

**THE BROWARD COUNTY SCHOOL BOARD, FLORIDA**

THE BROWARD COUNTY SCHOOL BOARD,

Petitioner,

v.

DILLAN VERSAI

f/k/a

BENJAMIN KOVER,

Respondent.

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**FINAL ORDER DISMISSING RESPONDENT'S SECOND REQUEST FOR FORMAL  
HEARING WITH PREJUDICE**

THIS CAUSE concerns the request for hearing that the Broward County School Board (hereinafter "School Board") received pertaining to an administrative complaint issued on May 11, 2015.<sup>1</sup> (**Exhibit A**).

**FINDINGS OF FACT**

1. On May 11, 2015, the Superintendent of Broward County Schools, Robert W. Runcie, (hereinafter "Superintendent") issued an administrative complaint seeking a (10) ten-day unpaid suspension of Respondent, Dillan Versai.
2. On or before May 12, 2015, the Respondent, Dillan Versai, (hereinafter "Versai") was personally served with the administrative complaint, notifying him of the charges/recommended discipline. Furthermore, he received a letter notifying him of the Board action date of June 9, 2015. (**Exhibit B**).
3. In addition to being personally served with the charges, the Respondent executed an acknowledgement form documenting his receipt of the administrative complaint

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<sup>1</sup> The Broward County School Board is referenced herein as the Petitioner since the School Board approved the Superintendent's recommendation on June 9, 2015.

containing the Superintendent's disciplinary recommendation. (**Exhibit C**).

4. The administrative complaint included the following notice in bold font:

**If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for a hearing to Robert Runcie, Superintendent, Broward County School District, 600 3<sup>rd</sup> Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.**

**FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.**

**IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.**

Thus, providing a clear point of entry into the administrative process.

5. Moreover, without waiving the clear point of entry the administrative complaint provides, the School Board policies provide the following additional notice. Pursuant to School Board Policy 1100A, the School Board meeting agenda was released to the general public seven (7) days prior to the Regular School Board Meeting (hereinafter

- “RSBM”) by posting on the Broward County School Board website; therefore, Versai’s administrative complaint, which was part of that agenda, was in effect published a week prior to the June 9, 2015, RSBM.
6. Furthermore, on June 9, 2015, amid media coverage of the event, the School Board approved the Superintendent’s recommendation to suspend Versai at its regular School Board meeting. Versai was present and addressed the School Board at the meeting; nevertheless, the School Board adopted the Superintendent’s recommendation for the ten (10) day suspension. **(Exhibit D).**
  7. Versai also requested, and was granted, access to the Superintendent who spoke with him privately at the meeting.
  8. Nine (9) days after the RSBM, on Thursday, June 18, 2015, Versai hand-delivered a request for hearing to the Superintendent’s counsel. **(Exhibit E).**
  9. Subsequently, on June 22, 2015, a separate request for hearing by Versai arrived by mail to the Superintendent. **(Exhibit F).**
  10. Both letters, while slightly different, made a one sentence request for a hearing.
  11. After reviewing the request for hearing, the Superintendent advised Versai of his intention to recommend that the School Board dismiss Versai’s hearing request with prejudice as untimely and not in substantial compliance with the rules governing requests for hearing.
  12. The Superintendent’s letter advising Versai of the recommendation was addressed and sent via e-mail to Respondent and his counsel, Steve Rossi, on June 24, 2015. **(Exhibit G).**

11. On Thursday, July 2, 2015, fifty-two (52)<sup>2</sup> days after the Respondent had been served, and close to a month after the School Board meeting adopting/finalizing the Superintendent's recommendation, the Superintendent received a second request for hearing (hereinafter "Request") from the Respondent. **(Exhibit H).**
12. At no time did Respondent offer any explanation as to his untimeliness in requesting a hearing, but rather Versai asserted that he responded to the administrative complaint by mailing a request on May 18, 2015. At no time prior to this correspondence did Versai mention this fact, nor did he provide any evidence of the mailing.
13. In this second request, Respondent attempted to cure the substantive defects of the first Request by endeavoring to address the substantive requirements of a Request.

