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

In the Matter of
NEW YORK CITY DEPARTMENT OF EDUCATION
MIDDLE COLLEGE HIGH SCHOOL

v.
BOUBAKAR FOFANA
Section 3020-a Education Law Proceeding (File #8,234)

DATE: May 14, 2008
TIME: 10:01 a.m. to 12:55 p.m. and
1:34 p.m. to 3:00 p.m.

LOCATION: NYC Department of Education
Office of Legal Services
49-51 Chambers Street
New York, New York 10007
BEFORE: JAY M. SIEGEL, ESQ.
Hearing Officer
12 Rock Street
Cold Spring, New York 10516
Telephone: (845) 265-3124

1 Boubakar Fofana - 5-14-2008
 2 APPEARANCES:
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1 Boubakar Fofana - 5-14-2008
 2 (The hearing resumed at 10:01
 3 a.m.)
 4 THE HEARING OFFICER: Okay.
 5 Good morning. My name is Jay Siegel and I am
 6 hearing officer in an Education Law Section
 7 3020-a proceeding between the New York City
 8 Department of Education and Boubakar Fofana,
 9 F-O-F-A-N-A. Today is May 14th, 2007 and this
 10 is the third day that we're conducting
 11 testimony in this hearing.
 12 When the parties last left
 13 off they were in the middle of the
 14 cross-examination of Dr. Wiltshire, and that
 15 will continue in just a moment.
 16 Dr. Wiltshire, I would just
 17 remind you that you remain under oath.
 18 DR. WILTSHIRE: Yes.
 19 MICHAEL WILTSHIRE; Previously Sworn
 20 THE HEARING OFFICER: And
 21 before we begin I would ask if we could have
 22 appearances for the record.
 23 MS. HEMANS-BRANTLEY: Laura
 24 Hemans-Brantley on behalf of the New York City

1 Boubakar Fofana - 5-14-2008
 2 Department of Education.
 3 THE HEARING OFFICER: And Mr.
 4 Fofana?
 5 MR. FOFANA: Boubakar Fofana,
 6 math teacher.
 7 THE HEARING OFFICER: Okay.
 8 All right. Mr. Fofana, I know you have some
 9 equipment here, is it --?
 10 MR. FOFANA: It's not set up.
 11 I don't have power. I don't know why.
 12 THE HEARING OFFICER: Okay.
 13 Okay. All right. So, you have no power at
 14 all?
 15 MR. FOFANA: No, at all.
 16 THE HEARING OFFICER: All
 17 right. Just -- all right.
 18 MR. FOFANA: It should be --.
 19 THE HEARING OFFICER:
 20 We're -- we're going to need go on pause for
 21 just a moment, just to figure out -- Respondent
 22 is conducting his hearing pro se, and he does
 23 have some equipment he wishes to utilize for
 24 his cross-examination. I would like to make

1 Boubakar Fofana - 5-14-2008
 2 sure that it is operational --
 3 (Off-the-record discussion)
 4 THE HEARING OFFICER: --
 5 before we continue with the cross-examination.
 6 So, we're going to go on pause at this time.
 7 (Off-the-record discussion)
 8 THE HEARING OFFICER: Yeah, I
 9 would just like to note for the record that Mr.
 10 Fofana is having some trouble with some
 11 electronic devices that he is using as part of
 12 his cross-examination of Dr. Wiltshire, and now
 13 those devices are up and running, at least they
 14 appear to be to my eyes.
 15 Is that correct, Mr. Fofana?
 16 MR. FOFANA: It is.
 17 THE HEARING OFFICER: Okay.
 18 All right. So, Mr. Fofana you may be --
 19 continue with your cross-examination of Dr.
 20 Wiltshire.
 21 MR. FOFANA: Thank you very
 22 much.
 23 THE HEARING OFFICER: You're
 24 welcome.

1 Wiltshire - Further Cross - Fofana
 2 FURTHER CROSS EXAMINATION
 3 BY MR. FOFANA:
 4 Q. Dr. Wiltshire, do you
 5 remember -- do you know Ms.Tr., Ms.Tr.?
 6 **A. Yes, Ms.Tr., yes, I do.**
 7 Q. Yes. Do you recall this
 8 letter she sent you regarding an incident that
 9 took place on the first of October, 2004?
 10 MS. HEMANS-BRANTLEY: I'm
 11 going to object. He's asking about --
 12 MR. FOFANA: I just --
 13 MS. HEMANS-BRANTLEY: -- a
 14 letter Ms.Tr. sent, but this doesn't say Ms.Tr.
 15 MR. FOFANA: Well, at the
 16 bottom this is the family -- this is maiden the
 17 name of Ms.Tr. I would like --
 18 MS. HEMANS-BRANTLEY: But
 19 it -- to know --
 20 MR. FOFANA: -- Dr. Wiltshire
 21 to identify --.
 22 MS. HEMANS-BRANTLEY: that
 23 that's --.
 24 THE HEARING OFFICER: All

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1 Wiltshire - Further Cross - Fofana
 2 right. Let -- let's -- let's have one person
 3 speak.
 4 Mr. Fofana, why don't you
 5 explain your position on this?
 6 MR. FOFANA: Yes. I just
 7 want this -- okay.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Put it this way, do you
 10 recognize this letter, sir?
 11 THE HEARING OFFICER:
 12 Before -- before we're doing that --
 13 MR. FOFANA: Uh-huh.
 14 THE HEARING OFFICER: -- Ms.
 15 Brantley --
 16 MR. FOFANA: What -- what --?
 17 THE HEARING OFFICER: -- Ms.
 18 Brantley -- yes. Ms. Brantley has made an
 19 objection. So, I think the primary objection I
 20 heard was --
 21 MR. FOFANA: Uh-huh.
 22 THE HEARING OFFICER: -- that
 23 the name on this letter --
 24 MR. FOFANA: Uh-huh.

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1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Before
 3 we go there --
 4 MS. HEMANS-BRANTLEY: I have
 5 to read --
 6 THE HEARING OFFICER: --
 7 yeah.
 8 MR. FOFANA: I'm sorry, go
 9 ahead. Yes.
 10 MS. HEMANS-BRANTLEY: Just a
 11 moment.
 12 MR. FOFANA: Yes.
 13 THE HEARING OFFICER: And I'm
 14 going to mark this document as Respondent's
 15 Exhibit Seven for identification at this time.
 16 MR. FOFANA: Yes.
 17 (Off-the-record discussion)
 18 THE HEARING OFFICER: I
 19 mean -- but the letter that is now identified
 20 as Respondent's Seven is signed by someone
 21 whose name is -- first name, Cr., (name
 22 spelled), last name, (name spelled).
 23 (Off-the-record discussion)
 24 MS. HEMANS-BRANTLEY: I have

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1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- does
 3 not indicate Ms.Tr.
 4 MR. FOFANA: Oh, okay.
 5 THE HEARING OFFICER: So,
 6 maybe you can explain to us --
 7 MR. FOFANA: Absolutely.
 8 THE HEARING OFFICER: -- it's
 9 not testimony, but maybe you can explain to us
 10 how you think this is relevant.
 11 MR. FOFANA: Absolutely.
 12 First of all, Cr.Dv. at the bottom is the name
 13 of Cr.Tr. Her -- in marriage -- she acquire Tr.
 14 through marriage.
 15 THE HEARING OFFICER: Okay.
 16 MR. FOFANA: That's all.
 17 THE HEARING OFFICER: You --
 18 you feel -- you feel you can get this
 19 information in through some evidence, that
 20 fact?
 21 MR. FOFANA: Well --.
 22 BY MR. FOFANA: (Cont'g.)
 23 Q. Dr. Wiltshire, I'm going to
 24 just --.

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1 Wiltshire - Further Cross - Fofana
 2 no objections to this -- to this document.
 3 THE HEARING OFFICER: Okay.
 4 So, we're going to show the witness
 5 Respondent's Seven for I.D.
 6 And now, Mr. Fofana, you may
 7 ask questions now.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Do you recognize the letter,
 10 Dr. Wiltshire? It's -- your name is on it,
 11 and --.
 12 MS. HEMANS-BRANTLEY: Just a
 13 minute. He ask him if he recognized it, give
 14 him a minute to look at it.
 15 MR. FOFANA: Sure.
 16 **A. Okay. Yes.**
 17 THE HEARING OFFICER: You --
 18 you do recognize it?
 19 **A. (Cont'g.) Uh-huh.**
 20 THE HEARING OFFICER: Okay.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. So, the -- Ms.Tr., at the
 23 bottom of this letter, last paragraph, she
 24 says, "I'm requesting that my daughter be

4 (Pages 658 to 661)

1 Wiltshire - Further Cross - Fofana
 2 removed from this same teacher's math class,"
 3 which is me. I'm asking you --.
 4 MS. HEMANS-BRANTLEY:
 5 Objection. Mr. Siegel, he's reading from a --
 6 this document's not in evidence.
 7 THE HEARING OFFICER: No --
 8 MR. FOFANA: It's not?
 9 THE HEARING OFFICER: -- this
 10 document's not yet in evidence. Why don't you
 11 ask -- if you can, read a question -- ask a
 12 question about the letter, and at some point
 13 you may offer it.
 14 MR. FOFANA: Okay.
 15 THE HEARING OFFICER: But why
 16 don't you ask some questions about the letter.
 17 MR. FOFANA: Okay.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. Dr. Wiltshire, Ms.Tr. had
 20 requested that you transfer her daughter out of
 21 my class. Did you oblige; did you?
 22 **A. I -- I don't recall if I did,**
 23 **but students are not just arbitrarily**
 24 **transferred out of a class.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. I'm sorry. I can't hear you.
 3 **A. I do not remember if that was**
 4 **done.**
 5 Q. Uh-huh.
 6 **A. I don't -- I don't know. I**
 7 **don't remember if that was done.**
 8 Q. Well -- well, the letter was,
 9 you know, addressed to you specifically, and
 10 so, did you respond to, if you -- you know, how
 11 did you --
 12 **A. As far as her --**
 13 Q. -- respond to he -- hold on
 14 one second.
 15 **A. Uh-huh.**
 16 Q. Did you request -- she made a
 17 request. Did you respond to that request by
 18 telling her, for instance, done or not, had -
 19 had a transfer problem, whatever. What was
 20 your response to her?
 21 **A. I don't recall exactly**
 22 **responding --**
 23 Q. You don't recall?
 24 **A. -- to this letter.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. All right. All right. You
 3 do recognize the letter?
 4 **A. I -- it's a --**
 5 Q. You received --
 6 **A. -- yes.**
 7 MR. FOFANA: okay.
 8 THE HEARING OFFICER: Mr.
 9 Fofana, would you like to put this in evidence?
 10 MR. FOFANA: Yes, please.
 11 THE HEARING OFFICER: All
 12 right. Then Ms. Brantley, I understand --
 13 MS. HEMANS-BRANTLEY: No, I
 14 have --
 15 THE HEARING OFFICER: -- no
 16 objection?
 17 MS. HEMANS-BRANTLEY: -- no
 18 objection. Yeah.
 19 THE HEARING OFFICER: All
 20 right. So Respondent's --
 21 MR. FOFANA: Uh-huh.
 22 THE HEARING OFFICER: --
 23 Exhibit Seven is now in evidence.
 24 MR. FOFANA: Yeah. I do have

1 Wiltshire - Further Cross - Fofana
 2 a question -- a couple of questions about this
 3 letter.
 4 MS. HEMANS-BRANTLEY: I have
 5 to look along with you, because I don't have
 6 separate copy.
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. In third paragraph, third
 9 paragraph --
 10 MS. HEMANS-BRANTLEY: Which
 11 page?
 12 MR. FOFANA: First page,
 13 third paragraph.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. At this meeting you accuse
 16 her, meaning her daughter, of cheating. Did --
 17 okay. Did you talk to Ms. Adonai about this
 18 issue? Because she was in that meeting.
 19 **A. About what issue?**
 20 Q. About this, you know,
 21 incident between Ms.Tr. and myself. Ms. Adonai
 22 was right in the middle of this dispute,
 23 because she organized the meeting.
 24 MS. HEMANS-BRANTLEY:

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1 Wiltshire - Further Cross - Fofana
 2 Objection to his characterization --
 3 THE HEARING OFFICER: Right.
 4 MS. HEMANS-BRANTLEY: -- of
 5 what --
 6 THE HEARING OFFICER: We'll
 7 stick with the question, which was, did you --
 8 did you speak to Ms. Adonai --
 9 MR. FOFANA: Right.
 10 THE HEARING OFFICER: --
 11 about this issue?
 12 **A. Yes.**
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. Any feedback between, you
 15 know, regarding this incident?
 16 **A. I don't recall having a**
 17 **conversation with Ms. Adonai.**
 18 Q. So, are you saying that you
 19 don't recall this incident?
 20 **A. No.**
 21 Q. And you don't recall, you
 22 know, having responded to this letter?
 23 **A. I may have. I don't --.**
 24 **MS. HEMANS-BRANTLEY:**

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1 Wiltshire - Further Cross - Fofana
 2 respond to one question at a time.
 3 THE HEARING OFFICER: Okay.
 4 MR. FOFANA: Okay. I will
 5 rephrase it very simply.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Did you talk to Ms. Adonai
 8 about this incident or not? It's a yes or no.
 9 **A. I don't know.**
 10 Q. You don't know?
 11 **A. I don't know.**
 12 Q. Okay. Did you respond to
 13 this letter?
 14 **A. I can only respond --**
 15 Q. No, it's yes or no, did you
 16 respond?
 17 **A. -- I -- my -- my response**
 18 **would then be I am not sure, I don't know.**
 19 Q. You don't know? Okay. I
 20 would like to draw your attention to the first
 21 paragraph. Is it correct that the incident
 22 took place the very first day? The
 23 incident --.
 24 **MS. HEMANS-BRANTLEY:**

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1 **Wiltshire - Further Cross - Fofana**
 2 **Objection. That's a compound question. It's**
 3 **two questions.**
 4 **THE HEARING OFFICER:**
 5 **Well --.**
 6 MR. FOFANA: All right. I
 7 take it back.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Just -- you're saying you
 10 don't recall this, you know, transferring out
 11 the student, you don't recall -- you don't
 12 recall talking to Ms. Adonai about the
 13 incident?
 14 **A. Well, first of all, I'm**
 15 **not -- no, no, no.**
 16 Q. No, no, no. I'm not -- I --.
 17 **A. I cannot answer yes or no.**
 18 **No, no, no --.**
 19 THE REPORTER: One at a time
 20 please.
 21 THE HEARING OFFICER: Well,
 22 I --.
 23 MS. HEMANS-BRANTLEY: He said
 24 it once, he -- he should least let the witness

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1 Wiltshire - Further Cross - Fofana
 2 Objection. There's no foundation --
 3 THE WITNESS: What --
 4 MS. HEMANS-BRANTLEY: -- that
 5 this --
 6 THE WITNESS: -- what
 7 incident?
 8 MS. HEMANS-BRANTLEY: --
 9 witness knows.
 10 MR. FOFANA: No, I'm -- I'm
 11 asking from the letter. I'm not asking --
 12 MS. HEMANS-BRANTLEY: He
 13 can't --
 14 MR. FOFANA: -- the
 15 doctor --.
 16 THE HEARING OFFICER: All
 17 right. Let -- Mr. Fofana, Ms. Brantley's
 18 raising objections.
 19 MR. FOFANA: Okay.
 20 THE HEARING OFFICER: And the
 21 objection essentially is what -- the letter
 22 itself speaks for itself.
 23 MR. FOFANA: Yeah.
 24 THE HEARING OFFICER: You can

6 (Pages 666 to 669)

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1 Wiltshire - Further Cross - Fofana
 2 ask Dr. Wiltshire a question, to see if he --
 3 if -- if the information in the letter
 4 refreshes his memory.
 5 MR. FOFANA: Okay.
 6 THE HEARING OFFICER: And you
 7 know, if what you were getting --
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: --
 10 at -- if -- if -- you could ask him if he knows
 11 whether --
 12 MR. FOFANA: Uh-huh.
 13 THE HEARING OFFICER: -- the
 14 day of the incident between --
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: --
 17 yourself and this student was the first day
 18 that she was in class.
 19 MR. FOFANA: Yes.
 20 THE HEARING OFFICER: But you
 21 can't ask him what the letter says, because the
 22 letter speaks for itself.
 23 MR. FOFANA: That's correct.
 24 THE HEARING OFFICER: Okay.

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1 Wiltshire - Further Cross - Fofana
 2 Wiltshire.
 3 **A. (Cont'g.) Yes.**
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. Do you consider that as libel
 6 and defamation?
 7 MS. HEMANS-BRANTLEY:
 8 Objection.
 9 MR. FOFANA: Do you -- well,
 10 I -- I disagree with this objection, because
 11 the question is legitimate. I'm asking Dr.
 12 Wiltshire if he considered that as defamation
 13 or not. It's a legitimate question, because I
 14 put information on this subject. I broadcast
 15 the fact that I did some work for him. If he
 16 believes that it's wrong, it's legitimate to
 17 ask him if he found that a libel, a defamation.
 18 THE HEARING OFFICER: Ms.
 19 Brantley?
 20 MS. HEMANS-BRANTLEY: Your --
 21 I was going to say your Honor.
 22 MR. FOFANA: It's --.
 23 MS. HEMANS-BRANTLEY: Mr.
 24 Siegel, I'm going to object to that for a

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1 Wiltshire - Further Cross - Fofana
 2 So do you want ask him --
 3 MR. FOFANA: It's a fact.
 4 THE HEARING OFFICER: -- so
 5 do you want to ask him that question?
 6 MR. FOFANA: It's not really
 7 essential. I will -- you know, I will expand
 8 on this during my own testimony.
 9 THE HEARING OFFICER: Fine.
 10 MR. FOFANA: Okay. I would
 11 like also to submit a document to Dr.
 12 Wiltshire. Give me a second. Okay. I will
 13 come back to this one -- all right. I will --
 14 I will come back to this, your Honor, a
 15 different time.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. You -- Dr. Wiltshire, you
 18 deny emphatically the last time that I did some
 19 academic work for you, remember?
 20 **A. Uh-huh.**
 21 THE HEARING OFFICER: Okay.
 22 You've got to say yes --
 23 **A. (Cont'g.) Yes.**
 24 THE HEARING OFFICER: -- Dr.

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1 Wiltshire - Further Cross - Fofana
 2 number of reasons. One would be relevance.
 3 And two is asking for
 4 inadmissible opinion testimony from this
 5 witness.
 6 And in addition, it's a
 7 speculative question.
 8 I mean, I don't see the
 9 relevance in this proceeding, first and
 10 foremost.
 11 MR. FOFANA: No.
 12 THE HEARING OFFICER: Mr. --
 13 Mr. Fofana, no need to argue it.
 14 Ms. Brantley, you may very
 15 well be right, and -- and it is a speculative
 16 question, and we're not sure what Dr.
 17 Wiltshire's going to say.
 18 MR. FOFANA: No.
 19 THE HEARING OFFICER: But I'd
 20 rather try and keep this proceeding moving, and
 21 I will allow Dr. Wiltshire to answer the
 22 question.
 23 Dr. Wiltshire, can you answer
 24 the question at all?

7 (Pages 670 to 673)

1 Wiltshire - Further Cross - Fofana
 2 **A. Whether or not that's libel?**
 3 **Well, I can say it is not true.**
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. Well, it's -- it's -- to you
 6 it's not true?
 7 **A. Yes.**
 8 Q. So, it's an assault, you
 9 agree with me, it would be an assault --
 10 MS. HEMANS-BRANTLEY:
 11 Objection.
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. -- to your --
 14 MS. HEMANS-BRANTLEY:
 15 Objection. Now this is going --
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. -- position?
 18 THE HEARING OFFICER: All
 19 right.
 20 MS. HEMANS-BRANTLEY: -- he
 21 asked question; he answered it.
 22 THE HEARING OFFICER: Yeah,
 23 I -- I -- I gave you a little latitude, but
 24 I -- I don't think, you know, that issue, you

1 Wiltshire - Further Cross - Fofana
 2 know, appears tangential to the charges
 3 themselves.
 4 MR. FOFANA: Okay.
 5 THE HEARING OFFICER: And
 6 I -- I don't want to spend an inordinate amount
 7 of time on that.
 8 MR. FOFANA: Okay.
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. Well, you -- you said earlier
 11 you don't remember this interaction with Adonai
 12 on the Tr. issue; am I right?
 13 **A. (No audible response).**
 14 Q. So, how do you explain that
 15 this issue ended up in the formal charges?
 16 Someone has to, you know, introduce it.
 17 THE HEARING OFFICER: You --
 18 you -- you asked the -- you got the question
 19 out.
 20 Okay. Answer.
 21 **A. I don't understand what**
 22 **formal charges.**
 23 **THE HEARING OFFICER: All**
 24 **right.**

1 **Wiltshire - Further Cross - Fofana**
 2 **A. (Cont'g.) I -- I don't know.**
 3 THE HEARING OFFICER: I think
 4 he's speaking about the specifications
 5 themselves. So, his question, in other words -
 6 and Mr. Fofana, please interrupt me if I'm
 7 saying it wrong - is -- is since the formal
 8 charges have a reference to this incident,
 9 specifically it's specification two, how would
 10 it be, since you would be the charging party
 11 essentially, that you would not remember this
 12 incident? That's his question.
 13 MR. FOFANA: Yes, that's the
 14 question.
 15 **A. (Cont'g.) Why I would --**
 16 **well, there were so many incidents and so many**
 17 **things I do not recall --**
 18 MR. FOFANA: I --.
 19 **A. (Cont'g.) -- no, this is --**
 20 **I do not recall exactly what I did with each of**
 21 **the incidents that you are referring to. I**
 22 **would need to some notes or to refresh my mind**
 23 **as to what was done. I don't keep all of these**
 24 **things in my mind.**

1 **Wiltshire - Further Cross - Fofana**
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. Well, Dr. Wiltshire if you
 4 introduce -- if you file complaint about a
 5 teacher or any employee, your subordinate, if
 6 you are to be called to testify, at the minimum
 7 you should remember what the charges are; don't
 8 you think so? In other words --.
 9 THE HEARING OFFICER: No, you
 10 asked a question.
 11 Can you answer that question,
 12 Dr. Wiltshire?
 13 MR. FOFANA: Uh-huh.
 14 **A. Yes.**
 15 THE HEARING OFFICER: Thank
 16 you.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. Then how come you cannot
 19 remember the Tr. incident being part of the
 20 formal charges?
 21 **A. All I do, I report the**
 22 **incidents. If I -- and maybe I -- was I the**
 23 **one who investigated the incident? I don't**
 24 **remember. All I do when I report, I am not the**

1 **Wiltshire - Further Cross - Fofana**
 2 **investigator in most of the incidents that**
 3 **occur with you. I don't investigate those**
 4 **incidents. The incidents that I investigate --**
 5 Q. That's fine. That -- that's
 6 fine.
 7 **A. -- I'm fully aware of.**
 8 Q. Don't -- no -- no need to
 9 expand. You -- I'm sorry. I'm going to ask
 10 you, did you receive the formal charges?
 11 THE HEARING OFFICER: That
 12 would be Joint Exhibit One?
 13 MR. FOFANA: Yeah.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Did you receive them, yes or
 16 no?
 17 **A. Yes.**
 18 Q. You did receive them. All
 19 right. If you received them, can you tell me
 20 what specification two is about, please?
 21 **A. Hold on. You're talking**
 22 **about this? I don't think I received --**
 23 Q. Specification two.
 24 **A. -- actually, I don't**

1 **Wiltshire - Further Cross - Fofana**
 2 **recall --**
 3 Q. No, no, I just want you --
 4 I'm referring you to specification two.
 5 THE HEARING OFFICER: No,
 6 he's -- he's testified he doesn't recall seeing
 7 this document.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. You don't -- oh, okay. So
 10 you did not receive one?
 11 **A. I don't recall seeing this**
 12 **document as it is, no. No, I don't recall.**
 13 Q. May I ask you, Dr. Wiltshire,
 14 when you were asked to testify, did you try
 15 to -- you know, to refresh your memory about
 16 what the meeting will be about?
 17 **A. Yes.**
 18 Q. What did you look at?
 19 **A. The cases that I**
 20 **investigated --**
 21 Q. Uh-huh.
 22 **A. -- that I was directed by**
 23 **O.S.I. to investigate.**
 24 Q. Uh-huh.

1 Wiltshire - Further Cross - Fofana
 2 **A. I reviewed those, to make --**
 3 Q. Uh-huh.
 4 **A. -- sure that my memory**
 5 **were --.**
 6 Q. Okay. And you -- you're
 7 saying, you didn't -- you didn't see any need
 8 to look at the -- the Tr. incident as part of
 9 your review?
 10 **A. Well, you know, I -- I --**
 11 **I -- actually, I read some of the -- I -- bear**
 12 **in mind that you have a very, very big file --.**
 13 Q. No, no, I'm sorry. That's --
 14 that's not the point here.
 15 THE HEARING OFFICER: I'll --
 16 I'll sustain the objection, in that that was
 17 not responsive to the question.
 18 MR. FOFANA: Yeah.
 19 **A. Okay. Well -- what --**
 20 **what -- repeat the question again.**
 21 THE HEARING OFFICER: The --
 22 the question as I recall was about, did you
 23 review the Tr. incident?
 24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. As part of your review prior
 3 to testifying. You were --?
 4 **A. Yes, I'm sorry.**
 5 THE HEARING OFFICER: Okay.
 6 **A. (Cont'g.) The specific Tr.**
 7 **incident, I don't think I reviewed that**
 8 **incident.**
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. You were aware of this
 11 incident as part of this --?
 12 **A. I'm -- I'm aware. Now that I**
 13 **saw it, I am aware that there was an incident**
 14 **there with the -- with Ms.Tr. --**
 15 Q. And it was --
 16 **A. -- with Student Tr.**
 17 Q. -- and it was part of the
 18 proceeding?
 19 **A. Part of what proceeding?**
 20 Q. What proceeding we are in
 21 right now.
 22 **A. If I was aware that that is a**
 23 **part of today's --**
 24 Q. Dr. Wiltshire, let's --.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Yes,
 3 that's the question.
 4 **A. No, I was not aware that it**
 5 **was a part of this proceeding.**
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Okay. So, the bottom line
 8 is, as I understand, you did not receive the
 9 specifications, or if you did, you did not read
 10 it; is that correct?
 11 **A. That is correct.**
 12 Q. Okay. Thank you. I'd like
 13 to ask you this question.
 14 MR. FOFANA: It -- it --
 15 it -- it's not meant to be speculative,
 16 Counsel.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. If you complain about my
 19 being disrespectful toward a parent, don't you
 20 think it would be, you know, reasonable to
 21 complain about my accusation of cheating? In
 22 other words, I -- you know I broadcasted that I
 23 did some work for you for a fee. You say --
 24 you deny it. Why you did not complain --

1 Wiltshire - Further Cross - Fofana
 2 **A. I did.**
 3 Q. -- about that --?
 4 **A. I did. I -- I complained to**
 5 **the superintendent.**
 6 Q. Uh-huh.
 7 **A. I sent her a copy of the**
 8 **letter that you were distributing on the**
 9 **street, immediately.**
 10 Q. Okay.
 11 **A. Okay? So I did complain.**
 12 Q. So now, did you complain with
 13 these agencies who are -- who are in charge of
 14 investigation? S.C.I. and O.S.I.?
 15 **A. S.C.I. only investigates**
 16 **students; they do not deal with --**
 17 Q. No, no, sir. I -- I know
 18 what --
 19 **A. -- I am telling you what he**
 20 **said.**
 21 Q. -- no, I'm --.
 22 MS. HEMANS-BRANTLEY:
 23 Objection.
 24 THE HEARING OFFICER: No, no.

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: He
 3 asked a question.
 4 THE HEARING OFFICER: Well,
 5 no, no. The -- the --
 6 MS. HEMANS-BRANTLEY: He has
 7 to let the witness --
 8 THE HEARING OFFICER: Right.
 9 MS. HEMANS-BRANTLEY: --
 10 answer.
 11 THE HEARING OFFICER: Right.
 12 All right.
 13 MR. FOFANA: No.
 14 THE HEARING OFFICER: He's --
 15 he's been objecting that it's not responsive,
 16 so we do have to give him a little latitude.
 17 He's not a trained attorney.
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: The
 20 question, though, and I think you were jumping
 21 one step ahead --
 22 THE WITNESS: Okay.
 23 THE HEARING OFFICER: -- Dr.
 24 Wiltshire. You were saying -- I think you were

1 Wiltshire - Further Cross - Fofana
 2 giving the answer that you got from S.C.I.,
 3 when you actually just need to focus probably
 4 more on the question, which was: Did you
 5 complain to them about it?
 6 MR. FOFANA: Yes, that's all.
 7 **A. Yes.**
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. All right. So, from this
 10 specification, how do you explain there's no
 11 specification addressing this issue?
 12 MS. HEMANS-BRANTLEY:
 13 Objection. He does not draft the
 14 specifications.
 15 MR. FOFANA: Okay. I will
 16 put it another way.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. So, do you think they -- you
 19 know, your complaint was not receivable,
 20 apparently, because it did not end up --
 21 MS. HEMANS-BRANTLEY:
 22 Objection.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. -- in the specifications?

