



**Office of the Superintendent**  
5735 47th Avenue • Sacramento, CA 95824  
(916) 643-9000 • FAX (916) 643-9480

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*M. Magdalena Carrillo Mejia, Ph.D.*  
*Superintendent*

April 25, 2008

Via Facsimile & U.S. Mail

Bernard Bowler  
Chairman  
St. HOPE Public Schools  
3400 3rd Avenue  
Sacramento, CA 95817

Re: Sacramento Bee Articles of April 25, 2008 regarding St. HOPE Public Schools

Dear Mr. Bowler:

As you are aware, today the Sacramento Bee published two articles entitled "Feds investigating Johnson's St. HOPE" and "Investigation of girl's allegations against Kevin Johnson raises questions" which I attach. The first article reports that "Under federal AmeriCorps provisions, St. HOPE was required to report both teens' allegations immediately, according to Marta Bortner, a spokeswoman for California Volunteers, the state office that channeled AmeriCorps grants to Johnson's Hood Corps. That never happened, she said."


The allegations, according to the Bee, include ". . . the failure to report the sexual allegations related to a student and a teenage volunteer . . ." involving Mr. Kevin Johnson. The second article reports related allegations.

As the chartering authority of St. HOPE, the Sacramento City Unified School District has broad oversight responsibilities to insure the safety and security of students educated by its charter schools.

These articles raise serious concerns regarding the safety and security of students attending Sacramento Charter High School and St. HOPE's supervision of students relating to educational and affiliated programs such as Hood Corps funded through AmeriCorps.

Therefore, I am requesting, as Superintendent of the District and on behalf of the Board of Education, a detailed response to the allegations raised by these articles in order for the Board to carry out its oversight responsibilities and to ascertain any need for further steps.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Magdalena Carrillo Mejia". The signature is fluid and cursive, with the first name "Magdalena" being the most prominent.

M. Magdalena Carrillo Mejia, Ph.D.  
Superintendent

cc: Members of the Board of Education  
Sacramento County Superintendent of Schools



The Web Site of The Sacramento Bee

This story is taken from [Sacbee / News](#).

## Investigation of girl's allegations against Kevin Johnson raises questions

By Terri Hardy and Dorothy Korber - [thardy@sacbee.com](mailto:thardy@sacbee.com)  
*Published 12:00 am PDT Friday, April 25, 2008*

After a Sacramento High School teacher's report last year that a 17-year-old student told him she was inappropriately touched by Kevin Johnson, Johnson's personal attorney and business partner investigated the complaint for the campus.

State law requires that authorities be notified immediately when school officials learn of such an allegation. But – before police were called in by the teacher – Johnson's attorney, Kevin Hiestand, questioned the girl during an internal investigation, according to interviews and e-mails obtained by The Bee.

Following the school's internal investigation, the student recanted. (The Bee is not naming her because of her age and the nature of the allegation.) Sacramento police investigators, who never interviewed Johnson, later found "no merit" to the allegation and declined to pursue the case in part because the girl recanted.

At the time of the April 2007 allegation, former NBA star Johnson served as a teacher, interim principal and head of St. HOPE Public Schools, which oversees the Sac High charter school. Currently, he is challenging Sacramento Mayor Heather Fargo in the June election.

Erik Jones, the teacher who made the report to police, resigned over the way the matter was handled by the school.

"St. HOPE sought to intimidate the student through an illegal interrogation and even had the audacity to ask me to change my story," Jones wrote in his May 15 resignation letter.

In response to a detailed summary of issues raised by this article, the Johnson campaign released a one-paragraph statement late Wednesday:

"St. HOPE takes any claim of harassment seriously, particularly in the case of a minor. In this case, St. HOPE acted swiftly to follow its federally mandated requirement to investigate. An impartial three-person panel found that the allegation was unfounded, a finding that was later confirmed by law enforcement. We consider the matter closed given the findings of law enforcement and out of respect for the minor involved."