#### **CONCLUSIONS OF LAW**

14. Florida Statutes §1012.27 (2014), titled "Powers and Duties of District School Superintendent", delegates the power to "[r]ecommend employees for dismissal" as well as "suspend members of the instructional staff" to the district school Superintendent. §1012.27 (5) Fla. Stat. (2014).
15. Additionally, §1012.27(5) Fla. Stat., imposes on the Superintendent the duty of serving "notice on the suspended member of the instructional staff of charges made against him or her and of the date of the hearing."
16. The law in this instance provides that **"[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice,**

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<sup>2</sup> It is important to note, that this 52-day time frame, which covers the time Respondent used to request a hearing, is so vast that it encompasses the entire period, in which, matters are expected to be heard. The Administrative Law Judge is expected to hear these discipline cases within 60 days of the request for hearing pursuant to §1012.33(6)(a)2.

**submit a written request for hearing.”(Emphasis added). §1012.33(6)(a) Fla. Stat. (2014).**

17. Mr. Versai was personally served by a registered process server with written notice i.e. the administrative complaint on May 12, 2015.
18. Mr. Versai’s first request for administrative hearing was hand delivered on June 18, 2015, more than a month after he had been served. Not only was it untimely, it lacked substantial compliance with the requirements of law for requesting a hearing. §120.569(2)(c) Fla. Stat. (2014).
19. Mr. Verai’s one sentence request failed to address all of the following requirements of Rule 28-106.2015 F.A.C. (2014), which governs “Agency Enforcement and Disciplinary Actions”:
  - (5) Requests for hearing filed by the respondent in accordance with this rule shall include:
    - (a) The name, address, any e-mail address, telephone number, and facsimile number, if any, of the respondent, if the respondent is not represented by an attorney or qualified representative.
    - (b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, if any, upon whom service of pleadings and other papers shall be made.
    - (c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.
    - (d) A statement of when the respondent received notice of the administrative complaint.
    - (e) A statement including the file number to the administrative complaint.
20. While the School Board does not utilize a file numbering system, all the other

requirements of Rule 28-106.2015(5) F.A.C. governing the minimum requirements of a request for administrative hearing were either entirely not addressed, or only partially addressed.

21. Section 120.569 (2)(c), Florida Statutes, states that “[a] petition **shall be dismissed if it is not in substantial compliance with these requirements or it is untimely filed.**” (Emphasis added).
22. Furthermore, Policy 4.9, the School Board’s Disciplinary Policy, indicates that rather than being the initiation of proceedings, the School Board’s action is final where a hearing has not been requested.
23. Policy 4.9 provides in pertinent part, the following language: “When the Superintendent makes a recommendation to the School Board on employee disciplinary matters, The School Board adopts or rejects the Superintendent’s recommendation. . . . If an employee does not contest the charges, the School Board’s decision is final.”
24. Not only was Respondent’s first request for hearing not in substantial compliance, here where the Respondent hand delivered his request for hearing (hereinafter “Request”) on Thursday, June 18, 2015, more than a month after personal service on the Respondent, it is evident that it was untimely filed. Therefore, the Request must be dismissed pursuant to §120.569(2)(c) Fla. Stat. (2014).
25. The Respondent’s second Request, received by mail, on July 2, 2015, fifty-two (52) days after personal service, is not timely and fails to provide proof, pursuant to the Superintendent’s correspondence dated June 24, 2015, that the Superintendent received said correspondence on or before fifteen (15) days from the date on which

the charging document was served.

26. Rule 28-106.2015 F.A.C., **Agency Enforcement and Disciplinary Actions**, provides in pertinent part the following language:

- (1) Prior to entry of a final order to **suspend**, . . . or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency's jurisdiction, **the agency shall serve upon the licensee an administrative complaint**. For purposes of this rule, **an agency pleading or communication that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint**.
- (2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.
- (3) The agency's administrative complaint shall be considered the petition, and **service of the administrative complaint on the respondent shall be deemed the initiation of proceedings**.
- (5) **Requests for hearing filed by the respondent in accordance with this rule shall include:**
  - (d) **A statement of when the respondent received notice of the administrative complaint<sup>3</sup>**.

27. Rule 28-106.2015 F.A.C., through its plain language, clarifies any ambiguity about the identity of the Petitioner and Respondent, the circumstances under which the rule applies, and the minimum requirements contained in a request for administrative hearing.

28. Respondent's Requests, which have spanned the time frame normally allotted to bring a Request to final hearing, not only lacked substantial compliance, but also have been

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<sup>3</sup> Emphasis added.

untimely. Pursuant to §120.569(2)(c), the request for hearing "shall be dismissed" if it either requirement is not met. In this instance, both requirements were not met.

