that the**  
 6 **principal assigned to be in charge of the**  
 7 **investigation.**  
 8 Q. Okay. Tell us how it is that  
 9 it came about that you were assigned this  
 10 investigation, to your knowledge?  
 11 **A. Sure. Mr. Robert Colon had**  
 12 **walked by a room and seen Ms. Williams and a**  
 13 **student, Ft.Kb., and -- being videotaped. And**  
 14 **he reported that to the principal. The**  
 15 **principal then called me and told me to look**  
 16 **into the situation to see what was going --**  
 17 **what had happened. After realizing that**  
 18 **something had happened, we then reported it**  
 19 **online to Special Investigations.**  
 20 Q. Now when you say we, are  
 21 you --?  
 22 **A. I'm doing it for the**  
 23 **principal.**  
 24 Q. Okay.

Page 434

1 **Volkert - Direct - Stull**  
 2 Q. What, if anything, did you  
 3 observe?  
 4 **A. I -- I did see Natalie on the**  
 5 **fourth floor and she was not supposed to be in**  
 6 **the building.**  
 7 Q. Okay.  
 8 **A. And then she started running.**  
 9 Q. Okay. So then at one  
 10 point -- withdrawn.  
 11 So when you saw the Respondent on the fourth  
 12 floor, she -- you observed her running;  
 13 correct?  
 14 **A. Correct.**  
 15 Q. Okay. And you said that you  
 16 were informed. Is it protocol that N.Y.P.D.  
 17 informs you, being a school administrator, of  
 18 arrest that either takes place in the building  
 19 or outside of the building?  
 20 **A. Yes. Every -- every Kennedy**  
 21 **student or staff member or employee who is**  
 22 **arrested, the administration is notified.**  
 23 Q. Okay. I am now going to  
 24 direct your attention to on or about January

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1 Volkert - Direct - Stull  
 2 **A. Working with him back and**  
 3 **forth. At that point, we're not allowed to do**  
 4 **anything. We're not allowed to investigate.**  
 5 **We're not allowed to question anybody,**  
 6 **interview. We just submit it online. We wait**  
 7 **for a response. They -- they give the**  
 8 **principal a response, usually within**  
 9 **twenty-four hours, as to whether they will send**  
 10 **an investigator to take over the case or if**  
 11 **they're telling the principal to go ahead with**  
 12 **the investigation. In this case, they did tell**  
 13 **the principal that he was to go ahead with the**  
 14 **investigation, he or his designee. And he**  
 15 **called me and designated me to handle this**  
 16 **investigation.**  
 17 Q. Okay. And as part of your  
 18 investigation, did you speak to Ft.Kb.?  
 19 **A. I did.**  
 20 Q. Did you speak to anyone else?  
 21 **A. Yes. I spoke to Mr. Kent. I**  
 22 **spoke to Mr. Colon.**  
 23 Q. And do you recall the  
 24 approximate time that you -- withdrawn.

10 (Pages 433 to 436)

Page 437

1 Volkert - Direct - Stull  
 2 Did you come to a conclusion after conducting  
 3 the investigation?  
 4 **A. Yes, I did.**  
 5 Q. And what was your conclusion?  
 6 **A. That Ms. Williams had tried**  
 7 **to get the student Ft.Kb. to go with her on**  
 8 **several occasions to -- to talk to her**  
 9 **privately. In reference to the teacher, Mr.**  
 10 **Kent, who she was team teaching a class with,**  
 11 **my investigation shows that -- that they --**  
 12 **that Ms. Williams did not like Mr. Kent, the**  
 13 **teacher, and was trying to get the student to**  
 14 **say bad things about that teacher and get that**  
 15 **on -- on video tape.**  
 16 MS. WELLES: Objection. How  
 17 is he -- how can he tell you that he's trying  
 18 to get the student to say bad things about  
 19 them? I mean, what did your students say?  
 20 That's -- that's the question.  
 21 THE WITNESS: That's what she  
 22 said.  
 23 MS. JOHN-STULL: He just  
 24 answered your question, but my question was --.

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1 Volkert - Direct - Stull  
 2 **A. Yes.**  
 3 Q. Okay. What did Ft.Kb. tell  
 4 you?  
 5 **A. That Ms. Williams tried to**  
 6 **get her, several times, to go with her to talk**  
 7 **to her, that she finally did go and talk with**  
 8 **her. And that talk was videotaped. And the**  
 9 **questions that she asked were directly about**  
 10 **Mr. Kent, the teacher.**  
 11 Q. And now your final report was  
 12 prepared on or about January 4th, 2006;  
 13 correct?  
 14 **A. That is correct.**  
 15 Q. And can you tell us what took  
 16 you so long in coming to a conclusion in your  
 17 investigation?  
 18 **A. Uh-huh. The investigation**  
 19 **process took a while. There were other things**  
 20 **with Ms. Williams going on from the time of**  
 21 **this incident until the time I could draw a**  
 22 **conclusion, such as being arrested, I think on**  
 23 **a couple of occasions, not always being in the**  
 24 **building. I think the superintendent had**