When a Bee reporter asked about the matter at a Sacramento Press Club lunch Thursday, Johnson responded briefly.

"I think the allegations at the school were handled in the way that you would want them handled," he said. "Immediately they followed all the normal protocols that they were supposed to follow ... I think it was pretty clear there was nothing there."

Pressed for more information, Hiestand e-mailed answers to some questions late Thursday. He said the three-person impartial panel included him, the school's principal and a St. HOPE staff member and that they proceeded "in accordance with the law." He said he did not recall whether the investigation began before police were notified.

Police Chief Rick Braziel said that the police report confirms that the attorney had contacted the girl before they got involved.

"We knew there was an internal investigation done before the date we were notified," Braziel said. "We did ask the young lady whether anyone had influenced her – her answer was no."

## **Classmate questioned**

Jones, who heard the girl's original account, and a classmate who also was there, told The Bee that Hiestand suggested they alter their versions of what they heard. Both said they refused.

The classmate, Dora Bromme, said Hiestand pulled her out of class and told her the girl making the allegation had recanted. In an interview, Bromme told The Bee that Hiestand said he was from "human resources" but did not identify himself as a lawyer.

She said Hiestand told her that the student "told us that (Johnson) just kissed her on the forehead and gave her a pat on the shoulder and left."

"I said to him 'I can tell you for a fact that's not what she said,'" Bromme said. "He was changing around the story."

St. HOPE classifies the incident as "harassment," and Hiestand said he participated as the school's federal Title IX officer. Police, however, investigated it as a child sexual abuse case because the minor alleged Johnson had touched her breasts.

"Our investigation found the allegations were rumor and innuendo, and not based on any evidence," Hiestand wrote in his Thursday e-mail response.

All school teachers and administrators are "mandated reporters" – meaning they are required to report suspected child abuse. Under the California Education Code, teachers who fail to report can lose their credentials. And the state penal code says any supervisor or administrator who "impedes or inhibits" the reporting can be punished with a fine or jail time or both.

"Your duty is to report, not investigate," the California attorney general's office advises educators in a written explanation of legal requirements for reporting child abuse.

Also at issue is Hiestand's possible conflict of interest, legal experts say, because he represented both the school and Johnson, the target of the complaint.

Diane Karpman, a Los Angeles-based expert in legal ethics, said cases like the Sac High situation raise several questions, including the importance for lawyers to disclose dual roles and receive a formal waiver from the school board.

St. HOPE board minutes for the past year show no request for a waiver. The board is appointed by Johnson and he served as its chairman until January.

Hiestand said he disclosed that he was Johnson's private attorney and had been retained to represent St. HOPE to "every party involved in the investigation, including the student and her guardian."

## **Lawyer and friend**

Hiestand is a vice president of Johnson's private development company, Kynship, according to state incorporation papers. His relationship to Johnson is "personal and legal counsel," a federal document states. And he receives a monthly retainer of \$2,800 from St. HOPE Public Schools for his legal services.

Hiestand, Johnson's friend since childhood, has filled a number of roles in the organization. He was part of the team in January that presented St. HOPE's application to open a new charter school in New York City's Harlem.

When Johnson played point guard for the Phoenix Suns, Hiestand was his spokesman. In 1995, Hiestand also got involved in a Phoenix police investigation into a 16-year-old's allegation that Johnson molested her. In a conversation taped by police, Hiestand called the girl's therapist and questioned her about her client's story.

Phoenix police referred that case to the District Attorney's Office, but no charges were filed.

In the Sac High case, Jones and a counselor who heard the girl's remarks about Johnson both said Hiestand told them not to report the incident until the internal investigation was complete.

According to Jones: "Hiestand told me he had met with her and that she had told a different story and that I should change my story to fit the one they had been told."

Jones maintains that Hiestand later told him the girl had recanted during the internal investigation.