**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

The School Board of Broward County, Florida dismisses the Respondent's request for Administrative Hearing with prejudice.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this \_\_\_\_ day of July, 2015.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By \_\_\_\_\_  
DONNA P. KORN, CHAIR

Filed in Official School Board Records the  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Supervisor, Official School Board Records

Copies furnished to:

STEVE ROSSI, ESQ.  
STEVE ROSSI, P.A.  
533 Northeast 3<sup>rd</sup> Avenue, Suite 2  
Ground Floor  
Fort Lauderdale, Florida 33301  
[steve@attorneyrossi.com](mailto:steve@attorneyrossi.com)  
[assistant.leisa533@gmail.com](mailto:assistant.leisa533@gmail.com)

DILLAN VERSAI  
801 NE 18<sup>th</sup> CT #102  
Fort Lauderdale, FL 33305  
[vdillanusa@hotmail.com](mailto:vdillanusa@hotmail.com)

ROBERT W. RUNCIE, Superintendent of Schools  
Office of the Superintendent  
The School Board of Broward County, Florida  
600 Southeast Third Avenue - 10th Floor  
Fort Lauderdale, Florida 33301

TRIA LAWTON-RUSSELL (Florida Bar No. 381550)  
Office of the Administrative Counsel  
The School Board of Broward County, Florida  
600 Southeast Third Avenue - 14th Floor  
Fort Lauderdale, Florida 33301

### **NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Section 120.68, Fla. Stat., a party to this proceeding may seek judicial review of the School Board's Dismissal in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Dismissal. A copy of the notice and a copy of this Dismissal, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Dismissal.

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

DILLAN VERSAI  
f/k/a  
BENJAMIN KOVER

Respondent.

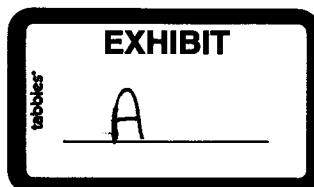
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**ADMINISTRATIVE COMPLAINT**

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, DILLAN VERSAI ("VERSAI") f/k/a BENJAMIN KOVER. The Petitioner seeks a ten (10) day suspension of Respondent's employment with the Broward County School Board ("BCSB"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. The Petitioner alleges the following:

**I. JURISDICTIONAL BASIS**

1. The agency is the School Board of Broward County, Florida, located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
2. The Petitioner is Robert W. Runcie, who is the



Superintendent of Schools of Broward County, Florida.

3. The Petitioner is statutorily obligated to recommend the placement of school personnel and to require compliance and observance with all laws, rules, and regulations. Petitioner is authorized to report and enforce any violation thereof, together with recommending the appropriate disciplinary action against any instructional personnel employed by the BCSB, inclusive of the Respondent, DILLAN VERSAI ("VERSAI").
4. Respondent, VERSAI, is an employee of the Broward County School Board and is currently employed as a second grade teacher at Nova Blanche Forman Elementary School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.
5. The last known address of the Respondent, DILLAN VERSAI, is 801 NE 18<sup>th</sup> Court #102, Fort Lauderdale, Florida 33305.

## **II. MATERIAL ALLEGATIONS**

The Petitioner, Robert W. Runcie, alleges as follows:

6. This recommendation is based upon conduct occurring during the 2014-2015 school year.
7. VERSAI, is a second grade teacher at Nova Blanche Forman Elementary School.
8. On or about February 11, 2015, during a field trip at the Lion Country Safari, VERSAI failed to properly supervise his

second grade students during lunchtime and a student was separated from the group.

9. The student was found by a park employee who later reunited her with another teacher who was present on the same field trip.

### **III. PREVIOUS DISCIPLINE**

10. The Respondent has been previously disciplined for leaving students unattended. On April 14, 2015, Principal McCanna issued a written reprimand because on March 18, 2014, the Respondent left his students unattended in the computer lab three (3) times during a half hour time span.
11. Prior to receiving the written reprimand, on April 3, 2014, VERSAI received a verbal reprimand for arriving to work tardy and arriving late to or missing required meetings.

### **IV. ADMINISTRATIVE CHARGES**

12. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-six (26) above.
13. Just cause exists for the requested relief pursuant to Fla. Stat. §§ 1012.33(1)(a), Section 6A-5.056 F.A.C., the Respondent's employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.

14. "Just cause" means "cause that is legally sufficient." It includes but is not limited to the following instances:

**A. MISCONDUCT IN OFFICE**

15. The Respondent, through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2)(a) through (e) of the of the Florida Administrative Code, which defines "misconduct".

