

April 26, 2006

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

Re: Nicholas Pichardo
SCI Case # 2006-0199

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that twenty-year-old Nicholas Pichardo, a school aide at the Queens High School for Science at York College, made inappropriate comments to and otherwise behaved improperly toward female students.¹

This investigation began on January 19, 2006 when Principal Brian Jetter contacted the Office of the Special Commissioner of Investigation for the New York City School District (“SCI”) and reported allegations of inappropriate conduct against Pichardo. The following day, Assistant Principal Gregory Reo contacted this office and informed investigators about additional instances of misconduct committed by Pichardo.

SCI investigators spoke to Reo in January 2006. Reo told investigators that on January 19, 2006, Teacher Leneen Gibson revealed to him that a fourteen-year-old female student (“Student A”) claimed that Pichardo had been harassing her and asking for her phone number.² According to Reo, he directed Gibson and Student A to prepare handwritten statements detailing Pichardo’s inappropriate behavior.³ Reo further informed investigators that on January 20, 2006, another female student (“Student B”)

¹ On January 30, 2006, pending the outcome of this investigation, Pichardo was reassigned to the Region 3 Learning Support Center. He has turned twenty-one-years-old.

² Student A has turned fifteen-years-old.

³ Reo provided investigators with both Gibson’s and Student A’s written statements.

approached Gibson and related that Pichardo had kissed her. Reo also asked Student B to write a statement regarding the incident.⁴ Reo concluded the interview by stating that Pichardo was assigned to maintain order in the male locker room which was adjacent to the female locker room. Reo added that Pichardo also performed most of his other tasks in the copy room of the school.

In an interview with investigators, Gibson explained that on January 19, 2006, Student A approached her and complained that Pichardo had been flirting with her and had asked her for her phone number. Gibson further explained that the following day, Student B spoke with her and confided that Pichardo had kissed her on the mouth outside of the locker room. Gibson told investigators that she reported both allegations of Pichardo's inappropriate conduct to Reo.⁵

Student A provided our investigators with details about Pichardo's conduct. Student A stated that she had met Pichardo in May of 2005 and thereafter she would exchange greetings with him. Student A further stated that occasionally she and Pichardo would have conversations regarding her Spanish assignments. According to Student A, the conversations would occur while she was in the copy room.

In January of 2006, Pichardo asked Student A if she was going on a class trip. Student A responded "yes" and then Pichardo stated that he wanted her to be in his group. Student A described another incident that occurred in January in which she caught Pichardo looking at her through a window in the classroom door. Later that same day, Pichardo approached Student A, rubbed the palm of his hand against the top of her hand and stated, "hey sexy." Student A recounted that she became upset and angry with Pichardo.

Student A provided additional details to investigators regarding Pichardo's misconduct. She described an occasion when she went to the secretary's office to make copies and was alone with Pichardo. According to Student A, Pichardo stated to her, "if I didn't work here, would you fuck me?" Although people entered and exited the copy room, Student A explained that Pichardo kept trying to engage her in conversation. Once they were alone again, Pichardo gave Student A a "Post-it" and asked her to write down her telephone number but she refused to do so. Student A added that Pichardo then instructed her not to tell anybody, including friends or teachers, about his actions. Student A further stated that Pichardo told her that he needed to speak with her outside of the school.

⁴ Student B's written statement was provided to investigators.

⁵ According to Gibson, both Student A and Student B were former students of hers who felt comfortable confiding in her.

Student A also told investigators that she had heard Pichardo say to another girl (“Student C”) “hey sexy.” Additionally, Student A revealed that Student B had confided in her that Pichardo had kissed her outside of the girl’s locker room.⁶ Student A further stated that she had heard from several students that a female student (Student D) went to Pichardo’s house and braided his hair.⁷

In an interview with investigators, fifteen-year-old Student B provided additional relevant information.⁸ She told investigators that in October 2005 Pichardo approached Student B and inquired if she had a boyfriend. When Student B responded “no” Pichardo said, “do you want one?” Student B further stated that Pichardo asked her to go out on a date with him numerous times and he repeatedly asked for her telephone number. Student B told investigators that she never went out on a date with Pichardo nor did she give him her phone number. Student B recounted for investigators an incident in which she was walking on the stairs and Pichardo grabbed her ankle and asked her for a date. Student B added that Pichardo frequently licked his lips in a suggestive manner while looking at her and telling her that she was “pretty” or “sexy.” Student B recalled another incident that occurred while she was alone with Pichardo in the copy room. Student B stated that Pichardo licked his lips in a suggestive manner and stated, “I really like you a lot.” Student B noted that on two occasions, Pichardo looked into her classroom and puckered his lips at her.