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY:
 3 Objection.
 4 MR. FOFANA: No, no. Well,
 5 why not? I'm sorry. This is legitimate
 6 question.
 7 MS. HEMANS-BRANTLEY: He's
 8 asking --
 9 MR. FOFANA: No, no, no,
 10 ma'am.
 11 MS. HEMANS-BRANTLEY: -- he's
 12 asking questions --
 13 THE HEARING OFFICER: Okay.
 14 MR. FOFANA: No, no, no.
 15 MS. HEMANS-BRANTLEY: --
 16 about which this witness has no --
 17 MR. FOFANA: No, no, no.
 18 MS. HEMANS-BRANTLEY: -- he
 19 does not --
 20 MR. FOFANA: No. No, no, no.
 21 MS. HEMANS-BRANTLEY: -- he
 22 does not draft -- the draft-- the
 23 specifications are drafted by --
 24 MR. FOFANA: No. Maybe

1 Wiltshire - Further Cross - Fofana
 2 Counsel --
 3 MS. HEMANS-BRANTLEY: -- the
 4 D.O.E.'s legal department.
 5 MR. FOFANA: -- no, no.
 6 MS. HEMANS-BRANTLEY: So,
 7 perhaps --
 8 MR. FOFANA: Mr. Siegel --
 9 MS. HEMANS-BRANTLEY: -- the
 10 Respondent --
 11 MR. FOFANA: -- Mr. Siegel --
 12 MS. HEMANS-BRANTLEY: --
 13 needs to be aware of the procedure, and how --
 14 MR. FOFANA: -- no.
 15 MS. HEMANS-BRANTLEY: --
 16 specifications are --
 17 MR. FOFANA: Okay. But --
 18 MS. HEMANS-BRANTLEY: --
 19 drafted.
 20 THE HEARING OFFICER: First
 21 of all --
 22 (Off-the-record discussion)
 23 THE HEARING OFFICER: We
 24 can't -- we can't be -- we can't be speaking on

1 Wiltshire - Further Cross - Fofana
 2 top of each other.
 3 MR. FOFANA: Counsel being,
 4 you know, disingenuous here, because the
 5 question was straightforward, and you know,
 6 clear.
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. You complain with the S.C.I.
 9 and all the complaints with S.C.I. are
 10 examined. They ended up in formal charges or
 11 they're not. So, my question is legitimate.
 12 If your complaint did not translate into
 13 charges, don't you think --?
 14 **A. What complaint?**
 15 **MS. HEMANS-BRANTLEY:**
 16 **Objection.**
 17 MR. FOFANA: Well, you're --.
 18 MS. HEMANS-BRANTLEY: It's
 19 Mr. Siegel --.
 20 THE HEARING OFFICER: Right.
 21 All right. The -- this is the issue.
 22 MR. FOFANA: Uh-huh.
 23 THE HEARING OFFICER: Ms.
 24 Brantley's raising an objection, because --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Uh-huh. Uh-huh.
 3 THE HEARING OFFICER: -- the
 4 principal's role is not to make
 5 determination --
 6 MR. FOFANA: Uh-huh.
 7 THE HEARING OFFICER: -- as
 8 to whether or not there's probable cause for
 9 certain charges.
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: He can
 12 give opinion on that, but that's actually, in
 13 all candor, not relevant to me.
 14 MR. FOFANA: Okay.
 15 THE HEARING OFFICER: So, I'm
 16 going to sustain the objection.
 17 MR. FOFANA: All right.
 18 THE HEARING OFFICER: We
 19 can -- we can move on.
 20 MR. FOFANA: Okay. Let's
 21 move on.
 22 BY MR. FOFANA: (Cont'g.)
 23 Q. The last time when you
 24 testified, Dr. Wiltshire, you mentioned the

1 Wiltshire - Further Cross - Fofana
 2 letter or e-mail I sent to you, do you
 3 remember, regarding the Teacher's Choice check?
 4 You testified the last time that I sent an --
 5 an e-mail --.
 6 MS. HEMANS-BRANTLEY:
 7 Objection. That's not what his testimony was.
 8 MR. FOFANA: It is.
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. You mentioned a letter
 11 regarding the Teacher's Choice?
 12 THE HEARING OFFICER: Do you
 13 remember that or no?
 14 MS. HEMANS-BRANTLEY: What
 15 letter is he referring to?
 16 MR. FOFANA: Well, he says --
 17 MS. HEMANS-BRANTLEY: And who
 18 authored the letter?
 19 MR. FOFANA: -- well --.
 20 MS. HEMANS-BRANTLEY: You've
 21 got to be more specific. Is he going to point
 22 him to a certain letter?
 23 MR. FOFANA: Mr. Siegel --
 24 MS. HEMANS-BRANTLEY: He

1 Wiltshire - Further Cross - Fofana
 2 can't just say letter.
 3 MR. FOFANA: -- Mr. -- Mr.
 4 Siegel, he did not spoke about -- he didn't
 5 speak about ten letters. He spoke about a
 6 particular letter, one letter regarding the
 7 Teacher's Choice. So there is no confusion --.
 8 MS. HEMANS-BRANTLEY: Are you
 9 talking about D.O.E. Exhibit Number Eight?
 10 MR. FOFANA: No, no.
 11 Please -- please, let me -- let me clarify the
 12 issue. I cannot talk to you at the same time
 13 with Dr. Wiltshire.
 14 MS. HEMANS-BRANTLEY: Well,
 15 you can't talk to anyone unless you're clear.
 16 MR. FOFANA: Well, I'm -- I'm
 17 absolutely -- the problem is you don't want to
 18 listen to it, because it's damaging to your
 19 client. That's your problem.
 20 THE HEARING OFFICER: Okay.
 21 Let's -- let's -- let's stop the back and
 22 forth.
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: Try to

1 Wiltshire - Further Cross - Fofana
 2 address the hearing officer, both of you, when
 3 you have objections.
 4 MR. FOFANA: Yes.
 5 THE HEARING OFFICER: Let's
 6 try and maintain and focus on civility in this
 7 hearing room.
 8 Mr. Fofana --
 9 MR. FOFANA: Yes.
 10 THE HEARING OFFICER: -- if
 11 you have a question that you wish to pursue
 12 regarding a letter about the check, there is a
 13 document in evidence, but you know, let's --
 14 let's -- let's move to it.
 15 MR. FOFANA: Okay. Well, let
 16 me -- hold on. This is the letter I'm
 17 referring to.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. This is the letter, the
 20 e-mail I sent you. Do you recognize this
 21 letter regarding the Teacher's Choice?
 22 THE HEARING OFFICER: So,
 23 let's mark this as Respondent's Eight.
 24 MS. HEMANS-BRANTLEY: I'm

1 Wiltshire - Further Cross - Fofana
 2 going to object, because he's referring to the
 3 document that the principal authored, that
 4 would D.O.E. Exhibit Eight. This is not that
 5 exhibit. This is something entirely different.
 6 MR. FOFANA: That's right.
 7 THE HEARING OFFICER: Right.
 8 She's -- but this is a -- this is a new
 9 document you wish --
 10 MR. FOFANA: This --
 11 -- THE HEARING OFFICER: to
 12 put -- put in?
 13 MR. FOFANA: -- yes, this is
 14 document -- this in response to -- he mentioned
 15 this letter.
 16 THE HEARING OFFICER: Right.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. So, I -- I want you to
 19 recall -- to recognize it.
 20 THE HEARING OFFICER: Okay.
 21 So, why don't we mark this as Respondent's
 22 Eight for I.D., and then you may ask the
 23 question --
 24 MR. FOFANA: Right.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: --
 3 witness some questions.
 4 MR. FOFANA: Okay.
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. So, do you recognize this
 7 letter?
 8 **A. I have not seen the letter**
 9 **yet.**
 10 MR. FOFANA: Oh, I'm sorry.
 11 MS. HEMANS-BRANTLEY: And Mr.
 12 Siegel, I --
 13 MR. FOFANA: We'll give you a
 14 copy.
 15 MS. HEMANS-BRANTLEY: -- just
 16 want to put another objection on the record,
 17 and I'm going to give Mr. Fofana the benefit of
 18 the doubt, because he's not an attorney.
 19 However, I had asked for reciprocal discovery
 20 in this case as well, and this is about the
 21 second or third document that Mr. Fofana has --
 22 has wanted to or opted to put in during this
 23 proceeding, of which I've never seen. And in
 24 going forward I would ask that any other

1 Wiltshire - Further Cross - Fofana
 2 documents that he intends to put into evidence,
 3 that I receive first so that I may review them.
 4 THE HEARING OFFICER: Mr.
 5 Fofana, you understand the request?
 6 MR. FOFANA: I understand. I
 7 will do that.
 8 THE HEARING OFFICER: Okay.
 9 All right.
 10 MR. FOFANA: I understand
 11 perfectly, and I will submit any document in
 12 advance. As a matter of fact, I will send them
 13 electronically to you and to her.
 14 THE HEARING OFFICER: All
 15 right. Well, actually you should not send them
 16 to me --
 17 MR. FOFANA: Uh-huh.
 18 THE HEARING OFFICER: --
 19 because until such time --
 20 MR. FOFANA: Oh.
 21 THE HEARING OFFICER: -- as
 22 you're prepared to enter them into evidence, I
 23 really have no business --
 24 MR. FOFANA: Need to see.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: --
 3 seeing them.
 4 MR. FOFANA: All right.
 5 THE HEARING OFFICER: But
 6 certainly I would anticipate that the parties
 7 can share their discovery with one another. In
 8 the event you have a dispute over the
 9 discovery, you can always bring that to me.
 10 MR. FOFANA: All right.
 11 THE HEARING OFFICER: Okay.
 12 MR. FOFANA: Uh-huh.
 13 THE HEARING OFFICER: All
 14 right. You may then ask the question of the --
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: -- or
 17 show the witness Respondent's Eight.
 18 MS. HEMANS-BRANTLEY: I'm
 19 going to object to this letter. This letter
 20 goes outside the scope of the Teacher's Choice
 21 check.
 22 MR. FOFANA: Objection.
 23 MS. HEMANS-BRANTLEY: It --
 24 it --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I'm objecting to
 3 the objection, because she is analyzing the
 4 letter and decide from the content, and I don't
 5 know if this is legal or not, but it makes no
 6 sense.
 7 THE HEARING OFFICER: Okay.
 8 Mr. Fofana, now you do have to give her the
 9 courtesy of allowing her to raise her objection
 10 first.
 11 So, Ms. Brantley, if you --
 12 MS. HEMANS-BRANTLEY: Uh-huh.
 13 THE HEARING OFFICER: --
 14 you -- you can continue, so I can understand
 15 your objection.
 16 MS. HEMANS-BRANTLEY: Yes.
 17 The objection is that Mr. Fofana's indicating
 18 that this is a response to the Teacher's Choice
 19 check. However, with regards to this
 20 particular document, the only issue with
 21 regards to the Teacher's Choice check are the
 22 first two paragraphs. The other paragraphs in
 23 this document go on to other subject that
 24 are -- are not in play, with regards to the

1 Wiltshire - Further Cross - Fofana
 2 specifications in which he's charged.
 3 So, if it's going to come in
 4 I would want the remainder, other than the
 5 first two paragraphs, redacted.
 6 THE HEARING OFFICER: Well,
 7 I'm not so sure, yet, that this letter is so
 8 easily redactable, insofar as certain items in
 9 it being not relevant to --
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: --
 12 the -- the ultimate -- you know, some of the
 13 ultimate issues in this case. So, I'm -- I'm
 14 not going to make that determination yet. I --
 15 let's -- let's have some questions asked of the
 16 witness first.
 17 MS. HEMANS-BRANTLEY: Uh-huh.
 18 MR. FOFANA: Okay. I don't
 19 have any copy now, but that's fine.
 20 THE HEARING OFFICER: Here.
 21 You can use mine.
 22 MR. FOFANA: Thank you.
 23 Okay.
 24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. Dr. Wiltshire, in 2002 --
 3 September 2002, you were in the job for one
 4 year; is that correct? In other words, you
 5 started working in 2001 and 2002, September,
 6 was your first year in the job; is that
 7 correct?
 8 **A. Yes.**
 9 Q. Why did the superintendent
 10 remove you from the school?
 11 **A. I don't know.**
 12 Q. Why did he fire you?
 13 **A. I don't know -- I was**
 14 **never --**
 15 **MS. HEMANS-BRANTLEY: I'm**
 16 **going to object.**
 17 **A. (Cont'g.) -- fired --.**
 18 **MS. HEMANS-BRANTLEY: What is**
 19 **the relevance of this?**
 20 MR. FOFANA: I'm -- I'm going
 21 to explain to you.
 22 **A. (Cont'g.) Why I was never**
 23 **fired.**
 24 **MS. HEMANS-BRANTLEY: I**

1 **Wiltshire - Further Cross - Fofana**
 2 **have -- I have an objection.**
 3 MR. FOFANA: Okay.
 4 THE HEARING OFFICER: There's
 5 an objection. There's an objection.
 6 MR. FOFANA: No. Removed.
 7 **A. (Cont'g.) I was never --.**
 8 **MS. HEMANS-BRANTLEY: I have**
 9 **an objection.**
 10 THE WITNESS: I'm sorry.
 11 THE HEARING OFFICER: There's
 12 an objection.
 13 MS. HEMANS-BRANTLEY: You're
 14 not --
 15 THE WITNESS: Yeah.
 16 MS. HEMANS-BRANTLEY: --
 17 supposed to speak.
 18 THE HEARING OFFICER: Okay.
 19 The basis?
 20 MS. HEMANS-BRANTLEY: The
 21 basis of it is -- is the relevance of it. He's
 22 indicated that he put in Respondent's Eight to
 23 address the Teacher's Choice check, and I'm not
 24 understanding the relevance of asking --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I -- I will tell
 3 you.
 4 MS. HEMANS-BRANTLEY: -- my
 5 witness this --
 6 MR. FOFANA: -- I will to
 7 tell you --
 8 MS. HEMANS-BRANTLEY: --
 9 question.
 10 MR. FOFANA: -- I will tell
 11 you exactly.
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. You were removed from the
 14 classroom -- the -- from the school, the same
 15 way --.
 16 MS. HEMANS-BRANTLEY:
 17 Objection. He's testifying. Is he going to
 18 ask --
 19 MR. FOFANA: No, no, but I
 20 have to --
 21 THE HEARING OFFICER: No, no,
 22 no, he's --
 23 MR. FOFANA: -- give some --
 24 THE HEARING OFFICER: -- he's

1 Wiltshire - Further Cross - Fofana
 2 explaining the -- his -- his -- his reason
 3 for --
 4 MR. FOFANA: Yeah,
 5 absolutely.
 6 THE HEARING OFFICER: -- this
 7 being relevant, so.
 8 MR. FOFANA: Right. Teachers
 9 are removed from classrooms, and sent to the
 10 rubber room. The principal is removed -- a
 11 teacher -- a principal has been removed from a
 12 school, sent probably to some high fashion
 13 rubber room. Now --
 14 MS. HEMANS-BRANTLEY:
 15 Objection to the --
 16 MR. FOFANA: I'm sorry. I
 17 take that back.
 18 MS. HEMANS-BRANTLEY: -- to
 19 the fact that --.
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. Now, my question is, as a
 22 reassigned principal, did you lose any, you
 23 know, benefits, or any rights in this
 24 situation?

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY:
 3 Objection.
 4 THE HEARING OFFICER: Okay.
 5 What -- what does that have to do with this
 6 case?
 7 MR. FOFANA: Well, because,
 8 you see, the Teacher's Choice is part of my
 9 benefits. It was -- it -- it was taken away --
 10 you know, he is trying to take that away,
 11 because I've been reassigned to -- to the
 12 rubber room.
 13 THE HEARING OFFICER: Right.
 14 MR. FOFANA: And so, I'm
 15 asking him pending, you know -- you know the
 16 resolution of the allegations made against me;
 17 right? So, I'm telling -- asking him when you
 18 are removed from the school did it -- pending
 19 the resolution of whatever happened, did you
 20 lose any benefits. So, the --.
 21 MS. HEMANS-BRANTLEY:
 22 Objection.
 23 THE HEARING OFFICER: Okay.
 24 I understand.

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Yeah.
 3 THE HEARING OFFICER: Ms.
 4 Brantley.
 5 MS. HEMANS-BRANTLEY:
 6 Objection. First of all, the characterization
 7 of Teacher's Choice check as a benefit is
 8 wrong, first of all.
 9 And second of all, the
 10 relevance of that question, when there's been
 11 no foundation to establish even asking that
 12 type of question.
 13 THE HEARING OFFICER: Mr.
 14 Fofana --
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: --
 17 in -- in -- in this case --
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: -- as I
 20 see that specification --
 21 MR. FOFANA: Uh-huh.
 22 THE HEARING OFFICER: --
 23 number one, the Department has to prove --
 24 MR. FOFANA: Uh-huh.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- that
 3 you did what they say you did.
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: Number
 6 two, the Department has to prove that other
 7 teachers --
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: -- were
 10 treated the same as you. In other words, if
 11 they are not in the building --
 12 MR. FOFANA: Uh-huh.
 13 THE HEARING OFFICER: -- they
 14 don't get the check, and that you knew --
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: -- that
 17 to be the case.
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: That's
 20 what relevant to me.
 21 MR. FOFANA: Uh-huh.
 22 THE HEARING OFFICER: How the
 23 principals get treated when they're in similar
 24 situations --

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Uh-huh.
 3 THE HEARING OFFICER: --
 4 actually has little bearing on the hearing
 5 officer.
 6 MR. FOFANA: Okay.
 7 THE HEARING OFFICER: It's
 8 more about how teachers get treated, and if you
 9 knew how teachers get treated.
 10 MR. FOFANA: Okay.
 11 THE HEARING OFFICER: So that
 12 you knew you did something wrong or didn't do
 13 something wrong, because you didn't know about
 14 the rule, if there is --
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: -- and
 17 that's just speculation on my part. I'm just
 18 explaining --
 19 MR. FOFANA: I understand.
 20 THE HEARING OFFICER: -- what
 21 would be --
 22 MR. FOFANA: I understand.
 23 THE HEARING OFFICER: --
 24 important.

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1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: Do you
 3 recognize Respondent's Nine?
 4 **A. I do not recognize this as my**
 5 **academic work, or any academic assignment that**
 6 **belonged to me.**
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. Okay. Dr. Wiltshire, if
 9 someone -- are you saying this was not given to
 10 you at the Teacher's College?
 11 **A. Yes.**
 12 Q. It was not?
 13 **A. No.**
 14 Q. Would you be able to produce
 15 a classmate who would testify and say that we
 16 never received such work? Would you be able to
 17 do that? Just to --
 18 MS. HEMANS-BRANTLEY:
 19 Objection. Irrelevant.
 20 MR. FOFANA: It is, because
 21 if you are asked -- you are accused that this
 22 was a class work in spring '94, you should be
 23 able very easily to bring in a classmate who
 24 will testify that no, we never received this.

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Thank you.
 3 BY MR. FOFANA: (Cont'g.)
 4 Q. Dr. Wiltshire, do you --?
 5 THE HEARING OFFICER: I'll
 6 take Respondent's One back, since you're not
 7 using it.
 8 MR. FOFANA: Yes, I'm sorry.
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. Do you recognize this
 11 document?
 12 THE HEARING OFFICER: So
 13 Respondent's Eight is I.D. only at this time.
 14 MS. HEMANS-BRANTLEY: Yes.
 15 MR. FOFANA: Uh-huh.
 16 THE HEARING OFFICER: Okay.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. This document is the academic
 19 work I did for you, but you deny it. I want
 20 you to -- I'm trying to refresh your memory --
 21 MS. HEMANS-BRANTLEY: And so,
 22 this is nine of Respondent?
 23 THE HEARING OFFICER: It's
 24 going to be -- yes, Respondent's Nine for I.D.

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1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY:
 3 Objection. The relevance of this testimony --
 4 MR. FOFANA: It -- it is --
 5 MS. HEMANS-BRANTLEY: -- to
 6 this proceeding.
 7 THE HEARING OFFICER: Mr.
 8 Fofana, yes, it's a part of your case, and
 9 you're obviously making an allegation that Dr.
 10 Wiltshire's not being truthful --
 11 MR. FOFANA: Uh-huh.
 12 THE HEARING OFFICER: --
 13 about this issue.
 14 MR. FOFANA: Uh-huh.
 15 THE HEARING OFFICER: But
 16 it's not up to Dr. Wiltshire to determine
 17 whether this is important for him to bring a
 18 witness here or not. That's really -- this is
 19 your theory of the case and that's up to you to
 20 do.
 21 MR. FOFANA: Yes.
 22 THE HEARING OFFICER: So, I'm
 23 not going to allow the question at this time.
 24 MR. FOFANA: Okay.

16 (Pages 706 to 709)

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: All
 3 right. So, Respondent's Nine for I.D. only --
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: -- I
 6 just want to be able to describe it. What are
 7 you -- what are you -- what is that?
 8 MR. FOFANA: This is academic
 9 work.
 10 THE HEARING OFFICER:
 11 Academic work. From who?
 12 MR. FOFANA: From Teacher's
 13 College.
 14 THE HEARING OFFICER: From
 15 Teacher's College.
 16 MR. FOFANA: Yes.
 17 THE HEARING OFFICER: Okay.
 18 MR. FOFANA: I -- I -- my
 19 claim is Dr. Wiltshire received it as a
 20 student, that this --.
 21 THE HEARING OFFICER: This is
 22 your -- this is academic work you worked on at
 23 Teacher's College?
 24 MR. FOFANA: Where it was --

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Right.
 3 Okay.
 4 MR. FOFANA: -- at Teacher's
 5 College. He brought this to me. That's what I
 6 said. With no header. Okay.
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. Dr. Wiltshire, is it fair to
 9 say that your -- the -- the -- your U rating,
 10 your two ratings, and Ms. Adonai's two ratings,
 11 are intended to show my incompetence?
 12 **A. No.**
 13 Q. No?
 14 **A. That's not the intent of a U**
 15 **rating.**
 16 Q. It doesn't prove my
 17 incompetence?
 18 **A. No.**
 19 Q. What does it prove?
 20 **A. It identifies areas in which**
 21 **you need support for.**
 22 Q. Uh-huh.
 23 **A. Or areas of weaknesses --**
 24 Q. Uh-huh.

1 Wiltshire - Further Cross - Fofana
 2 **A. -- in the two lessons that I**
 3 **observed.**
 4 Q. Okay. So, then, what's the
 5 relevance of that in the charges? In other
 6 words, what -- why -- why these observations
 7 have become charges? Why?
 8 **A. I don't know.**
 9 Q. You don't know?
 10 **A. Your -- your file was**
 11 **submitted to the attorneys. You -- I mean, you**
 12 **were observed, that you were rated, and you --**
 13 **I submitted your entire file. I did not**
 14 **determine, personally determine, what charges**
 15 **should be brought against you.**
 16 Q. Ah, that's very -- thank you.
 17 So, you're saying actually you did not -- you
 18 did not file any complaint about my
 19 incompetence? That's what you're saying?
 20 **A. No, I did not --**
 21 Q. You did not.
 22 **A. -- file the observations.**
 23 Q. So, is it fair to say that of
 24 these charges, you know, are not originated

1 Wiltshire - Further Cross - Fofana
 2 from the school? In other words --
 3 **A. No, it's not fair to say.**
 4 MR. FOFANA: Thank you.
 5 Thank you.
 6 Do you have -- I'm sorry,
 7 Miss, can you give me the letter -- the -- the
 8 documents I gave you the last time? You forgot
 9 to give me the copy.
 10 MS. HEMANS-BRANTLEY: I don't
 11 know.
 12 MR. FOFANA: The rosters --
 13 but -- but no, not now. Just once we --
 14 MS. HEMANS-BRANTLEY: When
 15 we --?
 16 MR. FOFANA: -- yeah.
 17 (Off-the-record discussion)
 18 THE HEARING OFFICER: We can
 19 go -- we can go over what documents are in the
 20 record.
 21 MS. HEMANS-BRANTLEY: Okay.
 22 Yeah, the -- I'm sorry, I -- I may have a copy,
 23 but I just don't --.
 24 THE HEARING OFFICER: I

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1 Wiltshire - Further Cross - Fofana
 2 assume those are -- those are like these
 3 documents, Respondent's --
 4 MR. FOFANA: Right. All
 5 these --
 6 THE HEARING OFFICER: --
 7 Respondent's Two?
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: All
 10 right. So --
 11 MS. HEMANS-BRANTLEY: Do you
 12 need them right now, or we can go off the
 13 record.
 14 MR. FOFANA: No, not now.
 15 It's just that I forgot, this is why. And --.
 16 THE HEARING OFFICER: I
 17 believe that would be Respondent's One through
 18 Four. I'll just set them aside and we can have
 19 them photocopied during a break.
 20 MR. FOFANA: Yeah.
 21 MS. HEMANS-BRANTLEY: No,
 22 I -- I have --
 23 THE HEARING OFFICER: Oh.
 24 MS. HEMANS-BRANTLEY: -- I

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1 Wiltshire - Further Cross - Fofana
 2 because you need a copy of that?
 3 THE HEARING OFFICER: Yes.
 4 MS. HEMANS-BRANTLEY: Okay.
 5 I do have a copy of that one.
 6 THE HEARING OFFICER: All
 7 right. So, this is going to be Respondent's
 8 Ten for I.D. at this point.
 9 MR. FOFANA: Thank you.
 10 MS. HEMANS-BRANTLEY: I guess
 11 we can -- do you recognize this?
 12 **A. Yes, I do, uh-huh.**
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. Okay. Do you remember I
 15 produced the superintendent's letter, my
 16 reassignment letter the last time? I don't
 17 remember. Do you remember?
 18 THE HEARING OFFICER: Do you
 19 remember that?
 20 **A. I remember it, yes.**
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. Right. And this -- there was
 23 no mention of A.T.R. in the reassignment
 24 letter, you remember that?

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1 Wiltshire - Further Cross - Fofana
 2 don't know, I just can't locate them right now.
 3 MR. FOFANA: Right.
 4 MS. HEMANS-BRANTLEY: I do
 5 remember having them.
 6 MR. FOFANA: Yeah.
 7 MS. HEMANS-BRANTLEY: I
 8 apologize that I didn't return them to you.
 9 MR. FOFANA: No, no. I will
 10 sort them out. I have only one copy of this
 11 one, but --
 12 MS. HEMANS-BRANTLEY: I may
 13 have it.
 14 MR. FOFANA: Yeah, this is
 15 about a letter Dr. Wiltshire gave me. It's not
 16 contentious -- contentious, I'm sorry. It's
 17 just saying you cannot come back, because --
 18 MS. HEMANS-BRANTLEY: Okay.
 19 MR. FOFANA: -- I fill up my
 20 vacancies, so --.
 21 MS. HEMANS-BRANTLEY: One
 22 moment. I may have --
 23 MR. FOFANA: Uh-huh.
 24 MS. HEMANS-BRANTLEY: --

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1 Wiltshire - Further Cross - Fofana
 2 **A. Yes.**
 3 Q. The notion that I was an
 4 A.T.R. was not -- it was not put in -- in
 5 writing anywhere. In other words, there's no
 6 document indicating that Fofana has been
 7 reassigned to your school as an A.T.R., you
 8 don't have such documents; do you?
 9 **A. In conversations --**
 10 Q. Yeah.
 11 **A. -- I don't recall if I was**
 12 **given a document, but I --**
 13 Q. All right.
 14 **A. -- physically --**
 15 Q. No, well, that's --
 16 **A. -- talked to the**
 17 **superintendent.**
 18 Q. -- we agree -- we agree, you
 19 don't have any document.
 20 Now, you -- in the second
 21 part of that, you say that it was my
 22 responsibility to apply, right, to apply for a
 23 position in a sense, apply, we examine your
 24 application, and the panel, the recruitment

18 (Pages 714 to 717)

1 Wiltshire - Further Cross - Fofana
 2 panel, will determine whether to accept you or
 3 not; is that correct?
 4 **A. That is correct.**
 5 Q. Okay. Now, so there are two
 6 issue if I'm not mistaken. Number one, you
 7 already fill up the positions, correct?
 8 **A. Incorrect.**
 9 Q. Ah, you -- you -- you did
 10 have position in June?
 11 **A. We anticipated position in**
 12 **June, so we advertised for anticipated**
 13 **vacancies. We always do, as a standard --.**
 14 Q. That -- that -- that's fine.
 15 That's fine. Now, so that was in the school
 16 year, September 2002 through June 2003, when I
 17 was at the school. In other words --
 18 **A. No, no, you were not at the**
 19 **school --**
 20 Q. No --.
 21 **A. -- those dates are not**
 22 **correct.**
 23 Q. Well, I think you -- you
 24 didn't understand me, because it's -- it's

1 Wiltshire - Further Cross - Fofana
 2 absolutely right, because I was in -- in -- in
 3 the school in March 2003 --
 4 **A. Right.**
 5 Q. -- through June?
 6 **A. Right.**
 7 Q. All right.
 8 **A. Yes.**
 9 Q. And that is the school year,
 10 2002-2003?
 11 **A. That's half of a semester.**
 12 Q. All right. That's what I'm
 13 saying. And 2000 -- from September 2003 to
 14 June 2004, that is the new school year?
 15 **A. Yes.**
 16 Q. Okay. Do you recognize the
 17 math department in 2002-2003 and 2003-2004?
 18 THE HEARING OFFICER: Before
 19 we even go there, are you -- you going to offer
 20 Respondent's Ten into evidence?
 21 MR. FOFANA: Yes. Yes,
 22 please.
 23 THE HEARING OFFICER: All
 24 right. So, any objection there?

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: No.
 3 THE HEARING OFFICER: All
 4 right. So, R-Ten is in evidence. That's a
 5 June 23, 2003 letter from Dr. Wiltshire to Mr.
 6 Fofana.
 7 MS. HEMANS-BRANTLEY: Uh-huh.
 8 MR. FOFANA: So, this is the
 9 math department faculty in two school years
 10 when I was at school and the following. I
 11 would like him -- Dr. Wiltshire, particularly
 12 to confirm first of all --
 13 MS. HEMANS-BRANTLEY: Oh.
 14 MR. FOFANA: -- yes, math
 15 department faculty.
 16 MS. HEMANS-BRANTLEY: What --
 17 what is -- what is this? This is --
 18 MR. FOFANA: Oh, I -- I'm
 19 sorry.
 20 MS. HEMANS-BRANTLEY: Eleven?
 21 THE HEARING OFFICER: This
 22 would be Respondent's Eleven.
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: Yes.

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: First,
 3 do you recognize --?
 4 **A. I -- it says Jamaican**
 5 **teachers in green. I do not recognize**
 6 **teacher's nationality and --**
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. Well -- no, no, no. Sir --
 9 **A. -- that sort of -- that's not**
 10 **my --.**
 11 Q. -- that's not the point. I'm
 12 just asking you the list of student -- the --
 13 the --.
 14 MS. HEMANS-BRANTLEY: Does he
 15 recognize the document?
 16 MR. FOFANA: This list -- the
 17 list of teachers. This is not --.
 18 THE HEARING OFFICER: Wait.
 19 Mr. Fofana, the way this is supposed to work
 20 when you're presenting a document is, this
 21 witness can only speak to it if he's actually
 22 familiar with the document.
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: You

1 Wiltshire - Further Cross - Fofana
 2 know, otherwise it's not something he can
 3 really speak to.
 4 MR. FOFANA: This is not the
 5 document, a formal document. I just put the
 6 list --
 7 THE HEARING OFFICER: You
 8 created this document?
 9 MR. FOFANA: -- from the
 10 school records. So, I just want -- I would
 11 like him to identify the teachers, that's all.
 12 These are teachers --
 13 MS. HEMANS-BRANTLEY: I
 14 object.
 15 MR. FOFANA: -- at the
 16 school.
 17 MS. HEMANS-BRANTLEY: If he
 18 doesn't -- if he didn't create the document, if
 19 he's not familiar with it, then he can't --
 20 THE HEARING OFFICER: Yeah.
 21 MS. HEMANS-BRANTLEY: --
 22 address it.
 23 THE HEARING OFFICER: You
 24 know, you -- you can get at this in another way

1 Wiltshire - Further Cross - Fofana
 2 by asking him, on the list, if he remembers if
 3 these teachers were there in those particular
 4 years.
 5 MR. FOFANA: Yeah. Well,
 6 that's my question.
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. Now, you know, is it --
 9 actually, it's just -- I want to ask you, do
 10 you know Mr. Rary (phonetic spelling).
 11 **A. Mr. who?**
 12 Q. Rary, math department?
 13 **A. Yes.**
 14 Q. Do you know Mr. Dubling
 15 (phonetic spelling)?
 16 **A. Yes.**
 17 Q. Do you know Mr. Chang
 18 (phonetic spelling)?
 19 **A. Yes.**
 20 Q. Mr. Arjay (phonetic
 21 spelling)?
 22 **A. Yes.**
 23 Q. And Dr. Johnson?
 24 **A. Yes.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Ms. Luftin (phonetic
 3 spelling)
 4 **A. Yes.**
 5 Q. Ms. Callou (phonetic
 6 spelling)?
 7 **A. Yes.**
 8 Q. Mr. Husbands?
 9 **A. Yes.**
 10 Q. Dr. Little (phonetic
 11 spelling)?
 12 These people were teachers in
 13 2003-2004?
 14 **A. Are you asking?**
 15 Q. I'm asking you; is that
 16 correct?
 17 **A. I don't know. I would have**
 18 **to check.**
 19 Q. You'd have to check?
 20 **A. I -- I -- I -- yes, I don't**
 21 **know.**
 22 Q. Okay. Now, did -- do -- you
 23 do recognize that Mr. Rary, Dubling, Husbands
 24 and Dr. Little, do you know that they are

1 Wiltshire - Further Cross - Fofana
 2 Jamaican like you?
 3 **A. No --**
 4 **MS. HEMANS-BRANTLEY:**
 5 **Objection.**
 6 **A. (Cont'g.) -- I don't.**
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. You don't know?
 9 MS. HEMANS-BRANTLEY:
 10 Objection, irrelevant.
 11 THE HEARING OFFICER:
 12 Relevance, Mr. Fofana?
 13 MR. FOFANA: Well, the
 14 relevance is this: Dr. Wiltshire removed these
 15 teachers and replaced them by Jamaicans in the
 16 department. That's absolutely relevant,
 17 because it -- it show that -- that -- the bias
 18 in the panel recruitment. He dominates it.
 19 THE HEARING OFFICER: I'll --
 20 I'll -- I'll allow you to ask the question.
 21 MS. HEMANS-BRANTLEY: Well, I
 22 object. There's been no foundation that that's
 23 even the case.
 24 MR. FOFANA: Well, it's --

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Well,
 3 he -- he --
 4 MR. FOFANA: -- the --.
 5 THE HEARING OFFICER: -- I'm
 6 not suggesting that I'm taking it as truth.
 7 I'm allowing him to pursue the question.
 8 THE WITNESS: You want me to
 9 answer?
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. Well, my question is, first
 12 of all, you don't know that these gentlemen are
 13 Jamaican?
 14 **A. They are not.**
 15 Q. Not?
 16 **A. None of them are, so you --**
 17 **you are imagining it.**
 18 Q. All right. So, if you say
 19 not all of them, can you tell me which one?
 20 **A. No, because I --**
 21 Q. Because you -- you -- if you
 22 dispute my assertion, go all the way and tell
 23 us which one is not.
 24 MS. HEMANS-BRANTLEY: I