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1 Volkert - Direct - Stull  
 2 THE HEARING OFFICER: Is  
 3 the -- is this what the student told you?  
 4 THE WITNESS: Yes.  
 5 MS. WELLES: It's not  
 6 responsive.  
 7 THE HEARING OFFICER: Okay.  
 8 Okay. But you understand that -- you  
 9 understand that you're -- you're testifying so  
 10 that if this was part of your investigation,  
 11 then you're reporting what you're -- what  
 12 you're investigation revealed.  
 13 THE WITNESS: Sure. These  
 14 are my findings.  
 15 THE HEARING OFFICER: Go  
 16 ahead.  
 17 THE WITNESS: My findings.  
 18 BY MS. JOHN-STULL: (Cont'g.)  
 19 Q. Mr. Volkert, I'm going to try  
 20 to make it clearer.  
 21 **A. Sure.**  
 22 Q. As part of your  
 23 investigation, did you speak with student Ft.  
 24 Kb.?

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1 **Volkert - Direct - Stull**  
 2 **removed her from the building for a period of**  
 3 **time.**  
 4 Q. Okay. Now as part of your  
 5 investigation, other than Ft., Mr. Colon, and  
 6 Mr. Kent, did you speak to Ft.'s parents?  
 7 **A. I spoke to Ft.'s father.**  
 8 Q. Tell us about that?  
 9 **A. I asked the father whether he**  
 10 **had given permission to Ms. Williams, the**  
 11 **teacher, to videotape his daughter. And he**  
 12 **said he had not.**  
 13 Q. Okay. Are you familiar -- do  
 14 you have any familiarity with Chancellor's  
 15 Regulation 640, which addresses the videotaping  
 16 in school?  
 17 **A. Yes, I do.**  
 18 Q. And to your knowledge, Ms. --  
 19 Ms. Williams' videotaping of the student Ft.Kb.  
 20 wasn't in compliance with Chancellor's  
 21 Regulation 640?  
 22 **A. No, it was not.**  
 23 Q. To what extent?  
 24 **A. That she had never sent a**

11 (Pages 437 to 440)

Page 441

1 **Volkert - Direct - Stull**  
 2 **parent permission form home to Ft.'s parents to**  
 3 **give her permission to be videotaped, that she**  
 4 **had never asked for permission from the**  
 5 **administration, specifically the principal, for**  
 6 **permission to videotape a child -- one of her**  
 7 **students, as well.**

8 Q. Okay. Mr. Volkert, when you  
 9 spoke with Ft.Kb., she explained -- she told  
 10 you that the incident -- date of the incident  
 11 occurred on October 6th, 2005. Is that  
 12 correct?

13 **A. Yes.**

14 Q. Okay. And now you had spoken  
 15 to Mr. Colon and Mr. Kent about videotaping  
 16 that --.

17 MS. WELLES: Objection.  
 18 Leading.

19 THE HEARING OFFICER:  
 20 Rephrase it.

21 BY MS. JOHN-STULL: (Cont'g.)

22 Q. Okay. At any time prior to  
 23 October -- withdrawn.

24 As part of your

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1 Volkert - Direct - Stull  
 2 investigation, you did speak to Mr. Kent about  
 3 Natalie Williams videotaping student Ft.Kb.;  
 4 correct?

5 **A. Yes, I did.**

6 MS. WELLES: Leading.

7 THE HEARING OFFICER: Well it  
 8 takes -- it's -- it's -- it's preliminary to  
 9 what the -- what the real question is. He  
 10 said -- he -- it's really been asked and  
 11 answered. Why don't we just go on with the  
 12 rest of the question?

13 BY MS. JOHN-STULL: (Cont'g.)

14 Q. Okay. And when you spoke  
 15 with Ft.Kb., you had wrote that your -- your  
 16 date of incident was October 6th, 2005;  
 17 correct?

18 **A. That is correct.**

19 Q. Why did you write that date?

20 **A. That was the -- the time that**  
 21 **she finally went with Ms. Williams and talked**  
 22 **to her. She had been asked earlier, on a few**  
 23 **occasions, to go with Ms. Williams. And this**  
 24 **was the -- the final time that she went, and**

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1 **Volkert - Direct - Stull**  
 2 **when she had videotaped her. And then the**  
 3 **assistant principal, Mr. Colon, had saw that**  
 4 **and reported that to the principal.**

5 Q. Thank you.

6 MS. JOHN-STULL: Could I just  
 7 have a moment, please? What are we up to? D  
 8 Eleven?

9 THE HEARING OFFICER:  
 10 Eleven -- Twelve.

11 MS. JOHN-STULL: D Twelve.  
 12 Okay. I am going to show you a document that I  
 13 would like to have -- to be deemed marked D  
 14 Number Twelve for purpose of identification.

