

June 25, 2008

Hon. Joel I. Klein  
Chancellor  
New York City Public Schools  
Department of Education  
52 Chambers Street, Room 314  
New York, NY 10007

Re: Johnathan Williams  
Sheldon Toback  
Carmen Virtuoso  
Mel Kamenshine  
Rose Chen  
SCI Case #2007-4618

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that, during the 2006-2007 school year and during the first half of the 2007-2008 school year, 28-year-old Johnathan Williams, a school aide assigned to JHS 126 in Brooklyn, sexually touched at least four female students, inappropriately touched seven female students, and behaved inappropriately toward one male and 9 female students.<sup>1</sup> His inappropriate behavior included encouraging the boy to touch the girls, making improper comments to the girls and, in one instance, sending an Instant Message (“IM”) to a female student.

The investigation further substantiated that at least five female students previously made misconduct complaints, including sexual allegations, about Williams to Dean Carmen Virtuoso, Teacher Mel Kamenshine and, in one instance, to both. None of these complaints was forwarded to the Office of the Special Commissioner of Investigation (“SCI”) by Virtuoso or Kamenshine. Assistant Principal Rose Chen and Principal Sheldon Toback learned of Williams’s misconduct toward the students, but they also mishandled the complaints.

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<sup>1</sup> Williams was suspended during this investigation. Williams began employment with the Department of Education on January 2, 2007.

This investigation began in December 2007, when JHS 126 Guidance Counselor Sergio Zamora contacted SCI and reported that three female students had complained about inappropriate touching and inappropriate remarks by Williams.

SCI investigators interviewed Zamora who said that, on December 6, 2007, a 12-year-old female student ("Student A") informed him that Williams told the class about losing his virginity and that Williams had touched her on her buttocks.<sup>2</sup> Zamora added that a 13-year-old female student ("Student B") informed him that Williams had played "tag" with her and touched her on the buttocks. Zamora also related that a 12-year-old female student ("Student C") informed him that Williams had sent her an e-mail message and told her that she looked good.<sup>3</sup>

In an interview with SCI investigators, Student A said that she was a member of the school cheerleading team which was coached by Gym Teacher Kamenshine who was assisted by Williams. Student A added that, in November 2007, she was in a classroom with approximately 40 female cheerleaders looking at photos which were on poster boards taped to the walls of the room and displayed on desks when she felt the knuckles part of a hand brush against her buttocks. She looked back and saw Williams standing behind her. Student A explained that, at that point, she thought that Williams had brushed against her by mistake; however, approximately 15 seconds later, she felt the knuckles part of a hand brush against her buttocks again. Student A turned around and stared at Williams who was once again standing in back of her. According to Student A, she returned to looking at the cheerleading photos when she felt someone, whom she believed to be Williams, push her three times on the lower back toward the desk, causing a poster to fall off the desk. Student A turned around and saw Williams walking out of the classroom. Student A learned from Student B that Student B had observed Williams push Student A.

Student A continued that, on an unknown date, she was talking to another student about which boy she liked when Williams remarked: "You should be careful with boys, I remember all my relationships, I lost my virginity at [Student A did not recall the age]." Student A added that Williams named four different girls to whom he lost his virginity and told Student A: "If you want to know more, come back at 3:00 p.m."<sup>4</sup> Student A informed investigators that she did not go back at 3:00 p.m. Student A also said that she heard Williams remark to Student C: "You are one sexy mama."

SCI investigators met with Student B who said that, at approximately 4:30 p.m. on December 4, 2007, she was in the school auditorium with another female student ("Student D") when Williams entered the auditorium with a male student ("Student F"). Williams asked Student B and Student D if they wanted to play a game of "tag" in which Williams and Student F would have to tag Student B and Student D. Student B continued that Williams shut off the lights in the auditorium, but a short time later turned the lights on and announced that they were going to play a new game with the rules being that Student B and Student D

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<sup>2</sup> Student A has turned 13. Zamora also contacted the 94<sup>th</sup> Police Precinct which did not conduct an investigation.