1 Wiltshire - Further Cross - Fofana
 2 object. I don't -- I don't see the relevance
 3 of this to the specifications.
 4 MR. FOFANA: I will tell
 5 you -- I will tell you --.
 6 THE HEARING OFFICER: Well,
 7 I'm going to give him a little latitude, so --.
 8 MR. FOFANA: All right.
 9 Because, just a clarification, Mr. Siegel, this
 10 is about this teacher has been removed from the
 11 classrooms on the grounds that he, you know,
 12 for -- on -- in a character thing. It's about
 13 behaving in a improper manner, unbecoming, you
 14 know, conduct.
 15 Now, if the accuser made the
 16 same -- had the same, you know, something
 17 similar, it's ridiculous to point to them.
 18 THE HEARING OFFICER: That
 19 may be, but now you're asking other -- that's a
 20 different point.
 21 MR. FOFANA: Okay. All
 22 right.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. Well, can you identify,

1 Wiltshire - Further Cross - Fofana
 2 because you say that not all of them are
 3 Jamaican, I'm asking you which one are -- is
 4 really Jamaican? Which one?
 5 **A. What I'm saying, not all of**
 6 **those -- I'm sure not all of those teachers are**
 7 **Jamaican.**
 8 Q. Well, precisely, because
 9 you're speaking from -- from facts, can you
 10 tell me which one?
 11 **A. No.**
 12 Q. No?
 13 **A. No.**
 14 Q. Why not? Do you know and you
 15 don't -- you don't want to answer?
 16 **A. You should know -- you should**
 17 **know.**
 18 Q. Sir, you --
 19 **A. Why should I -- you -- I do**
 20 **not question teachers when we hire --**
 21 Q. Not -- not --
 22 **A. -- hold it. Let me answer --**
 23 Q. -- you've got -- no.
 24 THE HEARING OFFICER: Let him

1 Wiltshire - Further Cross - Fofana
 2 answer the question.
 3 **A. Teacher's nationality are not**
 4 **a factor in hiring, and I do not go around**
 5 **questioning teachers about their nationality.**
 6 MR. FOFANA: Well, he does,
 7 because these are Jamaicans and they were
 8 recruited and --
 9 THE HEARING OFFICER: Mr.
 10 Fofana, you've got to stick --
 11 MS. HEMANS-BRANTLEY: Object.
 12 THE HEARING OFFICER: -- with
 13 the questions.
 14 MR. FOFANA: -- all right.
 15 THE HEARING OFFICER: I'm
 16 going to -- I'm going to give you back
 17 Respondent's Eleven for I.D., since that's not
 18 going to get into evidence through this
 19 witness.
 20 MR. FOFANA: Yes. Yeah.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. Now, we're still in the --
 23 the same area. When I came on March 17, 2003,
 24 you say that you had no positions; is that

1 Wiltshire - Further Cross - Fofana
 2 correct?
 3 **A. Absolutely, there were no**
 4 **vacancies.**
 5 Q. There was no vacancy. I
 6 would like you to take a look at the math
 7 department tentative schedule, when I came in
 8 March, as you can see, spring 2003, it's the
 9 math department thing. I would like you to
 10 take a look at it.
 11 MS. HEMANS-BRANTLEY: Do you
 12 recognize R -- R-Twelve?
 13 **A. What's -- what's the**
 14 **question?**
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Well --
 17 MS. HEMANS-BRANTLEY: Do you
 18 recognize --
 19 BY MR. FOFANA: (Cont'g.)
 20 Q. -- this is -- these are our
 21 tentative schedule --
 22 **A. No, I --**
 23 Q. -- for 2003, is this --?
 24 **A. I do not recognize this**

1 **Wiltshire - Further Cross - Fofana**
 2 **schedule, and there's no way I could go back to**
 3 **five years ago to recognizing a math schedule.**
 4 Q. Well, you know, reasonably I
 5 can --.
 6 THE HEARING OFFICER: Mr.
 7 Fofana, you know, I -- I -- I'm -- I'm
 8 obviously giving you, I think, a lot of
 9 latitude to pursue --
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: --
 12 whatever questions you want, but as -- as I
 13 continue to look at this --
 14 MR. FOFANA: Uh-huh.
 15 THE HEARING OFFICER: -- I
 16 see spring 2003, and the charges involve --
 17 MR. FOFANA: Uh-huh.
 18 THE HEARING OFFICER: --
 19 times much later than that.
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: And I
 22 do think that we'd be better served --
 23 MR. FOFANA: Right.
 24 THE HEARING OFFICER: -- by

1 Wiltshire - Further Cross - Fofana
 2 you spending time focusing on questions you
 3 have for the witness --
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: -- that
 6 are in -- in and around the time of the
 7 charges --
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: -- as
 10 opposed to a year and a half before the first
 11 charge occurred.
 12 MR. FOFANA: Yes. I
 13 understand. This is -- I understand perfectly
 14 what you're saying, sir. This -- but this is
 15 the foundation. This is to pave the way --
 16 THE HEARING OFFICER: Uh-huh.
 17 MR. FOFANA: -- for those
 18 questions, because what happened in 2004 didn't
 19 happen out of -- in a -- in vacuum.
 20 THE HEARING OFFICER: I see.
 21 So --
 22 MR. FOFANA: So, it was
 23 intended to prepare, to pave the way, for those
 24 questions.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: --
 3 okay. I'll -- I'll give you a little more
 4 latitude on that. But if this witness can't
 5 identify this, he's not going to be able to put
 6 the document in through -- through that, so --
 7 MS. HEMANS-BRANTLEY: So, I
 8 think you should first establish if you -- if
 9 the witness recognizes Respondent's Twelve for
 10 identification.
 11 THE HEARING OFFICER: Right.
 12 **A. No, I do not recognize the**
 13 **document.**
 14 MR. FOFANA: Okay. That's
 15 fine.
 16 THE HEARING OFFICER: That's
 17 tentative schedule, spring 2003, and that's
 18 going to be I.D. only as well.
 19 MR. FOFANA: Uh-huh. Mr.
 20 Siegel, you just asked me why I did not go to
 21 questions related to --.
 22 THE HEARING OFFICER: Well, I
 23 didn't ask you why, I just said that those
 24 are --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Oh, yes.
 3 THE HEARING OFFICER: --
 4 that's what's most relevant.
 5 MR. FOFANA: Right. But
 6 they -- I would like to just -- the rationale
 7 for -- for this is --
 8 MS. HEMANS-BRANTLEY: Yeah,
 9 but then --
 10 THE HEARING OFFICER: I --
 11 I've already -- I already -- I'm giving -- I'm
 12 giving you more latitude to go --
 13 MR. FOFANA: Oh.
 14 THE HEARING OFFICER: -- with
 15 some of those questions.
 16 MR. FOFANA: Uh-huh.
 17 THE HEARING OFFICER: So, you
 18 need not explain.
 19 MR. FOFANA: Okay.
 20 THE HEARING OFFICER: You
 21 just -- you can ask some questions.
 22 MR. FOFANA: All right.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. Dr. Wiltshire, can you tell

1 Wiltshire - Further Cross - Fofana
 2 us why, in summer 2003, when I came for -- to
 3 teach math in Middle College High School, why
 4 you refused to give me a program? And I was --
 5 I was -- I stay in the teacher's lounge for one
 6 week, I refused to leave, because I was just
 7 assigned by the superintendent. Why you
 8 refused?
 9 **A. Summer school is based on**
 10 **student population.**
 11 Q. Uh-huh.
 12 **A. And I'm sure at the time we**
 13 **did not have -- sufficient students for you to**
 14 **have a program. When we had enough students**
 15 **for you to get a program, you were given a**
 16 **program.**
 17 Q. I see. So, you're saying, if
 18 I understand, you denied me a program at the
 19 time, because there was -- there was no need
 20 for math teacher; is that correct?
 21 **A. I'm not saying -- well,**
 22 **normally -- I can't give a yes or no question**
 23 **(sic).**
 24 Q. All right. Go ahead.

1 Wiltshire - Further Cross - Fofana
 2 **A. Okay. They -- at the time**
 3 **that you're referring to --**
 4 Q. Uh-huh.
 5 **A. -- there were four different**
 6 **schools in summer school.**
 7 Q. Uh-huh.
 8 **A. There were also, I think,**
 9 **three or four different principals --**
 10 Q. No.
 11 **A. -- okay?**
 12 **So, we were all -- so the --**
 13 **the -- each -- the decision as to the**
 14 **programming, that was determined by -- also the**
 15 **assistant principal, who was directly in charge**
 16 **of programming and so forth in the summer**
 17 **school.**
 18 Q. All right. Now, let me ask
 19 you, the many math teachers reported at a time,
 20 what was the criteria for you, as to pick me
 21 and say you don't give me any program?
 22 **A. I didn't go around picking**
 23 **teachers. That's not -- that's not how it**
 24 **works.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. No, no, no. I'm asking you
 3 among teachers, math teachers, how -- how do
 4 you --
 5 **A. You were not --**
 6 Q. -- let me -- let me finish my
 7 question.
 8 **A. Sorry.**
 9 Q. How did you reach, you know,
 10 this determination? Mr. Fofana shouldn't be
 11 given a program. How did you make -- what was
 12 the decision -- the decision-making process?
 13 Because you have many teachers, many math
 14 teachers. How you reach this decision?
 15 **A. Yes, the -- we -- we reached**
 16 **that decision based on what the -- the -- it**
 17 **could be seniority. It could also be whom we**
 18 **think would be most appropriate, or who could**
 19 **serve the interests of our students the best.**
 20 Q. And is there any bylaw, you
 21 know the school by -- by the D.O.E., you can
 22 refer to?
 23 **A. Summer school is based on --**
 24 **at that time I think it was based on seniority.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. All right. Let me ask you,
 3 what about having a license, in other words,
 4 people who have license as opposed to those who
 5 don't have license, is that a criterion?
 6 **A. For --?**
 7 Q. In other words, if you have
 8 some teachers who have license, and you have
 9 others don't have a license, is that a criteria
 10 in the --
 11 **A. That would not be possible**
 12 **for -- a teacher who's not licensed to be --**
 13 Q. Uh-huh.
 14 **A. -- even in the school.**
 15 Q. Okay. Well --
 16 **A. They would have to have some**
 17 **sort --**
 18 Q. Thank you.
 19 **A. -- of license.**
 20 Q. Let me ask you, Mr. Cornett,
 21 Leonard Cornett, did Mr. Cornett, didn't have a
 22 bachelor's in math by the way; did he have his
 23 license?
 24 **A. I think that is a question**

1 **Wiltshire - Further Cross - Fofana**
 2 **you'd have to direct to the superintendent at**
 3 **that time. He was -- they were responsible for**
 4 **sending teachers to the school --.**
 5 Q. All right. Thank you very
 6 much. All right. So, now we're going around,
 7 because since the superintendent sent me, it
 8 was for the superintendent to make the
 9 decision?
 10 **A. No, that's different. That's**
 11 **two different things. When you -- when you**
 12 **establish a vacancy, the teacher must go**
 13 **through the superintendency to determine if**
 14 **certification and appoint --**
 15 Q. No, no, no, no. I have to
 16 stop you.
 17 **A. -- that school.**
 18 Q. No, no. We're not talk about
 19 the same thing. Let me go back and -- you
 20 know -- you know, I have to go back.
 21 Do you know that -- how
 22 teachers apply for summer school? Is it
 23 through an on-line application process or not?
 24 Do they use an on-line process for -- you know.

1 Wiltshire - Further Cross - Fofana
 2 **A. That is one -- that is one**
 3 **way in which you can apply for summer school.**
 4 Q. Okay. Now, if I tell you
 5 that I applied and I was accepted, and do you
 6 agree that the -- the superintendent has made
 7 the determination, based on my license and my
 8 seniority, and -- before picking me; is that
 9 correct?
 10 MS. HEMANS-BRANTLEY:
 11 Objection, the relevance of this --
 12 MR. FOFANA: Well, it is.
 13 MS. HEMANS-BRANTLEY: -- to
 14 the specifications?
 15 MR. FOFANA: Well, no, no,
 16 no. The bottom line is Mr. Siegel, Dr.
 17 Wiltshire refused to give me a program, and he
 18 gave it to someone who is not certified at all.
 19 THE HEARING OFFICER: Well --
 20 MR. FOFANA: And that is --.
 21 THE HEARING OFFICER: --
 22 well, we're not -- we don't know that. You --
 23 you're presenting that, and you're trying to
 24 put that evidence in.

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Uh-huh.
 3 THE HEARING OFFICER: Why
 4 don't you ask the question? Let's try and move
 5 through this, if we can.
 6 MR. FOFANA: Okay. Well,
 7 actually, let's -- let's -- that's not really,
 8 you know.
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. So, if I understand you said
 11 that you denied me a program because --
 12 **A. You were not denied a --.**
 13 Q. -- no, no, no, no, no, no.
 14 Let me -- let me finish my question. I'm not
 15 finished.
 16 At the moment, do you --
 17 okay. Do you recall how you denied in the
 18 first place? Do you recall going to Ms.
 19 Rivera, the payroll secretary and telling her
 20 that she shouldn't give me a time card; do you
 21 remember that?
 22 **A. No.**
 23 **MS. HEMANS-BRANTLEY:**
 24 **Objection, relevance.**

1 **Wiltshire - Further Cross - Fofana**
 2 MR. FOFANA: Well, we're
 3 talking about --.
 4 THE HEARING OFFICER: Well,
 5 I'm letting him pursue this area, so I'm going
 6 to allow the question.
 7 MR. FOFANA: Yes.
 8 THE HEARING OFFICER: Do you
 9 remember that or not?
 10 **A. No, I -- I would not. That's**
 11 **not --.**
 12 THE HEARING OFFICER: Next
 13 question.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Okay. Now, let's go to the
 16 point here. Do you recognize this? This is
 17 the --
 18 MS. HEMANS-BRANTLEY: What
 19 would this be, R-Twelve?
 20 THE HEARING OFFICER:
 21 R-Thirteen. This will be Thirteen.
 22 BY MR. FOFANA: (Cont'g.)
 23 Q. -- faculty in summer -- in
 24 the seven of July.

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: Do you
 3 recognize this?
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. Summer. This is straight
 6 from the school administration.
 7 **A. It would be impossible for me**
 8 **to remember --.**
 9 Q. Well, I mean, that's the --
 10 MS. HEMANS-BRANTLEY: Does --
 11 do you recognize the document?
 12 **A. I -- no, I do not recognize**
 13 **this document.**
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. You don't -- you don't
 16 recognize this document produced by the school,
 17 the summer school?
 18 **A. It looks like a document that**
 19 **are produced, but in terms of the content of**
 20 **the document, the programming and so forth, I**
 21 **do not.**
 22 Q. You don't remember that?
 23 Okay.
 24 MR. FOFANA: I think this is

1 Wiltshire - Further Cross - Fofana
 2 a question that will be discussed in my
 3 testimony, because there is so --.
 4 THE HEARING OFFICER: All
 5 right. So, I just want to note for the record
 6 Respondent's Thirteen for I.D. only is a
 7 teacher list for the summer 2003 faculty at
 8 Middle College Summer High School.
 9 MR. FOFANA: Yeah.
 10 THE HEARING OFFICER: I'll
 11 give that back to you.
 12 MR. FOFANA: Uh-huh.
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. You do remember, sir, that
 15 for one week I didn't have a program, I was
 16 just, you know, coming in and out, clocking in,
 17 clocking out, without teaching, and getting
 18 paid; yes or no?
 19 **A. Let -- let me -- let me --**
 20 **that's not a yes-or-no question because --**
 21 Q. Oh, well --
 22 **A. -- for summer -- for summer**
 23 **school in the --**
 24 Q. -- sir.

1 Wiltshire - Further Cross - Fofana
 2 **A. No, no, no. I'm sorry. I --**
 3 **I cannot --**
 4 **THE HEARING OFFICER: No,**
 5 **don't -- wait.**
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. I can ask yes or no. For one
 8 week --
 9 THE HEARING OFFICER: Mr. --
 10 Mr. -- Mr. --
 11 THE REPORTER: One at a time,
 12 please.
 13 THE HEARING OFFICER: -- Mr.
 14 Fofana, you're -- you're allowed to ask a
 15 yes-or-no question. However --
 16 MR. FOFANA: Uh-huh.
 17 THE HEARING OFFICER: -- if
 18 the witness says he cannot answer it that way,
 19 he either will give no answer, or he's going
 20 to -- or you can -- and if he says he can't
 21 answer it that way, then you can make a
 22 decision. Do you wish for him to answer the
 23 question, or -- or would you like to ask a new
 24 question?

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I will rephrase
 3 the question.
 4 THE HEARING OFFICER: Okay.
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. Do you recall for one week I
 7 did not teach?
 8 **A. No, I do not recall.**
 9 Q. You don't recall? Okay.
 10 So, for -- you don't recall
 11 that for one week I was not teaching, I was
 12 sitting in the teacher's lounge. Okay. You
 13 don't recall that?
 14 **A. No.**
 15 Q. You did -- you -- you do
 16 recall recruiting substitute teachers, math
 17 substitute teachers, during -- you know, at the
 18 beginning of the school, this session, at the
 19 beginning of the session?
 20 **A. What session?**
 21 **THE HEARING OFFICER: The**
 22 **summer 2003 session?**
 23 MR. FOFANA: Yes.
 24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. Do you recall recruiting --
 3 **A. The premise of your question**
 4 **is wrong.**
 5 Q. -- the question is did
 6 you --?
 7 **A. I do not recruit teachers for**
 8 **summer school. I personally do not go out and**
 9 **recruit teachers, so the premise of your**
 10 **question is incorrect.**
 11 Q. Well -- well, if you have,
 12 you know, a substitute teaching, he -- he
 13 didn't just walk in and start teaching. The --
 14 the -- the leaders of the school had to recruit
 15 him. So, Monperose -- Mr. Monperose, do you
 16 recall Mr. Monperose, this math -- this
 17 substitute teacher who taught math in summer
 18 session? You -- you didn't have --.
 19 **A. I -- I don't think you know**
 20 **how summer school operates and that is --**
 21 Q. No, no, no.
 22 THE HEARING OFFICER: So, why
 23 don't you --
 24 MR. FOFANA: That's --

1 Wiltshire - Further Cross - Fofana
 2 that's --
 3 THE HEARING OFFICER: --
 4 answer the question?
 5 **A. I can't -- I can't answer**
 6 **that, no, because I do not make every personnel**
 7 **decision during summer school.**
 8 **MR. FOFANA: No.**
 9 THE HEARING OFFICER: Right.
 10 So -- so -- your answer --
 11 THE WITNESS: So, I --.
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. But you do recall --
 14 THE HEARING OFFICER: -- is
 15 you don't remember this individual?
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. -- Mr. Monperose.
 18 **A. No, I don't remember.**
 19 Q. All right. Just -- just --
 20 **A. No.**
 21 Q. -- just say so.
 22 **A. No.**
 23 Q. I don't need any --
 24 **A. There is a summer school**

1 **Wiltshire - Further Cross - Fofana**
 2 **staff.**
 3 **MS. HEMANS-BRANTLEY: Don't**
 4 **answer questions that aren't asked.**
 5 THE HEARING OFFICER: Yeah,
 6 you don't -- you need not get into that, Dr.
 7 Wiltshire.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. You don't -- you don't
 10 remember Mr. Monperose. And Mr. Monperose
 11 happened to be --.
 12 MS. HEMANS-BRANTLEY:
 13 Objection.
 14 THE HEARING OFFICER: No,
 15 you're --
 16 MS. HEMANS-BRANTLEY: He's
 17 testifying.
 18 THE HEARING OFFICER: -- Mr.
 19 Fofana, you're --
 20 MR. FOFANA: Okay.
 21 THE HEARING OFFICER: --
 22 you're --
 23 MR. FOFANA: I think --
 24 THE HEARING OFFICER: --

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1 Wiltshire - Further Cross - Fofana
 2 you're questioning.
 3 MR. FOFANA: I -- okay.
 4 MS. HEMANS-BRANTLEY: Can you
 5 just spell that name for the record, Monperose?
 6 MR. FOFANA: Monperose.
 7 MS. HEMANS-BRANTLEY: Uh-huh.
 8 MR. FOFANA: M-O-N- --
 9 M-O-N-P-E-R-O-S-E, Monperose.
 10 MS. HEMANS-BRANTLEY: Okay.
 11 Thank you.
 12 MR. FOFANA: That may have,
 13 you know, some little spelling problem. Okay.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Now, I'm going to conclude
 16 quickly this summer thing. Do you recall in
 17 summer session you gave me the U rating for the
 18 whole session? In -- in other words --?
 19 **A. You would get a U rating,**
 20 **because you --.**
 21 Q. No, no, no, no, no. I asked
 22 you a simple question, did you give me a U
 23 rating or not?
 24 **A. I don't know if I gave you a**

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1 Wiltshire - Further Cross - Fofana
 2 Q. You don't -- you don't
 3 remember giving a teacher a U rating for the
 4 whole semester?
 5 **A. The -- the summer school,**
 6 **there were not -- there were more than one**
 7 **principal in summer school.**
 8 Q. No, I'm not talking about --
 9 I'm talking about this principal. All right.
 10 Well, let's --
 11 **A. I'm not the rating principal.**
 12 Q. Well, that's fine. I will
 13 produce in -- in due time. Let's move on. I
 14 will prove it later.
 15 Okay. You don't recall
 16 either that Ms. Adonai gave me a U rating after
 17 observing my lesson; you don't remember that
 18 either, yes or no?
 19 **A. I --**
 20 Q. Do you remember --?
 21 MS. HEMANS-BRANTLEY: Which
 22 lesson, I'm sorry?
 23 MR. FOFANA: In summer, Ms.
 24 Adonai observed me and she gave me a U rating.

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1 **Wiltshire - Further Cross - Fofana**
 2 **U rating --**
 3 Q. For the whole session, or
 4 not?
 5 **A. -- I cannot honestly say yes**
 6 **or no. I would have to answer with some**
 7 **clarification.**
 8 MR. FOFANA: Mr. Siegel, I
 9 was moving, but this is clearly very
 10 disingenuous, because it's a yes-or-no
 11 question.
 12 **A. No, it's -- it --.**
 13 MR. FOFANA: The whole
 14 session was, you know --
 15 THE HEARING OFFICER:
 16 Unless -- well, I -- I can't say, because I
 17 don't know what his answer is. I'm not a
 18 principal, but he may -- maybe he doesn't
 19 remember. Then it's --
 20 MR. FOFANA: If he doesn't
 21 remember --.
 22 THE HEARING OFFICER: -- not
 23 a yes-or-no answer.
 24 BY MR. FOFANA: (Cont'g.)

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1 Wiltshire - Further Cross - Fofana
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. I'm asking you,
 4 straightforward, yes or no, do you remember Ms.
 5 Adonai giving me a U rating in the session?
 6 **A. I don't know what rating she**
 7 **gave you when she observed you.**
 8 Q. All right. That's -- that's
 9 all I need.
 10 Now, I'm going to ask you
 11 this question. From March 2003 through summer,
 12 we had some interaction, remember, because I
 13 was teaching your statistics, et cetera. So,
 14 overall, how would you characterize my
 15 performance?
 16 **A. I -- I -- I can't. You --**
 17 **you never had a program. You were basically**
 18 **covering classes when the teachers were -- were**
 19 **not -- were not there. So, I never had an**
 20 **opportunity to really observe you teaching a**
 21 **complete lesson during that time.**
 22 Q. So, you're saying that in
 23 spring of -- my work was not -- you were not in
 24 position to make any determination --

27 (Pages 750 to 753)

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1 Wiltshire - Further Cross - Fofana
 2 **A. No.**
 3 Q. -- as to -- and summer you
 4 don't know either?
 5 **A. I can respond to summer if**
 6 **you'll allow me to respond.**
 7 Q. I will -- okay. Yes.
 8 **A. Summer, number one, when a**
 9 **teacher is removed from the school --**
 10 Q. Uh-huh.
 11 **A. -- the teacher is**
 12 **automatically rated U.**
 13 Q. Uh-huh.
 14 **A. You were removed during the**
 15 **summer --**
 16 Q. Uh-huh.
 17 **A. -- for improper conduct --**
 18 Q. Uh-huh.
 19 **A. -- and that was the basis on**
 20 **which you were U rated.**
 21 Q. Okay.
 22 **A. Also, if I may go?**
 23 Q. Uh-huh.
 24 **A. There was --**

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1 Wiltshire - Further Cross - Fofana
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. Can -- can you tell me why I
 4 was removed from the classroom in the summer?
 5 What was the -- the -- the reason?
 6 **A. I was not there --**
 7 Q. Uh-huh.
 8 **A. -- so I can only tell you,**
 9 **based on the information that I received from**
 10 **the principal who removed you at that time.**
 11 Q. Okay.
 12 **A. Are you --**
 13 Q. Just -- what -- what --?
 14 **A. -- going to allow me to**
 15 **finish?**
 16 Q. -- wait, no. This isn't a
 17 speech. You already -- what you said is
 18 sufficient for me.
 19 I'm asking you now, what
 20 information you received? Do you recognize
 21 this letter?
 22 THE HEARING OFFICER: Well,
 23 no, you asked him what information he received
 24 first, before you show him --.

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1 **Wiltshire - Further Cross - Fofana**
 2 Q. I will -- I will --
 3 **A. -- an observe --**
 4 Q. -- I will ask you --
 5 **A. -- at this point --**
 6 Q. -- no, no, no --.
 7 **A. Well, I, you know -- I'm --.**
 8 Q. Well, no, you did something,
 9 I would like to follow-up on this. You do
 10 remember -- and it's very interesting that you
 11 remember well, when it's -- you know, if it's
 12 well -- it's self-serving.
 13 MS. HEMANS-BRANTLEY:
 14 Objection.
 15 THE HEARING OFFICER: Mr.
 16 Fofana --
 17 MR. FOFANA: I'm -- I -- I
 18 take that back. I'm sorry.
 19 THE HEARING OFFICER: --
 20 yeah, you have to -- you have to stick with the
 21 questions.
 22 MR. FOFANA: Yes.
 23 THE HEARING OFFICER: No
 24 editorial comments.

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Yeah. What --
 3 yeah.
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. What information --
 6 THE HEARING OFFICER: Do you
 7 recall?
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. -- you received from him?
 10 **A. When I returned from**
 11 **vacation --**
 12 Q. Uh-huh.
 13 **A. -- I was told by the**
 14 **principal --**
 15 Q. Uh-huh.
 16 **A. -- that you told the students**
 17 **in your class --**
 18 Q. Uh-huh.
 19 **A. -- that you think you do not**
 20 **believe in abortion, but in their case --**
 21 Q. Uh-huh.
 22 **A. -- they should be aborted.**
 23 Q. Uh-huh.
 24 **A. And that was the basis on**

28 (Pages 754 to 757)

1 **Wiltshire - Further Cross - Fofana**
 2 **which you were removed.**
 3 Q. Yes.
 4 **A. I also --.**
 5 Q. Do you have the -- I will
 6 interrupt you one second. Do you have any
 7 documentation of that? Because you say you
 8 received information, if it's verbal or is --
 9 because these are very grave allegations, do
 10 you have it in writing? Yes or no?
 11 **A. Well, what you just said --.**
 12 THE HEARING OFFICER: Yes or
 13 no?
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Yes or no? Do you have any
 16 documentation on that, in -- in writing?
 17 **A. From the --**
 18 Q. Do you have any --
 19 **A. -- from whom? From the**
 20 **principal?**
 21 Q. From whoever --
 22 **A. No, the principal --**
 23 Q. -- informed you?
 24 **A. -- did not give me any**

1 **Wiltshire - Further Cross - Fofana**
 2 **documentation.**
 3 Q. Who did --?
 4 **A. But I did see the students'**
 5 **statements.**
 6 Q. Okay. You have --
 7 **A. Yes.**
 8 Q. -- all right. So, you have
 9 student statements on this issue?
 10 **A. And --.**
 11 **THE HEARING OFFICER: He**
 12 **didn't say he had student statements; he said**
 13 **he saw the students' statements.**
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. You saw it. So, my question
 16 is, as we're speaking, do you -- do you have
 17 any documentation in your possession on this
 18 issue? Because --.
 19 **A. I have no -- no, I have**
 20 **nothing in my possession.**
 21 Q. All right. So, then we have
 22 to -- okay. Let -- let's -- let's -- that --
 23 that's fine. Let me ask you, do you have
 24 this -- have you received this -- do you

1 Wiltshire - Further Cross - Fofana
 2 recognize this letter?
 3 THE HEARING OFFICER: All
 4 right. So that would be Respondent's
 5 Fourteen --
 6 MR. FOFANA: Uh-huh.
 7 THE HEARING OFFICER: -- for
 8 I.D.
 9 MS. HEMANS-BRANTLEY: Do you
 10 recognize it?
 11 **A. The letter, no.**
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. You don't recognize this
 14 letter?
 15 **A. This letter was to you from**
 16 **Ira Weston (phonetic spelling) --.**
 17 Q. No, no, come on, sir. Do you
 18 recognize the letter, yes or no?
 19 **A. I -- you know, I -- I don't**
 20 **have this letter --.**
 21 Q. Do you recognize the letter?
 22 Have you -- do you -- have you seen this letter
 23 before? Do you know -- do you recognize this
 24 letter? This is a straight-forward question.

1 Wiltshire - Further Cross - Fofana
 2 **A. I -- well, I'm trying to --.**
 3 Q. Yes or no?
 4 THE HEARING OFFICER: Let
 5 him -- let him -- let him answer. Let him
 6 answer.
 7 **A. I'm trying to recall whether**
 8 **or not I saw this letter. I mean, I do not**
 9 **recall seeing this letter in my file. I'm not**
 10 **saying that it was not sent to me, but as I am**
 11 **sitting here, I do not recall seeing that**
 12 **letter in my file.**
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. So, you're saying, sir, you
 15 remember -- you remember my being removed from
 16 the classroom?
 17 **A. Yes.**
 18 Q. But you don't remember
 19 instructions given to you to investigate the
 20 same incident --
 21 MS. HEMANS-BRANTLEY:
 22 Objection. That's two separate --
 23 MR. FOFANA: No, no.
 24 MS. HEMANS-BRANTLEY: --

1 Wiltshire - Further Cross - Fofana
 2 questions.
 3 MR. FOFANA: -- it's -- okay.
 4 Well, let -- let me -- let me rephrase it.
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. You say that you recall this
 7 teacher being removed from the classroom, I
 8 understand that. But this letter is about
 9 investigating that incident you just mentioned,
 10 because you said earlier that I said I made --
 11 there's allegation about what I -- something I
 12 said improper to the students, but this is a
 13 follow-up asking you to investigate it, and you
 14 say you don't remember that letter.
 15 **A. No, I -- no, no. What I said**
 16 **is specifically that letter I don't remember,**
 17 **but I did recall that I was told, someone said**
 18 **that I should --**
 19 Q. Someone?
 20 **A. -- yeah, I don't remember**
 21 **whether or not --**
 22 Q. Who?
 23 **A. -- I don't remember whether**
 24 **or not it was Mr. Weston, but my response was**

1 **Wiltshire - Further Cross - Fofana**
 2 **that since I was not the principal in charge**
 3 **when this incident happened, it would be far**
 4 **better if the then summer-school principal did**
 5 **the investigation. I remember saying that, but**
 6 **I do not recall if -- who was I saying that to.**
 7 **Did I say that to Mr. Weston, or did I say it**
 8 **to the superintendent? That I don't remember.**
 9 **But my reaction, I do remember my reaction at**
 10 **that time was this was not an incident that I**
 11 **want to investigate, because I was not there --**
 12 Q. All right.
 13 **A. -- and --.**
 14 Q. I will stop there. Thank
 15 you, sir.
 16 From what I understand, you
 17 were asked to investigate, but you -- your
 18 response was, I was not -- I was not in the
 19 building; is that what you said?
 20 **A. I don't know. I told you**
 21 **what I said.**
 22 Q. But that's just -- you --.
 23 **A. No, no, no. You're talking**
 24 **if I said those specific words, and my answer,**

1 **Wiltshire - Further Cross - Fofana**
 2 **I do not know the specific words that I said at**
 3 **that time.**
 4 Q. Okay.
 5 **A. But my reaction was that that**
 6 **incident should have been investigated by the**
 7 **summer-school principal at the time when it**
 8 **occurred.**
 9 Q. But this letter clearly sent
 10 the teacher to talk to -- to -- to meet with
 11 and Dr. Wiltshire, regarding this incident.
 12 And you just recognize -- you just acknowledged
 13 that -- you just -- tell me if I'm wrong, you
 14 acknowledged that you refused to investigate
 15 because you were not in the building. That's
 16 what you said.
 17 **A. But the -- I would not use**
 18 **the word "refused."**
 19 Q. All right. Say --.
 20 **A. I would say that I did not --**
 21 **I felt that that incident -- I was not the**
 22 **principal --**
 23 Q. Uh-huh.
 24 **A. -- when the incident**

1 **Wiltshire - Further Cross - Fofana**
 2 **occurred --**
 3 Q. Uh-huh.
 4 **A. -- therefore I thought that**
 5 **the principal during that time --**
 6 Q. Uh-huh.
 7 **A. -- should do that. And Mr.**
 8 **Weston is my --**
 9 Q. No, no, no, no, no, no.
 10 **A. -- but I need to finish. Mr.**
 11 **Weston is my colleague. He cannot direct me --**
 12 Q. Uh-huh.
 13 **A. -- to investigate anything.**
 14 Q. -- well, I -- that is a
 15 another issue.
 16 THE HEARING OFFICER: Well,
 17 that's -- and -- and you don't need to get into
 18 that.
 19 MR. FOFANA: Yeah.
 20 THE HEARING OFFICER: All
 21 right. We've been at this for about ninety
 22 minutes or so --
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: -- and

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1 Wiltshire - Further Cross - Fofana
 2 I'm going to suggest that the parties take a
 3 five-minute pause.
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: Mr.
 6 Fofana, I'd ask you to try and move towards the
 7 end of the precharge questions --
 8 MR. FOFANA: Okay.
 9 THE HEARING OFFICER: --
 10 because we need to get into --
 11 MR. FOFANA: The real things.
 12 THE HEARING OFFICER: -- yes.
 13 Yes.
 14 MR. FOFANA: Okay.
 15 THE HEARING OFFICER: So, why
 16 don't we take a five-minute pause, and we'll be
 17 back on the record in about five minutes or so.
 18 Thank you.
 19 (Off-the-record discussion)
 20 THE HEARING OFFICER: All
 21 right. Mr. Fofana, you may continue with your
 22 cross.
 23 MR. FOFANA: Thank you.
 24 BY MR. FOFANA: (Cont'g.)