15 THE HEARING OFFICER: D  
 16 Twelve is the A-420 report. For the benefit of  
 17 Ms. Welles, this is a standard Department of  
 18 Education report which is pursuant to  
 19 Chancellor's Regulation, A-420, which broadly  
 20 deals with both physical and verbal abuse of  
 21 students, but it never -- nevertheless, it's --  
 22 it's -- as it's -- as it's indicated on the --  
 23 on the cover sheet, this is the standard  
 24 reporting form that is used within the schools.

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1 Volkert - Direct - Stull  
 2 And that's -- I haven't looked at the inside of  
 3 this but I recognize the cover as -- as being  
 4 what I've just described to you.

5 MS. JOHN-STULL: Thank you.  
 6 (Department Exhibit Twelve  
 7 was marked for identification.)

8 BY MS. JOHN-STULL: (Cont'g.)

9 Q. Mr. Volkert, take a look at  
 10 this document and tell us do you recognize this  
 11 document?

12 **A. Yes.**

13 Q. What is that?

14 **A. It's the O.S.I. investigation**  
 15 **report.**

16 Q. And who was this document  
 17 prepared by?

18 **A. By me.**

19 Q. Okay. Now if you'd go  
 20 through the document and does this -- is this  
 21 document prepared in its entirety by you?

22 **A. Yes, I wrote all of this.**

23 Q. Okay. And I -- and this  
 24 is -- this document addresses the videotaping

12 (Pages 441 to 444)

Page 445

1 Volkert - Direct - Stull  
 2 of student, Ft.Kb., by Respondent Natalie  
 3 Williams; correct?  
 4 **A. Yes, it does.**  
 5 **MS. JOHN-STULL: I'm now**  
 6 **going to ask what's been identified as D Twelve**  
 7 **to be entered into evidence as D Twelve?**  
 8 MS. WELLES: No objection.  
 9 THE HEARING OFFICER: Okay.  
 10 D Twelve is moved into evidence without  
 11 objection.  
 12 MS. JOHN-STULL: Thank you.  
 13 Can we go off the record  
 14 please? Can we go off the record?  
 15 THE HEARING OFFICER: Yes.  
 16 (Department Exhibit Twelve  
 17 was marked in evidence.)  
 18 (Off the record)  
 19 THE HEARING OFFICER: All  
 20 right. Just for -- just for the record, the --  
 21 Department Exhibit Twelve, which is the report  
 22 to the Office of Special Investigations, has  
 23 identifying data on it. There's a file  
 24 number -- Ms. Williams' file number, her date

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1 Volkert - Direct - Stull  
 2 BY MS. JOHN-STULL: (Cont'g.)  
 3 Q. Mr. Volker, when you spoke  
 4 with student Ft.Kb., you had her write a  
 5 statement; correct?  
 6 **A. Yes, I did.**  
 7 Q. And in -- withdrawn.  
 8 Now was that statement part  
 9 of your A-421 report?  
 10 **A. Yes, it was.**  
 11 Q. I am now going to show you a  
 12 document that I will have be deemed marked --  
 13 can I say D Twelve A?  
 14 THE HEARING OFFICER: Yes.  
 15 (Department Exhibit Twelve A  
 16 was marked for identification.)  
 17 BY MS. JOHN-STULL: (Cont'g.)  
 18 Q. D Twelve.  
 19 **A. Tell us, do you recognize**  
 20 **this document?**  
 21 **A. Yes.**  
 22 Q. What is it?  
 23 **A. It's a student written**  
 24 **statement form.**

Page 446

1 Volkert - Direct - Stull  
 2 of birth, her social security number and her  
 3 address or P.O. Box. Previously, Ms.  
 4 John-Stull had deleted the social security  
 5 number. When she just came into the room, she  
 6 brought a marking pen with her and -- and  
 7 inquired of Ms. Williams as to whether she  
 8 wanted her file number, date of birth, and  
 9 address redacted. She requested the redaction  
 10 of her file number and date of birth. She did  
 11 not ask to have her P.O. Box redacted.  
 12 The document -- the  
 13 information they asked to be redacted has been  
 14 redacted, so that what remains on the cover of  
 15 this document is her name, her title, her  
 16 address, the school to which she was assigned,  
 17 number of years of service, and the area called  
 18 employee history, which also has a redaction in  
 19 it I have no idea what's been redacted but it's  
 20 been redacted. And that's -- so that is the  
 21 document.  
 22 Okay. Let's -- let's move  
 23 ahead now.  
 24 MS. JOHN-STULL: Thank you.