<sup>3</sup> Student C has turned 13.

<sup>4</sup> Student A could not identify the females named by Williams.

were not allowed to talk and, instead of tagging Student B and Student D, Williams and Student F would “drop” Student B and Student D and tickle them. Student B explained that Williams turned the lights off again and found Student B on the stage where he “dropped” Student B by placing his foot behind Student B’s leg and placing her down on her back. Student B said that Williams then straddled Student B by having his knees along the sides of her waist and tickled Student B’s stomach outside her clothing. Student B added that Williams also squeezed her breasts causing Student B to push Williams off of her waist. According to Student B, after standing up, Williams grabbed her buttock with one hand. Student B informed investigators that she was afraid to say anything to anyone until Student C told Student B that she had received an IM from Williams. Student B then told her mother and Student C about what had happened during “tag” and also called Student D to discuss what had happened to her in the auditorium with Williams.

SCI investigators interviewed Student C who reported that, on a weekday night during the first week of December 2007, she received an IM from Williams in which he told Student C that she looked good and should call him. Student C’s response made it clear that she was not happy about receiving the IM from Williams. Student C said that, in school the following day, Williams complained to Student C about her “cursing me out last night.” Student C added that, on an unknown date during the 2006-2007 school year, Student D, another 12-year-old female student (“Student G”), and other students asked her to play “tag” with Williams in the cheerleading office. According to Student C, the agreement with Williams was that, if Williams found any of the students, then he would rub his buttocks against the student’s buttocks instead of a tag. Student C explained that the girls entered a walk-in closet in the office with the lights out to “hide.” Student C said that the students began to make noise and scream causing Williams to get mad and end the game. Student C was told by Student G that, during the game, Williams found Student G and, while fully dressed, he rubbed his buttocks against her buttocks and also turned around and rubbed his front side against Student G’s buttocks, causing Student G to feel William’s penis.

Student C continued that, on an unknown date during the 2006-2007 school year, she and Student D told Kamenshine about Student D being touched on the hips by Williams. Student C informed investigators that Kamenshine advised Student C and Student D that “something will be done,” and that Kamenshine “is glad the students told [him] about this.” Student C also said that, one day in November 2007, Williams told Student C: “You dress like a sexy ass grown woman.”

In an interview with SCI investigators, 12-year-old Student D said that, on a Friday during the 2006-2007 school year, she was cleaning a room used by the cheerleading team, along with Student C and another female student (“Student I”). Student D told investigators that Williams approached them and asked whether they wanted to play “tag” in the dark. Student D explained that she, Student C, and Student I hid in a walk-in closet where the cheerleading outfits were stored. Student D added that Williams found her and slid his hands up and down her hip area. Student D continued that, after being touched, she ran, turned the lights on, and left the room. Student D spoke with School Safety Agent (“SSA”) DeJesus about being touched by Williams and SSA DeJesus notified Kamenshine who called Student D into his office. There, Student D told Kamenshine about being touched and Kamenshine contacted her father. Student D also said that she and Student B had played “tag” in the dark

with Williams and Student F and, afterward, Student B, who was crying, told her that Williams had touched Student B's breasts and buttocks.

SCI investigators interviewed 13-year-old Student F who said that, during cheerleading rehearsals on two different Saturdays in November 2007, Williams suggested that they play a game where they would turn off the lights and Student F and Williams would have to find Student B, Student C, and Student D.<sup>5</sup> Student F added that, on one of those Saturdays, he observed Williams tickling Student B's breasts. On the other Saturday, they played the same game with Student B, Student C, and possibly other female students. According to Student F, after the game was over, Student B told Student F that Williams sat on top of Student B and kept tickling her.