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: -- I -- I --
 3 THE HEARING OFFICER: --
 4 allow these questions.
 5 MR. FOFANA: -- I can -- I
 6 can ask why not.
 7 THE HEARING OFFICER: All
 8 right. You can go. Let's go.
 9 MR. FOFANA: Yeah.
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. Why not?
 12 **A. You came under protest.**
 13 Q. I'm sorry?
 14 **A. You came under protest. I**
 15 **asked the superintendent --**
 16 Q. I came protest, you say?
 17 **A. Yeah, no -- I asked the**
 18 **superintendent not to reassign you to our**
 19 **school.**
 20 Q. Okay.
 21 **A. For the following reasons:**
 22 **Number one, you did not go through our hiring**
 23 **process.**
 24 Q. Uh-huh.

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1 Wiltshire - Further Cross - Fofana
 2 Q. Dr. Wiltshire, when -- when I
 3 came in your school, can you explain why you
 4 accepted this teacher in September 2004 without
 5 going through the recruitment process?
 6 **A. Which teacher?**
 7 Q. Me. I was accepted -- I just
 8 came in --
 9 **A. 2004?**
 10 Q. -- in September when I -- I
 11 was sent to your school, I just -- I started
 12 teaching as a math teacher with no recruitment
 13 process, anything; why?
 14 **A. Why?**
 15 **MS. HEMANS-BRANTLEY:**
 16 **Objection. This area was covered on our last**
 17 **day -- our last hearing date.**
 18 MR. FOFANA: No. No. No.
 19 THE HEARING OFFICER: Well,
 20 it's -- it was --
 21 MR. FOFANA: No, that --
 22 that --
 23 THE HEARING OFFICER: -- but
 24 I'm going to --

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1 Wiltshire - Further Cross - Fofana
 2 **A. That was the primary reason.**
 3 Q. Uh-huh.
 4 **A. Her response to me was that**
 5 **they -- something -- words to the effect that**
 6 **you were actually assigned to that school prior**
 7 **to you being removed, and at that time she was**
 8 **not the superintendent, so she was just**
 9 **following suit with what was done before.**
 10 Q. Okay.
 11 **A. And I explained to her**
 12 **that --**
 13 Q. No, no, no. I didn't want
 14 a -- I don't want --.
 15 THE HEARING OFFICER: No, no,
 16 no. You asked the question, you've got to let
 17 him answer the question.
 18 MR. FOFANA: Yes.
 19 **A. And I specifically explained**
 20 **to her that you came through a back door --**
 21 **some kind of a back-door channel, because**
 22 **number one, we never requested -- we never**
 23 **listed a vacancy when you came.**
 24 BY MR. FOFANA: (Cont'g.)

31 (Pages 766 to 769)

1 Wiltshire - Further Cross - Fofana
 2 Q. Uh-huh.
 3 **A. We had absolutely no teaching**
 4 **vacancy for you, and the superintendent assured**
 5 **me --**
 6 Q. Uh-huh.
 7 **A. -- that you were only sitting**
 8 **in the building for the remainder of the**
 9 **semester --**
 10 Q. Uh-huh.
 11 **A. -- and so I was not, I had**
 12 **not -- so there was nothing for me to worry**
 13 **about. And that was the basis on which you**
 14 **came to the school, and I thought it wasn't**
 15 **fair -- unfair to have a teacher passing on**
 16 **from one school to another, who, you know, had**
 17 **had issues before and so on.**
 18 Q. Let me try to understand.
 19 What's the superintendent who gave you this
 20 instruction? What's the name of the -- this
 21 superintendent?
 22 **A. The superintendent of**
 23 **District Eight, her name was -- is Gloria**
 24 **Buckery.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Okay. So, but -- it's --
 3 it's Gloria Buckery who instructed you to
 4 accept me in September 2004, that's what you're
 5 saying?
 6 **A. She said we had no choice,**
 7 **yes.**
 8 Q. Despite -- despite your
 9 protests?
 10 **A. Yes. Because we --**
 11 Q. Okay.
 12 **A. -- never had a vacancy.**
 13 Q. Right. And you did -- you
 14 did not -- you didn't even have a vacancy --
 15 vacancy. So, how -- do you have an
 16 explanation, you have no vacancy -- vacancy and
 17 the superintendent imposes a teacher on you, in
 18 such manner?
 19 **A. Uh-huh.**
 20 Q. Do -- do you have any
 21 explanation? Do you have any rationale for
 22 that?
 23 **A. If I a rationale?**
 24 Q. Yes.

1 Wiltshire - Further Cross - Fofana
 2 **A. The superintendent was the**
 3 **one who'd need to offer rationale, not me.**
 4 Q. Well, you are part of the
 5 process, you may have your own idea about it,
 6 but never mind.
 7 Now, my understanding there's
 8 no vacancy at all. Mr. Fofana was reassigned
 9 to the school and do you recall -- the incident
 10 you just mentioned earlier, in the summer, do
 11 you recall that it was Ms. Gloria Buckery who
 12 gave the instruction that I would be -- I
 13 would -- you know, to -- to remove me from the
 14 classroom? I -- do you remember that?
 15 **A. I was on vacation when that**
 16 **happened, so I don't know.**
 17 Q. Well, when you came back --
 18 when you came back, when you heard from your
 19 colleague, you mentioned, you know, that you
 20 were aware of -- of my removal, it's fair to
 21 say that the superintendent is the only person
 22 who had the authority to remove me, if you --
 23 do you agree with me?
 24 **A. That -- that is true. She**

1 **Wiltshire - Further Cross - Fofana**
 2 **is.**
 3 Q. Okay. So, the superintendent
 4 removed me from a school, and then send me back
 5 to the same school. Thank you.
 6 Let me ask you, do you
 7 recognize this letter?
 8 MS. HEMANS-BRANTLEY: Is
 9 it --
 10 MR. FOFANA: It's about --
 11 it's --
 12 MS. HEMANS-BRANTLEY: What is
 13 the number --?
 14 MR. FOFANA: -- it's about
 15 another --
 16 THE HEARING OFFICER: We'd be
 17 up to Fifteen.
 18 MR. FOFANA: Yes, corporal
 19 punishment.
 20 MS. HEMANS-BRANTLEY: Do you
 21 recognize that?
 22 **A. Yes.**
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. Do you recognize your

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1 Wiltshire - Further Cross - Fofana
 2 signature?
 3 **A. Yes, I recognize my**
 4 **signature.**
 5 MR. FOFANA: Okay. I would
 6 like to -- I will --
 7 THE HEARING OFFICER: Do you
 8 want --
 9 MR. FOFANA: -- I'll
 10 question --.
 11 THE HEARING OFFICER: -- that
 12 admitted into evidence?
 13 MR. FOFANA: Yes, I would
 14 like --.
 15 THE HEARING OFFICER: All
 16 right. Do you have copies of that one, Mr.
 17 Fofana?
 18 MR. FOFANA: Yes, I have it
 19 myself, all my copies.
 20 THE HEARING OFFICER: Oh, I
 21 know, but I -- okay. So, but we'll --
 22 MS. HEMANS-BRANTLEY: I
 23 may --
 24 MR. FOFANA: I don't have

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1 Wiltshire - Further Cross - Fofana
 2 another copy.
 3 MS. HEMANS-BRANTLEY: --
 4 yeah, but I may.
 5 MR. FOFANA: I'm sorry.
 6 MS. HEMANS-BRANTLEY: Hold
 7 on.
 8 MR. FOFANA: Yeah.
 9 MS. HEMANS-BRANTLEY: Wait.
 10 Let me see if I can locate some copies so we
 11 can follow along with you.
 12 MR. FOFANA: Uh-huh.
 13 MS. HEMANS-BRANTLEY: I do
 14 have one copy, Mr. Siegel, which I'll --
 15 MR. FOFANA: Uh-huh.
 16 MS. HEMANS-BRANTLEY: -- let
 17 you look at. Let me just see if I can find
 18 another one. Well, you can look along, I mean
 19 I --.
 20 THE HEARING OFFICER: All
 21 right. All right. So, this -- and so this is
 22 going to go in as --
 23 MS. HEMANS-BRANTLEY: And
 24 I'll keep this one.

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1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- as
 3 Respondent's Fifteen and it is an October 4,
 4 2004 letter from Dr. Wiltshire --
 5 MR. FOFANA: Uh-huh.
 6 THE HEARING OFFICER: -- to
 7 Mr. Fofana.
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: You may
 10 ask questions.
 11 MR. FOFANA: Right.
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. You remember this -- this
 14 letter? What was the result of your
 15 investigation? It was a -- it was another
 16 corporal -- corporal punishment. Another one.
 17 **A. I need to see more documents**
 18 **pertaining to this case before I --.**
 19 Q. When you read it you don't
 20 remember it, sir?
 21 **A. No, I cannot -- I remember**
 22 **sending this out. I need refreshing as to who**
 23 **was involved, the student.**
 24 Q. No, no, I -- I --.

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1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Well,
 3 that's his answer, Mr. Fofana.
 4 MR. FOFANA: I'm sorry, yes.
 5 Absolutely. I'm sorry.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Okay. You don't recall
 8 meeting with me and the U.F.T. Chapter leader,
 9 Ms. Jamison (phonetic spelling), you don't
 10 recall that?
 11 **A. I'm sure --**
 12 Q. On -- on -- on this matter?
 13 **A. I do not -- maybe we met, and**
 14 **I'm sure we did --**
 15 Q. Uh-huh.
 16 **A. -- but exactly what was**
 17 **discussed and the resolution --**
 18 Q. Uh-huh.
 19 **A. -- I -- I -- I don't know.**
 20 Q. Okay. Is it fair to say that
 21 this -- there was no -- no ramification on this
 22 incident in the sense that there's no
 23 disciplinary action, to your knowledge, that
 24 came out of this incident?

33 (Pages 774 to 777)

1 Wiltshire - Further Cross - Fofana
 2 **A. Well, you know, if a student**
 3 **reports -- if I investigate and the finding was**
 4 **it did happen, then it did happen.**
 5 Q. Yeah, well, is -- is that the
 6 case?
 7 THE HEARING OFFICER: He's
 8 asking on that --
 9 **A. Whether or not --**
 10 THE HEARING OFFICER: -- one,
 11 do you know?
 12 **A. (Cont'g.) -- well, I -- I --**
 13 **I vaguely remember that there was one report of**
 14 **corporal punishment that I was -- that I**
 15 **investigated, and I felt that it really didn't**
 16 **happen. I mean, based on --**
 17 **THE HEARING OFFICER: But**
 18 **you're not sure --**
 19 **A. (Cont'g.) -- but I'm not**
 20 **sure --**
 21 THE HEARING OFFICER: -- if
 22 this is the one.
 23 **A. (Cont'g.) -- that this is**
 24 **the one.**

1 **Wiltshire - Further Cross - Fofana**
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. If it's not this one, does
 4 that imply that there were others?
 5 **A. Oh, there were several**
 6 **others.**
 7 Q. Okay. Can you, you know --
 8 you know, elaborate what other corporal
 9 punishment you have in mind, other than this
 10 one?
 11 **A. That I have in mind?**
 12 Q. Well, you just stated that
 13 there were others.
 14 **A. There were others.**
 15 Q. All right. So, can you name
 16 others?
 17 **A. I need -- I need to look at**
 18 **your file to see --**
 19 Q. Well --
 20 **A. -- what they were. I don't**
 21 **study your file.**
 22 Q. -- we have -- we have a
 23 problem, because if you remember that there --.
 24 MS. HEMANS-BRANTLEY:

1 Wiltshire - Further Cross - Fofana
 2 Objection, Mr. Siegel. I mean --.
 3 MR. FOFANA: Okay. I'm
 4 sorry. I take it back. Thank you. Thank you.
 5 THE HEARING OFFICER: Ms.
 6 Brantley, you have a copy of Respondent's
 7 Fifteen or you don't?
 8 MS. HEMANS-BRANTLEY: I
 9 don't.
 10 THE HEARING OFFICER: All
 11 right. So, I'm going to leave this aside so
 12 that you can make a copy --
 13 MR. FOFANA: Uh-huh.
 14 THE HEARING OFFICER: -- at a
 15 break and give it to Ms. --
 16 MR. FOFANA: Yeah.
 17 THE HEARING OFFICER: -- and
 18 just -- yeah, Respondent's Fifteen is in
 19 evidence.
 20 MR. FOFANA: Yeah.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. I would like to get this out
 23 of the way. The last time you -- you stated,
 24 you know, you testified that you haven't seen

1 Wiltshire - Further Cross - Fofana
 2 my, you know, Teacher's Choice, you know,
 3 purchase.
 4 **A. Yes.**
 5 Q. You haven't seen the receipt.
 6 **A. Yes.**
 7 Q. So, I'm asking you did you
 8 ask the payroll secretary, who is in charge of
 9 this, I know process -- who is in -- who's in
 10 charge of, you know, recording Teacher's --
 11 Teacher's Choice purchases. Did you ask her?
 12 **A. When I went back to school, I**
 13 **did.**
 14 Q. Okay. And did you -- do you
 15 recognize this?
 16 THE REPORTER: What was the
 17 question again I'm sorry?
 18 THE HEARING OFFICER: Do you
 19 recognize -- do you recognize this?
 20 THE REPORTER: Thank you.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. These documents?
 23 **A. This document, when I went**
 24 **back to school last week, and we did -- we went**

1 **Wiltshire - Further Cross - Fofana**
 2 **through all the Teacher's Choice checks. She**
 3 **did a payroll check division with this**
 4 **document.**
 5 Q. So, you do recognize it?
 6 **A. Yeah. From last week, yes.**
 7 MR. FOFANA: Okay.
 8 THE HEARING OFFICER: Let's
 9 mark that as Respondent's Sixteen and that is
 10 document that's entitled statement of purpose
 11 accounting report.
 12 MR. FOFANA: Yeah. Let me --
 13 four. Yeah.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Please take a look at it.
 16 **A. Okay.**
 17 MR. FOFANA: The receipt is
 18 on page -- I'm giving you a copy, sir. Okay.
 19 Page four. Can you see page four?
 20 THE HEARING OFFICER: Thank
 21 you.
 22 MR. FOFANA: Page four.
 23 THE HEARING OFFICER: Well,
 24 it looks like page three, actually. Or at

1 Wiltshire - Further Cross - Fofana
 2 least it's the third of the four pages I have.
 3 MR. FOFANA: Yeah, yeah.
 4 Two, three, four.
 5 THE HEARING OFFICER: Yeah.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Yeah. That page it was --
 8 well, this is what -- what I was about to ask.
 9 Four is about the receipt. I'm asking you, how
 10 much -- how much was disbursed for this item?
 11 MS. HEMANS-BRANTLEY:
 12 Objection. This document is not in evidence.
 13 MR. FOFANA: No, I'm just --.
 14 THE HEARING OFFICER: Mr.
 15 Fofana, do you wish to move -- move this
 16 document into evidence?
 17 MR. FOFANA: Yes.
 18 THE HEARING OFFICER: All
 19 right. Ms. Brantley?
 20 MS. HEMANS-BRANTLEY: I'm
 21 going to object, because this witness, just
 22 because he recognized it, doesn't mean it's an
 23 appropriate document to put in through --
 24 MR. FOFANA: Well, this is --

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: -- this
 3 witness, and --.
 4 MR. FOFANA: -- no, this
 5 is -- this is evidence, because it was -- it
 6 was submitted to -- to the payroll secretary,
 7 and Ms. Brantley sent, you know, to me.
 8 THE HEARING OFFICER: All
 9 right. Why don't -- why don't you ask Mr. --
 10 Dr. Wiltshire a couple more questions about his
 11 familiarity with the document?
 12 MR. FOFANA: Yeah.
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. So, when you -- when you
 15 looked at the -- this document, did you -- did
 16 you -- how much -- well, the question is, how
 17 much money was spent on this item? That's my
 18 question.
 19 MS. HEMANS-BRANTLEY:
 20 Objection.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. From the receipt?
 23 THE HEARING OFFICER: Right.
 24 Ms. Brantley's objecting to the document. What

1 Wiltshire - Voir Dire - The Hearing Officer
 2 this -- this is a -- Dr. Wiltshire, this is a
 3 school record; is it not?
 4 MR. FOFANA: It is --.
 5 THE HEARING OFFICER: Well,
 6 no, I'm asking the witness.
 7 VOIR DIRE EXAMINATION
 8 BY THE HEARING OFFICER:
 9 Q. Is this a school record?
 10 **A. Yes, it is a school record.**
 11 Q. And you've seen this document
 12 before?
 13 **A. I saw this document last**
 14 **week, that is correct.**
 15 Q. And you got it from your
 16 secretary --
 17 **A. Yes.**
 18 Q. -- who was able to find it as
 19 a school record?
 20 **A. Yes.**
 21 **THE HEARING OFFICER: All**
 22 **right. All right. I'm going to put this in**
 23 **evidence.**
 24 **I assume you want this in,**

1 **Wiltshire - Further Cross - Fofana**
 2 **Mr. -- Mr. Fofana?**
 3 MR. FOFANA: Yes, yes.
 4 THE HEARING OFFICER: As
 5 Respondent's Sixteen.
 6 MR. FOFANA: Yes.
 7 THE HEARING OFFICER: And now
 8 you may ask the witness questions.
 9 FURTHER CROSS EXAMINATION
 10 BY MR. FOFANA:
 11 Q. From the -- on page four, how
 12 much was spent on this item?
 13 **A. It's written there; why don't**
 14 **you read it?**
 15 Q. No, sir, please.
 16 **A. I don't know. You tell me.**
 17 Q. No -- well --
 18 MS. HEMANS-BRANTLEY: Mr.
 19 Siegel, I object.
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. -- it's in front of you --.
 22 MS. HEMANS-BRANTLEY: The
 23 document speaks for itself.
 24 THE HEARING OFFICER: Well,

1 **Wiltshire - Further Cross - Fofana**
 2 there -- there must be some basis -- did you
 3 want -- must wish to have some clarification
 4 for.
 5 MR. FOFANA: Yes.
 6 THE HEARING OFFICER: If you
 7 know, from looking at this document, does it
 8 indicate what was spent on this particular
 9 purchase, if you know?
 10 THE WITNESS: Well, it says
 11 three hundred and sixty dollars.
 12 MR. FOFANA: That's what I
 13 need to --.
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. Now, how much -- how much was
 16 the Teacher's Choice check, if you remember,
 17 for teachers? How much was the --?
 18 **A. Quite frankly, I don't**
 19 **remember the exact amount. I don't know**
 20 **exact -- it's two hundred --**
 21 Q. Okay.
 22 **A. -- and something dollars.**
 23 Q. Is it fair to say that it was
 24 two forty-five dollars?

1 **Wiltshire - Further Cross - Fofana**
 2 **A. Could be.**
 3 Q. Okay. Is it fair to say that
 4 it's certainly less than three sixty, from your
 5 experience? That should be clear to you.
 6 **A. Okay.**
 7 Q. Is it less than three sixty,
 8 yes or no?
 9 **A. If two hundred and forty-five**
 10 **is less than three sixty?**
 11 Q. No, I'm -- that's not. No --
 12 **A. If you -- if you --.**
 13 THE HEARING OFFICER: He's
 14 not asking do you whether the Teacher's Choice
 15 amount is less than three hundred sixty
 16 dollars?
 17 **A. (Cont'g.) Yes, it is --**
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. It is.
 20 **A. -- less than three sixty.**
 21 Q. All right. So, the
 22 implication -- you agree with me, that the
 23 implication is I, you know put more money on
 24 the Teacher's check to buy this item?

1 **Wiltshire - Further Cross - Fofana**
 2 **A. Okay.**
 3 Q. It's obvious.
 4 **A. Yes. Uh-huh.**
 5 Q. Okay. Do you agree that you
 6 have every right, as a principal, to ask me to
 7 return these items, because it's the D.O.E.s
 8 property?
 9 **A. I cannot answer yes or no,**
 10 **because in your case I was told that you were**
 11 **not entitled to the Teacher's Choice.**
 12 Q. Well, well, this is not --
 13 that's not my question. I'm going to rephrase
 14 it.
 15 Do you have the right, as
 16 principal, to ask any teacher to return items
 17 the teacher bought using the -- the check?
 18 **A. To return the item to the**
 19 **store that they --**
 20 THE HEARING OFFICER: No, to
 21 the school.
 22 **A. (Cont'g.) To the school?**
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. Yes. To -- to bring it for

1 Wiltshire - Further Cross - Fofana
 2 many reasons. You might need it to check
 3 or --.
 4 THE HEARING OFFICER: You --
 5 you already asked the question --
 6 MR. FOFANA: Yeah.
 7 THE HEARING OFFICER: -- can
 8 you answer the question?
 9 **A. I guess I could do that, yes.**
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. You can? All right. That's
 12 all. That's all.
 13 Did -- Dr. -- Dr. Wiltshire,
 14 did Gloria Buckery -- in the sense that "I'm --
 15 I'm going to send Fofana to your school. Find
 16 some charges against him, and send him back to
 17 rubber room." Did Gloria Buckery tell you
 18 that?
 19 **A. Absolutely not.**
 20 Q. Can you explain within ten
 21 weeks I was -- there was an avalanche of
 22 letters in my -- in my file? There were four U
 23 ratings, there were corporal punishment in the
 24 same day, the 6th of December; how do you

1 Wiltshire - Further Cross - Fofana
 2 explain all these within ten weeks?
 3 **A. Because of your irrational
 4 behavior.**
 5 Q. I see. So, in -- in ten
 6 weeks all this happened, and I was back -- I
 7 was sent to -- not back actually, because I
 8 didn't come from rubber room. I was sent to
 9 the rubber room immediately.
 10 THE HEARING OFFICER: Can you
 11 answer that?
 12 **A. I don't quite understand it.**
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. Let me repeat it then.
 15 In ten weeks all these
 16 incidents, coalesced into a package that ended
 17 up in 3020-a. I'm asking you, was it a -- you
 18 know, it was discussed in advance with Gloria
 19 Buckery, yes or no?
 20 **A. I answered that already.**
 21 Q. Well, I'm repeating the --.
 22 THE HEARING OFFICER: He's
 23 just asked you a little different and you can
 24 answer the question.

1 Wiltshire - Further Cross - Fofana
 2 **A. Absolutely not, no.**
 3 BY MR. FOFANA: (Cont'g.)
 4 Q. But you do recognize this
 5 letter when you convened, you know -- you know,
 6 the -- I'm sorry. I have to go back a little
 7 bit.
 8 About the corporal
 9 punishment, when you convened a conference, you
 10 invited me to come, you know, for -- you know,
 11 you convened a conference about this
 12 corporal-punishment thing, do you remember
 13 that?
 14 THE HEARING OFFICER: That's
 15 Respondent's Fifteen.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. Right, yeah.
 18 **A. For me to respond to this, I
 19 would like -- because there was other
 20 follow-up.**
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. Yeah, no, no. Do -- you
 23 have --
 24 **A. I came --**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. -- you have to -- no, I'm
 3 sorry, sir.
 4 **A. I --**
 5 Q. You have to listen to my --.
 6 THE REPORTER: One at a time
 7 please.
 8 MS. HEMANS-BRANTLEY: Ask the
 9 question.
 10 MR. FOFANA: Yeah,
 11 absolutely.
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. I mean, give me a chance.
 14 **A. Uh-huh.**
 15 Q. Did you -- did you meet with
 16 me or not, on this incident?
 17 **A. Based on the letter that was
 18 sent to you, I was -- you were scheduled to
 19 meet with me at that date. The outcome of that
 20 meeting --.**
 21 Q. No, no, no, no. I'm asking
 22 you did you meet with me and the -- as you
 23 requested, did you meet with me and the chapter
 24 leader, yes or no? It's a straight-forward

1 Wiltshire - Further Cross - Fofana
 2 question, sir. Did you meet with me?
 3 **A. What I'm saying is that based**
 4 **on the letter --**
 5 Q. Uh-huh.
 6 **A. -- based on the letter, I**
 7 **think I met with you.**
 8 THE HEARING OFFICER: So, you
 9 don't remember --
 10 **A. (Cont'g.) I do not recall**
 11 **the --**
 12 THE HEARING OFFICER: -- it
 13 specifically?
 14 **A. (Cont'g.) -- the specific**
 15 **meeting with you.**
 16 **THE HEARING OFFICER: He**
 17 **doesn't remember, so the letter is in and he**
 18 **doesn't remember --**
 19 MR. FOFANA: He does -- I'm
 20 sorry.
 21 THE HEARING OFFICER: -- if
 22 he had this specific meeting.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. So, you don't remember?

1 Wiltshire - Further Cross - Fofana
 2 You -- you remember the letter, but you don't
 3 remember whether the conference took place or
 4 not? That's what -- what you're saying.
 5 THE HEARING OFFICER: Is that
 6 correct?
 7 **A. The conference might have**
 8 **well taken place.**
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. Why would you put in the
 11 conditional? Did you meet with me and the
 12 chapter leader, yes or no? This is your --.
 13 MS. HEMANS-BRANTLEY:
 14 Objection. He answered the question already.
 15 **A. I met with you several times.**
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. No, I'm talking
 18 specifically --.
 19 **A. But I don't remember that**
 20 **specific day.**
 21 THE HEARING OFFICER: He --
 22 his testimony --
 23 MR. FOFANA: All right.
 24 THE HEARING OFFICER: -- is

1 Wiltshire - Further Cross - Fofana
 2 that he doesn't remember.
 3 BY MR. FOFANA: (Cont'g.)
 4 Q. All right. So, it -- it is
 5 your letter --
 6 **A. Uh-huh.**
 7 Q. -- but you don't remember
 8 whether you meet with me. All right.
 9 Let me ask you, sir, if I did
 10 not show up in -- in this meeting, this
 11 conference, that would be a basis for, you
 12 know, a disciplinary action, you agree with me?
 13 **A. Not necessarily. I would**
 14 **send you another letter telling you that you**
 15 **must meet with me on such and such a date.**
 16 Q. Uh-huh.
 17 **A. If not, you know --**
 18 Q. Uh-huh.
 19 **A. -- it could lead to further**
 20 **disciplinary action.**
 21 Q. So, the bottom line is, as I
 22 understand, you don't remember whether this
 23 conference took place or not?
 24 MS. HEMANS-BRANTLEY:

1 Wiltshire - Further Cross - Fofana
 2 Objection, asked and answered.
 3 THE HEARING OFFICER: Right.
 4 We've -- we've got through that.
 5 MR. FOFANA: All right.
 6 THE HEARING OFFICER: You can
 7 move on.
 8 MR. FOFANA: I'm sorry.
 9 Yeah. I'm sorry. Because was a little
 10 shocked, that's why. Let's move on.
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. The three allegations about
 13 corporal punishment abuse, all of them took
 14 place from -- in the record on the same day,
 15 December 6; do you remember that? Do you
 16 remember --
 17 **A. What I -- what I do know.**
 18 Q. -- these allegations, all of
 19 them took place the same day, on December 6th;
 20 do you remember that?
 21 **A. I don't know if they all took**
 22 **place on the same day. What I do know --**
 23 Q. Uh-huh.
 24 **A. -- is that whenever an**

1 **Wiltshire - Further Cross - Fofana**
 2 **allegation is made to me, I made a report -- I**
 3 **called in a report.**
 4 Q. Uh-huh.
 5 **A. That's -- that's the end**
 6 **of --**
 7 Q. Uh-huh.
 8 **A. -- my responsibility. And if**
 9 **a student makes an allegation --**
 10 Q. Okay.
 11 **A. -- they write a statement and**
 12 **we call it in.**
 13 Q. Okay. I -- I'm going to put
 14 my question, okay, in another way: Did you
 15 ever met with me -- meet with me to discuss the
 16 corporal punishment, you know, instance --
 17 incidents?
 18 **A. I can tell -- yes. I can**
 19 **tell you what -- generally what I do.**
 20 Q. No, no, no, no. That's not
 21 my question. I'm asking --
 22 THE HEARING OFFICER: Dr.
 23 Wiltshire --
 24 MR. FOFANA: No, no.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- if
 3 you can't remember specifically, you need to
 4 let us know and then we'll direct --.
 5 THE WITNESS: Okay.
 6 Specifically --.
 7 (Off-the-record discussion)
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. You -- you -- you don't
 10 remember an incident -- a corporal-punishment
 11 incident in which you -- you -- you met with
 12 me?
 13 MS. HEMANS-BRANTLEY: Are you
 14 talking about the December 6th incidents?
 15 MR. FOFANA: No, no, forget
 16 about --
 17 THE HEARING OFFICER: He's
 18 speaking generically.
 19 BY MR. FOFANA: (Cont'g.)
 20 Q. In 2004, in the fall of
 21 2004 -- did you -- do you remember any incident
 22 of corporal punishment in which you met with me
 23 and my chapter leader, yes or no? Do you
 24 recall, sir?

1 Wiltshire - Further Cross - Fofana
 2 **A. I recall meeting with you for**
 3 **several incidents, but this specific**
 4 **incident --**
 5 **THE HEARING OFFICER: Dr.**
 6 **Wiltshire --**
 7 **A. (Cont'g.) -- no, I --.**
 8 THE HEARING OFFICER: -- I --
 9 I'm --
 10 MS. HEMANS-BRANTLEY: Well,
 11 Mr. Siegel --
 12 THE HEARING OFFICER: No, no.
 13 It -- it's --.
 14 MS. HEMANS-BRANTLEY: He
 15 asked -- I specifically asked him if he was
 16 talking about --
 17 MR. FOFANA: No.
 18 MS. HEMANS-BRANTLEY: --
 19 December 6th. He said in the fall --
 20 THE HEARING OFFICER: No,
 21 MS. HEMANS-BRANTLEY: -- in
 22 the fall --
 23 THE HEARING OFFICER:
 24 That's --

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: -- he's
 3 allowed to state how many times he --
 4 THE HEARING OFFICER: --
 5 he --
 6 MS. HEMANS-BRANTLEY: -- met
 7 with him. He can't ask him --.
 8 THE HEARING OFFICER: -- all
 9 right. no, that's not responsive to the
 10 question.
 11 MS. HEMANS-BRANTLEY: That is
 12 responsive --
 13 THE HEARING OFFICER: No,
 14 it's --
 15 MS. HEMANS-BRANTLEY: -- to
 16 the question.
 17 MR. FOFANA: No, he's --
 18 THE REPORTER: Okay. One --
 19 THE HEARING OFFICER: No,
 20 it -- no, it's not.
 21 THE REPORTER: -- one at --.
 22 THE HEARING OFFICER: First
 23 of all -- first of all, I can't have everyone
 24 speaking.