Investigators further learned from Student B that in either October or November of 2005, Student B was outside of the locker room when she encountered Pichardo in the hallway.⁹ Pichardo approached her and stood in front of her and stated, “can I kiss you?” Student B responded, “no” and stepped back. According to Student B, Pichardo stepped toward her and kissed her on the lips. Student B stated that she became very angry and upset and immediately walked away. Student B revealed that she confided in Student A and Student C that Pichardo kissed her.

Investigators spoke with fifteen-year-old female Student C who acknowledged that during last semester, Student B told her that Pichardo had kissed her. Student C explained that she and Student B were the last two students in the female locker room and Student C left a few minutes before Student B. Student C further explained that when she saw Student B again, Student B told her about Pichardo’s conduct.

⁶ Student A acknowledged that she told Gibson on January 19, 2006 about Pichardo’s misconduct. Student A stated that Student B was not aware that she reported him.

⁷ Seventeen-year-old Student D informed investigators that she had no inappropriate contact with Pichardo, and did not go to his house to braid his hair. According to Student D, during the spring semester of 2005 Pichardo asked her if she braided hair and she responded that she did braid hair. Student D further stated that Pichardo wore braids in his hair all the time and she never offered to braid his hair.

⁸ Student B has turned sixteen-years-old.

⁹ Student B told investigators that she was the last one out of the locker room.

Student C also disclosed an incident that occurred in early January 2006 when she was in the cafeteria at school. According to Student C, Pichardo approached her and asked her, "if I wasn't a teacher and you didn't attend this school, would we get together?" Student C added that two weeks earlier, Pichardo asked her for her telephone number.

In an interview with investigators, an eighteen-year-old female ("Student E") disclosed that in either May or June of 2005, Pichardo approached her in the cafeteria and told her that he thought she was very pretty and he wanted to go out on a date with her. Student E also reported that Pichardo asked her to come over to his house and he told her that he lived on Elmhurst Avenue in Queens. Student E added that Pichardo offered to pick her up after school. Student E stated that she declined his advances. According to Student E, Pichardo was serious about "getting together" with her and asked for her phone number and her Internet e-mail address. Student E told investigators that she refused both requests.

Student E also mentioned to investigators that on several occasions while she was walking through the school, Pichardo winked at her and said, "hey sexy." Student E added that she was "grossed out" by Pichardo's actions and she thought that he was "weird." Additionally, Student E acknowledged that she was aware that Pichardo kissed Student B because Student B told her about the incident.

Investigators spoke with a sixteen-year-old female student ("Student F"), who explained that the only inappropriate contact that she had with Pichardo was when he asked her if she had a boyfriend. Student F indicated that she had not witnessed any other misconduct by Pichardo.

In an interview with investigators, Nicholas Pichardo denied all of the allegations against him. Specifically, Pichardo stated that he had not kissed any student and had not made any inappropriate gestures or comments toward any student. Pichardo further stated that he never asked any student for her phone number or Internet e-mail address. Pichardo also maintained that he never had a female student braid his hair at his house or anywhere else. In fact, Pichardo claimed that female students, whom he did not know, had approached him and asked him to go out on a date but he refused.¹⁰

Investigators concluded the interview by asking Pichardo why he believed the students would fabricate that Pichardo committed numerous acts of inappropriate conduct. Pichardo responded that he had no explanation as to why the allegations had been made against him.

¹⁰ Pichardo also told investigators that when he was hired, Jetter explained to him that he had to establish boundaries between himself and the students.

Despite his denials, we credit the accounts provided by the students, which detailed misconduct by Nicholas Pichardo. His continual inappropriate conduct makes it clear that he has no place in New York City public schools. It is the recommendation of this office that Pichardo's employment be terminated, that he be placed on the ineligible list, and that this matter is considered should he apply for any type of employment with the New York City school system in the future.

We are referring our findings to the Queens County District Attorney Richard A. Brown for whatever action he deems appropriate.

We are forwarding a copy of this letter to the Office of Legal Services. Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417. Please notify Ms. Batista within thirty days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Nicholas Pichardo. 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:VAB:gm

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