SCI investigators met with 12-year-old Student G who said that, after cheerleading on a Saturday during the 2006-2007 school year, she was in the walk-in closet, where cheerleading outfits are stored, with Student I and Williams.<sup>6</sup> Student G added that Williams suggested that he turn off the lights in the closet and that they play a game. Williams then shut off the closet light. Student G continued that, while she was facing the rear of the closet, Williams began to sing a rap song, shook his buttocks, and rubbed his buttocks on Student G's buttocks. According to Student G, after a short period of time, Williams turned around while singing and gyrated his front crotch area on Student G's buttocks. Student G informed investigators that she immediately moved away from Williams, turned the closet light on, and left the room with Student I.

Student G continued that, one day during the 2006-2007 school year, Student D informed Student G that she had been touched by Williams and they decided to inform Virtuoso of what had happened inside the closet with Williams. Student G recalled preparing a written statement.

In an interview with SCI investigators, 12-year-old Student I said that, on a Saturday during the 2006-2007 school year, Williams let her and Student D into the school auditorium.<sup>7</sup> The lights were off in the auditorium and, as they were walking, Student I felt a hand on her hip so she and Student D ran out of the auditorium. Student I added that, on another Saturday during the 2006-2007 school year, she was in a walk-in closet with Student C and Student G when Williams asked them to play a game of "tag" with the lights out. Student I explained that the students made too much noise so Williams ended the game. According to Student I, on an unknown date, she and Student G informed Virtuoso of what had happened in the auditorium. Virtuoso notified Student I's mother and also had Student I prepare a written statement.

SCI investigators spoke with a 12-year-old female student ("Student J") who said that, after a cheerleading practice on a Saturday during the 2006-2007 school year, Williams announced that he wanted to play a game with the lights off. Student J added that Williams turned on a radio to play music and began to rub his buttocks against the front of Student J.

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<sup>5</sup> Student F has turned 14.

<sup>6</sup> Student G has turned 13.

<sup>7</sup> Student I has turned 13.

According to Student J, she got scared and turned the lights back on. In response, Williams told Student J: "That is not the way you play the game." Student J continued that Williams again turned off the lights and told all the students that they would play another game called "Marco Polo." Student J explained that she and other students hid in the closet, but Williams found Student J, and he touched her left breast and slid his hand down her left side to her hip area. Student J said she then left the room. Student J added that, on an unknown date during the 2006-2007 school year, she notified Virtuoso and, thereafter, Student J's mother received a call from Kamenshine regarding the incident with Williams.

In an interview with SCI investigators, a 12-year-old female student ("Student H") said that, on a Saturday in September or October 2007, she was inside the school with another 12-year-old female student ("Student K"). Student H added that Williams entered the gym and announced that he was going to turn the lights off inside the gym to play a game. According to Student H, after Williams turned off the lights there was one light illuminating from another hallway so Williams declared: "It is not dark enough so let's go in the closet." Student H continued that Student K entered the closet with Williams followed by Student H. When Williams turned off the lights in the closet, causing the room to become dark, Student H tripped on something in the closet and fell to the ground. Student H reported that Williams helped her up, but then put one of his arms around her shoulders and his other arm around the small of her back. Student H felt Williams's hand moving lower toward her buttocks so she pushed her hand into Williams face and left the closet.

SCI investigators interviewed 11-year-old Student K who said that, on a Saturday during the 2007-2008 school year, she was in the auditorium with some other female students preparing for a cheerleading presentation when Williams entered, announced "let's play a game," and proceeded to shut off the auditorium lights.<sup>8</sup> Student K added that Williams then told all the students to be quiet, but the students began to scream because of the darkness, and Williams ended the game.