(2) "Misconduct in Office" means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;

(b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student's learning environment; or

(e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

16. Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6A-10.080 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6A-10.081, F.A.C., which includes the following:

- (1) **Obligation to the student** requires that the individual:
  - (a) **Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.**
  - (b) Shall not unreasonably restrain a student from independent action in pursuit of learning.
  - (c) Shall not unreasonably deny a student access to diverse points of view.
  - (f) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
  - (g) Shall not intentionally violate or deny a student's legal rights
  - (h) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
- (2) **Obligation to the public** requires that the individual:
  - (a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated

17. Respondent's actions constitute misconduct in office, which is conduct so serious as to impair the individual's effectiveness in the school system. Respondent's acts are a violation of the adopted school board rules; behavior that disrupts the student's learning environment; or behavior

that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

**B. INCOMPETENCY**

18. The Respondent, through the above-described conduct has violated Fla. Stat. §1012.33 and Rule 6A-5.056(3) of the Florida Administrative Code. Respondent's actions show an inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

**C. SCHOOL BOARD POLICY 4008(B)**

19. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the Board; comply with the Code of Ethics and Principals of Professional Conduct of the Education Profession in Florida.
20. Furthermore, School Board Policy 4008(B) requires that "members of instructional staff shall perform the following functions:"

8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board, suspend the Respondent, Dillan VERSAI, without pay for ten (10) days, based upon the foregoing facts and legal authority.

NOTICE

If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for a hearing to Robert Runcie, Superintendent, Broward County School District, 600 3<sup>rd</sup> Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.

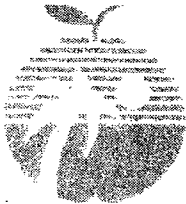
IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.

EXECUTED this 11<sup>th</sup> day of May, 2015.



ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Tria Lawton-Russell, Esq.  
Administrative Counsel



# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 SOUTHEAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301 • TEL 754-321-2600 • FAX 754-321-2701

**ROBERT W. RUNCIE**  
*Superintendent of Schools*

## SCHOOL BOARD

*Chair* DONNA P. KORN  
*Vice Chair* DR. ROSALIND OSGOOD

ROBIN BARTLEMAN  
HEATHER P. BRINKWORTH  
ABBY M. FREEDMAN  
PATRICIA GOOD  
LAURIE RICH LEVINSON  
ANN MURRAY  
NORA RUPERT

May 12, 2015

Dillan Versai  
801 NE 18<sup>th</sup> Court #102  
Fort Lauderdale, Florida 33305

Dear Mr. Versai:

Pursuant to Florida Statute 1012.33, you are hereby notified that I, Robert W. Runcie, Superintendent will make a recommendation to The School Board of Broward County, Florida for ten (10) days suspension without pay as a teacher of The School Board of Broward County, Florida. This recommendation is predicated upon the charges outlined in the Administrative Complaint you received dated May 11, 2015.

These charges will be presented to the School Board on Tuesday, June 9, 2015, at 10:15 a.m., at Kathleen C. Wright Administration Building, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Pursuant to Florida Statute Chapter 120, you may request a formal hearing, provided that you request said hearing, in writing, to the Superintendent as set forth in the Notice section of the Administrative Complaint.

This is your notice pursuant to Florida Statute 1012.31 that the material contained in your investigative file, is a public record and it will become available for inspection by the public ten days from receipt of this letter. Any request made by the public for the documentation referred to above will be provided in accordance with the laws of the State of Florida and Federal law.

Sincerely,



Robert W. Runcie

RWR/TLR:cr  
Attachment

c: Jeffrey S. Moquin, Chief of Staff  
Desmond K. Blackburn, Ph.D, Chief School Performance and Accountability Officer  
Jacquelyn Haywood, Director, School Performance and Accountability  
J. Paul Carland, II, General Counsel  
Elisa Calabrese, Chief Talent Development Officer  
Dorothy Davis, Director, Employee and Labor Relations  
Susan Rockelman, Director, Instructional Staffing  
Anthony Williams, Chief, Broward District Schools Police Department  
Charles McCanna, Principal, Nova Blanche Forman Elementary School  
Lula Taylor, Supervisor, Personnel Records

"Educating Today's Students To Succeed In Tomorrow's World"  
Broward County Public Schools / Equal Access Employer

EXHIBIT

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THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SUPERINTENDENT

Robert W. Runcie  
Superintendent Of Schools

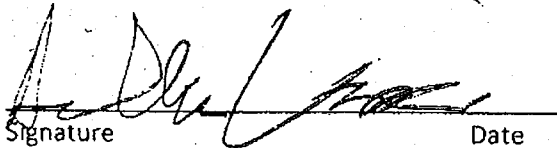
Telephone: 754-321-2600

Facsimile: 754-321-2701

May 12, 2015

**PRIORITY**

This is confirmation that I, Dillan Versai, have received notification of the Superintendent's recommendation dated May 11, 2015.