Page 448

1 **Volkert - Direct - Stull**  
 2 Q. Now this document is not in  
 3 your handwriting; correct?  
 4 **A. No, it is not.**  
 5 Q. But it was prepared by you  
 6 and Ft.Kb.; correct?  
 7 **A. Yes, it was.**  
 8 Q. Now does this -- withdrawn.  
 9 Does this fairly and  
 10 accurately represent the -- the copy of the  
 11 statement that was given to you by student  
 12 Ft.Kb.?  
 13 **A. Yes, it does.**  
 14 Q. And now there are -- on the  
 15 top, there is a date of birth deleted and a  
 16 telephone number also deleted. Other than  
 17 that -- and then on the top -- on the top  
 18 right-hand portion -- this was just faxed to me  
 19 and so they have fax to Minerva John-Stull.  
 20 Apart from those three black marks with deleted  
 21 information, does this document fairly and  
 22 accurately represent the statement written --  
 23 given to you, written by student Ft.Kb.?  
 24 **A. Yes, it does.**

13 (Pages 445 to 448)

Page 449

1 **Volkert - Direct - Stull**  
 2 Q. Now when the statement was  
 3 written by Ft., was she -- did she have the  
 4 opportunity to confer with anyone else?  
 5 **A. No, she did not.**  
 6 Q. Okay. And were you present  
 7 when the statement was written?  
 8 **A. Yes, I was.**  
 9 Q. Okay.  
 10 MS. JOHN-STULL: I'm now  
 11 going to ask what's been identified as D Twelve  
 12 A to now be entered into evidence as D Twelve  
 13 A? Any objection?  
 14 MS. WELLES: Let me read it  
 15 first. I find a lot of this --  
 16 THE HEARING OFFICER: The  
 17 question is not -- we're not talking about the  
 18 substance of this.  
 19 MS. WELLES: -- I can't read  
 20 it. Yes, I can't read it.  
 21 THE HEARING OFFICER: You --  
 22 I -- I -- I kind of agree. What I would --  
 23 what I would like to do is we can move it into  
 24 evidence, but I would ask for the production of

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1 Volkert - Direct - Stull  
 2 MS. JOHN-STULL: Thank you,  
 3 Mr. Riegel. I have no further questions for  
 4 this witness at this time.  
 5 THE HEARING OFFICER: Okay.  
 6 Do you have any cross examination Ms. Welles?  
 7 MS. WELLES: Yes.  
 8 (Department Exhibit Twelve A  
 9 was marked in evidence.)  
 10 CROSS EXAMINATION  
 11 BY MS. WELLES:  
 12 Q. Okay. Now it's your  
 13 testimony that you did not observe Ms. Williams  
 14 videotape the student. Is that true?  
 15 **A. That is correct.**  
 16 Q. That your knowledge of her  
 17 videotaping the student is what was told to you  
 18 by others. Is that true?  
 19 **A. That is correct.**  
 20 Q. And to -- and you have not  
 21 seen any videotape of this incident?  
 22 **A. I have not.**  
 23 Q. Okay. So you, in fact, don't  
 24 know that any videotape actually exists. Is

Page 450

1 Volkert - Direct - Stull  
 2 the original, so that it may be more legible.  
 3 And once -- once we verify the original, Ms.  
 4 John-Stull can return it to the school. I  
 5 think that --  
 6 MS. JOHN-STULL: I have no  
 7 objection to that.  
 8 THE HEARING OFFICER: -- the  
 9 faxed transmission may be unable to read.  
 10 MS. JOHN-STULL: Okay. I  
 11 will -- when Mr. Volkert gets back --  
 12 THE HEARING OFFICER: But to  
 13 the -- but to the -- but to the extent that  
 14 he's identified the document, that it was  
 15 written in his presence, that he's  
 16 authenticating it just as -- just as a -- as  
 17 a -- as a document, we can take it. However,  
 18 sometimes defending against the substance, I  
 19 think we need to see the original.  
 20 MS. JOHN-STULL: Okay.  
 21 THE HEARING OFFICER: So if  
 22 that's acceptable to Ms. Williams, we -- I  
 23 would ask that Mr. Volkert provide the original  
 24 to Ms. John-Stull. It will be returned.