In an interview with SCI investigators, Teacher Mel Kamenshine explained that he was the school cheerleading coach and Williams helped out with the team. Kamenshine said that, on an unknown date during the 2006-2007 school year, Dean Virtuoso informed him that Williams might have touched four or five female students. Kamenshine added that, because he was so close to Williams, Virtuoso told Kamenshine that he should talk to Williams. According to Kamenshine, he spoke with Student J's parents and other parents, whom he could not identify, about Williams. Kamenshine also said that a student, whom he could not identify, told him: "I think Williams touched me." Kamenshine informed investigators that he never felt that Williams touched any of the females inappropriately. Kamenshine remembered the students preparing written statements, but did not know where they were. Kamenshine reported that he spoke to Williams who denied ever touching any of the female students. Kamenshine asserted that he never observed Williams do anything inappropriate to any student. Kamenshine added that during this time he was being advised by Assistant Principal Chen regarding this matter.

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<sup>8</sup> Student K has turned 12.

In an interview with SCI investigators, Dean Carmen Virtuoso confirmed that, on an unknown date during the 2006-2007 school year, some female students, whom she could not identify, informed her that Williams had touched them. Virtuoso said that she had the students prepare written statements and also forwarded the information to Assistant Principal Chen, Principal Toback, and Teacher Kamenshine. Virtuoso did not know where the statements written by the students could be located.

In an interview with SCI investigators, Assistant Principal Rose Chen recalled that, on an unknown date during the 2006-2007 school year, some female students, whom she could not identify, stated to Chen that they were touched by Williams. According to Chen, the students never said that they were touched inappropriately. Chen said that, at the time, she informed Principal Toback of the allegations made by the students. Chen remembered having written statements prepared by the students, but did not know where they were filed. Chen told the investigators that she would inform them if she could find the statements written by the students.<sup>9</sup>

In an interview with SCI investigators, Principal Sheldon Toback recalled that, on an unknown date during the 2006-2007 school year, Assistant Principal Chen told him that Williams was “horsing around” with some female students. Toback also recalled being informed that Williams was playing “tag” with the students by hitting the female students and getting hit back by them. According to Toback, he made it clear to Chen that Williams’s behavior should end immediately and he recalled that the parents of all the female students were informed of Williams’s behavior. Toback asserted that none of the parents had any issues with the way the allegations were handled. Toback added that he thought Williams was possibly a volunteer during the time when the allegations were brought to Toback’s attention.

In an interview with investigators from this office, School Aide Johnathan Williams confirmed that, beginning in the 2006-2007 school year, he worked as a school aide at JHS 126 and also volunteered to help Kamenshine with the cheerleading team. Williams explained that he took pictures of the cheerleaders dancing, arranged the cheerleading outfits, and played the music for the cheerleaders.

Williams said that, on Saturdays, he worked in the school from 9:00 a.m. until 12:30 p.m. and also helped with the cheerleading team. According to Williams, he had asked female students, whom he could not identify, to play “blind man’s bluff” which entailed Williams turning off the auditorium lights and running around with the female students in the dark. Williams added that he “tag[s]” the girls, but never “get[s] tagged” because the students know the feel of his watch if they touch his arm to “tag” him.

Williams recalled playing “tag” with female students in a cheerleading room closet on two unknown dates during the 2006-2007 school year. Williams asserted that he never touched the girls inappropriately and never played “Marco Polo” with the students. Williams also recalled that, on an unknown date in 2007, he was playing “tag” in the gym with the lights out with Student F and female students, whom he could not identify, and at one point

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<sup>9</sup> As of the date of this report, the statements have not been provided to SCI.

during the game he whispered to Student F: "If you find them you can tickle them." Williams admitted that he found one female student, whom he could not identify, in the gym and tickled her on the waist. Williams claimed that, while tickling the female student, he tickled the student's breast by accident.

Williams continued that, on an unknown date in 2007, he was in the auditorium watching male and female students playing "tag" with the lights off. Williams said that he was walking across the stage when he saw a female student, whom he could not identify, laying on the stage. According to Williams, he thought that she had fallen so he went to help her up. Williams asserted that a male student, whom he could not identify, then approached the female student and tickled her.

Williams recalled being in the darkened cheerleading closet with Student G and other female students, whom he could not identify, singing a song and rubbing his buttocks against Student G's buttocks while he danced. However, Williams denied ever rubbing his penis on any part of Student G's body.