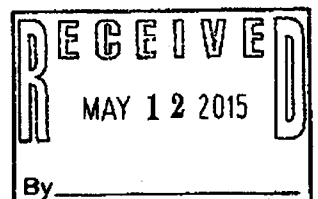
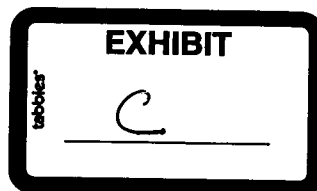
  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Served: 8/5

Date: 5/12/15 Time: 1:21 PM

By: K-#920

**K**



5867



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Special Order Request

☐ Yes

☒ No

Time:

Open Agenda

☐ Yes

☒ No

ITEM No.:

I-1.

MEETING DATE

Jun 9 2015 10:15AM - Regular School Board Meeting

AGENDA ITEM

CONSENT ITEMS

CATEGORY

I. OFFICE OF THE SUPERINTENDENT

DEPARTMENT

Administrative Counsel

TITLE:

Administrative Complaint (DV)

## REQUESTED ACTION:

Approve the Superintendent's recommendation to suspend the teacher, DV, without pay for ten (10) days.

## SUMMARY EXPLANATION AND BACKGROUND:

Please see the supporting documents for Summary Explanation and Background.

## SCHOOL BOARD GOALS:

☒ Goal 1: High Quality Instruction ☒ Goal 2: Continuous Improvement ☐ Goal 3: Effective Communication

## FINANCIAL IMPACT:

There is no financial impact to the School District.

## EXHIBITS: (List)

(1) Summary Explanation and Background (2) Notice of School Board Meeting (3) Administrative Complaint DV

## BOARD ACTION:

**APPROVED**

(For Official School Board Records Office Only)

## SOURCE OF ADDITIONAL INFORMATION:

Name: Tria Lawton-Russell

Phone: 754-321-2655

Name:

Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Approved In Open  
Board Meeting On:

JUN 9 2015

Signature

Jeffrey S. Moquin

Friday, May 29, 2015 3:32:01 PM

By:

*Donna Korn*

School Board Chair

Electronic Signature  
Form #4188 Revised 12/12  
RWR/ JSM/TLR:cr

EXHIBIT

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D

**SUMMARY EXPLANATION AND BACKGROUND**

The teacher, D.V., failed to provide adequate student supervision to his second grade class during a field trip at the Lion Country Safari theme park, subsequently a student was separated from the group without the teacher's knowledge. Due to the severity of the infraction, ten (10) days unpaid suspension is recommended.

The employee was served with the administrative complaint on May 12, 2015, and did not request a hearing. Further, DV received notice that a recommendation for a ten (10) day suspension without pay would be presented to the Broward County School Board (hereinafter "School Board") on June 9, 2015.

Pursuant to Florida Statutes §1012.33, "*[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for hearing.*" The employee failed to do so; therefore, pursuant to Broward County School Board Policy 4.9, §5.1 the School Board's decision is final.

*End of Document*

# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 SOUTHEAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301 • TEL 754-321-2600 • FAX 754-321-2701

**ROBERT W. RUNCIE**  
*Superintendent of Schools*

May 12, 2015

Dillan Versai  
801 NE 18<sup>th</sup> Court #102  
Fort Lauderdale, Florida 33305

## SCHOOL BOARD

*Chair* DONNA P. KORN  
*Vice Chair* DR. ROSALIND OSGOOD

ROBIN BARTLEMAN  
HEATHER P. BRINKWORTH  
ABBY M. FREEDMAN  
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Sincerely,



Robert W. Runcie

RWR/TLR:cr  
Attachment

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*Broward County Public Schools Is An Equal Opportunity/Equal Access Employer*

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

DILLAN VERSAI  
f/k/a  
BENJAMIN KOVER

Respondent.