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1 Volkert - Cross - Welles  
 2 that true?  
 3 **A. Well I know through my**  
 4 **investigation.**  
 5 Q. No, you don't know for a fact  
 6 that a videotape exists. Is that true?  
 7 MS. JOHN-STULL: Objection.  
 8 He answered the question.  
 9 THE HEARING OFFICER: You  
 10 have -- do you -- do you have personal  
 11 knowledge of -- of a videotape that was made or  
 12 are you simply referring to what you believe is  
 13 true based on the investigation you conducted?  
 14 THE WITNESS: Yes, I'm  
 15 referring to what I believe is true based on my  
 16 investigation.  
 17 THE HEARING OFFICER: Okay.  
 18 BY MS. WELLES: (Cont'g.)  
 19 Q. Now it's your testimony that  
 20 you spoke with Ft.'s father and he indicated  
 21 that he did not give any permission --  
 22 **A. Yes.**  
 23 Q. -- is that true? Now would  
 24 it surprise you to -- to learn that there is a

14 (Pages 449 to 452)

Page 453

1 Volkert - Cross - Welles  
 2 permission slip signed by -- by her father?  
 3 **A. Yes, it would.**  
 4 Q. It -- it would surprise you  
 5 if this document was produced? With respect to  
 6 the open school night, when they have open  
 7 school night in your school, is it the policy  
 8 that appointments are made with teachers?  
 9 **A. Every teacher is invited in**  
 10 **and requested to come in by the school for that**  
 11 **period of time, which is six p.m. to eight**  
 12 **thirty, city-wide. So I expect every teacher**  
 13 **to be -- every parent to be there.**  
 14 Q. Every teacher is expected to  
 15 be at --?  
 16 **A. No; every -- every parent is**  
 17 **expected to come in.**  
 18 Q. Every parent is -- so it's --  
 19 it's -- parents don't have a specific  
 20 appointment with teachers on that -- on that  
 21 night? They haven't scheduled appointments, to  
 22 your knowledge?  
 23 **A. To my knowledge?**  
 24 Q. Yes, to your knowledge, they

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1 **Volkert - Cross - Welles**  
 2 **turn or go to a room that's empty and then come**  
 3 **back to a different room that might be full.**  
 4 Q. And if a teacher was -- was  
 5 supposed to be there and the teacher wasn't  
 6 there, would parents be informed when they  
 7 entered the open school night?  
 8 MS. JOHN-STULL: Objection as  
 9 to the relevance of these questions about  
 10 appointments and parents being there.  
 11 THE HEARING OFFICER: Okay.  
 12 The question -- the question is not -- if -- as  
 13 I understand, the question is not as to whether  
 14 people have appointments but whether if -- if a  
 15 teacher were -- if it -- if it was open -- if  
 16 it were parent-teacher conference night and the  
 17 teacher weren't there, would the parents be  
 18 advised that the teacher was not there. If  
 19 that's the question, I understand it.  
 20 MS. WELLES: Yes, that's --  
 21 that is where -- where I'm going with that.  
 22 **A. Yes, there's a list of absent**  
 23 **teachers.**  
 24 THE HEARING OFFICER: Okay.

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1 Volkert - Cross - Welles  
 2 don't -- they don't --?  
 3 **A. To my knowledge the parents**  
 4 **come in and we give them the schedule of their**  
 5 **child and ask them to go see -- go to the rooms**  
 6 **and see their -- meet with the teachers of the**  
 7 **children.**  
 8 Q. The question I'm asking you  
 9 is that they don't schedule appointments with  
 10 teachers for specific times during the open  
 11 school night, to your knowledge, in -- in this  
 12 school?  
 13 **A. The parents go and follow the**  
 14 **schedule and just go, you know, in no**  
 15 **particular order to see all the teachers but**  
 16 **there are not -- you know, there's no set**  
 17 **appointment at seven thirty I will be in this**  
 18 **room and meet this -- this particular parent.**  
 19 **Usually you will have thirty-four parents or up**  
 20 **to thirty-four parents waiting to speak to one**  
 21 **teacher. So usually you have long lines and**  
 22 **people will go from one room to another. So**  
 23 **it's -- you're never going to meet a teacher at**  
 24 **a specific time. You're going to wait your**

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1 Volkert - Cross - Welles  
 2 BY MS. WELLES: (Cont'g.)  
 3 Q. Okay. And -- and to your  
 4 knowledge Ms. Williams was listed as an absent  
 5 teacher?  
 6 **A. Ms. Williams was advised that**  
 7 **she was not allowed to be in the building.**  
 8 Q. That's not my question. My  
 9 question is was she on the list of absent  
 10 teachers for that -- for parent-teacher's  
 11 night?  
 12 **A. I did not see the list**  
 13 **personally and the list --**  
 14 Q. So you have no knowledge --  
 15 **A. -- the list was not made by**  
 16 **me.**  
 17 Q. -- whether or not she was on  
 18 the list?  
 19 MS. JOHN-STULL: Can you just  
 20 let the witness finish his response, please?  
 21 It's just difficult for me to hear his response  
 22 when you're asking him questions when he's not  
 23 finished.  
 24 THE HEARING OFFICER: Fair

15 (Pages 453 to 456)