Hiestand described a different chain of events, saying that "when Jones informed me about his suspicion and asked whether he should file a report, I promptly told him to do so with the police and CPS."

On April 30 – a week after the girl made her allegations – Jones sent Hiestand an e-mail asking: "Do (I) not also need to submit a form to (Child Protective Services) as I am a mandatory reporter in my role as a teacher?"

Hiestand responded: "Yes, if you suspect it."

By then, however, Jones had already begun trying to contact outside authorities.

## **Teacher recounts events**

In a recent interview, Jones gave a detailed account of events he said led up to his resignation. He said the girl's initial comments came during a senior class retreat in Yosemite.

As the group prepared breakfast on April 23, Jones said, the girl confided to him, counselor Jill Tabachnick and two classmates that Johnson had touched her inappropriately on several occasions.

The classmates, Dora Bromme and Lisa Wood, corroborated Jones' account. When contacted by The Bee, Tabachnick – who was laid off from Sacramento High at the end of the school year – confirmed she heard the girl's allegations and she confirmed Jones' account of the school's handling of the situation.

Jones said the girl demonstrated to the Yosemite group how Johnson massaged her shoulders from behind as she sat at a computer at the school, and how his hands dipped down to her breasts.

"The situation grossed me out and that was not the first time," Jones quoted her as saying in his report to police.

"(Johnson) has also done this to other girls in the class," Jones' child-abuse report quoted her as adding. "And with one of the Hood Corps students he tried to crawl into her bed. And that is why she quit Hood Corps."

Hood Corps, another arm of St. HOPE, is a nonprofit organization based on an urban Peace Corps model that enlists high school students and recent graduates. The girl who spoke up in Yosemite also was a part-time Hood Corps volunteer.

Under federal AmeriCorps provisions, St. HOPE was required to report both allegations immediately, according to Marta Bortner, a spokeswoman for California Volunteers, the state office that channeled AmeriCorps grants to Johnson's Hood Corps. That never happened, she said.

After being shown Jones' child abuse report, California Volunteers on Tuesday turned the matter over to the inspector general for one of its umbrella organizations, the Corporation for National and Community Service.

Jones said the Sac High student was worried about telling people about Johnson because "he is a family friend, but I feel creeped out when he does this."

The girl's mother, asked to comment last week, said only "nothing happened" and hung up. The girl didn't respond to requests for comment.

## **Investigation progresses**

When the group returned to Sacramento from Yosemite, Jones said he knew he was legally bound to make a child abuse report so he asked Tabachnick to talk to administrators.

He said the school's response came from Hiestand, telling him to delay filing the report: "Hiestand told me, 'Before you fill anything out, we will conduct our own internal investigation.'"

Jones said he learned that the girl who made the allegation was summoned to a meeting, along with her mother, and questioned by Hiestand, Sac High Principal Lara Knight, and Lori Mills, a longtime friend of Johnson's and a top St. HOPE administrator. Jones' account of that meeting was confirmed by Tabachnick.

Neither Knight nor Mills responded to requests for comment.

As the internal investigation progressed, Jones said he grew increasingly concerned about his responsibility as a mandated reporter. He conferred with two friends, both of them now principals at other schools.

One, Allen Young, clearly recalled the conversation. Young, formerly Jones' principal at Sac High, is now principal at Met Sacramento Charter High School.

"Erik called me and told me this girl was groped and that St. HOPE was going to deal with it internally," Young said. "I said: 'You are a mandated reporter. This needs to get past anecdotal discussion.' I told him to call the Department of Justice.

"I watched Erik, pretty much in tears, calling in the report. He knew what it meant: He was finished at Sac High."

## **Parent protests**

When Lisa Wood's mother heard that Hiestand was questioning students, she told The Bee she sent an e-mail to Knight, the principal, saying that her daughter was not to be questioned without a parent present.

"I am shocked that parents have not been notified before students are questioned," Linda Hogg-Wood wrote on May 3.