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, DILLAN VERSAI ("VERSAI") f/k/a BENJAMIN KOVER. The Petitioner seeks a ten (10) day suspension of Respondent's employment with the Broward County School Board ("BCSB"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. The Petitioner alleges the following:

**I. JURISDICTIONAL BASIS**

1. The agency is the School Board of Broward County, Florida, located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
2. The Petitioner is Robert W. Runcie, who is the

Superintendent of Schools of Broward County, Florida.

3. The Petitioner is statutorily obligated to recommend the placement of school personnel and to require compliance and observance with all laws, rules, and regulations. Petitioner is authorized to report and enforce any violation thereof, together with recommending the appropriate disciplinary action against any instructional personnel employed by the BCSB, inclusive of the Respondent, DILLAN VERSAI ("VERSAI").
4. Respondent, VERSAI, is an employee of the Broward County School Board and is currently employed as a second grade teacher at Nova Blanche Forman Elementary School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.
5. The last known address of the Respondent, DILLAN VERSAI, is 801 NE 18<sup>th</sup> Court #102, Fort Lauderdale, Florida 33305.

## **II. MATERIAL ALLEGATIONS**

The Petitioner, Robert W. Runcie, alleges as follows:

6. This recommendation is based upon conduct occurring during the 2014-2015 school year.
7. VERSAI, is a second grade teacher at Nova Blanche Forman Elementary School.
8. On or about February 11, 2015, during a field trip at the Lion Country Safari, VERSAI failed to properly supervise his

second grade students during lunchtime and a student was separated from the group.

9. The student was found by a park employee who later reunited her with another teacher who was present on the same field trip.

### **III. PREVIOUS DISCIPLINE**

10. The Respondent has been previously disciplined for leaving students unattended. On April 14, 2015, Principal McCanna issued a written reprimand because on March 18, 2014, the Respondent left his students unattended in the computer lab three (3) times during a half hour time span.
11. Prior to receiving the written reprimand, on April 3, 2014, VERSAI received a verbal reprimand for arriving to work tardy and arriving late to or missing required meetings.

### **IV. ADMINISTRATIVE CHARGES**

12. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-six (26) above.
13. Just cause exists for the requested relief pursuant to Fla. Stat. §§ 1012.33(1)(a), Section 6A-5.056 F.A.C., the Respondent's employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.

14. "Just cause" means "cause that is legally sufficient." It includes but is not limited to the following instances:

**A. MISCONDUCT IN OFFICE**

15. The Respondent, through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2)(a) through (e) of the of the Florida Administrative Code, which defines "misconduct".

(2) "Misconduct in Office" means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;

(b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student's learning environment; or

(e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

16. Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6A-10.080 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6A-10.081, F.A.C., which includes the following:

- (1) **Obligation to the student** requires that the individual:
  - (a) **Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.**
  - (b) Shall not unreasonably restrain a student from independent action in pursuit of learning.
  - (c) Shall not unreasonably deny a student access to diverse points of view.
  - (f) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
  - (g) Shall not intentionally violate or deny a student's legal rights
  - (h) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.
- (2) **Obligation to the public** requires that the individual:
  - (a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated

17. Respondent's actions constitute misconduct in office, which is conduct so serious as to impair the individual's effectiveness in the school system. Respondent's acts are a violation of the adopted school board rules; behavior that disrupts the student's learning environment; or behavior

that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

**B. INCOMPETENCY**

18. The Respondent, through the above-described conduct has violated Fla. Stat. §1012.33 and Rule 6A-5.056(3) of the Florida Administrative Code. Respondent's actions show an inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

**C. SCHOOL BOARD POLICY 4008(B)**

19. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the Board; comply with the Code of Ethics and Principals of Professional Conduct of the Education Profession in Florida.
20. Furthermore, School Board Policy 4008(B) requires that "members of instructional staff shall perform the following functions:"
- 8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board, suspend the Respondent, Dillan VERSAI, without pay for ten (10) days, based upon the foregoing facts and legal authority.

NOTICE

If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for a hearing to Robert Runcie, Superintendent, Broward County School District, 600 3<sup>rd</sup> Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.

IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.

EXECUTED this 11<sup>th</sup> day of May, 2015.



ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Tria Lawton-Russell, Esq.  
Administrative Counsel

To Superintendent Robert Runcie:

I am requesting a Chapter 120 hearing (*I am appealing my today suspension*)

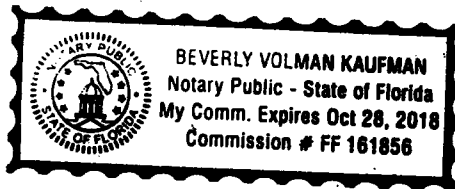
Thank you kindly,

*Dylan Versai 6/17/15*

Dylan Versai

ON JUNE 17, 2015 DILLAN VERSAI CAME  
BEFORE ME AND PRODUCED FLDL.