1 Wiltshire - Further Cross - Fofana
 2 THE WITNESS: Sure.
 3 THE HEARING OFFICER: I'll
 4 determine, Ms. Brantley, what's responsive to
 5 the question. That was not responsive to the
 6 question.
 7 The testimony's going to take
 8 longer if you're not responsive to the
 9 question.
 10 **A. Okay. What is -- what is the**
 11 **question?**
 12 **THE HEARING OFFICER: The**
 13 **question was: Do you remember an incident when**
 14 **you met with him about corporal punishment?**
 15 **Not, that you met with him a bunch of times**
 16 **about a bunch of stuff. If you don't remember**
 17 **it, say you don't remember it. If you do**
 18 **remember it, say you remember it. That will**
 19 **move the --**
 20 THE WITNESS: But -- but
 21 what --
 22 THE HEARING OFFICER: --
 23 process, sir.
 24 THE WITNESS: -- I'm saying,

1 Wiltshire - Further Cross - Fofana
 2 the -- the specific --
 3 THE HEARING OFFICER: That
 4 means you don't remember it.
 5 THE WITNESS: -- I remember
 6 that specific --
 7 THE HEARING OFFICER: That's
 8 all we --
 9 THE WITNESS: -- incident.
 10 THE HEARING OFFICER: -- need
 11 to know.
 12 Move on, next question
 13 please.
 14 MR. FOFANA: All right.
 15 Okay. Okay.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. Did you meet -- did you meet
 18 with Dr.Tr. at any time?
 19 **A. I don't know a Dr.Tr.**
 20 Q. I just meant Ms. -- Ms. --
 21 Cr.Tr. is the lady who's complaining about --
 22 it was an incident -- we -- I evoked this
 23 incident earlier, do you remember Cr.Tr.?
 24 **A. I've not met -- I did not**

1 **Wiltshire - Further Cross - Fofana**
 2 **meet with Cr.Tr. specific to your incident.**
 3 **She did sent me a letter.**
 4 Q. Okay.
 5 **A. That you showed me.**
 6 Q. All right.
 7 **A. Yes.**
 8 Q. All right. So, you -- you
 9 did not -- no, my question was: Did you meet
 10 with her? That's all, yes or no.
 11 **A. I don't -- I don't know, I**
 12 **don't recall.**
 13 Q. You don't recall --
 14 **A. No, I don't remember --**
 15 Q. -- meeting with her?
 16 **A. -- meeting with her, no, on**
 17 **that incident.**
 18 Q. Okay. Did you discuss --?
 19 **A. But if I can elaborate --.**
 20 Q. -- no, no, no. No, no, no,
 21 that's it, I'm satisfied. You don't recall,
 22 you didn't meet with her, you don't recall
 23 meeting with her. That's -- that's okay.
 24 Did you discuss this matter

1 Wiltshire - Further Cross - Fofana
 2 with -- with Ms. Adonai at all? The incident?
 3 **A. What incident?**
 4 THE HEARING OFFICER: The Tr.
 5 incident.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. The Tr. -- Tr. incident?
 8 THE HEARING OFFICER:
 9 Complaints.
 10 **A. I think I did. You know, I'm**
 11 **sure I would have.**
 12 BY MR. FOFANA: (Cont'g.)
 13 Q. No, the question is yes or
 14 no.
 15 **A. Specifically I don't remember**
 16 **whether or not we met pertaining to the**
 17 **incident.**
 18 THE HEARING OFFICER: Next
 19 question.
 20 MR. FOFANA: Okay.
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. You testified last week that
 23 you learned of my Web site from Ms. Adonai; is
 24 this correct?

1 Wiltshire - Further Cross - Fofana
 2 **A. That is correct.**
 3 Q. When was that?
 4 **A. Well, I first learned of it**
 5 **the --.**
 6 Q. No, the time?
 7 **A. I don't remember the time,**
 8 **no. It's during the semester, I don't recall**
 9 **the year.**
 10 Q. What year?
 11 **A. The -- what year -- you were**
 12 **sent to the school, was it 2003? Or 2000 --**
 13 **the -- the semester --**
 14 Q. What year --
 15 **A. -- year that --**
 16 Q. -- Ms. Adonai --.
 17 THE HEARING OFFICER: You've
 18 got to --
 19 **A. I don't remember.**
 20 THE HEARING OFFICER: -- Mr.
 21 Fofana, you've --
 22 **A. (Cont'g.) The -- the --**
 23 THE HEARING OFFICER: -- got
 24 to --

1 Wiltshire - Further Cross - Fofana
 2 **A. (Cont'g.) -- you were**
 3 **only --**
 4 THE HEARING OFFICER: -- give
 5 him a chance.
 6 MR. FOFANA: I'm sorry.
 7 **A. (Cont'g.) -- you were in our**
 8 **school for one semester. Okay.**
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. Uh-huh. That was what --?
 11 **A. It was during that time that**
 12 **she informed about the -- the Web site.**
 13 Q. Okay. I'm going to rephrase
 14 the question, straightforward: Did Ms. Adonai
 15 talk to you about the Web site, yes or no? Did
 16 Ms. Adonai --?
 17 **A. Of course she informed me**
 18 **about it.**
 19 Q. Okay. What year was it?
 20 **A. There are two situations**
 21 **there, that I have to answer, because --**
 22 Q. No --
 23 **A. -- there are --**
 24 Q. -- no --

1 Wiltshire - Further Cross - Fofana
 2 **A. -- two different --**
 3 Q. -- no.
 4 **A. -- Web sites --**
 5 Q. You -- you have to --
 6 **A. -- you had.**
 7 Q. -- you --
 8 **A. Which one of them --?**
 9 Q. -- you answer my question.
 10 **A. I cannot answer it.**
 11 Q. What year --?
 12 **A. There were two Web sites.**
 13 THE HEARING OFFICER: All
 14 right. Mr. Fofana, he -- he's indicating he
 15 doesn't quite know how to answer the
 16 question --
 17 MR. FOFANA: Uh-huh.
 18 THE HEARING OFFICER: -- and
 19 so that's a legitimate response --
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: -- and
 22 so -- you -- you know, we need to -- you may
 23 need to target your question a little
 24 differently.

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: That's correct.
 3 I apologize. I have to, you know, rephrase it.
 4 THE WITNESS: I'm sorry.
 5 MR. FOFANA: That's okay.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Okay. And can you try to --
 8 can -- can you remember whether it was in 2005
 9 or 2006 that you saw, no -- let me put this in
 10 a -- excuse me. I want to put it another way,
 11 probably -- it just will be helpful.
 12 When was the first time you
 13 saw this Web site?
 14 THE HEARING OFFICER: All
 15 right. I'd just like the record to reflect
 16 that Mr. Fofana now has a projector that is
 17 showing a Web site on the -- the -- the wall,
 18 which is acting as a projection screen. So,
 19 that's the basis for his asking the question.
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. When was the first time you
 22 saw this Web site?
 23 **A. Okay. The first Web site**
 24 **that I saw, and I don't recall whether or not**

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1 **Wiltshire - Further Cross - Fofana**
 2 **it was this, that was in the fall term, when**
 3 **the parent complained about the child picture**
 4 **was on the Web site, and she did not give**
 5 **permission for. That was the first time I saw**
 6 **your Web site.**
 7 Q. So, you saw this Web site in
 8 fall, that's what you're saying?
 9 **A. Yeah, in the fall semester**
 10 **that year.**
 11 Q. Okay. What's the name of --
 12 of the parents? Because you say a parent --.
 13 **A. I think they were -- either**
 14 **it was -- was it Ni.Ae. --**
 15 Q. Let me -- let me refresh
 16 my --
 17 **A. -- or --**
 18 Q. -- your memory. Okay. You
 19 have only two pictures, so it should be easy.
 20 This is --.
 21 **A. Yes, I think it was Ni.,**
 22 **that's what I said.**
 23 Q. It was his mother or
 24 father --

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1 Wiltshire - Further Cross - Fofana
 2 ask you: Do you that this incident, this
 3 picture -- okay.
 4 Let me ask you: Do you think
 5 this picture is improper?
 6 **A. No. No, I don't think the**
 7 **picture --.**
 8 Q. Do you think it was a offense
 9 to post this picture to -- you know, on --
 10 on --on the Web site?
 11 **A. I don't think -- I don't**
 12 **think your intentions were offensive.**
 13 Q. Okay. Now, when the parent
 14 complained, it would legitimate to discuss it
 15 with me. But now you're saying you don't
 16 remember; is that correct?
 17 **A. What I'm saying, you know,**
 18 **again, it's very difficult for me to go back**
 19 **and remember every incident, but in this**
 20 **incident, but I would just have a simple**
 21 **conversation with you and say, "Look, you know**
 22 **what you did, it would have been okay, but you**
 23 **needed to get permission from -- from the**
 24 **parents and permission from the -- I'd just**

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1 Wiltshire - Further Cross - Fofana
 2 **A. Her mother.**
 3 Q. -- who complained that her --
 4 okay. When was that, exactly?
 5 **A. When she -- she complained --**
 6 **I don't remember the exact --**
 7 Q. It was in --
 8 **A. -- date --**
 9 Q. -- fall, right?
 10 **A. -- but it was in the fall**
 11 **term, yes.**
 12 Q. All right. Thank you. Now,
 13 let me ask you: Did you meet with me -- the
 14 author of the Web site to -- you know, to ask
 15 me question about it; did you?
 16 **A. I think I did. I think I**
 17 **did, because -- I -- I think I did.**
 18 Q. Do you have any documents,
 19 you know, that recorded, you know, that
 20 sanctioned this conference? And it -- it's yes
 21 or no, because it you say you think, you leave
 22 some -- a lot of doubt about it.
 23 **A. Of course there's some doubt.**
 24 Q. No, this is -- this -- let me

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1 **Wiltshire - Further Cross - Fofana**
 2 **have -- just have a conversation with you --**
 3 Q. No.
 4 **A. -- since, in my judgment, it**
 5 **was not something that you might have done.**
 6 Q. Thank you, Dr. Wiltshire.
 7 Now, let me ask you since parents refused, did
 8 you ask me to remove this picture, since this
 9 parent was unhappy for her daughter being on
 10 the -- on the Internet? Did you ask me to
 11 remove it?
 12 **A. I'm sure in our conversation**
 13 **I would have asked you to take it down.**
 14 Q. So, the implication is if the
 15 picture remained, that means I refused to take
 16 it down; is that fair to say?
 17 **A. That would be fair to say.**
 18 Q. Now, why you did not take any
 19 disciplinary action in the sense that --
 20 this -- you know, if there ever was a case of
 21 insubordination, that was it?
 22 **A. No, you -- you -- look, I**
 23 **mean, if a teacher makes a legitimate error or**
 24 **something like that. I mean, they create a Web**

42 (Pages 810 to 813)

1 **Wiltshire - Further Cross - Fofana**
 2 **site where -- and you know, they're saying this**
 3 **is the student of the month or something like**
 4 **that --**
 5 Q. Uh-huh.
 6 **A. -- and I have a conversation**
 7 **with the teacher and said, "Look, you made a**
 8 **error. This is something that you should not**
 9 **do. Remove the Web site."**
 10 Q. I --.
 11 **A. "I mean, you know, remove the**
 12 **teacher -- the -- the student's picture, or get**
 13 **the permission from the parent." You know, I**
 14 **would have that conversation. It is not a**
 15 **situation that I'm looking to say, "Oh, I got**
 16 **you here." No, if it is something that is**
 17 **reasonable I deal with it from that --.**
 18 Q. That was not my question,
 19 actually. My question is it was a -- once
 20 again, it's straightforward. A parent
 21 complained about this picture. You know, at
 22 the minimum you would say, "Fine, I understand
 23 it's not malicious, but take it down because
 24 the parent don't want it."

1 **Wiltshire - Further Cross - Fofana**
 2 **A. And I'm sure I said that.**
 3 Q. So -- but did you --
 4 **A. Yes.**
 5 Q. -- did you ask?
 6 **A. Did I ask you to do that?**
 7 Q. Yes.
 8 **A. I think I did, yes.**
 9 Q. So, now the question is, if
 10 those pictures remain, the only implication is
 11 I refuse to take it down.
 12 MS. HEMANS-BRANTLEY:
 13 Objection.
 14 MR. FOFANA: Sorry.
 15 THE HEARING OFFICER: Basis?
 16 MS. HEMANS-BRANTLEY:
 17 Characterization of whether or not that's --
 18 MR. FOFANA: No, it's --
 19 MS. HEMANS-BRANTLEY: -- the
 20 only implication.
 21 MR. FOFANA: -- it's -- it's
 22 a logical --
 23 THE HEARING OFFICER: As long
 24 as he's asking a question.

1 **Wiltshire - Further Cross - Fofana**
 2 MR. FOFANA: -- it's a
 3 logical question.
 4 THE HEARING OFFICER: If not,
 5 then --.
 6 **A. That would be -- okay. Okay.**
 7 **Yes, that would be logical.**
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Did you take any --
 10 **A. Because --**
 11 Q. -- action towards, you
 12 know --?
 13 **A. Once I had a conversation**
 14 **with you, I'm going on your honor. I'm not**
 15 **going to back and check the Web site, to see**
 16 **whether or not it was done. The only way that**
 17 **I would have known, unless I receive another**
 18 **complaint.**
 19 Q. Let me -- let me ask you,
 20 sir, did this parent came back and say, "I
 21 requested, Dr. Wiltshire, you know, why the
 22 picture is still there?" Did you --?
 23 **A. Besides the -- I never got**
 24 **another complaint.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. You never get it?
 3 **A. Right.**
 4 Q. Okay.
 5 **A. I didn't follow through.**
 6 Q. All right. Now, is it fair
 7 to say, Dr. Wiltshire, that these Web sites,
 8 these are my classes, as you could recognize;
 9 right? Take a look. These are the classes.
 10 Okay.
 11 I would like you to take a
 12 look at this. This is the work I did. Before
 13 I'm asking the question, I want to make sure we
 14 understand what we're talking about. Can you
 15 recognize the date on the left-hand side?
 16 MS. HEMANS-BRANTLEY: We
 17 can't see this from this angle. You'll have to
 18 pull it up.
 19 MR. FOFANA: Okay. Pull it
 20 up? Okay. Let me try.
 21 MS. HEMANS-BRANTLEY: Yeah,
 22 it's just --.
 23 MR. FOFANA: What about this?
 24 Is it okay?

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1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: That's
 3 enough.
 4 **A. That's October the 5th.**
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. Uh-huh.
 7 **A. Okay.**
 8 Q. Do you know this --?
 9 **A. I don't remember --.**
 10 Q. No, no, no. I -- I'm sorry.
 11 I take it back, you know. I'm just saying you
 12 can see it; right? So, if this is the first
 13 time I put it and it went to all the way, on
 14 the databases -- let me go all the way down.
 15 We went through until November --
 16 MS. HEMANS-BRANTLEY: I'm
 17 going to --.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. -- 24th.
 20 THE HEARING OFFICER:
 21 Question, Mr. Fofana?
 22 MR. FOFANA: Yeah, now --
 23 that's it. Now I'm -- I'm -- that's all I
 24 need.

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1 Wiltshire - Further Cross - Fofana
 2 understand --.
 3 THE HEARING OFFICER: You
 4 know -- right. Mr. Fofana, we really need
 5 to --
 6 MR. FOFANA: Uh-huh.
 7 THE HEARING OFFICER: -- get
 8 to questions. I mean this witness did not
 9 create this material, this is your created
 10 material --
 11 MR. FOFANA: Yeah. All
 12 right. That's correct.
 13 THE HEARING OFFICER: -- or
 14 purports to be --
 15 MR. FOFANA: All right.
 16 THE HEARING OFFICER: -- your
 17 creative material.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. Have you -- have you seen --
 20 have you seen this work, this -- let's go back.
 21 **A. I've seen these.**
 22 Q. Did you go into these classes
 23 to -- to take a look at them, when I saw --
 24 **A. No. No.**

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1 Wiltshire - Further Cross - Fofana
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. My -- my question is --
 4 **A. Uh-huh.**
 5 Q. -- do you agree with me, yes
 6 or no, that if I did this work on -- on the
 7 daily basis, this work will be -- there will be
 8 repetition every day in my classroom, yes or
 9 no?
 10 **A. There will be what?**
 11 Q. There would be a repetition.
 12 In other words, they will -- I will mention
 13 this work every day in -- in the classroom.
 14 In other words, put it
 15 another way, I'm sorry. Since this is a
 16 support for my instruction; right? You agree
 17 with me, this is a support for my instruction.
 18 Now, I'm asking you --.
 19 MS. HEMANS-BRANTLEY: I
 20 didn't -- I'm sorry. I'm going to object
 21 because I didn't hear the witness even say that
 22 he recognized this. I don't --
 23 THE HEARING OFFICER: Right.
 24 MS. HEMANS-BRANTLEY: --

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1 **Wiltshire - Further Cross - Fofana**
 2 Q. Okay. In other words, you
 3 saw Web site, but you did not explore it.
 4 **A. That's correct.**
 5 Q. No, no.
 6 THE HEARING OFFICER: So, you
 7 saw the home page in other words.
 8 MR. FOFANA: Yeah. Okay.
 9 THE HEARING OFFICER: You
 10 didn't click onto any other item?
 11 MR. FOFANA: But he -- he did
 12 not -- yes, that's what he's saying.
 13 **A. No, what I'm saying is that**
 14 **all I saw was the picture was that shown to me**
 15 **by the A.P. I did not explore your Web site to**
 16 **see what --.**
 17 Q. At all?
 18 **A. No.**
 19 Q. So, you had no idea --
 20 this -- this is a math teacher in your school.
 21 **A. Yes.**
 22 Q. And he made a Web site, and
 23 you saw classes, resources. You did not -- you
 24 did not explore, you just jumped to students of

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1 Wiltshire - Further Cross - Fofana
 2 the month?
 3 **A. That's all --**
 4 Q. That's what you're saying?
 5 **A. -- that was shown to me. It**
 6 **is that -- you do have a supervisor --**
 7 Q. I'm not --
 8 **A. -- of mathematics whose**
 9 **responsibility it is to look at -- to see**
 10 **whether those things are -- are appropriate,**
 11 **and then they report back to me.**
 12 Q. Hold on. So, if I
 13 understand, you're saying it's not for you to
 14 explore this, because Ms. Adonai's
 15 responsibility, that's what you're saying?
 16 **A. First of all, the supervisor**
 17 **would look at your Web site to see, you know,**
 18 **what you --**
 19 Q. All right. So, but
 20 yourself --
 21 **A. -- what you have posted on**
 22 **your Web site, if it was correct --.**
 23 Q. No, no, no, no. I'm sorry.
 24 It's not about correctness. It's -- it's

1 Wiltshire - Further Cross - Fofana
 2 just -- it's about, you know, acknowledge what
 3 is -- is in the Web site. So, you -- you say
 4 you were not curious enough to find out exactly
 5 what the teacher's -- is doing --
 6 MS. HEMANS-BRANTLEY:
 7 Objection.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. -- in this Web site?
 10 MS. HEMANS-BRANTLEY:
 11 Objection.
 12 MR. FOFANA: It's legitimate,
 13 sir.
 14 THE HEARING OFFICER: No,
 15 it's --
 16 MR. FOFANA: Because it
 17 was --.
 18 THE HEARING OFFICER: --
 19 well, no, no, no. You're not not being
 20 allowed. I think it's the characterization of
 21 curious, Ms. Brantley, is that -- am I right?
 22 MS. HEMANS-BRANTLEY: Yes.
 23 I -- and I -- never mind. Go ahead.
 24 MR. FOFANA: All right.

1 Wiltshire - Further Cross - Fofana
 2 Well, I'm going to try, probably --.
 3 THE HEARING OFFICER: The
 4 witness has said that he was shown a picture --
 5 MR. FOFANA: Uh-huh.
 6 THE HEARING OFFICER: -- the
 7 picture. He's stated now, on a few
 8 occasions --
 9 MR. FOFANA: Uh-huh.
 10 THE HEARING OFFICER: -- he
 11 did not explore the site.
 12 MR. FOFANA: Yeah.
 13 THE HEARING OFFICER: That's
 14 the answer; correct?
 15 THE WITNESS: That is
 16 correct.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. So, the -- you're saying the
 19 classes didn't -- you did -- you were not
 20 curious to look into what classes were about,
 21 or the resources were about?
 22 **A. And again, I --.**
 23 **THE HEARING OFFICER: Mr.**
 24 **Fofana, he's already said he didn't look.**

1 **Wiltshire - Further Cross - Fofana**
 2 MR. FOFANA: Okay. All
 3 right.
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. So, help me, sir -- let me
 6 explain why, in your observation, you did not
 7 mention the Web site, because you did not look
 8 at it, is that correct? Because this was
 9 started in October 5th. Now --.
 10 **A. Let me explain.**
 11 Q. No --.
 12 THE HEARING OFFICER: No, you
 13 just -- what's your -- what's your question --
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. My question is --
 16 THE HEARING OFFICER: -- Mr.
 17 Fofana?
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. -- because you did not -- is
 20 it -- is it fair to say that since you did not
 21 explore this Web site, you didn't -- that's why
 22 you did not mention it at all in your
 23 observation report?
 24 **A. Your Web site has nothing to**

1 **Wiltshire - Further Cross - Fofana**
2 **do with your observation. Everything that you**
3 **have on there, that could be done manually and**
4 **hand out to the students.**

5 Q. No, no, no, you didn't answer
6 my question. My question is --.

7 THE HEARING OFFICER: Mr.
8 Fofana, he -- he may -- he answered your
9 question. He -- you may not like the answer --

10 MR. FOFANA: That -- that
11 is --

12 THE HEARING OFFICER: -- but
13 you asked the question and he did respond to
14 it.

15 MR. FOFANA: I take it -- I
16 take it.

17 BY MR. FOFANA: (Cont'g.)

18 Q. So, you're saying my Web site
19 has nothing to do with your observation?

20 **A. No.**

21 Q. Okay. Let me -- you observed
22 me on -- on the 30th -- or the -- no, the
23 25th -- let me see --.

24 **A. 30th.**

1 **Wiltshire - Further Cross - Fofana**

2 Q. -- 30th. And on September,
3 it was not created yet. But the second one,
4 the second observation, which is in
5 specification number three. Specification
6 number three --.

7 MS. HEMANS-BRANTLEY: Are you
8 going to refer to D.O.E. Five? I can show the
9 witness.

10 MR. FOFANA: Yeah, thank you
11 very much.

12 MS. HEMANS-BRANTLEY: Do you
13 want me to show him --?

14 MR. FOFANA: May I take a
15 look at this? Yes.

16 MS. HEMANS-BRANTLEY: Oh, you
17 need a copy too?

18 MR. FOFANA: If you have it.

19 MS. HEMANS-BRANTLEY: Sure.
20 Okay.

21 MR. FOFANA: Thank you.

22 BY MR. FOFANA: (Cont'g.)

23 Q. This is on the 25th of --
24 right. This is your observation.

1 Wiltshire - Further Cross - Fofana

2 **A. Uh-huh.**

3 Q. Right?

4 **A. Yes.**

5 Q. Now, this was a period of --
6 fourth period, thank you. As you can see on --
7 on the Web -- on -- on the screen, this is the
8 class that was observed. I will just jump
9 to -- this is the class you observed, but
10 unfortunately you did not -- well, to my
11 misfortune you did not observe it --.

12 MS. HEMANS-BRANTLEY:
13 Objection to the characterization --

14 MR. FOFANA: I -- I take that
15 back.

16 THE HEARING OFFICER: Yeah.

17 MR. FOFANA: I take that
18 back.

19 BY MR. FOFANA: (Cont'g.)

20 Q. On that day -- on that day,
21 the 10th or 20 -- 22nd, 27th, here we go. Here
22 we go. 10/25th, operation on complex numbers,
23 using eighty-three. So, you were not aware of
24 that? You were --.

1 Wiltshire - Further Cross - Fofana

2 THE HEARING OFFICER: Meaning
3 the reference to the Web site?

4 MR. FOFANA: Yeah, yes.

5 BY MR. FOFANA: (Cont'g.)

6 Q. So, you --.

7 THE HEARING OFFICER: Do you
8 understand the question?

9 THE WITNESS: Yes, I

10 understand the question.

11 MR. FOFANA: Okay.

12 THE HEARING OFFICER: Can you
13 answer it, Dr. Wiltshire?

14 **A. Yes, I was -- I was not aware**
15 **of what you had on your Web site.**

16 BY MR. FOFANA: (Cont'g.)

17 Q. Okay. And is it fair to say
18 that if a teacher creates a Web site in order
19 to -- to use the Web technology to enhance his
20 instruction, is it fair to say that the -- the
21 Web site will be mentioned --

22 MS. HEMANS-BRANTLEY:

23 Objection.

24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. -- in -- in the classroom?
 3 MS. HEMANS-BRANTLEY:
 4 Objection. This witness has testified to no
 5 personal knowledge with regards to lessons on
 6 the --
 7 MR. FOFANA: No, no, no, no.
 8 This --
 9 THE HEARING OFFICER: Right.
 10 MR. FOFANA: -- is a general
 11 question, not -- not -- not --.
 12 THE HEARING OFFICER: This is
 13 a general question?
 14 MR. FOFANA: It's just a
 15 general question.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. I'm saying if a teacher is
 18 maintaining a Web site, a Web site that's being
 19 integrated into instruction, is it fair to say
 20 that that Web site will be mentioned in the
 21 classroom?
 22 **A. What relevance is that to**
 23 **your lesson?**
 24 Q. Well, because --

1 Wiltshire - Further Cross - Fofana
 2 **A. Not every student has a**
 3 **computer.**
 4 Q. -- well, well, I'm going to
 5 get to that, if you want.
 6 MS. HEMANS-BRANTLEY: I'm --
 7 I'm sorry.
 8 THE HEARING OFFICER: All
 9 right.
 10 MS. HEMANS-BRANTLEY: Going
 11 to object to --
 12 MR. FOFANA: Well -- well --
 13 well, he -- he said something that's very
 14 interesting.
 15 THE HEARING OFFICER: No, no,
 16 no. Now hold -- hold on. Ms. Brantley has an
 17 objection, and --
 18 MR. FOFANA: What's your
 19 objection?
 20 MS. HEMANS-BRANTLEY: The
 21 objection is that this -- the Respondent's
 22 question is calling for speculation on this
 23 principal's part, because the principal has
 24 testified that he no personal knowledge of the

1 Wiltshire - Further Cross - Fofana
 2 Web site.
 3 THE HEARING OFFICER: Right.
 4 Mr. -- Mr. Fofana, what the question -- I tend
 5 to agree with Ms. Brantley, what the question
 6 fails to account for is the fact that the
 7 witness did -- was -- has stated he was not
 8 aware of your Web site.
 9 MR. FOFANA: Yeah.
 10 THE HEARING OFFICER: So,
 11 you -- you may disagree with that, but that's
 12 what he's stated, so --
 13 MR. FOFANA: Uh-huh.
 14 THE HEARING OFFICER: -- it's
 15 kind of a speculative question that doesn't
 16 bear any relevance, at this point, to the
 17 record.
 18 MR. FOFANA: Okay. Okay.
 19 All right. Well, I -- I would like to draw
 20 your attention to a document -- I'm going to
 21 have it -- counsel must -- may have a copy, but
 22 I want to put it on the -- on the screen to
 23 make it easier.
 24 MS. HEMANS-BRANTLEY: Well,

1 Wiltshire - Further Cross - Fofana
 2 can I just see it before you put it on the
 3 screen, in case I have an objection?
 4 MR. FOFANA: Well, if --
 5 if -- okay. Let me -- let me find first.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. Okay. It's about the S.C.I.
 8 reports on the Web site. Do you remember
 9 this -- this report?
 10 **A. What report?**
 11 Q. The S.C.I. report.
 12 THE HEARING OFFICER: That is
 13 not in evidence at this time; correct?
 14 MS. HEMANS-BRANTLEY: No,
 15 it's not.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. Uh-huh. Do you remember that
 18 letter?
 19 **A. I'd have to see the contents,**
 20 **I -- I --.**
 21 Q. Oh, I'm sorry. Here we go.
 22 I would like -- you know, I would like to draw
 23 your attention to the second paragraph, that's
 24 all. The only --.

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1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: I'm
 3 going to object if he's going to ask him to
 4 read from a document that's not in evidence.
 5 THE HEARING OFFICER: Right.
 6 Technically this document is not yet in
 7 evidence.
 8 MR. FOFANA: Okay.
 9 THE HEARING OFFICER: You can
 10 certainly ask him questions that might be about
 11 this topic.
 12 MR. FOFANA: All right.
 13 THE HEARING OFFICER: If he
 14 knows something --
 15 MR. FOFANA: All right. Let
 16 me --
 17 THE HEARING OFFICER: -- but
 18 he's --
 19 MR. FOFANA: -- I --
 20 THE HEARING OFFICER: -- not
 21 the author of it, and unless --
 22 MR. FOFANA: -- I understand.
 23 THE HEARING OFFICER: -- he
 24 says he knows it.