Williams also recalled "talking" to Student C on the computer and that Student C was angry because Williams had sent her an IM.<sup>10</sup> Williams claimed that he never complemented any students, never spoke to students about sex, and never touched or pushed any students inappropriately.

Williams remembered Kamenshine talking to him during the 2006-2007 school year. Williams said that Kamenshine told him that three female students had complained about Williams touching them and one of the female students alleged that she was touched inappropriately. Williams added that Kamenshine told Williams that he could not continue to play with the students and that Kamenshine had spoken to the parents of the unidentified students. Williams asserted that he continued to play games with the students because he did not have a childhood and liked playing with the students.

Despite Williams's denials and attempted explanations, this investigation has substantiated that Williams engaged in inappropriate behavior, including sexual touching and other inappropriate touching, on multiple occasions spanning two school years. It is the recommendation of this office that Williams's employment be terminated, that he be placed on the Department of Education ineligible list, and that this report be considered should he ever apply for any position in the New York City school system in the future.

We are referring our findings to Kings County District Attorney Charles J Hynes for whatever action he deems appropriate.

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<sup>10</sup> Williams maintained that Student E, a neighbor whom he had known her whole life, suggested that he IM Student C. Female Student E, 13-years-old, told SCI investigators that Williams had never asked and she had never played games with him. Student E said that she had heard from other female students that they had played "tag" and "hide and go seek" with Williams.

The extent to which this complaint was mishandled during the 2006-2007 school year is troubling:

- Female students directly told both Dean Virtuoso and Teacher Kamenshine that Williams was touching them. Neither Kamenshine nor Virtuoso notified SCI. Instead, Virtuoso suggested that Kamenshine should talk to Williams, which he did.
- Kamenshine asserted that Assistant Principal Chen advised him in this matter, but Chen did not notify SCI.
- Virtuoso and Chen said that they notified Principal Toback, but Toback did not notify SCI.
- Kamenshine, Virtuoso, and Chen each confirmed that the female students, most of whom they could not identify, prepared statements, but none of them knew what happened to the statements.<sup>11</sup>
- Chen maintained that the students never said they were touched inappropriately, but Williams admitted that Kamenshine told him that at least one of the female students alleged that she was touched inappropriately.
- Toback remembered being told that Williams was “horsing around” with some female students and that Toback made it clear to Chen that Williams’s behavior should end immediately.

Although these JHS 126 educators did not remember the names of William’s female victims and did not remember what happened to the statements written by the girls, they claimed to have clear recollections that none of the touching by the school aide was inappropriate; rather, in Toback’s words, it amounted to “horsing around.” However, even Williams’s limited admissions indicated that his behavior was far more egregious than that description.

In their statements to SCI investigators, seven female students complained of being touched inappropriately by Williams, with four of them stating that the touching was sexual. Four of those seven girls disclosed Williams’s inappropriate behavior when it happened, during the 2006-2007 school year, and two of them alleged that the school aide’s misconduct was sexual. It is likely that, back when they made their original allegations, the girls gave the same, if not more detailed, information to the JHS 126 educators who, in turn, failed in their obligation to notify SCI or the police. Instead, Williams was told to stop playing with the students. He ignored that directive and, during the first half of the 2007-2008 school year, touched at least two additional female students sexually and touched a third female student inappropriately.

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<sup>11</sup> Kamenshine identified Student J.



It is the recommendation of this office that appropriate disciplinary action be taken against Sheldon Toback, Carmen Virtuoso, Mel Kamenshine, and Rose Chen.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Johnathan Williams, Sheldon Toback, Carmen Virtuoso, Mel Kamenshine, and Rose Chen. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON  
Special Commissioner  
of Investigation for the  
New York City School District

By: \_\_\_\_\_

Regina A. Loughran  
First Deputy Commissioner

RJC:RAL:gm

c: Michael Best, Esq.  
Theresa Europe, Esq.