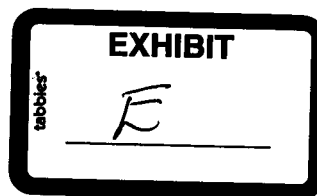
*Beverly Volman Kaufman*



RECEIVED

JUN 18 2015

SBBC  
Administrative Counsel's Office



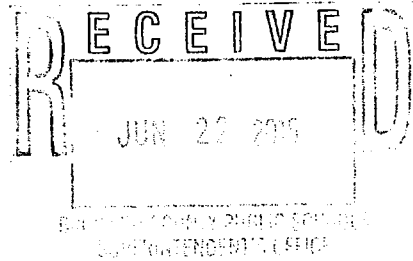
To Superintendent Robert Runcie:

I am requesting a Chapter 120 hearing.

Thank you kindly,

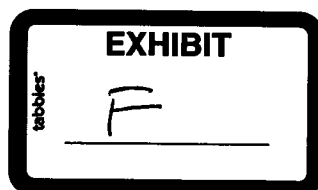
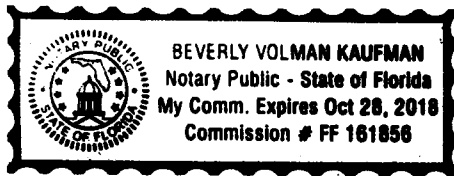
*Dillan Versai 6/17/15*

Dillan Versai



ON JUNE 17, 2015 DILLAN VERSAI CAME  
BEFORE ME AND PRODUCED FDL.

*Beverly Volman Kaufman*





# THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 SOUTHEAST THIRD AVENUE • FORT LAUDERDALE, FLORIDA 33301 • TEL 754-321-2600 • FAX 754-321-2701

ROBERT W. RUNCIE  
*Superintendent of Schools*

## SCHOOL BOARD

Chair  
Vice Chair

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ABBY M. FREEDMAN  
PATRICIA GOOD  
LAURIE RICH LEVINSON  
ANN MURRAY  
NORA RUPERT

June 24, 2015

SENT VIA E-MAIL

Dillan Versai  
801 NE 18<sup>th</sup> Court #102  
Fort Lauderdale, Florida 33305

### Re: Request for Hearing

Dear Mr. Versai:

I received your letter dated June 17, 2015, requesting a Chapter 120 hearing.

You are hereby notified that I, Robert W. Runcie, Superintendent intend to make a recommendation to The School Board of Broward County, Florida that The School Board dismiss your request for hearing. However, I am providing you an opportunity to amend the hearing request to correct or address the problem(s) noted below. Please be advised that I must receive the written response to this letter within fifteen (15) days of this letter. If I do not receive a response to this letter within 15 days, I will recommend that a final order be entered dismissing the hearing request with prejudice.

Pursuant to the mandates of §120.569(2)(c), Fla. Stat., the request for hearing is legally insufficient. The request for hearing (hereinafter "Request") did not meet the minimum requirements of a Request as mandated in Rule 28-106.2015(5), Florida Administrative Code.<sup>1</sup> Pursuant to §120.569(2)(c), Florida Statutes, a "petition or request for hearing" . . . **"shall be dismissed if it is not in substantial compliance with these requirements".**<sup>2</sup> Furthermore, §120.569(2)(d), Fla. Stat. mandates that any "agency may refer a petition to the division for the assignment of an administrative law judge **only if** the petition is in substantial compliance with the requirements of paragraph (c)."

You have time to amend your request for hearing if it was received on time. Pursuant to this letter please ensure that the amended request includes the information required by Rule 28-106.2015(5), F.A.C., included with this letter, and that I receive the amended request on or before fifteen (15) days from the date of this letter.

<sup>1</sup> A copy of Rule 28-106.2015, Florida Administrative Code is included with this letter. The rule mandates the minimum information required to be in a request for a formal hearing. You must review your request for hearing and amend it to conform to and contain all the information required by the rule.

<sup>2</sup> Emphasis added.

<sup>3</sup> Emphasis added.