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1 Wiltshire - Further Cross - Fofana
 2 own screen --
 3 MR. FOFANA: Right.
 4 THE HEARING OFFICER: -- as
 5 you ask him questions.
 6 MR. FOFANA: Right.
 7 That's -- that's what I mean.
 8 THE HEARING OFFICER: Okay?
 9 MR. FOFANA: Thank you.
 10 It's -- we -- there's no -- no quarrel.
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. I'm going to ask you one --.
 13 THE HEARING OFFICER: Can you
 14 answer that question?
 15 **A. Well, yes, I can, but not a**
 16 **yes or a no. Because once they --.**
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. No, no, no. It's a yes or
 19 no.
 20 **A. I can't answer yes or no.**
 21 Q. We have -- we have to clarify
 22 that. So, let me tell you -- put the question
 23 another way, if you want.
 24 Did you say -- did you

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I understand.
 3 This is, you know, my -- my -- I think I was
 4 really be better off to be a math teacher than
 5 a lawyer.
 6 THE HEARING OFFICER: Oh,
 7 yeah.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. I'm going to ask you, sir,
 10 this question: Did you say to the S.C.I.
 11 investigator that you came across my Web site
 12 by typing in the school name in the Yahoo!
 13 Internet search engine? That's my question.
 14 Did you or you didn't say that to -- to the --
 15 to the investigator, that you came across my
 16 Web site by typing in? That's my question.
 17 MS. HEMANS-BRANTLEY: If --
 18 I'm sorry. If you could just take the document
 19 down, if we -- if -- so the witness cannot
 20 refer to it, if it's not in evidence.
 21 MR. FOFANA: Oh, yeah. No,
 22 well -- this is -- this is for my own --.
 23 THE HEARING OFFICER: Well,
 24 you can -- you can -- you can review it on your

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1 Wiltshire - Further Cross - Fofana
 2 tell -- did you tell the investigator, "I came
 3 across this Web site by typing the name of the
 4 school in the Yahoo! search engine"?
 5 THE HEARING OFFICER: Yes or
 6 no?
 7 MR. FOFANA: Yes.
 8 **A. I don't recall what I told**
 9 **him.**
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. You don't recall saying that?
 12 So what --?
 13 **A. I -- I -- what -- what I**
 14 **did --.**
 15 Q. No, no. You need to say no,
 16 you don't recall, so there's no point to expand
 17 on it. You just say that, I'm going move onto
 18 the next question --
 19 **A. Okay. All right.**
 20 Q. -- because you don't remember
 21 that.
 22 Now, my question is when did
 23 you contact the S.C.I. about the Web site?
 24 **A. The very day that it was**

48 (Pages 834 to 837)

1 **Wiltshire - Further Cross - Fofana**
 2 **brought to my knowledge.**
 3 Q. Which is when?
 4 **A. I don't -- I don't remember**
 5 **the exact date. It's impossible for me to**
 6 **remember the exact date.**
 7 THE HEARING OFFICER: You --
 8 you don't need to explain, you just answer the
 9 questions.
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. What year -- okay. All
 12 right. That's fine -- that's fine.
 13 You do remember, from your
 14 earlier statement, you came across at least --
 15 tell me if I'm wrong --
 16 **A. Uh-huh.**
 17 Q. -- you came across
 18 mathspell.com in fall 2000 -- in fall, when a
 19 parent came to see you --
 20 **A. Right.**
 21 Q. -- and complained; is --
 22 **A. That --**
 23 Q. -- that correct?
 24 **A. -- that is correct.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Now -- now, how you reconcile
 3 this date with the S.C.I., saying that you told
 4 them you saw the Web site in 2006? How do you
 5 reconcile the two dates?
 6 **A. There was two different Web**
 7 **sites. I mean, they -- they -- they -- yes,**
 8 **there are two completely different Web sites.**
 9 Q. But they mention both of
 10 them.
 11 **A. The one that you had on --.**
 12 MR. FOFANA: They mention
 13 both of them.
 14 THE HEARING OFFICER: Let --
 15 let him answer.
 16 MR. FOFANA: Yes. I'm sorry.
 17 **A. (Cont'g.) There were two**
 18 **different Web sites. The Web site where you**
 19 **had the students -- the -- the Web site that**
 20 **you're referring to --**
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. Uh-huh.
 23 **A. -- that was**
 24 **teacherabuse.com --**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. .com.
 3 **A. -- or something like that.**
 4 Q. Yeah.
 5 **A. Okay. That was a different**
 6 **Web site from the mathspell Web site that you**
 7 **had.**
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Yes.
 10 **A. All right. So, when I --**
 11 **when the -- when the second Web site was**
 12 **brought to my attention --**
 13 Q. Uh-huh.
 14 **A. -- and we looked and we saw**
 15 **the -- based on the information that I saw in**
 16 **there --**
 17 Q. Uh-huh.
 18 **A. -- I had to call S.C.I. and I**
 19 **made that report.**
 20 **Now, what happened is**
 21 **that --.**
 22 Q. That's --that's sufficient.
 23 I -- that's sufficient for me, satisfies me.
 24 I will just ask you now,

1 Wiltshire - Further Cross - Fofana
 2 to -- to -- to clarify the issue, let's
 3 separate the two -- the two Web sites.
 4 So, you saw the mathspell
 5 in -- in 2004. Did you contact the S.C.I. on,
 6 you know, this Web site? Did you -- did you
 7 file any complaint with the S.C.I. regarding
 8 mathspell?
 9 **A. I -- I'm not sure, but I**
 10 **don't think I did.**
 11 Q. You don't recall?
 12 **A. I -- I am -- I am not quite**
 13 **sure if I did.**
 14 Q. All right.
 15 **A. Because --.**
 16 Q. No, no.
 17 THE HEARING OFFICER: That's
 18 fine.
 19 BY MR. FOFANA: (Cont'g.)
 20 Q. My question -- to -- to be --
 21 I'm sorry to say that, but to go forward
 22 quickly, it's yes, no, or I don't know, so we
 23 can move on, because if you --
 24 **A. Well, I -- I don't know,**

1 **Wiltshire - Further Cross - Fofana**
 2 **then.**
 3 Q. Thank you. That's all I
 4 need.
 5 THE HEARING OFFICER: All
 6 right. So, let's go.
 7 MR. FOFANA: Yeah.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. So, you don't recall whether
 10 you contacted the S.C.I. about the mathspell --
 11 **A. Right.**
 12 Q. -- when you saw it for the
 13 first time in 2004?
 14 **A. Right.**
 15 Q. And -- okay. Now, when was
 16 it -- when was the first time, and in what
 17 circumstances, you came across
 18 teacherabuse.com?
 19 **A. It was brought to my**
 20 **attention by the assistant principal.**
 21 Q. By Ms. Adonai? When was
 22 that?
 23 **A. I don't remember dates, that**
 24 **way.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. You don't remember?
 3 **A. I don't remember dates that**
 4 **way.**
 5 Q. You don't remember.
 6 **A. But I know that it was during**
 7 **the time when you were removed --.**
 8 Q. No, no. Well, that's fine.
 9 You just say you don't remember, so --.
 10 MS. HEMANS-BRANTLEY: If we
 11 could stop commenting after the witness has --
 12 THE HEARING OFFICER: Yeah,
 13 well --.
 14 MS. HEMANS-BRANTLEY: --
 15 given an answer?
 16 MR. FOFANA: Well, no, no.
 17 I'm -- I -- sir, it's legitimate, because if he
 18 say -- if I'm looking for years, no. If he
 19 doesn't remember he -- he cannot, you know,
 20 elaborate something he doesn't remember.
 21 THE HEARING OFFICER: I -- I
 22 agree. And I agree --
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: -- but

1 Wiltshire - Further Cross - Fofana
 2 this goes both ways.
 3 MR. FOFANA: Okay.
 4 THE HEARING OFFICER: Just --
 5 it's -- and just that Dr. Wiltshire needs to
 6 stick with answering the question, and not
 7 worry --
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: --
 10 about what the implications may or may not be.
 11 MR. FOFANA: Uh-huh.
 12 THE HEARING OFFICER: You
 13 also need to not make commentary afterwards;
 14 okay?
 15 MR. FOFANA: I agree.
 16 THE HEARING OFFICER: If you
 17 both of you --
 18 MR. FOFANA: I apologize --
 19 THE HEARING OFFICER: -- do
 20 that, we -- we will move --
 21 MR. FOFANA: -- for the
 22 last --
 23 THE HEARING OFFICER: -- this
 24 process --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Okay.
 3 THE HEARING OFFICER: --
 4 along quicker.
 5 MR. FOFANA: All right.
 6 THE HEARING OFFICER: Thank
 7 you.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. All right. So you don't
 10 remember -- as I understand, you don't remember
 11 when exactly you saw it. Let me try to be more
 12 specific.
 13 I'm not looking for a date or
 14 even months. Year. In what year you saw
 15 teacherabuse.com?
 16 **A. That is clearly documented.**
 17 **I -- I don't keep memory of -- of these things.**
 18 **I -- I don't remember the --.**
 19 Q. The year?
 20 THE HEARING OFFICER: Next
 21 question.
 22 MR. FOFANA: All right.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. So, the -- the S.C.I. say

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1 Wiltshire - Further Cross - Fofana
 2 that you contacted them in 2006; is that
 3 correct? Did you contact them --
 4 **A. That's correct.**
 5 Q. -- in 2006 and --?
 6 **A. Correct.**
 7 Q. That's correct. Now, if you
 8 contacted them 2006, it would be -- is it fair
 9 to say that you saw the teacherabuse, and you
 10 immediately contacted them, or --?
 11 **A. Yes, that is fair to say.**
 12 Q. All right. So, it's fair to
 13 say that you saw the Web site in 2006?
 14 **A. Yes.**
 15 Q. All right. So, why you
 16 didn't tell us simply you saw the teacherabuse
 17 in 2006?
 18 MS. HEMANS-BRANTLEY:
 19 Objection.
 20 THE HEARING OFFICER: He
 21 answered -- he's answering to the best of his
 22 ability.
 23 MR. FOFANA: Okay.
 24 THE HEARING OFFICER: Now

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1 Wiltshire - Further Cross - Fofana
 2 that he's answered the question.
 3 MR. FOFANA: All right.
 4 THE HEARING OFFICER: So,
 5 let's move on.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. So, we agree that Dr.
 8 Wiltshire saw 2006. You saw teacherabuse.com
 9 in 2006. That's a fair characterization of
 10 what you said; you saw it in 2006?
 11 THE HEARING OFFICER: Is that
 12 right, Dr. Wiltshire?
 13 **A. Around that time, if that's**
 14 **what the record says, yes.**
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Okay. Now -- excuse me. Are
 17 you saying, Dr. Wiltshire, that in May -- May
 18 2 -- 30 -- May 31st, 2005, nobody told you
 19 that -- told you about this Web site? In the
 20 31st of May 2005, or even June 2005?
 21 **A. That the --?**
 22 Q. Nobody told you about --?
 23 **A. The first time I saw your Web**
 24 **site, was when it was brought to my attention**

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1 **Wiltshire - Further Cross - Fofana**
 2 **by Mrs. Adonai.**
 3 Q. And she brought it to your
 4 attention, you don't remember that?
 5 **A. It -- I -- I've made it**
 6 **clear, the very same day she showed me the Web**
 7 **site --**
 8 Q. Uh-huh.
 9 **A. -- I made the report,**
 10 **whatever the record said, in terms of the date**
 11 **that I reported --**
 12 Q. Uh-huh.
 13 **A. -- that would be the date that I**
 14 **first saw your Web site.**
 15 MR. FOFANA: Okay. All
 16 right. So, well, let's move on.
 17 THE HEARING OFFICER: Let's
 18 just go on pause for a brief moment, please.
 19 (Off-the-record discussion)
 20 THE HEARING OFFICER: All
 21 right. Due to the time, it's nearly five
 22 minutes to one and the parties have been going
 23 straight. We're going to take a short lunch
 24 break and return at approximately one-thirty

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1 Wiltshire - Further Cross - Fofana
 2 p.m. Thank you.
 3 (A luncheon recess was taken
 4 at 12:55 p.m.)
 5 (The hearing resumed at 1:34
 6 p.m.)
 7 THE HEARING OFFICER: All
 8 right. Mr. Fofana, are you ready to continue
 9 your cross-examination?
 10 MR. FOFANA: Thank you.
 11 THE HEARING OFFICER: Okay.
 12 MR. FOFANA: Yeah.
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. I have a very -- couple --
 15 one quick question. Is Ni.Ae. still in -- at
 16 school?
 17 **A. No.**
 18 Q. Ni.Ae. is still student,
 19 at --?
 20 **A. No, she's not.**
 21 Q. She's not? Okay. Do you
 22 have her address?
 23 **A. No, I don't.**
 24 Q. You don't? You have no way

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1 Wiltshire - Further Cross - Fofana
 2 to contact her? That's my question, is there
 3 anyway to contact her or her mother?
 4 **A. I don't know.**
 5 Q. You don't know. Is Kk.Sk.
 6 still in -- in the school, is one of my
 7 accusers?
 8 **A. No.**
 9 Q. No. Is there a way to
 10 contact her?
 11 **A. No.**
 12 Q. Do you have any address,
 13 phone number --
 14 **A. I have --**
 15 Q. -- a way to contact her?
 16 **A. -- in her transcript is her**
 17 **last address that she had.**
 18 Q. Thank you. My question
 19 applies to Mc.Bt. is still -- is she still in
 20 the school?
 21 **A. No.**
 22 Q. What about Dw.Du.?
 23 **A. No.**
 24 Q. No. Is there any way we can

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1 Wiltshire - Further Cross - Fofana
 2 (Off-the-record discussion)
 3 BY MR. FOFANA: (Cont'g.)
 4 Q. Yes. Do you remember Mr.
 5 Richard Devir? Did you invite this consultant,
 6 educational consultant in fall 2004?
 7 **A. Whose picture I'm looking at?**
 8 Q. Yeah, Richard Devir. Do you
 9 remember this guy. This gentleman, I'm sorry.
 10 **A. I --**
 11 Q. The -- the name --
 12 THE HEARING OFFICER: Let --
 13 let -- let him -- let him finish.
 14 MR. FOFANA: I'm sorry.
 15 **A. I have to think back. I**
 16 **can't recall offhand. I mean, we have --**
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. Okay.
 19 **A. -- excellent workshops.**
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. Okay. I have to ask you, you
 22 don't recall inviting an educational consultant
 23 by the name of Richard Devir to present Web
 24 site -- how to integrate Web sites into

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1 Wiltshire - Further Cross - Fofana
 2 contact these students?
 3 **A. We have on record their last**
 4 **addresses.**
 5 Q. Okay. Well, that's another
 6 question. Dr. Wiltshire, do you remember a
 7 professional-development workshop that took in
 8 '4 -- 2004?
 9 **A. There were several**
 10 **professional-development workshops --**
 11 Q. Okay.
 12 **A. -- yes, to staff.**
 13 Q. I'm going to ask a very
 14 specific one. This one took place on November
 15 2nd, 2004, and the topic was how to integrate
 16 Web site into instruction. That is this
 17 workshop I'm referring to. Do you remember
 18 that one?
 19 **A. I don't remember that**
 20 **workshop.**
 21 Q. You don't remember. Do you
 22 remember -- no. No, no.
 23 MR. FOFANA: Excuse me.
 24 Sorry. All right.

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1 Wiltshire - Further Cross - Fofana
 2 instruction, you don't recall this? You
 3 don't --?
 4 **A. I have a vague memory, but**
 5 **nothing specific is coming up.**
 6 Q. In fall -- well, you've
 7 answered the question, so let's move on. You
 8 don't remember this, you don't remember.
 9 Do you recall Dr. Adilifu
 10 conducting a survey in fall 2004, on your own
 11 instructions? The survey was -- in essence,
 12 the survey was to identify teachers who are
 13 fluent in Web technology with -- with respect
 14 to instruction. Do you recall this survey?
 15 Dr. Adilifu.
 16 **A. I -- I know that we did some**
 17 **of those surveys, so thought we might have.**
 18 Q. Dr. Adilifu is the
 19 administration assistant principal?
 20 **A. Right.**
 21 Q. And she conducted a survey to
 22 identify -- some kind of inventory of --
 23 **A. We -- we did --**
 24 Q. -- human resources?

52 (Pages 850 to 853)

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1 Wiltshire - Further Cross - Fofana
 2 **A. -- we did resources in terms**
 3 **of determining teacher's fluency in -- in -- in**
 4 **technology and so forth.**
 5 Q. But did you recall Dr.
 6 Adilifu conducting such survey in fall 2004?
 7 **A. She did certain survey, I**
 8 **don't remember whether or not it was fall 2004,**
 9 **2003, but I know we did those surveys.**
 10 Q. So you don't recall Adilifu
 11 doing that survey on the very day that Mr.
 12 Devir presented -- make -- made his
 13 presentation, on the same day, on November 2nd?
 14 **A. No, I don't.**
 15 Q. You don't? Okay.
 16 You said -- earlier you said
 17 there are many surveys. Which one do you
 18 remember?
 19 **A. I remember us doing a survey**
 20 **to determine the level of computer literacy.**
 21 **That our teachers -- different teachers have.**
 22 Q. Uh-huh.
 23 **A. I remember we might have done**
 24 **a survey on teachers who would like to attend**

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1 Wiltshire - Further Cross - Fofana
 2 **A. No.**
 3 Q. You do not recognize --?
 4 **A. I did not order any laptops**
 5 **for teachers' use.**
 6 Q. Okay. All right. Maybe my
 7 phrasing might be faulty. Let me ask you, did
 8 we ever receive laptops in fall 2004, in which
 9 teachers -- teachers gather, you know, to work
 10 with it? Faculty met, and we used all these
 11 laptops in a workshop.
 12 **A. Did we --?**
 13 Q. We receive such laptops?
 14 **A. We did receive, I don't know**
 15 **if it -- well, we did receive, through the**
 16 **Bowman Foundation. We wrote a grant, and we**
 17 **did receive some --**
 18 Q. Laptops?
 19 **A. -- we received laptops from**
 20 **them, yes.**
 21 Q. All right. And that happened
 22 in -- in fall 2004?
 23 **A. I don't know what year, 2004,**
 24 **2003.**

Page 855

1 **Wiltshire - Further Cross - Fofana**
 2 **computing workshops or something like that**
 3 **with --.**
 4 Q. Something like that? You
 5 don't --
 6 **A. Yeah, I don't remember.**
 7 Q. -- remember the topic?
 8 **A. No, those were so far gone I**
 9 **don't remember all of those.**
 10 Q. Okay. You don't recall
 11 the -- the report, because if you conduct a
 12 survey -- the resulting report, do you recall
 13 it?
 14 **A. No.**
 15 Q. No. Okay. Do you recall
 16 when you received two dozen or more laptops in
 17 fall -- you received laptops.
 18 First of all, let me ask you:
 19 Our school has a wireless system?
 20 **A. Yeah.**
 21 Q. That's right. As a result,
 22 if I'm not mistaken, you decided to explore, in
 23 terms of instruction, so you order many laptops
 24 for teachers' use?

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1 **Wiltshire - Further Cross - Fofana**
 2 Q. On November 2nd, you don't
 3 recall teachers using those laptops in
 4 connection to this gentleman's workshop; you
 5 don't remember that?
 6 **A. No, I -- remember, I do not**
 7 **attend all of the workshops that I give in the**
 8 **school.**
 9 Q. Well, the -- let -- let me
 10 ask you this: November 2nd is election day; is
 11 that correct, November 2nd?
 12 **A. What year?**
 13 Q. 2000 -- in -- okay. In 2004.
 14 **A. I don't know. I would have**
 15 **to verify. I can't --.**
 16 Q. Okay. In election day, you
 17 know, traditionally teachers -- no, students
 18 are not in attendance, and teachers gather for
 19 a workshop; is that correct?
 20 **A. That is correct.**
 21 Q. Professional development?
 22 **A. Yes.**
 23 Q. Okay. Can you remember -- do
 24 you remember what kind of workshop that took

53 (Pages 854 to 857)

1 Wiltshire - Further Cross - Fofana
 2 place in November 2004?
 3 **A. No.**
 4 Q. No. If I tried to -- to
 5 refresh your memory by saying that this
 6 gentleman came for a presentation, if I remind
 7 you -- try to help you to understand the -- the
 8 topic, that would be helpful?
 9 **A. No, well, try. I don't --.**
 10 Q. Let me try. Well, he -- as
 11 you can -- we can see it on the -- on the -- on
 12 the screen, he's a consultant, and -- hold on
 13 one second. Excuse, please. He's a consultant
 14 in teachers matters, I just wanted to -- excuse
 15 me. Yeah. All right.
 16 This is, how they say, our
 17 mission. We use technology in the classroom to
 18 prepare teachers, so that was the subject that
 19 brought him in on the 2nd of November, 2004.
 20 **A. Okay.**
 21 Q. He presented -- his
 22 presentation was focused on that. You don't
 23 remember that?
 24 **A. No.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Okay. I give up. Did you
 3 see student's grades on teacherabuse.com,
 4 yourself?
 5 **A. No.**
 6 Q. No. Then how -- how do you
 7 explain that in your -- in this document,
 8 D.O.E. -- excuse me. It's related to this
 9 subject. I hope I will be able locate it.
 10 This is getting to be a mess. That's how I see
 11 that.
 12 THE HEARING OFFICER: I think
 13 D.O.E.-Six, is that what you're referring to?
 14 No, actually that's wrong.
 15 MR. FOFANA: Yeah.
 16 THE HEARING OFFICER: Oh,
 17 D.O.E.-Seven.
 18 MR. FOFANA: D.O.E.-Seven
 19 related to -- yes.
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. I would like to, you know,
 22 refer you to D.O.E. Number Seven. Do you
 23 recognize this document?
 24 **A. Yeah. Uh-huh.**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Okay. This investigation of
 3 my Web site took place in 2006, as the S.C.I.
 4 stated. Since then, did you try to look at the
 5 teacherabuse, to find out if, indeed, student's
 6 names and grades were posted?
 7 In other words, following the
 8 S.C.I. investigation, did you try to take a
 9 look at the teacherabuse, whether there are
 10 grades or not?
 11 **A. No.**
 12 **MS. HEMANS-BRANTLEY:**
 13 **Objection.**
 14 **A. Oh, I'm sorry.**
 15 MR. FOFANA: No, it's a
 16 legitimate question.
 17 THE HEARING OFFICER: I'll --
 18 I'll allow the question.
 19 MR. FOFANA: Yeah, it was an
 20 investigation. It was --.
 21 THE HEARING OFFICER: You
 22 know he -- he --
 23 MR. FOFANA: Yeah.
 24 THE HEARING OFFICER: -- he

1 Wiltshire - Further Cross - Fofana
 2 answered the question.
 3 You said no?
 4 THE WITNESS: Yeah.
 5 THE HEARING OFFICER: Okay.
 6 Next question.
 7 BY MR. FOFANA: (Cont'g.)
 8 Q. (Cont'g.) Did you look the
 9 Web site at the time when the investigator
 10 found that there were grades, you know, alleged
 11 grades? Did you check yourself since then?
 12 **A. No, I have not checked your**
 13 **Web site.**
 14 Q. Why not? You are a
 15 principal.
 16 **A. Why should I check your Web**
 17 **site?**
 18 Q. Well, I'm --.
 19 **A. I have no interest in your**
 20 **Web sites. I don't want to check it. Why am I**
 21 **checking it?**
 22 Q. Well, sir -- okay. I'm going
 23 to put it this way.
 24 **A. Yes.**

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1 **Wiltshire - Further Cross - Fofana**
 2 Q. You're running a school, a
 3 teacher has been accused of posting, you know,
 4 grades on a -- on a Web site.
 5 **A. Yes.**
 6 Q. There's an investigation --
 7 **A. Yeah.**
 8 Q. -- prompted by your own --
 9 your complaint.
 10 **A. Yes.**
 11 Q. And you're telling us that
 12 you did not --?
 13 **A. Once I saw the information on**
 14 **the Web site, and I make a report, my job is**
 15 **completed. I saw the information there, it was**
 16 **alerted to me. I saw the rosters --.**
 17 Q. Okay. I'm going to put my
 18 question another way. What did you say -- what
 19 you see that you found objectionable --
 20 objectionable, that prompted you to complain
 21 with the -- with the S.C.I. -- S. -- S.C.I.?
 22 **A. Everything that was on the**
 23 **Web site.**
 24 Q. Name a couple.

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1 Wiltshire - Further Cross - Fofana
 2 **A. But I need to qualify that.**
 3 Q. No, no, I don't need it. You
 4 saw names and grades. That's -- I need to
 5 know, so that we can move on.
 6 **A. Okay.**
 7 Q. And now, I'm going to ask you
 8 if you saw it -- may I ask you, because
 9 everything is there. May I ask you to -- to
 10 tell us where exactly you saw the grades in the
 11 Web site? Let me --.
 12 **A. I -- I don't -- I don't**
 13 **remember. Once I saw the information I**
 14 **reported it to O.S.I. (sic). That's it for me.**
 15 **I do not --.**
 16 Q. No. No. This is not -- this
 17 is not the question. This is -- no, this --
 18 something, you know, peripheral. My question
 19 is: You saw it, I'm asking you where at.
 20 That's all.
 21 **A. On your Web site.**
 22 Q. Yeah, well, you know, if I --
 23 if I give you permission to search the laptop,
 24 and ask you to locate it and tell -- show us

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1 Wiltshire - Further Cross - Fofana
 2 **A. The -- the -- there's so --**
 3 **the very things that are listed in the report.**
 4 **The -- the things that are listed in the**
 5 **report.**
 6 Q. Let --.
 7 **A. Those are the things that I**
 8 **found were --**
 9 Q. Give -- give me one. Give
 10 me -- tell me one.
 11 **A. Posting two letters**
 12 **complaining of classroom misconduct of three**
 13 **students.**
 14 Q. Okay.
 15 **A. Posting student names and**
 16 **their grade, with their office numbers.**
 17 Q. Thank you. Stop. Well, if
 18 you saw the name on the grade, that was my
 19 question, you saw names and grades? Did you
 20 say that?
 21 **A. Yes, but -- but --**
 22 Q. That's it --
 23 **A. Okay.**
 24 Q. -- you saw that.

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1 Wiltshire - Further Cross - Fofana
 2 where you saw the -- the -- the grades, would
 3 that be fair?
 4 MS. HEMANS-BRANTLEY:
 5 Objection.
 6 THE HEARING OFFICER: Basis?
 7 MS. HEMANS-BRANTLEY: There's
 8 been no foundation to establish that the Web
 9 site as listed on the computer today, would be
 10 the Web site the principal saw back in 2006.
 11 MR. FOFANA: Fine. I still
 12 have not -- but still -- okay. Well, let's
 13 move. Let's move on. I promise to -- to -- to
 14 move on.
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Let me ask you now, when you
 17 saw the grades, as you said, is there any
 18 comments related to -- to grades? You agree
 19 with me, sir -- no, go ahead. Is there any
 20 comments?
 21 **A. No. I mean --**
 22 Q. They were accompanied with --
 23 with comments?
 24 **A. -- I -- once I saw it, I**

55 (Pages 862 to 865)

1 **Wiltshire - Further Cross - Fofana**
 2 **reported it.**
 3 Q. No, you -- you say that --.
 4 THE HEARING OFFICER: That's
 5 not -- that's not responsive to the question.
 6 THE WITNESS: Uh-huh.
 7 THE HEARING OFFICER: He's
 8 asking you, were there comments with the
 9 grades --
 10 MR. FOFANA: Yeah. Right.
 11 THE HEARING OFFICER: -- or
 12 were the grades just --
 13 THE WITNESS: I don't --
 14 THE HEARING OFFICER: --
 15 there?
 16 THE WITNESS: -- I don't
 17 recall.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. You don't recall. You agree
 20 with me, sir, that if you put forth, for
 21 instance, a -- like a area -- excuse me.
 22 If I put picture like this,
 23 you agree with me, sir, is the grade absolutely
 24 meaningless if there is no compass? If I

1 Wiltshire - Further Cross - Fofana
 2 don't -- look at this, with no caption, no
 3 comment, it wouldn't make sense, you agree with
 4 me, sir? If I put this picture on my Web site,
 5 with no name, no comment, no nothing, it
 6 wouldn't make sense; fair to say, right?
 7 **A. I don't know. To me it**
 8 **wouldn't.**
 9 Q. Well, I mean, we are --
 10 you're alleging that --.
 11 THE HEARING OFFICER: He just
 12 said to him, it wouldn't. You can -- okay.
 13 Next question.
 14 MR. FOFANA: Right.
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Now, my point is, could it
 17 possible that I post -- I post a grade with
 18 making no reference to them? In other words --
 19 I'm going to put it another way.
 20 If you -- if I put grades
 21 on -- on -- on the Web site, in -- how did I --
 22 how do I weave this picture into my narratives?
 23 Because there is a narrative, there's an
 24 explanation where the grade sits.

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY:
 3 Objection
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. Where the --.
 6 THE HEARING OFFICER: What's
 7 the objection?
 8 MS. HEMANS-BRANTLEY: He's
 9 asking for speculation on --.
 10 MR. FOFANA: No, no. No.
 11 Sir, you cannot -- you know, you cannot just
 12 say grades on -- on -- on the -- on -- on
 13 the -- on the Web site with no comment, no
 14 nothing. It's --.
 15 THE HEARING OFFICER: Well,
 16 you can -- you can ask him more questions.
 17 That's all he's testified too is that there
 18 were grades. I mean, Mr. Fofana, just so you
 19 understand --
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: -- I
 22 don't understand that to mean much of anything.
 23 I don't understand what that is --
 24 MR. FOFANA: Okay.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: --
 3 based on what he said, other than that there
 4 were some listing of some grades. I don't know
 5 if that's marking period grades --
 6 MR. FOFANA: Uh-huh.
 7 THE HEARING OFFICER: -- to
 8 one examination, if names were next to them.
 9 I --
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: -- I
 12 don't know what that means. So, you can -- you
 13 know, explore --
 14 MR. FOFANA: Yeah.
 15 THE HEARING OFFICER: -- that
 16 if you think it's relevant.
 17 MR. FOFANA: Yeah. Yeah.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. So, you saw the grades, but
 20 you don't remember anything that accompanied
 21 those grades; no text, no comments, no nothing,
 22 just grades?
 23 **A. There -- there were things**
 24 **there, but --**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Like what?
 3 **A. -- the -- the -- the fact of**
 4 **the matter is that I -- once I saw it and I**
 5 **took a brief overlook of the Web site --**
 6 Q. Uh-huh.
 7 **A. -- then I reported it. And**
 8 **that was the end of all that I did, okay? It**
 9 **was not important for me to go through the**
 10 **detail of your Web site. That was something**
 11 **that --**
 12 Q. No, no, no.
 13 **A. -- that they looked at.**
 14 Q. I'm sorry. Let's -- I have
 15 to stop you, because that's not the issue,
 16 actually.
 17 **A. Okay.**
 18 Q. We -- let's try to confine
 19 ourselves to the grades. You -- you saw it,
 20 you don't remember anything that went with it.
 21 Let's move on.
 22 Dr. Wiltshire, do you -- did
 23 you receive a guidelines from the labor office
 24 regarding lesson observations? Let me -- let

1 Wiltshire - Further Cross - Fofana
 2 me give you --.
 3 THE HEARING OFFICER: Well,
 4 let him ask the -- answer the question.
 5 MR. FOFANA: All right.
 6 THE HEARING OFFICER: Can --
 7 can you answer the question?
 8 **A. I -- I don't recall receiving**
 9 **anything from the labor office pertaining**
 10 **to --.**
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. Does that ring a bell to you?
 13 It's -- it's about a guideline -- guideline --
 14 guideline given to principals.
 15 MS. HEMANS-BRANTLEY: Are you
 16 marking this as an exhibit?
 17 MR. FOFANA: Not yet. I'm
 18 just -- I will -- I will make that
 19 determination. Right now I'm asking him --
 20 THE HEARING OFFICER: Let's
 21 just show it to the witness.
 22 MR. FOFANA: -- yeah.
 23 THE HEARING OFFICER: See
 24 if --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: If -- if --
 3 if --.
 4 THE HEARING OFFICER: -- he
 5 recognizes it.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. This is a special document.
 8 It's on the sixth, seventh page, called
 9 guidelines. It was controversial, if I may --.
 10 MS. HEMANS-BRANTLEY:
 11 Objection.
 12 THE HEARING OFFICER: Oh, no,
 13 no, Mr. Fofana --
 14 MR. FOFANA: I'm sorry.
 15 THE HEARING OFFICER: -- you
 16 can't be making --
 17 MS. HEMANS-BRANTLEY: I would
 18 like that stricken --
 19 MR. FOFANA: I'm -- I'm
 20 sorry.
 21 MS. HEMANS-BRANTLEY: -- from
 22 the record.
 23 MR. FOFANA: I -- I take that
 24 back. I take it back.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: That
 3 will -- that should be stricken from the
 4 record, any reference to being controversial.
 5 MR. FOFANA: Yes. I'm sorry.
 6 I'm sorry.
 7 **A. I don't recall receiving this**
 8 **document.**
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. You don't recall this?
 11 **A. No.**
 12 THE HEARING OFFICER: You can
 13 give that back to him.
 14 THE WITNESS: All right.
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Well -- okay. In a formal --
 17 do you remember saying last week that the --
 18 the observation you conducted was formal?
 19 **A. Yes.**
 20 Q. Yeah. As such, do you agree
 21 with me that a preobservation is a must?
 22 **A. No.**
 23 Q. Well, can you take a look --
 24 obviously you didn't receive it, that was my

1 Wiltshire - Further Cross - Fofana
2 reference. All right.

3 So, you're saying that
4 preobservation is not necessary?

5 **A. Under certain conditions.**

6 Q. In what circumstances
7 preobservation is -- is -- is -- condition
8 is --?

9 **A. Okay.**

10 Q. Yes.

11 **A. As the principal I observe
12 over fifty teachers. It would be physically
13 impossible to do all those observations -- if
14 the teacher -- if -- if I'm observing the
15 teacher for the first time, then there is no
16 need for a preobservation conference. I do a
17 preobservation conference when it has been
18 determined that there are problems, like
19 unsatisfactory ratings.**

20 Q. Okay. Let me ask you, what's
21 the purpose of preobservation? What is --
22 exactly what is the definition of
23 preobservation? What's the purpose?
24 **A. For -- to go over some of**

1 **Wiltshire - Further Cross - Fofana**

2 **your expectations. For example, I outlined to
3 you at the end of the first observation that I
4 had several -- there are things that you need
5 to focus on for my second observation. I do
6 consider those --.**

7 Q. No, I'm talking about
8 preobservation.

9 **A. Yes. That is pre, that is
10 before your next observation. I outline
11 clearly to you what my expectations are for the
12 next observation.**

13 Q. Well, what you say is this
14 is -- this -- well, you are quoting from your
15 observation of the 30th of September, which is
16 a full observation. These -- what you're
17 saying is recommendations you made in that
18 observation, which is totally different from
19 preobservation, which is a conference that
20 takes place before the observation itself. So,
21 I'm asking you what the purpose of that
22 preobservation?

23 **A. Uh-huh. There is nothing --**

24 Q. Preobservation.

1 Wiltshire - Further Cross - Fofana

2 **A. -- in the U.F.T. contract
3 that says --**

4 Q. No, I'm not talking about --.

5 **A. -- if you are a satisfactory
6 teacher, for me to give you a preobservation
7 before. The purpose of the preobservation
8 conference --**

9 Q. Uh-huh.

10 **A. -- would be to go over some
11 of your expectations for the lessons or the --.**

12 Q. Whose expectations, I'm
13 sorry?

14 **A. My expectations.**

15 Q. All right. Okay. Uh-huh.

16 **A. The assistant principal's --**

17 Q. All right.

18 **A. -- expectations.**

19 Q. All right. Thank you. Now,
20 you -- when you observed me on the 30th of
21 September, and you found it unsatisfactory, did
22 you feel any need, before conducting another
23 observation, to meet with me in a
24 preobservation, and say, "All right. Fofana

1 Wiltshire - Further Cross - Fofana

2 this is what I'm expecting to you. You said
3 this the last time, focus on this," you know,
4 since your observation is intended to improve
5 the teacher, it's not a repressive tool; is
6 that correct?