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1 Volkert - Cross - Welles  
 2 enough. Let's go.  
 3 BY MS. WELLES: (Cont'g.)  
 4 Q. No; my question is you don't  
 5 have any knowledge whether she was listed as an  
 6 absent teacher; correct?  
 7 **A. I didn't see the list because**  
 8 **it was made by a different assistant principal.**  
 9 Q. So basically your testimony  
 10 is that you don't know who was on that list?  
 11 **A. Yes.**  
 12 Q. Okay.  
 13 MS. WELLES: Can I have a  
 14 little bit of a recess to ask her some  
 15 questions?  
 16 THE HEARING OFFICER: Sure.  
 17 Let's go off the record for a moment.  
 18 (Off the record)  
 19 THE HEARING OFFICER: Okay.  
 20 Go ahead.  
 21 BY MS. WELLES: (Cont'g.)  
 22 Q. My questions are directed to  
 23 the open school night. And there came a time  
 24 when Ms. Williams was arrested. Is that true?

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1 **Volkert - Cross - Welles**  
 2 **say maybe -- I'm going to guess eight in the**  
 3 **building. And the reason I say eight is**  
 4 **there's usually one per floor at that time. So**  
 5 **there were probably eight uniform agents in --**  
 6 **in the building. And so the transmission was**  
 7 **with them.**  
 8 Q. I don't understand when you  
 9 say uniform agents.  
 10 **A. School safety agents, part of**  
 11 **the N.Y.P.D., assigned to the building by the**  
 12 **D.O.E. We have agents assigned to the**  
 13 **building.**  
 14 THE HEARING OFFICER: These  
 15 are the security personnel. They -- they are  
 16 supervised by the N.Y.P.D., but -- but they are  
 17 school safety agents. That's their title.  
 18 They're trained by the N.Y.P.D. and they're  
 19 employed by the N.Y.P.D., but they are -- they  
 20 are essentially the security personnel within  
 21 the schools.  
 22 BY MS. WELLES: (Cont'g.)  
 23 Q. And are they supervised by  
 24 you as the assistant principal of security?

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1 Volkert - Cross - Welles  
 2 **A. Yes.**  
 3 Q. Okay. Would you tell me how  
 4 this came about?  
 5 **A. Ms. Williams was in the**  
 6 **building when she had been told she was not**  
 7 **allowed to come in.**  
 8 Q. And you saw her in the  
 9 building?  
 10 **A. I saw her in the building.**  
 11 Q. Okay. And -- and what did  
 12 you do after you saw her in the building?  
 13 **A. There were radio**  
 14 **transmissions that -- that corresponded back**  
 15 **and forth that Ms. Williams was in the**  
 16 **building.**  
 17 Q. I -- I got one question.  
 18 When you say radio transmissions, who was  
 19 speaking on the radio?  
 20 **A. Several people. We have**  
 21 **probably -- I want to say twenty to twenty-five**  
 22 **because I don't know the exact number of school**  
 23 **safety agents. But of those, on that**  
 24 **particular night, there was probably -- I'll**

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1 Volkert - Cross - Welles  
 2 **A. No. They have an N.Y.P.D.**  
 3 **boss.**  
 4 Q. Okay.  
 5 **A. We work hand in hand.**  
 6 THE HEARING OFFICER: It's  
 7 a -- it's -- it's really almost a joint  
 8 supervision. The supervision is -- is by the  
 9 N.Y.P.D. They're their rating officers; they  
 10 are the people who hired them. But on the  
 11 other hand, they are accountable to the school  
 12 principal and the assistant principal. In the  
 13 high school, the assistant principal in charge  
 14 of security would have a great deal to do with  
 15 directing the activities of the school safety  
 16 agents.  
 17 BY MS. WELLES: (Cont'g.)  
 18 Q. And it was one of these  
 19 safety agents that made the arrest of Ms.  
 20 Williams?  
 21 **A. I don't -- I wasn't there at**  
 22 **the actual arrest. It was told to me by a**  
 23 **police officer from the Fiftieth Precinct. It**  
 24 **was not one of these security agents.**

16 (Pages 457 to 460)

Page 461

1 **Volkert - Cross - Welles**  
 2 Q. Okay. And do you know how it  
 3 was the police officer from the Fiftieth  
 4 Precinct was involved in this arrest?  
 5 **A. I was told by -- each**  
 6 **precinct has a school sergeant. The school**  
 7 **sergeant for our particular school is Andre**  
 8 **Giglovic. He comes -- he came back to the**  
 9 **building to tell me what had transpired. So he**  
 10 **would tell me about everybody who would ever be**  
 11 **arrested, whether it was a student or a faculty**  
 12 **member or a -- any -- any employee. As a**  
 13 **school sergeant, that was his job to**  
 14 **communicate with the schools what was going on**  
 15 **in his precinct.**  
 16 Q. Are you -- do you know who  
 17 ordered Ms. Williams' arrest?  
 18 MS. JOHN-STULL: Objection as  
 19 to relevance.  
 20 THE HEARING OFFICER: Well  
 21 it's -- he's testified -- he's testified to the  
 22 arrest. I think it's an -- I think it's a  
 23 reasonable extension of the question.  
 24 You can answer it.