Knight replied on May 7, "We did meet with a student last week regarding information she may know about an investigation we are conducting regarding allegations brought to our attention by a teacher."

Following that exchange with her mother, Lisa Wood said she was never questioned after all.

In a May 6 e-mail to Jones, Hiestand wrote: "We have concluded our investigation and management will take appropriate action based on our findings."

Meanwhile, on May 3 the Sacramento County District Attorney's Office notified the Police Department of Jones' child abuse complaint, according to police spokesman Sgt. Matt Young. The same day, Jones gave police a written version of his complaint.

The case was handled by Sgt. Don Buno, a sex crimes investigator. Jones gave Buno information about the other witnesses from Yosemite and passed along the name of the Hood Corps volunteer mentioned in his child-abuse report. He also said he told Buno of his concerns about Hiestand's internal investigation.

The Sacramento Police Department declined to release the actual police report. In an e-mail response to Bee questions, Young wrote that detectives interviewed "several people" but would not reveal their names because most were juveniles. Of the four Yosemite witnesses, only Jones said he was interviewed by police – the others said they were not contacted by police.

Johnson was another person left off the detectives' interview list. Asked why, Young responded: "There was no evidence indicative of criminal conduct on the part of Mr. Johnson."

Detectives also said they did not pursue the information Jones passed on about the young woman who left Hood Corps. They gave two reasons: She was not a juvenile and the allegation that Johnson tried to get into her bed "doesn't indicate conduct of a criminal nature."



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This story is taken from [Sacbee / News / Top Stories](#).

## Feds investigating Johnson's St. HOPE

**By Dorothy Korber and Terri Hardy - [dkorber@sacbee.com](mailto:dkorber@sacbee.com)  
Published 11:18 am PDT Friday, April 25, 2008**

Kevin Johnson's St. HOPE nonprofit is under investigation by the federal government for allegations including misuse of federal funds and Johnson's sexual misconduct toward two participants in its Hood Corps, an urban Peace Corps-type program, according to a government attorney.

Dan McGuire, legal affairs secretary for the Governor's Office -- which manages all the state's AmeriCorps programs -- said Friday morning that the probe was launched after The Bee raised questions about Hood Corps. These questions included the failure to report the sexual allegations related to a student and a teenage volunteer, the program's religious and physical aspects, and the types of work volunteers were doing.

"We were quite alarmed," McGuire said. "We called the inspector general and started the process."

McGuire said further details, including financial issues, should come from the Washington, D.C., headquarters of the inspector general.

"They told us to lay back and let them do their thing," McGuire said. "We're glad they're here and looking into the matter."

From 2004 through 2007, Hood Corps received federal funding through AmeriCorps. That funding was not renewed last year.

Under federal AmeriCorps provisions, St. HOPE was required to report both teens' allegations immediately, according to Marta Bortner, a spokeswoman for California Volunteers, the state office that channeled AmeriCorps grants to Johnson's Hood Corps. That never happened, she said.

St. HOPE officials could not be reached for comment Friday morning. Johnson, a former NBA star who is a candidate for Sacramento mayor, also could not be reached.

Johnson campaign spokeswoman Christy Setzer, told The Bee was working on a story about the federal investigation, said, "I'll check into it and get back to you." Setzer gave no timeframe within which a response would be made.

An article in Friday's Bee documents St. HOPE's handling of a 2007 allegation by a Sacramento High School student -- one of the Hood Corps volunteers -- that Johnson inappropriately touched her. The girl, 17 at the time, recanted her story after she was questioned by Kevin Hiestand, Johnson's personal lawyer, business partner and school attorney.

After the school's internal investigation, Sacramento police investigated the situation and found "no merit" to the allegation. They did not investigate the allegation about the Hood Corps volunteer because she was not a minor.

The Bee's Dorothy Korber can be reached at (916) 321-1061 and Terri Hardy at (916) 321-1073.