7 **A. All of those indications, all
8 of my expectations were clearly stated in my
9 conclusion --**

10 Q. Uh-huh.

11 **A. -- for the first observation.**

12 **And those were the things that I expected for
13 the second observation.**

14 MR. FOFANA: you. Now, I
15 would like to -- to draw your attention,
16 please --this is your observation, and I
17 highlighted to make it faster. It's the same
18 document that is --

19 THE HEARING OFFICER: This is
20 already in evidence?

21 MR. FOFANA: No, but I'm --
22 I'm not sure. We mentioned it the last time.

23 THE HEARING OFFICER: Hold
24 on.

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: But it is --.
 3 MS. HEMANS-BRANTLEY: This is
 4 a different document than the one that's in
 5 evidence. D.O.E.-One is the observation for
 6 the September 30th.
 7 MR. FOFANA: On the 23rd --
 8 oh, right. So, I would like to --.
 9 MS. HEMANS-BRANTLEY: This is
 10 a different document.
 11 MR. FOFANA: Yes, I would
 12 like to introduce this -- it has been
 13 mentioned, discussed, and we are prepared
 14 to --.
 15 THE HEARING OFFICER: I see,
 16 okay. So, this we're going to mark as
 17 Respondent's Seventeen for identification.
 18 MR. FOFANA: All right.
 19 THE HEARING OFFICER: And
 20 this is a --
 21 MS. HEMANS-BRANTLEY: I need
 22 another copy.
 23 MR. FOFANA: You need
 24 another -- oh --?

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1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: Right.
 3 Right. I don't think that this --.
 4 MS. HEMANS-BRANTLEY: This is
 5 not a part of the specifications, so I would
 6 object to this coming in.
 7 MR. FOFANA: Well, I object
 8 to your objection, because this is handheld to
 9 specification three, because this -- this is --
 10 you cannot separate this from specification
 11 two, because there is a functional link between
 12 the two.
 13 THE HEARING OFFICER: I -- I
 14 would just simply take note of the fact that
 15 the October --
 16 MR. FOFANA: Uh-huh.
 17 THE HEARING OFFICER: --
 18 observation from Dr. Wiltshire makes reference
 19 to this --
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: -- he
 22 made reference to it in his testimony. I'm --
 23 I'm certainly --
 24 MR. FOFANA: Okay.

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1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: This is
 3 the first time I'm seeing this.
 4 MR. FOFANA: You can keep it.
 5 THE HEARING OFFICER: Okay.
 6 MS. HEMANS-BRANTLEY: So, I
 7 want --
 8 THE HEARING OFFICER: So, you
 9 want the witness to have a copy. Well --.
 10 MS. HEMANS-BRANTLEY: Well, I
 11 need to read it first.
 12 THE HEARING OFFICER: Okay.
 13 MS. HEMANS-BRANTLEY: It's
 14 the first time I'm seeing it.
 15 THE HEARING OFFICER: All
 16 right.
 17 MS. HEMANS-BRANTLEY: So, I
 18 just want a moment to read it.
 19 THE HEARING OFFICER: Okay.
 20 MR. FOFANA: Yeah. This is
 21 just the observation and.
 22 MS. HEMANS-BRANTLEY: Oh, I'm
 23 sorry. The D.O.E.-One pertains to the -- the
 24 assistant principal's observation.

Page 881

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: --
 3 going to allow it into evidence as Respondent's
 4 Seventeen, but --
 5 MR. FOFANA: Uh-huh.
 6 THE HEARING OFFICER: --
 7 before I do, we need to make sure Dr. Wiltshire
 8 agrees that this is the document he actually
 9 authored. So --
 10 MR. FOFANA: Yeah.
 11 THE HEARING OFFICER: -- you
 12 do need to show it to him -- and you need --
 13 you need to ask him questions about it.
 14 MS. HEMANS-BRANTLEY: Can I
 15 have an opportunity -- I -- this is the first
 16 time I'm seeing it.
 17 THE HEARING OFFICER: Okay.
 18 MS. HEMANS-BRANTLEY: So, if
 19 I could have an opportunity to read it --
 20 THE HEARING OFFICER: Sure.
 21 MS. HEMANS-BRANTLEY: --
 22 before he asks any questions.
 23 MR. FOFANA: Sir, can I
 24 articulate, I changed nothing. It's just your

59 (Pages 878 to 881)

Page 882

1 Wiltshire - Further Cross - Fofana
 2 paper. I just highlighted because -- for
 3 questioning purpose.
 4 MS. HEMANS-BRANTLEY: Okay.
 5 I'm ready.
 6 THE HEARING OFFICER: Okay.
 7 Mr. Fofana.
 8 MR. FOFANA: No. I wanted
 9 Dr. Wiltshire to finish and to -- to
 10 authenticate the document, so to speak.
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. Is it correct?
 13 **A. Yeah.**
 14 MR. FOFANA: All right.
 15 Thank you. I need one of your copies.
 16 THE HEARING OFFICER: All
 17 right. That -- just so we -- Dr. Wiltshire --
 18 MS. HEMANS-BRANTLEY: I'll
 19 take that.
 20 THE HEARING OFFICER: -- do
 21 you recognize this document?
 22 THE WITNESS: Yes.
 23 THE HEARING OFFICER: That's
 24 it -- except for the highlighted material, is

Page 884

1 Wiltshire - Further Cross - Fofana
 2 **A. Yes.**
 3 Q. Now, you -- you wrote that no
 4 student wrote -- right triangle could be proven
 5 congruent using the -- hy-leg postulate. And
 6 hy-leg means its hypotenuse; right? Hypotenuse
 7 and leg, first leg. Now, I have to come back
 8 on this issue, because it's clearly related to
 9 specification three. Do you agree that the
 10 hy-leg postulate is a misnomer?
 11 **A. It's not a misnomer, no.**
 12 **It's a -- it's a --.**
 13 Q. That -- no. Thank you.
 14 Thank you. I'm not asking you to expand on it.
 15 You say it's not. Are you saying -- let me --
 16 let me read -- excuse me. I have some -- from
 17 the textbook -- do you -- do you recognize a
 18 copy of this -- our textbook?
 19 **A. I recognize it.**
 20 MR. FOFANA: These are copies
 21 from this book. I'd like you to take a look at
 22 them. It's a copy from the textbook, this is
 23 page -- I will refer to the pages,
 24 twenty-three.

Page 883

1 Wiltshire - Further Cross - Fofana
 2 this is a true and accurate copy of the
 3 document you prepared?
 4 THE WITNESS: Yeah.
 5 THE HEARING OFFICER: And
 6 this document should be in Mr. Fofana's
 7 personnel file, I'd imagine?
 8 THE WITNESS: Yeah.
 9 THE HEARING OFFICER: Okay.
 10 All right. Then, Mr. Fofana, you wish to put
 11 this in?
 12 MR. FOFANA: Yeah, please.
 13 THE HEARING OFFICER: All
 14 right. So, this is going to in as Respondent's
 15 Exhibit Seventeen in evidence, and I'll just
 16 note it's an observation report of Dr.
 17 Wiltshire -- from Dr. Wiltshire to Mr. Fofana
 18 for an observation of September 30, 2004.
 19 BY MR. FOFANA: (Cont'g.)
 20 Q. Dr. Wiltshire, I would like
 21 to draw your attention on the first highlighted
 22 line. Do you recognize the four postulates in
 23 triangle -- congruent triangle, one, two,
 24 three, four?

Page 885

1 Wiltshire - Further Cross - Fofana
 2 MS. HEMANS-BRANTLEY: If I
 3 can just get an offer the proof as to the
 4 relevance of this, please.
 5 THE HEARING OFFICER: Sure.
 6 MR. FOFANA: Directly -- this
 7 is directly -- because Dr. Wiltshire say it's
 8 not -- it's not a misnomer. I'm challenging
 9 that. To challenge it, I will refer to the
 10 book he himself chose for the school. It makes
 11 sense. I'm referring to the textbook that he
 12 chose.
 13 THE HEARING OFFICER: Okay.
 14 So, if he's wrong, what's the relevance of
 15 that?
 16 MR. FOFANA: Right. If he's
 17 wrong --
 18 THE HEARING OFFICER: Okay.
 19 MR. FOFANA: -- the
 20 consequence will be, number one, the -- no,
 21 specification two doesn't make sense, because
 22 he --
 23 THE HEARING OFFICER: You
 24 mean three?

60 (Pages 882 to 885)

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: -- yeah.
 3 Because of -- he doesn't have the right mastery
 4 of what he even read himself, which has a very
 5 heavy consequence.
 6 THE HEARING OFFICER: Mr.
 7 Fofana, I -- I'm going to allow you to go into
 8 this. I want to just, you know, emphasize that
 9 we can move quickly on this.
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: As I
 12 indicated on the record last time we were
 13 together --
 14 MR. FOFANA: Uh-huh.
 15 THE HEARING OFFICER: -- this
 16 hearing officer has many years of experience in
 17 the education field, as a -- as a neutral and
 18 as an advocate.
 19 MR. FOFANA: Uh-huh.
 20 THE HEARING OFFICER: And
 21 as -- as I'm sure you're aware --
 22 MR. FOFANA: Uh-huh.
 23 THE HEARING OFFICER: --
 24 principals and supervisors do not necessarily

1 Wiltshire - Further Cross - Fofana
 2 have to be trained as experts in the field
 3 they're observing.
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: They
 6 are trained to be experts in observers, and
 7 experts in lesson planning and foundations.
 8 So, while I will let you make that argument --
 9 MR. FOFANA: Okay.
 10 THE HEARING OFFICER: -- you
 11 know, I -- I -- I do not want to spend a lot of
 12 time on that argument.
 13 MR. FOFANA: Right. Well, a
 14 little qualification. This is -- this has --
 15 has a particular weight, because his
 16 recommendations are based partly on this issue.
 17 THE HEARING OFFICER: Uh-huh.
 18 MR. FOFANA: Well, if this is
 19 faulty, the recommendations are faulty. You
 20 have a chain reaction here, from this
 21 observation to the next one. So, I believe
 22 that this is highly --
 23 THE HEARING OFFICER: Well --
 24 all right. My job as the arbitrator is not to

1 Wiltshire - Further Cross - Fofana
 2 get into arguing the case --
 3 MR. FOFANA: Uh-huh.
 4 THE HEARING OFFICER: -- and
 5 I -- I don't wish to. I will just say that of
 6 the seven recommendations on page of two
 7 Respondent's Seventeen, only the seventh deals
 8 with this issue. So, I -- I -- I may beg to
 9 differ with that, but I will allow you to put
 10 this in, or at least attempt to.
 11 MR. FOFANA: Uh-huh.
 12 THE HEARING OFFICER: So,
 13 we're going to mark these two pages --
 14 MR. FOFANA: Uh-huh.
 15 THE HEARING OFFICER: --
 16 which are page thirty-three and thirty-four,
 17 apparently, of a document and will see if --
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: -- Dr.
 20 Wiltshire can identify it.
 21 MR. FOFANA: Right. Now --
 22 THE HEARING OFFICER: So,
 23 these are going to be -- this is going to be --
 24 do you want him to see if he can identify it?

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: He can
 3 identify --?
 4 THE HEARING OFFICER: Do
 5 you -- you want him to look at this?
 6 MR. FOFANA: Oh, yes. Yes.
 7 THE HEARING OFFICER: Okay.
 8 So this is Eighteen for I.D.
 9 MR. FOFANA: All right.
 10 Okay. Uh-huh.
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. Now, the one, two, three,
 13 four postulates you mentioned, S-A-S, S-S-S,
 14 can you see them here. You have S-S-S here?
 15 MS. HEMANS-BRANTLEY: Sorry,
 16 did he recognize these?
 17 THE HEARING OFFICER: No, we
 18 have not -- Mr. Fofana --
 19 MR. FOFANA: Uh-huh.
 20 THE HEARING OFFICER: -- I
 21 think I'm going to -- Dr. Wiltshire, do you
 22 recognize these pages?
 23 THE WITNESS: They're the
 24 textbook, yeah. I mean, they seem like pages

Page 890

1 Wiltshire - Further Cross - Fofana
 2 from the textbook.
 3 THE HEARING OFFICER: You're
 4 fairly confident they are?
 5 MR. FOFANA: Uh-huh.
 6 THE WITNESS: Yes, I would
 7 say so.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. Right. Now, okay. Well,
 10 sir, just to, you know -- I will just go behind
 11 what you're saying, to faster. So, let's go,
 12 to get to the chase, let me ask you on page
 13 thirty-four, which is this, at the top as you
 14 can see is H-L theorem; right?
 15 **A. Okay.**
 16 Q. Right. Now, the highlights
 17 you -- I just mentioned, you wrote H-L
 18 postulate.
 19 **A. Okay.**
 20 Q. Now, is a filled-in
 21 postulate.
 22 **A. No.**
 23 Q. So, therefore it's a
 24 misnomer?

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1 **Wiltshire - Further Cross - Fofana**
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. That's not my question, sir.
 4 THE HEARING OFFICER: Well,
 5 he -- he did answer what I think you've been
 6 trying get at.
 7 MR. FOFANA: Uh-huh.
 8 THE HEARING OFFICER: He said
 9 he should have used the word "theorem" instead
 10 of the word "postulate."
 11 MR. FOFANA: It's not the
 12 same. Theorem is not postulate. Therefore,
 13 this is a misnomer.
 14 THE WITNESS: I --.
 15 MR. FOFANA: Now -- well, it
 16 is. It -- it -- it --
 17 THE HEARING OFFICER: Well --
 18 well, then you -- Mr. -- Mr. -- Mr. Fofana,
 19 this is argument.
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: You've
 22 heard the witness; I've heard the witness
 23 answer.
 24 MR. FOFANA: Uh-huh.

Page 891

1 Wiltshire - Further Cross - Fofana
 2 **A. No. No, no, no, no. I have**
 3 **to qualify that.**
 4 Q. No.
 5 **A. I have to be allowed --**
 6 **THE HEARING OFFICER: You**
 7 **have to --**
 8 **A. (Cont'g.) -- to qualify**
 9 **that.**
 10 THE HEARING OFFICER: -- you
 11 have to let him --
 12 MR. FOFANA: All right.
 13 THE HEARING OFFICER: -- you
 14 know, he disagrees.
 15 **A. (Cont'g.) Okay. What I'm**
 16 **saying is that you should have used -- you**
 17 **should have shown in that lesson that a**
 18 **right-angle triangle can also be proven using**
 19 **the Hy-leg theorem. I should have used the**
 20 **word theorem to be technically correct, instead**
 21 **of postulate, but it does not negate the fact**
 22 **that the hy-leg concept should have been**
 23 **used -- should have been an additional way in**
 24 **which that can be done.**

Page 893

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: He's
 3 essentially recognized, in a basic way --
 4 MR. FOFANA: Uh-huh.
 5 THE HEARING OFFICER: -- your
 6 argument, in the sense that he -- he should
 7 have used the word "theorem" instead of
 8 "postulate."
 9 MR. FOFANA: Yeah.
 10 THE HEARING OFFICER: So, we
 11 can move on.
 12 MR. FOFANA: Okay.
 13 THE HEARING OFFICER: Do you
 14 want this admitted into evidence?
 15 MR. FOFANA: Yes, sir.
 16 THE HEARING OFFICER: All
 17 right. I'm going to admit it into evidence.
 18 MR. FOFANA: Yeah, because
 19 it's a -- it's a --.
 20 THE HEARING OFFICER: Okay.
 21 So, that's Respondent Eighteen.
 22 MR. FOFANA: Yes. For
 23 counsel --.
 24 THE HEARING OFFICER: Next

62 (Pages 890 to 893)

1 Wiltshire - Further Cross - Fofana
 2 question, Mr. Fofana.
 3 BY MR. FOFANA: (Cont'g.)
 4 Q. Yes. Do you -- do you think,
 5 Dr. Wiltshire, that the students were active
 6 in -- in the class that day, they were
 7 respond -- responding to -- there was, say,
 8 some interaction -- fruitful interaction with
 9 the teacher and the students that day?
 10 **A. They were responding.**
 11 Q. They were responding?
 12 **A. Yeah.**
 13 Q. Okay. Thank you. Well,
 14 let's go on -- let's -- let's -- at -- at the
 15 end of the -- the document you have in your
 16 hand, the page two, I think, the last
 17 highlight. It's the last highlight. This is
 18 one of your recommendations: "You repeated the
 19 H-L postulate can be used, and you wrote, and I
 20 quote, 'this important postulate' was
 21 recommended.
 22 **A. Okay.**
 23 Q. Well, do you agree that it's
 24 not -- because it's not a theorem, this

1 Wiltshire - Further Cross - Fofana
 2 statement is not acceptable. The
 3 recommendation is faulty, because --
 4 **A. No.**
 5 Q. -- this is not a postulate?
 6 **A. I totally disagree with that.**
 7 Q. Well --.
 8 **A. The fact is that you're --**
 9 **you're -- may I respond?**
 10 Q. Yes, go ahead.
 11 **A. You're a math teacher. You**
 12 **know what the hy-leg concept is. I'm saying**
 13 **that teaching congruency you should have used**
 14 **that as a fourth way to prove, to show the**
 15 **students that it can be -- that -- that can be**
 16 **an additional way --**
 17 Q. Uh-huh.
 18 **A. -- in which triangles can be**
 19 **proven congruent.**
 20 Q. Okay. Do you know --
 21 **A. That is correct.**
 22 Q. -- let me -- let me ask you:
 23 Do you know that the -- what you call, you
 24 know, the H-L theorem can be proven thanks to

1 Wiltshire - Further Cross - Fofana
 2 the postulate itself. That's how you prove the
 3 theorem based on the postulate; is that
 4 correct?
 5 **A. It is not relevant to**
 6 **what --.**
 7 Q. No, no, that's not -- you
 8 don't judge the -- the question.
 9 **A. Okay.**
 10 Q. Answer the question.
 11 **A. Okay. Thee answer, yes, that**
 12 **is correct.**
 13 Q. That's all I need.
 14 Therefore, do you know -- were you aware, for
 15 instance, that the theorem was proven in
 16 previous class? Were you aware of that?
 17 **A. I was not aware of that.**
 18 MR. FOFANA: You were not.
 19 All right.
 20 THE HEARING OFFICER: Okay.
 21 He said --
 22 MR. FOFANA: No, no, I know.
 23 THE HEARING OFFICER: Okay.
 24 He said -- don't worry about it. Move on.

1 Wiltshire - Further Cross - Fofana
 2 THE WITNESS: Yes.
 3 THE HEARING OFFICER: Next
 4 question.
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. So, if you know -- therefore
 7 you are not in position, actually, to make it
 8 a -- you know, a big issue by saying it was
 9 omitted, when actually it's the theorem that
 10 was proven, you know, prior your visit.
 11 **A. May I respond to that? I**
 12 **think it's very --.**
 13 MR. FOFANA: Well -- well,
 14 that --
 15 THE HEARING OFFICER: He
 16 asked you that, you could respond to it.
 17 MR. FOFANA: It's my -- my --
 18 it's not the question.
 19 THE HEARING OFFICER: Well,
 20 then you shouldn't have said it, so --
 21 MR. FOFANA: I'm going -- I'm
 22 going ask --
 23 THE HEARING OFFICER: -- I'm
 24 going allow him to answer.

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: -- yeah, I'm
 3 going to ask.
 4 BY MR. FOFANA: (Cont'g.)
 5 Q. Now --
 6 THE HEARING OFFICER: No, no,
 7 no, no. You -- you --
 8 MR. FOFANA: -- go ahead.
 9 THE HEARING OFFICER: -- can
 10 answer it, Dr. Wiltshire.
 11 **A. Part of what you do -- part**
 12 **of what you're doing in teaching --**
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. Uh-huh.
 15 **A. -- if that was taught**
 16 **before --**
 17 Q. Uh-huh.
 18 **A. -- this was a very, very**
 19 **good -- very good opportunity to again**
 20 **reintroduce it, or refresh the student's mind,**
 21 **if they remembered this concept.**
 22 Q. Uh-huh.
 23 **A. Because none of the students**
 24 **got up and said this is an additional way we**

1 **Wiltshire - Further Cross - Fofana**
 2 **could have done it. So, it clearly indicates**
 3 **that they did not remember, and this was an**
 4 **opportunity for you to refresh the students'**
 5 **mind about this concept --**
 6 Q. Let --
 7 **A. -- that was earlier.**
 8 Q. -- let me ask you: Do you,
 9 in a course of -- in -- in the -- in the course
 10 of this lesson, did we solve many problems?
 11 **A. During the course of this**
 12 **lesson --**
 13 Q. Yeah.
 14 **A. -- yes, problems were solved,**
 15 **but the --.**
 16 Q. Okay. The problems were
 17 solved. And you don't remember, in the course
 18 of this -- in -- in the course of solving those
 19 problems, you don't remember any student
 20 invoking this theorem?
 21 **A. Absolutely not, otherwise --.**
 22 Q. All right. Oh, no. Thank
 23 you. Thank you. Let's move on.
 24 Now, this postulate -- no

1 Wiltshire - Further Cross - Fofana
 2 this theorem that you call postulate is not a
 3 critical issue, because you mention again, in
 4 the next observation --
 5 MS. HEMANS-BRANTLEY: Hold
 6 on.
 7 THE HEARING OFFICER:
 8 Where -- where's the argument, Mr. Fofana -- I
 9 mean, what's the question, Mr. Fofana?
 10 MR. FOFANA: The -- the
 11 question is -- okay.
 12 MS. HEMANS-BRANTLEY: Hold
 13 on. Let me just give these --
 14 MR. FOFANA: Let -- let --
 15 let me --
 16 MS. HEMANS-BRANTLEY: -- back
 17 to you.
 18 MR. FOFANA: -- yeah -- let
 19 me refer you first of all.
 20 MS. HEMANS-BRANTLEY: Hold
 21 on. Let me get it so he can -- you're on to
 22 10/25 now? Are you --?
 23 MR. FOFANA: Yes, 10/25.
 24 MS. HEMANS-BRANTLEY: Okay.

1 Wiltshire - Further Cross - Fofana
 2 Let me give him a copy so that --
 3 MR. FOFANA: Yes.
 4 MS. HEMANS-BRANTLEY: -- he
 5 can --
 6 MR. FOFANA: Yes.
 7 MS. HEMANS-BRANTLEY: --
 8 follow along.
 9 MR. FOFANA: Thank you.
 10 MS. HEMANS-BRANTLEY: This is
 11 D.O.E.-Five. Here you go.
 12 THE WITNESS: Okay.
 13 MR. FOFANA: I'd like to turn
 14 you to page three, at the bottom, item seven.
 15 And just jump to this sentence: "This
 16 important postulate was omitted."
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. So, my question is, it's not
 19 a postulate, and as you commit -- you accepted,
 20 it cannot be an omitted fact, since it's not
 21 even a postulate. Do you agree with that?
 22 It's not even a postulate, therefore it was not
 23 omitted --
 24 MS. HEMANS-BRANTLEY: I'm

Page 902

1 Wiltshire - Further Cross - Fofana
 2 going to object to this.
 3 THE HEARING OFFICER: Yeah,
 4 Mr. Fofana --
 5 MR. FOFANA: Uh-huh.
 6 THE HEARING OFFICER: -- this
 7 goes over no new ground.
 8 MR. FOFANA: Uh-huh.
 9 THE HEARING OFFICER: This
 10 observation, on the third page that you're
 11 referring to --
 12 MR. FOFANA: Uh-huh.
 13 THE HEARING OFFICER: -- is
 14 an exact excerpt from the other document that
 15 we just put in --
 16 MR. FOFANA: No --.
 17 THE HEARING OFFICER: -- and
 18 I -- I -- I'm finding this to be argumentative
 19 with the witness.
 20 MR. FOFANA: Uh-huh.
 21 THE HEARING OFFICER: We've
 22 clearly got your point on the issue of
 23 postulate versus theorem --
 24 MR. FOFANA: Okay.

Page 904

1 Wiltshire - Further Cross - Fofana
 2 attention to page one, third paragraph.
 3 What -- what the do-now was about.
 4 **A. Which document are we looking**
 5 **at? The --?**
 6 Q. The do-now --.
 7 THE HEARING OFFICER: The
 8 third paragraph on the first page.
 9 **A. This? Okay.**
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. The do-now --
 12 **A. Okay.**
 13 Q. -- okay. What is a do-now?
 14 How -- how long -- my question is this, in the
 15 course of a lesson, approximately, as a
 16 pedagogue, how much do you think a teacher
 17 devote on do-now?
 18 **A. The first five minutes of**
 19 **your lesson is --.**
 20 Q. Five minutes.
 21 **A. Yeah, no more than five.**
 22 Q. Okay. Now, you stated that
 23 most of the students did not know how to do
 24 this; is that correct? You wrote it.

Page 903

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- and
 3 I think you can move on in a new direction.
 4 MR. FOFANA: I agree a
 5 hundred percent.
 6 THE HEARING OFFICER: Thank
 7 you.
 8 MR. FOFANA: So, let's move
 9 on.
 10 THE HEARING OFFICER: Okay.
 11 MR. FOFANA: I -- I'm not
 12 going to, you know -- now, let me locate
 13 something with this. We're still, you know,
 14 focusing on this same document.
 15 THE HEARING OFFICER: Uh-huh.
 16 MS. HEMANS-BRANTLEY: Oh, I'm
 17 sorry.
 18 MR. FOFANA: Uh-huh.
 19 MS. HEMANS-BRANTLEY: I took
 20 it away from Dr. --.
 21 MR. FOFANA: In a -- from
 22 another -- another angle. Okay.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. I would like to draw

Page 905

1 Wiltshire - Further Cross - Fofana
 2 **A. (No audible response).**
 3 Q. Now, I -- what if I told you
 4 that the student was asked to -- to go online,
 5 told you, and play around with it, on this --
 6 this is the -- the -- the calculator in
 7 question.
 8 **A. Uh-huh.**
 9 Q. Now, V.C.F. of one eighty and
 10 three fifteen and you just sort it.
 11 **A. Uh-huh.**
 12 Q. Now, is it fair to say that
 13 if the student went into this, and I'll have to
 14 show you quickly the -- the six steps. This is
 15 step one. Step -- step one they look at how to
 16 do it; step two, from any computer; step three;
 17 step four; and the result -- the solution is at
 18 the corner. Here is -- here is it. My
 19 question is, if the student went through this,
 20 as they were asked to do so, is it fair to say
 21 they should be able to do this, five minutes,
 22 using the calculator? Here's the calculator,
 23 you went through this --.
 24 THE HEARING OFFICER: No,

65 (Pages 902 to 905)

Page 906

1 Wiltshire - Further Cross - Fofana
 2 no -- can you answer the question?
 3 MR. FOFANA: Right.
 4 THE HEARING OFFICER: Let him
 5 answer if he can.
 6 MR. FOFANA: Uh-huh.
 7 **A. I don't understand what --**
 8 **what is the context you're talking about. They**
 9 **should be able to do --?**
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. It -- it's absolutely clear,
 12 sir, if you --
 13 **A. No.**
 14 Q. -- send the student to look
 15 at this before coming in the classroom --
 16 **A. Uh-huh.**
 17 Q. -- that they do that --
 18 **A. Well, they're -- they're --**
 19 Q. -- my question is --
 20 MS. HEMANS-BRANTLEY: I'm
 21 not --.
 22 BY MR. FOFANA: (Cont'g.)
 23 Q. -- would the students be able
 24 to it?

Page 908

1 Wiltshire - Further Cross - Fofana
 2 know, he's -- unfortunately, you know, this
 3 witness may not have information relative to
 4 this that he can provide to you.
 5 MR. FOFANA: Uh-huh.
 6 THE HEARING OFFICER: He's
 7 saying, from what -- and certainly, Dr.
 8 Wiltshire, don't let me put words in your
 9 mouth.
 10 MR. FOFANA: Uh-huh.
 11 THE HEARING OFFICER: What I
 12 heard you say is, look, you're not in a
 13 position to say what these kids were capable of
 14 or not; you aren't their teacher, you observed
 15 them in one class and is that -- am I right?
 16 **A. You are precisely correct.**
 17 THE HEARING OFFICER: Okay.
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: So, you
 20 know, if he -- you know, if he -- that's his
 21 answer --
 22 MR. FOFANA: Uh-huh.
 23 THE HEARING OFFICER: -- we
 24 can't argue with him.

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1 Wiltshire - Further Cross - Fofana
 2 **A. I don't know.**
 3 **MS. HEMANS-BRANTLEY:**
 4 **Objection.**
 5 **A. (Cont'g.) How would I know**
 6 **what the students would be able to -- as to**
 7 **whether or not they -- I don't how they were**
 8 **taught. I don't know if they had a calculator**
 9 **to use --.**
 10 BY MR. FOFANA: (Cont'g.)
 11 Q. No, no, no. You -- you
 12 are -- I'm sorry, sir, you are drowning my
 13 question in, you know, a lot -- lot of debris.
 14 It's unnecessary. Here I asked the students to
 15 go through six steps --.
 16 THE HEARING OFFICER: Mr.
 17 Fofana?
 18 MR. FOFANA: Yeah.
 19 MS. HEMANS-BRANTLEY: Is that
 20 a question?
 21 THE HEARING OFFICER: You
 22 have to -- you have to ask questions.
 23 MR. FOFANA: Uh-huh.
 24 THE HEARING OFFICER: You

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Okay.
 3 THE HEARING OFFICER: Okay?
 4 MR. FOFANA: All right.
 5 BY MR. FOFANA: (Cont'g.)
 6 Q. You -- you say that I told
 7 them "you should have learned how to use the
 8 calculator in the fourth and in the fifth" -- I
 9 don't recall saying that, but it's absolutely
 10 true, don't you think so? That these
 11 calculators, we start using --
 12 **A. Yes.**
 13 Q. -- in -- in two -- two,
 14 three, four, five?
 15 **A. That's not -- the -- the**
 16 **issue is if they're --.**
 17 Q. No, my question is did they
 18 use these before --?
 19 **A. I don't know.**
 20 Q. You don't know.
 21 **A. I -- I don't know if they use**
 22 **it before --**
 23 Q. You don't know if the student
 24 who are one year before the highest level of

66 (Pages 906 to 909)

1 Wiltshire - Further Cross - Fofana
 2 math --
 3 **A. That's untrue.**
 4 Q. -- high school, which is
 5 M\$6 -- well, officially, M\$6 is the top,
 6 barring advanced, you know, placement. M\$6
 7 is -- and these students, they are at M\$5. And
 8 you're saying you don't know if they ever used
 9 a calculator before?
 10 **A. Yeah, and -- and let me tell**
 11 **you why that they --.**
 12 Q. No, no, my question first --
 13 my question --
 14 **A. Uh-huh.**
 15 Q. -- do they see, use these
 16 before, M\$5, yes or no?
 17 **A. No, I have to qualify my**
 18 **answer. I cannot do --**
 19 Q. No, no, no.
 20 **A. -- no --**
 21 Q. Do students --
 22 **A. -- because -- well, no,**
 23 **no --.**
 24 Q. -- no, no, no, sir.