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1 Volkert - Cross - Welles  
 2 Q. So, on the 25th. I'm sorry.  
 3 On the Wednesday before the parent-teacher  
 4 meeting?  
 5 MS. WILLIAMS: The 26th,  
 6 Wednesday.  
 7 THE HEARING OFFICER: Oh,  
 8 okay.  
 9 **A. Can you ask the question**  
 10 **again?**  
 11 BY MS. WELLES: (Cont'g.)  
 12 Q. Okay. The question is --  
 13 okay. Were -- were you present when Ms.  
 14 Williams was asked to leave the building on the  
 15 Wednesday before the parent-teacher meeting?  
 16 **A. I was present when she was**  
 17 **given a letter by the principal --**  
 18 Q. Okay.  
 19 **A. -- from the superintendent,**  
 20 **which told her that she was not to come back to**  
 21 **the building.**  
 22 Q. Okay. Did you observe any  
 23 kind of physical altercation?  
 24 MS. JOHN-STULL: Objection as

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1 Volkert - Cross - Welles  
 2 **A. I -- I don't know who the**  
 3 **arresting officer was.**  
 4 THE HEARING OFFICER: No; the  
 5 question was do you know who ordered the  
 6 arrest?  
 7 THE WITNESS: It would be an  
 8 assumption.  
 9 THE HEARING OFFICER: Okay.  
 10 Don't assume. Either you know or you don't  
 11 know.  
 12 BY MS. WELLES: (Cont'g.)  
 13 Q. So the answer is you don't  
 14 know.  
 15 Okay. Were you a witness to  
 16 Mr. Rotunno asking Ms. Williams to leave the  
 17 building on the 26th of October?  
 18 MS. JOHN-STULL: The 28th.  
 19 **A. Is this open school night?**  
 20 THE HEARING OFFICER: Yes.  
 21 MS. WILLIAMS: The day  
 22 before.  
 23 **A. (Cont'g.) No.**  
 24 BY MS. WELLES: (Cont'g.)

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1 Volkert - Cross - Welles  
 2 to relevance.  
 3 THE HEARING OFFICER: I'm not  
 4 sure where you're going with that.  
 5 MS. WELLES: I just want to  
 6 know what happened the day that she -- because  
 7 I hear all kinds of stories. What happened the  
 8 day that she left?  
 9 THE HEARING OFFICER: I'm  
 10 not -- he's -- the question which is -- which  
 11 is the extension -- we -- we began with the  
 12 issue of the arrest and we -- we have sort of  
 13 evolved in the direction of creating a record  
 14 as to whether or not Ms. Williams had been  
 15 directed to not come into the building. And  
 16 the answer to that question --.  
 17 MS. WELLES: Withdrawn --  
 18 withdrawn.  
 19 THE HEARING OFFICER: Okay.  
 20 MS. WELLES: It's not  
 21 relevant here. I have no further questions.  
 22 MS. WILLIAMS: It --  
 23 MS. WELLES: It has nothing  
 24 to do with it.

17 (Pages 461 to 464)

Page 465

1 Natalie Williams - 3-25-2009  
 2 BY MS. WELLES: (Cont'g.)  
 3 Q. I -- I want to show you a  
 4 picture. I want you to tell me if you know who  
 5 these people are?  
 6 MS. JOHN-STULL: Can I see  
 7 the picture first, please?  
 8 I'm going to object as to  
 9 relevance.  
 10 THE HEARING OFFICER: How is  
 11 this connected to his direct examination?  
 12 MS. WELLES: It's my -- it's  
 13 my understanding that one of the teachers was  
 14 the union representative during the time that  
 15 this was going on.  
 16 THE HEARING OFFICER: Right.  
 17 But on the other -- okay. Let's go to -- okay.  
 18 There's a but there. What's the but? What's  
 19 the connection to what he said on direct?  
 20 MS. WELLES: The connection  
 21 is -- I think it has something to do with  
 22 the -- the actual videotaping.  
 23 THE HEARING OFFICER: And  
 24 if -- if this woman has something to add, then

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1 Natalie Williams - 3-25-2009  
 2 due respect, we will conclude this man's  
 3 testimony. We will close the record and then  
 4 provide you with the opportunity to speak  
 5 privately with -- with Ms. Williams.  
 6 Okay. Is there anything  
 7 further for Mr. Volkert?  
 8 MS. JOHN-STULL: No, Mr.  
 9 Riegel.  
 10 THE HEARING OFFICER: Okay.  
 11 Thank you, Mr. Volkert. Thank you for your  
 12 testimony.  
 13 THE WITNESS: Thank you.  
 14 MS. JOHN-STULL: Can I just  
 15 walk him out?  
 16 THE HEARING OFFICER: Sure.  
 17 Off the record, please.  
 18 (Off the record)  
 19 THE HEARING OFFICER: Okay.  
 20 We have -- we have heard the testimony of the  
 21 two witnesses who -- that will be testifying on  
 22 behalf of the Department. I've indicated that  
 23 we will close the record in order to provide  
 24 ample time for Ms. Welles to consult with Ms.