Furthermore, pursuant to the mandates of §120.569(2)(c), Fla. Stat., I will recommend that the School Board dismiss the request for hearing with prejudice because the request for hearing is untimely filed. Pursuant to §1012.33(6)(a), Florida Statutes, an **“employee must within 15 days after receipt of the written notice, submit a written request for a hearing”**. Moreover, the administrative complaint indicates in bold type font the notice of the 15-day timeframe, in which, to submit a written request for hearing. According to Section 120.569(2)(c), Florida Statutes, “[a] petition **shall be dismissed if . . . it has been untimely filed.**”

Additionally, pursuant to School Board Policy 4.9 §5.1 “[t]he “School Board’s decision regarding disciplinary action is subject to the employee’s right to contest the charges through a due process hearing as provided by law . . .” **“If an employee does not contest the charges, the School Board’s decision is final.”**

Accordingly, unless the person requesting a hearing can show that the Superintendent received the written request for hearing on or before the fifteen (15) days from the date on which the charging document was served, I will recommend that a Final Order be entered dismissing the Request.

Pursuant to this letter please ensure that the Office of the Superintendent receives the amended request correcting the above-described deficiencies on or before fifteen (15) days from the date of this letter. Otherwise, a Recommendation will be submitted to The School Board to enter a Final Order dismissing the hearing request with prejudice.

Sincerely,



ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

RWR/TLR

Enclosure

Cc:

Steve Rossi, P.A.

533 Northeast 3<sup>rd</sup> Ave.

Ground Floor Suite 2

Fort Lauderdale, FL 33301

[steve@attorneyrossi.com](mailto:steve@attorneyrossi.com)

[Rikki.Koko533@gmail.com](mailto:Rikki.Koko533@gmail.com)

**28-106.2015 Agency Enforcement and Disciplinary Actions.**

(1) Prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency's jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

(2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.

(3) The agency's administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

(4) The agency's administrative complaint shall contain:

(a) The name of the agency, the respondent or respondents against whom disciplinary action is sought and a file number.

(b) The statutory section(s), rule(s) of the Florida Administrative Code, or the agency order alleged to have been violated.

(c) The facts or conduct relied on to establish the violation.

(d) A statement that the respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, any e-mail address, telephone number, and facsimile number, if any, of the respondent, if the respondent is not represented by an attorney or qualified representative.

(b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, if any, upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

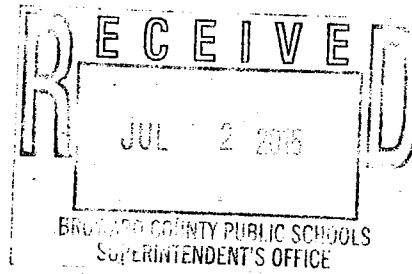
(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number to the administrative complaint.

*Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 1-15-07, Amended 2-5-13.*

APPEAL FOR CHAPTER 120 HEARING FOR THE 10 DAY SUSPENSION THAT I (DILLAN VERSAI) HAVE PREVIOUSLY RECEIVED FROM THE SCHOOL BOARD AT THE JUNE 9, 2015 BOARD MEETING.

A. Dillan Versai  
801 NE 18<sup>th</sup> CT #102  
Fort Lauderdale, FL 33305  
754-246-9690  
[vdillanusa@hotmail.com](mailto:vdillanusa@hotmail.com)



B. LAW OFFICES OF STEVE ROSSI, P.A.  
Sole Building  
533 N.E. 3<sup>rd</sup> Avenue  
Ground Floor Suite 2  
Fort Lauderdale, FL 33301  
(954) 524-0506  
FAX- 954 318-3690  
[steve@attorneyrossi.com](mailto:steve@attorneyrossi.com)  
[assistant.leisa533@gmail.com](mailto:assistant.leisa533@gmail.com)

C. I the respondent Dillan Versai, am requesting a Chapter 120 Administrative Hearing, to contest the material allegations against me by the "petitioner" called the School Board of Broward County, in Florida USA, stating that on February 11, 2015, during a field trip at the Lion Country Safari, "Versai failed to properly supervise his second grade students during lunchtime, and a student was separated from the group."

D. I received notice of this administrative complaint on May 11, 2015. (Which I responded to on May 18, 2015, mailing a request for a chapter 120 Hearing. In which I did not receive a response, from the "petitioner".) This is now my third attempt at trying to receive a Chapter 120 Hearing.

E. I do not understand the question. I looked at the administrative complaint Section and I don't see a file number.

Sincerely,

*Dillan Versai* June 30, 2015

Dillan Versai