1 Wiltshire - Further Cross - Fofana
 2 **A. I -- I have to give you --**
 3 Q. Do students use --?
 4 **A. -- an explanation for it --**
 5 **THE HEARING OFFICER: Mr.**
 6 **Fofana --**
 7 **A. (Cont'g.) -- otherwise I**
 8 **can't answer.**
 9 **THE HEARING OFFICER: Mr.**
 10 **Fofana, if -- if --.**
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. It's a yes-yes question.
 13 **THE HEARING OFFICER: Well,**
 14 **but --**
 15 **A. Well, no, it can't be --.**
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. Do students use --
 18 MS. HEMANS-BRANTLEY: let
 19 him --
 20 BY MR. FOFANA: (Cont'g.)
 21 Q. -- these calculators --
 22 MS. HEMANS-BRANTLEY: -- let
 23 the arbitrator handle it.
 24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. -- do the students use the
 3 calculator before M\$5 or not, in previous
 4 classes? It's yes or no. I mean --.
 5 **A. I cannot -- I'm sorry.**
 6 **THE HEARING OFFICER: All**
 7 **right. The -- the -- the witness obviously**
 8 **feels there's more to the answer than a simple**
 9 **yes or no.**
 10 MR. FOFANA: I will admit
 11 that --
 12 **THE HEARING OFFICER: So,**
 13 **let's --.**
 14 MR. FOFANA: -- because --.
 15 **A. The -- the -- the calculator**
 16 **has many, many functions. And it can be used**
 17 **for many, many courses. It can be used for**
 18 **calculus, it can be used for statistics, it can**
 19 **be used for geometry, it can be used for**
 20 **algebra.**
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. Right.
 23 **A. Now, at each -- for each**
 24 **different courses, you would use perhaps a**

1 **Wiltshire - Further Cross - Fofana**
 2 **different function. The concepts are**
 3 **different, so the --**
 4 Q. Yeah.
 5 **A. -- question is: Were the**
 6 **students adequately trained in using the**
 7 **calculator --**
 8 Q. Uh-huh.
 9 **A. -- in the content matter that**
 10 **has been taught? To say you should have done**
 11 **that in levels three and four --**
 12 Q. All right. Thank you
 13 **A. -- I would say that is**
 14 **not --.**
 15 Q. That was my question now.
 16 Now, that you -- based on what you say, my
 17 question is, regardless of the function, do
 18 those students -- did the students have some --
 19 did -- do they -- did they have some exposure
 20 of these calculators, prior to this class,
 21 regardless of the function you mentioned?
 22 **A. Maybe not exposure --**
 23 Q. Oh, well, no, no, no --
 24 **A. -- with the content of**

1 **Wiltshire - Further Cross - Fofana**
 2 **the --.**
 3 Q. -- now -- now --.
 4 THE HEARING OFFICER: No, no.
 5 Dr. Wiltshire, don't -- don't worry about
 6 what --.
 7 MR. FOFANA: You can --
 8 THE WITNESS: Okay. Okay.
 9 Yes, they would have --
 10 MR. FOFANA: -- my question
 11 is --
 12 THE WITNESS: -- exposure to
 13 the calculator, yes.
 14 THE HEARING OFFICER: So, the
 15 answer is yes?
 16 THE WITNESS: Yeah.
 17 THE HEARING OFFICER: They
 18 would have had exposure --
 19 THE WITNESS: Yes.
 20 THE HEARING OFFICER: -- to
 21 the calculator? Okay.
 22 BY MR. FOFANA: (Cont'g.)
 23 Q. Now, in this -- in this class
 24 the whole lesson was about -- to teach them

1 Wiltshire - Further Cross - Fofana
 2 precisely this particular function, a new
 3 function, which is complex numbers; do you
 4 agree? That was the purpose how to use
 5 calculators to do operations on countless
 6 numbers, yes?
 7 **A. You're asking --**
 8 Q. That was the --.
 9 **A. -- me if I agree -- I am not**
 10 **sure. I don't remember if you had a --**
 11 Q. Well, I will --
 12 THE HEARING OFFICER: Let --
 13 let him finish.
 14 MR. FOFANA: I'm sorry.
 15 **A. (Cont'g.) -- for -- for me**
 16 **to know that you would have to have a lesson**
 17 **plan, a --**
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. No, no, no.
 20 **A. -- yes.**
 21 Q. Let me -- let me --.
 22 THE HEARING OFFICER: Mr.
 23 Fofana --
 24 MR. FOFANA: I'm sorry.

1 Wiltshire - Further Cross - Fofana
 2 THE HEARING OFFICER: -- I
 3 know you're frustrated with some of the answers
 4 Dr. Wiltshire --
 5 MR. FOFANA: Yes, right.
 6 THE HEARING OFFICER: -- is
 7 giving.
 8 MR. FOFANA: Right.
 9 THE HEARING OFFICER: But
 10 it's -- but the -- you know, he's -- he's under
 11 oath --
 12 MR. FOFANA: Uh-huh. Okay.
 13 Okay.
 14 THE HEARING OFFICER: -- he's
 15 got to be allowed to answer his questions.
 16 MR. FOFANA: Go ahead.
 17 BY MR. FOFANA: (Cont'g.)
 18 Q. Now, I -- I -- I rephrase my
 19 question, because at this point will go around
 20 for nothing.
 21 MS. HEMANS-BRANTLEY:
 22 Objection.
 23 MR. FOFANA: I take it back.
 24 MS. HEMANS-BRANTLEY: -- to

1 Wiltshire - Further Cross - Fofana
 2 his characterization --
 3 MR. FOFANA: I take it back.
 4 MS. HEMANS-BRANTLEY: -- of
 5 the testimony.
 6 BY MR. FOFANA: (Cont'g.)
 7 Q. The -- you wrote the aim of
 8 the lesson was: "How do we perform operation
 9 on complex numbers using the graphing
 10 calculator," that's your writing?
 11 **A. Okay.**
 12 Q. Good. So there's no --.
 13 **A. Where -- where's that**
 14 **written? I didn't see --.**
 15 Q. Second -- second and third
 16 line of your report. When I --.
 17 **A. Correct.**
 18 Q. Okay. So, now, therefore
 19 this is about using calculator, you know, in
 20 complex --?
 21 **A. Right.**
 22 Q. Now, by doing so, the student
 23 needs basic, you know, knowledge, such as, you
 24 know, to go -- you know, using plus, minus, et

1 Wiltshire - Further Cross - Fofana
 2 cetera, you know, that's even obvious; right?
 3 Functions like plus, minus, division, et
 4 cetera.
 5 **A. Yes.**
 6 Q. Okay. Now, this lesson is
 7 about taking that to another level.
 8 THE HEARING OFFICER: Is that
 9 right?
 10 **A. Okay.**
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. Yes?
 13 **A. Okay. Yes.**
 14 Q. Now, in that lesson is there
 15 any new concepts that were introduced at all?
 16 Since it was about using calculator, there was
 17 no new concept at all. If there was no
 18 concept --.
 19 THE HEARING OFFICER: You --
 20 you -- you asked the question. Let's answer
 21 the question.
 22 **A. I -- I wouldn't know if there**
 23 **were a new concept. I'm observing your class,**
 24 **I didn't know what was taught before.**

1 **Wiltshire - Further Cross - Fofana**
 2 BY MR. FOFANA: (Cont'g.)
 3 Q. Well, you -- no, no, I'm not
 4 talking about before. That day, did the
 5 teacher introduce new concepts at all, other
 6 than manipulating calculators? You should --.
 7 THE HEARING OFFICER: Let
 8 him -- let him --
 9 MR. FOFANA: No. Well, he
 10 is --
 11 THE HEARING OFFICER: --
 12 think about his answer.
 13 MR. FOFANA: -- he's
 14 reading -- reading this. He's reading it.
 15 THE HEARING OFFICER: Well,
 16 he's allowed to read that to refresh his
 17 recollection.
 18 MR. FOFANA: Uh-huh.
 19 THE HEARING OFFICER: It --
 20 it's apparent from my observation --.
 21 **A. I don't know if the concepts**
 22 **that were introduced were new.**
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. All right.

1 Wiltshire - Further Cross - Fofana
 2 **A. I -- I mean --.**
 3 Q. So you don't remember -- you
 4 don't recall any new concept. So, there was no
 5 new concept; it was just purely mechanical
 6 manipulation of calculator for operations?
 7 THE HEARING OFFICER: Is that
 8 your recollection?
 9 **A. Well, let -- let me qualify**
 10 **that a little, because --**
 11 BY MR. FOFANA: (Cont'g.)
 12 Q. Qualify what?
 13 **A. -- no, no, no. You're saying**
 14 **that -- well, could you rephrase the question?**
 15 **I'm sorry.**
 16 Q. You know, no, I'm -- I'm just
 17 asking you --
 18 **A. Uh-huh.**
 19 Q. -- that we agree there was no
 20 new concept -- new concept sir. It was about
 21 using the calculator, you know, to perform
 22 operations on the complex --
 23 **A. Yes.**
 24 Q. -- numbers, so it's purely

1 Wiltshire - Further Cross - Fofana
 2 mechanical training. So, is it --?
 3 **A. May I respond to that?**
 4 Q. Respond to what?
 5 MS. HEMANS-BRANTLEY: Was
 6 there a -- I don't understand -- where's the
 7 question?
 8 THE HEARING OFFICER: Where's
 9 the question.
 10 MR. FOFANA: Yeah, precisely.
 11 So you -- you cannot answer --
 12 **A. Whether or not there were no**
 13 **new concepts?**
 14 BY MR. FOFANA: (Cont'g.)
 15 Q. So, since there was no new
 16 concept --
 17 **A. But I didn't --**
 18 Q. -- identified by --.
 19 THE HEARING OFFICER: No, he
 20 didn't answer that question. Let him answer
 21 the question, please.
 22 **A. The -- the -- the concept**
 23 **must have been new to the students, because --**
 24 BY MR. FOFANA: (Cont'g.)

1 Wiltshire - Further Cross - Fofana
 2 Q. I'm sorry?
 3 **A. -- the concepts were**
 4 **obviously new to the students, because they**
 5 **were saying that they did not know how to do**
 6 **that.**
 7 Q. No, no, no, no. You -- you
 8 didn't answer my question.
 9 **A. Okay. What is it?**
 10 Q. Let us go back, you know, go
 11 back.
 12 **A. Okay.**
 13 Q. What new concepts -- what new
 14 concept was introduced that day, in your view,
 15 other than learning the mechanical use of the
 16 calculators?
 17 **A. What other new concept?**
 18 Q. What did -- did I introduce
 19 any new concepts that day? Because you put --
 20 **A. Using the calculator to find**
 21 **the G.C.D. of one eighty, and that is -- that**
 22 **is a new concept to the students, because --**
 23 Q. That --
 24 **A. -- obviously they had not**

1 **Wiltshire - Further Cross - Fofana**
 2 **done it before.**
 3 Q. Okay. Thank you. Well, what
 4 G.C.E. means? V.G.C.F., what G.C.F. mean.
 5 **A. This was G.C.D.**
 6 Q. I'm sorry. G.C.D., what
 7 G.C.D. stands for?
 8 **A. I don't know; you tell me.**
 9 Q. Well, I thought we -- we were
 10 speaking the same language, because this is
 11 about the manner you observed me. You're even
 12 typing --.
 13 THE HEARING OFFICER: What's
 14 the question?
 15 MR. FOFANA: Well --
 16 THE HEARING OFFICER: He
 17 just --
 18 MR. FOFANA: -- I --
 19 THE HEARING OFFICER: --
 20 answered he didn't know, so you can move --
 21 MR. FOFANA: I'll -- I'll
 22 rephrase --
 23 THE HEARING OFFICER: -- to
 24 the next question.

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: Well, it
 3 means --.
 4 THE HEARING OFFICER: No, no,
 5 no. You don't need to answer it. You can ask
 6 the next question.
 7 MR. FOFANA: All right.
 8 BY MR. FOFANA: (Cont'g.)
 9 Q. G.C.D. -- okay. Let me ask
 10 you, denominators, constants like common
 11 denominators, the greatest common denominator,
 12 is a concept that is introduced --
 13 **A. I'm familiar with --**
 14 Q. -- wait -- I'm -- I'm not
 15 finished --
 16 **A. -- I don't need the**
 17 **explanation.**
 18 Q. No?
 19 THE HEARING OFFICER:
 20 Let's --.
 21 MR. FOFANA: You're
 22 interrupting -- you're interrupting me.
 23 THE HEARING OFFICER: Mr. --
 24 Mr. Fofana --

1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I didn't ask any
 3 question.
 4 THE HEARING OFFICER: --
 5 right. Let's -- let's just try and get to
 6 questions --
 7 MR. FOFANA: Yeah, he
 8 interrupted --
 9 THE HEARING OFFICER: --
 10 okay? And --
 11 MR. FOFANA: -- me.
 12 THE HEARING OFFICER: -- and
 13 right.
 14 MR. FOFANA: In -- in
 15 something else.
 16 BY MR. FOFANA: (Cont'g.)
 17 Q. The greatest common
 18 denominator concept, at what level should
 19 students in -- in the school system, at what
 20 levels learn this concept? I'm asking you.
 21 **A. They learn it with fractions**
 22 **at the --.**
 23 Q. What year?
 24 **A. No specific year. Depend on**

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1 **Wiltshire - Further Cross - Fofana**
 2 **the level of the student.**
 3 Q. Well, at which level, for the
 4 first time, do youngsters learn common
 5 denominator, greatest common denominator?
 6 **A. Could be in the ninth grade.**
 7 Q. Thank you. It could be -- if
 8 would be fair to say, some can even learn this
 9 even in sixth and seventh grade?
 10 **A. Yes, they can.**
 11 Q. Okay. So, by introducing
 12 here the student could not possibly be lost, if
 13 I introduce the greatest common denominator in
 14 this lesson?
 15 MS. HEMANS-BRANTLEY:
 16 Objection.
 17 MR. FOFANA: Well, there's no
 18 objection. This is leastways --.
 19 THE HEARING OFFICER: Well,
 20 she's raising an objection.
 21 What's the basis?
 22 MS. HEMANS-BRANTLEY: Wait a
 23 minute. It just went out of my head that
 24 quick.

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1 Wiltshire - Further Cross - Fofana
 2 rephrase it.
 3 THE HEARING OFFICER: No, no,
 4 no, no. Let's --
 5 MR. FOFANA: Yes --.
 6 THE HEARING OFFICER: -- I
 7 want to move through this, let's go.
 8 MR. FOFANA: Yes.
 9 THE HEARING OFFICER: Try and
 10 answer that question.
 11 **A. What -- the -- what is new in**
 12 **terms of the concept is that they're using the**
 13 **calculator to do this. This was not something**
 14 **that they had done prior to this class.**
 15 MR. FOFANA: Okay.
 16 THE HEARING OFFICER: But
 17 that --
 18 MR. FOFANA: You answered --.
 19 THE HEARING OFFICER: I'm
 20 sorry, but that wasn't the question.
 21 MR. FOFANA: That wasn't the
 22 question.
 23 THE HEARING OFFICER: The
 24 question was, since this is something that --

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1 Wiltshire - Further Cross - Fofana
 2 MR. FOFANA: I'm talking
 3 about --.
 4 MS. HEMANS-BRANTLEY: Oh,
 5 the -- his -- well, what was the -- the
 6 characterization of the question --
 7 MR. FOFANA: Uh-huh.
 8 MS. HEMANS-BRANTLEY: --
 9 is --
 10 THE HEARING OFFICER: Do you
 11 understand --
 12 MS. HEMANS-BRANTLEY: --
 13 makes it impossible --.
 14 THE HEARING OFFICER: -- do
 15 you understand --
 16 THE WITNESS: I --
 17 THE HEARING OFFICER: -- the
 18 question?
 19 THE WITNESS: -- I -- I
 20 understand the question.
 21 THE HEARING OFFICER: All
 22 right. I'm going to allow the question.
 23 THE WITNESS: And --.
 24 MR. FOFANA: Let me -- let me

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1 Wiltshire - Further Cross - Fofana
 2 I'm going to rephrase it or paraphrase it.
 3 MR. FOFANA: Yeah.
 4 THE HEARING OFFICER: Since
 5 this is something that might be considered more
 6 advanced, how could the students lose out --
 7 MR. FOFANA: Uh-huh.
 8 THE HEARING OFFICER: -- if
 9 he was introducing it a little earlier to them?
 10 Is that fair to say?
 11 MR. FOFANA: It -- okay. Yes
 12 and no. Let me try to rephrase it.
 13 BY MR. FOFANA: (Cont'g.)
 14 Q. G.C.D., which stands for
 15 greatest common denominator --
 16 **A. Yeah.**
 17 Q. -- was chosen, I will put it
 18 in the context, so that we can understand it,
 19 because -- because it was so low, I want to
 20 make sure, I won't want to have any problems at
 21 conceptual level, so that we can focus -- focus
 22 on the calculator.
 23 Now, if you'd say to me that
 24 the -- the students did not -- you stated that

71 (Pages 926 to 929)

1 Wiltshire - Further Cross - Fofana
 2 you do not have to do this, the "don't do this"
 3 means using the calculator. It's not about the
 4 concept; am I right?
 5 **A. You're -- yeah, okay.**
 6 Q. That's fair; right?
 7 **A. Yes.**
 8 Q. All right. So, the whole
 9 thing is, once again, learning how to use the
 10 calculator. And the -- the -- the G.C.D.
 11 question was just to -- you know, to introduce
 12 the first steps toward that goal; is that
 13 correct? The do -- the do-now was intended to
 14 make very -- as easy as possible, so that we
 15 can move on?
 16 THE HEARING OFFICER:
 17 That's -- but you're talking --.
 18 BY MR. FOFANA: (Cont'g.)
 19 Q. That's the purpose of the
 20 do-now; is that right?
 21 **A. Well, that -- that wasn't --**
 22 **that -- I would say, then, for your -- what a**
 23 **do-now -- do-ow does --.**
 24 Q. No, you're making comments on

1 Wiltshire - Further Cross - Fofana
 2 that.
 3 **A. Not --.**
 4 Q. You -- you have to answer my
 5 question. It's not about you -- I appreciate
 6 your comment, but right now my question is,
 7 if -- you know, if I put the -- the bar as low
 8 as possible in terms of concept; right? It's
 9 fair to say that the focus is only using, you
 10 know, calculators, was no conceptual obstacle
 11 before them?
 12 THE HEARING OFFICER: Can you
 13 answer that?
 14 **A. Yes, there was.**
 15 BY MR. FOFANA: (Cont'g.)
 16 Q. Related to this concept?
 17 **A. Yes. Because the students,**
 18 **they did not -- they weren't --.**
 19 Q. All right. Let's move on.
 20 Let's move on. I -- because I disagree and
 21 we're going to go around for -- forever. Thank
 22 you, sir.
 23 Now, last week you said that
 24 you did not coordinate teacher's evaluation

1 Wiltshire - Further Cross - Fofana
 2 with Adonai, do you remember? I ask you if you
 3 had any coordination with Adonai?
 4 **A. Yes.**
 5 Q. All right. You didn't have
 6 any coordination?
 7 **A. No.**
 8 Q. Whatsoever?
 9 **A. No.**
 10 Q. You never sat with Adonai to
 11 discuss Fofana, you know, evaluation?
 12 **A. I've already answered that.**
 13 Q. Thank you. Now, how do you
 14 explain that Ms. Adonai testified that you met
 15 in a meeting to discuss how to improve my, you
 16 know teaching and I ask her if a plan was --
 17 came out of it, she said no. However, she had
 18 notes about it. How do you respond to that?
 19 **A. I respond to that, by saying**
 20 **your question that I responded to, you said,**
 21 **"Was There were any coordination in terms of**
 22 **your observation?" My response is that we**
 23 **never met, we never sat and discussed when and**
 24 **what time --**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Uh-huh.
 3 **A. -- to observe you.**
 4 Q. Uh-huh.
 5 **A. That never happened. Never**
 6 **happened.**
 7 Q. Okay. Well, I'm going to --
 8 okay. Thank you for clarifying. But now, I'm
 9 going to ask you, did you meet -- did you meet
 10 with her regarding improving my teaching?
 11 **A. I think I did.**
 12 Q. And -- well, you --?
 13 **A. But I don't quite remember if**
 14 **I -- what -- for the fact that --**
 15 Q. No, just give me yes or no.
 16 THE HEARING OFFICER: If
 17 you're not sure, you're not sure.
 18 THE WITNESS: Okay. But I'm
 19 not sure.
 20 MR. FOFANA: All right.
 21 THE HEARING OFFICER: Next
 22 question.
 23 BY MR. FOFANA: (Cont'g.)
 24 Q. Now, if you -- this teacher,

1 Wiltshire - Further Cross - Fofana
 2 who so many U ratings, don't you think it would
 3 be more than appropriate for the two of you to
 4 devise some plan to allege his -- to -- to
 5 address his alleged deficiencies? Don't you
 6 think so.
 7 **A. I did outline a plan for you.**
 8 Q. All right. Can you
 9 produce --?
 10 **A. It's right -- it's right in**
 11 **the -- the -- your letter. Prepared this day**
 12 **at ten --.**
 13 Q. Okay. No, no, thank you, but
 14 this -- I don't call this a plan, sir.
 15 THE HEARING OFFICER: Well,
 16 no, no, no.
 17 MS. HEMANS-BRANTLEY:
 18 Objection.
 19 MR. FOFANA: But -- oh, go
 20 ahead.
 21 THE HEARING OFFICER: Okay.
 22 MR. FOFANA: I'm sorry.
 23 THE HEARING OFFICER: So,
 24 the -- the witness -- all right. Just so the

1 Wiltshire - Further Cross - Fofana
 2 record's clear the witness is saying that --
 3 MR. FOFANA: What page is
 4 that?
 5 THE HEARING OFFICER: --
 6 his -- his answer is that he outlined -- he
 7 answered that he outlined a plan as set forth
 8 in D.O.E. Number Five.
 9 BY MR. FOFANA: (Cont'g.)
 10 Q. Now, so can you clarify for
 11 me what exactly was this plan was about?
 12 **A. The -- as a means of**
 13 **improving your teaching skills.**
 14 Q. Uh-huh.
 15 **A. Good classroom management,**
 16 **you must improve that. You must have proper**
 17 **planning.**
 18 Q. Uh-huh.
 19 **A. I recommend that you meet**
 20 **seventh period every day with your assistant**
 21 **principal --**
 22 Q. Uh-huh.
 23 **A. -- so -- for her to review**
 24 **your lessons --**

1 **Wiltshire - Further Cross - Fofana**
 2 Q. Uh-huh.
 3 **A. -- and your lesson plans. I**
 4 **also recommended that you observe one of your**
 5 **colleagues who was teaching the same course.**
 6 Q. Uh-huh.
 7 **A. I further stated that I could**
 8 **get someone, a staff developer, to come in from**
 9 **the district to work with you. All of that was**
 10 **stated in the -- the text.**
 11 Q. Okay. Now, let me ask you,
 12 sir, did you assign a professional staff
 13 development to me at all?
 14 **A. No, I did not.**
 15 Q. No, well --
 16 **A. I --**
 17 Q. -- no, no. Did you --.
 18 **A. -- if I did assign --.**
 19 Q. -- did you assign a
 20 professional staff developer of mathematics to
 21 assist this -- this teacher; did you?
 22 **A. No. No.**
 23 Q. That's all I need. Thank
 24 you.

1 Wiltshire - Further Cross - Fofana
 2 I have a couple question, if
 3 you can bear it. But one is just about -- I'm
 4 just getting to the end.
 5 Regarding the -- the -- the
 6 students Kk. -- Kk., Ni. did you -- the -- I'm
 7 sorry the investigator, Mr. Robert Colon,
 8 stated that the principal attended the students
 9 interviews. Are you confirming that?
 10 **A. That I saw him do them? I**
 11 **think I did.**
 12 Q. You think or --
 13 **A. Yeah.**
 14 Q. -- you -- you -- affirmative?
 15 **A. That's -- that's a normal**
 16 **procedure when an investigator --.**
 17 Q. No, that's not the point.
 18 I'm asking did you attend these --
 19 THE HEARING OFFICER: Do you
 20 remember that for sure or not?
 21 BY MR. FOFANA: (Cont'g.)
 22 Q. -- for sure or not?
 23 **A. I have to say I don't**
 24 **remember for sure, but that's -- what I'm**

1 **Wiltshire - Further Cross - Fofana**
 2 **saying --**
 3 **THE HEARING OFFICER: All**
 4 **right.**
 5 **A. (Cont'g.) -- is the common**
 6 **procedure --**
 7 Q. No. That's --
 8 **A. -- that's in the rules.**
 9 Q. -- I'm sorry, sir. This is
 10 not really -- I don't want to hear that. I
 11 want to know yes, or no --
 12 MS. HEMANS-BRANTLEY:
 13 Objection.
 14 THE HEARING OFFICER: No, no,
 15 no, Mr. -- Mr. Fofana, he can't answer, which
 16 means we don't know.
 17 MR. FOFANA: Okay. Thank
 18 you. Thank you.
 19 BY MR. FOFANA: (Cont'g.)
 20 Q. Okay. Do you recall what
 21 Kk.Sk. complained conference about? What was
 22 her complaint about?
 23 **A. I -- I can't recall.**
 24 Q. You can't recall. Do you

1 Wiltshire - Further Cross - Fofana
 2 recall what Mc.'s complaint was about?
 3 **A. I think Mc.'s complained that**
 4 **you threw paper in her face --**
 5 Q. Uh-huh.
 6 **A. -- and caught her on -- for**
 7 **the most part, on the --.**
 8 Q. Do you recall my sending
 9 Dw.Du. to you directly, when he called me
 10 faggot in my classroom? Do you recall a
 11 security guard bringing this student to your
 12 office in fall 2004 as I sent him?
 13 **A. I'm -- I'm -- I'm thinking**
 14 **and I'm not sure.**
 15 Q. You're not sure.
 16 **A. I'm not sure. No, I'm not**
 17 **sure.**
 18 MR. FOFANA: That's all I
 19 have.
 20 THE HEARING OFFICER: Okay.
 21 Ms. Brantley, any redirect?
 22 MS. HEMANS-BRANTLEY: Well,
 23 I'm sure I do have some redirect.
 24 THE HEARING OFFICER: Well,

1 Wiltshire - Further Cross - Fofana
 2 let's go off the record for a moment, then.
 3 (Off-the-record discussion)
 4 THE HEARING OFFICER: All
 5 right. Ms. Brantley, redirect.
 6 MS. HEMANS-BRANTLEY: Yeah.
 7 Uh-huh.
 8 THE HEARING OFFICER: If you
 9 need some private time to take a look --
 10 MS. HEMANS-BRANTLEY: No, I'm
 11 just --
 12 THE HEARING OFFICER: --
 13 don't hesitate.
 14 MS. HEMANS-BRANTLEY: -- I'm
 15 just -- I'm just looking for --.
 16 MR. FOFANA: I don't want to,
 17 you know, to be some impediment --
 18 THE HEARING OFFICER: Yeah.
 19 MR. FOFANA: -- I want to
 20 know exactly if I have the right to intervene
 21 at any time, or you know, what's the
 22 consensus --?
 23 THE HEARING OFFICER: Oh, you
 24 have the right to raise objections. You can

1 Wiltshire - Redirect - Hemans-Brantley
 2 object and then --
 3 MR. FOFANA: Uh-huh.
 4 THE HEARING OFFICER: -- I
 5 will hear you out on the objection for sure.
 6 MR. FOFANA: Okay. Thank
 7 you.
 8 REDIRECT EXAMINATION
 9 BY MS. HEMANS-BRANTLEY:
 10 Q. I just have a question. With
 11 regards to the specifications that are drafted
 12 in this case, do you have any input into the
 13 drafting of the specifications?
 14 **A. None, no.**
 15 Q. Okay. Are you provided with
 16 a copy of the specifications?
 17 **A. No.**
 18 Q. Okay. With regard to -- just
 19 going back to -- actually, you know what? I --
 20 I'm actually not going to touch that again.
 21 I'll leave that one.
 22 Just -- well, with regards to
 23 Teacher's Choice checks, are there certain
 24 purchases that must be approved by the

1 Wiltshire - Redirect - Hemans-Brantley
 2 principal before a -- before the purchase can
 3 be made by a teacher?
 4 **A. That has not been the**
 5 **practice, not, at least, since I've been**
 6 **principal.**
 7 Q. Okay. With regards to the
 8 Teacher's Choice check, there is a policy in
 9 place with regards to how a teacher can make a
 10 purchase and what purchases are appropriate;
 11 correct?
 12 **A. Yes.**
 13 MR. FOFANA: May I -- I
 14 question this? Because it was in the
 15 guidelines. Everything regarding the Teacher's
 16 Choice is written in a guideline.
 17 THE HEARING OFFICER: Right.
 18 MR. FOFANA: So, that is a
 19 reference, it's for the principal who makes
 20 determinations.
 21 THE HEARING OFFICER: --
 22 Ms. -- Ms. Brantley --
 23 MR. FOFANA: And -- and for
 24 sure is --.

1 Wiltshire - Redirect - Hemans-Brantley
 2 THE HEARING OFFICER: -- you
 3 know, this is a main -- this is an issue in the
 4 charges. Ms. Brantley's entitled to ask that
 5 question.
 6 MR. FOFANA: Yeah.
 7 BY MS. HEMANS-BRANTLEY: (Cont'g.)
 8 Q. With regards to the Web sites
 9 that are part of the specifications, I believe
 10 Mr. Fofana asked you on cross-examination with
 11 regards to when you viewed both of those Web
 12 sites.
 13 **A. Yes.**
 14 Q. And you indicated that you
 15 were first alerted to the two different Web
 16 sites at two different times; is that correct?
 17 **A. Yeah.**
 18 Q. Okay. And with regards to
 19 the first Web site -- I'm sorry.
 20 And with regards to the
 21 second Web site, that was the Web site where
 22 you contacted S.C.I.; correct?
 23 **A. Yes.**
 24 **MS. HEMANS-BRANTLEY: Okay.**

1 **Wiltshire - Redirect - Hemans-Brantley**
 2 **That's the only things I'd like to clarify.**
 3 **I'm done.**
 4 **THE HEARING OFFICER: Mr.**
 5 **Fofana, any recross examination?**
 6 MR. FOFANA: No, thank you.
 7 I have no further questions.
 8 THE HEARING OFFICER: Okay.
 9 MR. FOFANA: I appreciate
 10 your --.
 11 THE HEARING OFFICER: All
 12 right. Well, then Dr. Wiltshire, this is the
 13 point in time when the proceeding, from your
 14 perspective, gets positive.
 15 DR. WILTSHIRE: Uh-huh.
 16 THE HEARING OFFICER: You are
 17 excused as a witness, and we thank you very
 18 much for coming here and testifying.
 19 At this time we're going to
 20 conclude today's proceeding, and I will just
 21 note for the record that we will continue again
 22 on -- on May 28th at ten o'clock in the
 23 morning.
 24 MS. HEMANS-BRANTLEY: Uh-huh.

1 Wiltshire - Redirect - Hemans-Brantley
 2 THE HEARING OFFICER: Thank
 3 you very much.
 4 MS. HEMANS-BRANTLEY: Thank
 5 you.
 6 THE HEARING OFFICER: Have a
 7 good day.
 8 (The hearing adjourned at
 9 3:00 p.m.)
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1 Wiltshire - Redirect - Hemans-Brantley
 2 I, Amy L. Pike, do hereby certify that the
 3 foregoing was taken by me, in the cause, at the time
 4 and place, and in the presence of counsel, as stated
 5 in the caption hereto, at Page 1 hereof; that before
 6 giving testimony said witness(es) was (were) duly
 7 sworn to testify the truth, the whole truth and
 8 nothing but the truth; that the foregoing typewritten
 9 transcription, consisting of pages number 649 to 945,
 10 inclusive, is a true record prepared by me and
 11 completed by Associated Reporters Int'l., Inc. from
 12 materials provided by me.

13 _____
 14 Amy L. Pike, Reporter
 15 _____ Date

16
17 ralp/tcl/plal

18
19
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23
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1 ERRATA SHEET
 2 Case: Boubakar Fofana, File #8,234
 3 Date: May 14, 2008
 4
 5 CORRECTIONS:
 6 Page - line
 7 _____ Word or phrase: _____
 8 Corrected to: _____
 9 _____ Word or phrase: _____
 10 Corrected to: _____
 11 _____ Word or phrase: _____
 12 Corrected to: _____
 13 _____ Word or phrase: _____
 14 Corrected to: _____
 15 _____ Word or phrase: _____
 16 Corrected to: _____
 17 _____ Word or phrase: _____
 18 Corrected to: _____
 19 _____ Word or phrase: _____
 20 Corrected to: _____
 21
 22
 23
 24

1
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 3 Allyne, Nikita Ni.Ae.
 4 Batises (phonetic spelling), Mercedes Mc.Bt.
 5 DeVignes-Fallon (phonetic spelling), Curleen Cr.Dv.
 6 Duval, Dwight (phonetic spelling) Dw.Du.
 7 James, Loikel Lk.Jm.
 8 Jones, Jalissa Jl.Jn.
 9 Kakesha Kk.
 10 Mercedes Mc.
 11 Monifa (phonetic spelling) Mf.
 12 Sikial, Kakesha (phonetic spelling) Kk.Sk.
 13 Trotman, Lisa-Marie Ls.Tr.
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