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1 Natalie Williams - 3-25-2009  
 2 my suggestion is that she will be to testify  
 3 and then she can -- she can -- you can -- you  
 4 can -- you can call her as a witness. She can  
 5 testify to this. There's no prejudice because  
 6 otherwise -- otherwise, we're going to extend  
 7 the cross examination into areas which are  
 8 inappropriate.  
 9 MS. WELLES: I have no  
 10 further questions.  
 11 THE HEARING OFFICER: Okay.  
 12 Thanks very much.  
 13 Anything on redirect?  
 14 MS. JOHN-STULL: No, Mr.  
 15 Riegel.  
 16 THE HEARING OFFICER: I  
 17 think -- I -- I'm going to suggest we -- we --  
 18 we finish -- finish with Mr. Volkert and then  
 19 provide some time for Ms. Welles to speak with  
 20 Ms. Williams. I think that there -- the kind  
 21 of conversation at the table now is -- is  
 22 potentially injurious to Ms. Williams'  
 23 interests. And I would rather that these  
 24 conversations be private. So with -- with all

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1 Natalie Williams - 3-25-2009  
 2 Williams. So we will go off the record.  
 3 And our next hearing date is  
 4 Wednesday, April 1st -- April 1st at one p.m.  
 5 I thank you and we are adjourned.  
 6 (Off-the-record discussion)  
 7 THE HEARING OFFICER: I would  
 8 like to put on the record that I would like the  
 9 transcripts in this matter to be expedited, but  
 10 it's a -- it's kind of an unusual circumstance  
 11 because Ms. Williams is appearing pro se so  
 12 that the transcripts need to be sent to Ms.  
 13 Williams and she will then provide copies to  
 14 Ms. Welles.  
 15 Do you have an address for  
 16 Ms. Williams.  
 17 THE REPORTER: I don't  
 18 believe so.  
 19 MS. WILLIAMS: P.O. Box --  
 20 P.O. Box 6 --  
 21 MS. WELLES: I got a bigger  
 22 post office box.  
 23 MS. WILLIAMS: -- Utica, NY  
 24 13503.

18 (Pages 465 to 468)

1 Natalie Williams - 3-25-2009  
 2 THE REPORTER: And you want  
 3 all transcripts from here on out or you want  
 4 all back ones you don't have, as well,  
 5 expedited?  
 6 THE HEARING OFFICER: Oh.  
 7 Yes.  
 8 THE REPORTER: So everything?  
 9 MS. WILLIAMS: Yes.  
 10 THE HEARING OFFICER: Yes.  
 11 THE REPORTER: Okay.  
 12 THE HEARING OFFICER: Thanks  
 13 very much.  
 14 THE REPORTER: Thank you.  
 15 THE HEARING OFFICER: Okay.  
 16 We're off the record.  
 17 (The hearing adjourned at  
 18 11:51. a.m.)  
 19  
 20  
 21  
 22  
 23  
 24

1 Natalie Williams - 3-25-2009  
 2 I, Stephanie Fedonick, do hereby certify that  
 3 the foregoing was taken by me, in the cause, at  
 4 the time and place, and in the presence of  
 5 counsel, as stated in the caption hereto, at  
 6 Page 400 hereof; that before giving testimony  
 7 said witness(es) was (were) duly sworn to  
 8 testify the truth, the whole truth and nothing  
 9 but the truth; that the foregoing typewritten  
 10 transcription, consisting of pages number 400  
 11 to 469, inclusive, is a true record prepared by  
 12 me and completed by Associated Reporters  
 13 Int'l., Inc. from materials provided by me.  
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 17 Stephanie Fedonick, Reporter  
 18  
 19 \_\_\_\_\_ Date  
 20  
 21  
 22  
 23  
 24

1 Natalie Williams - 3-25-2009  
 2 E R R A T A S H E E T  
 3 Case: Natalie Williams, File #8,253  
 4 Date: March 25, 2009  
 5 CORRECTIONS:  
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 4 Laura Delacruz Lr. Dc.  
 5 Joelle Delasantos Jl. Ds.  
 6 Sherella Drakes Sh. Dk.  
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 8 Christian Haley Cs. Hl.  
 9 Fanta Kaba Ft. Kb. (Fantasia)  
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