

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

TARAKIKI DOZIER

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, TARAKIKI DOZIER ("DOZIER"). The Petitioner seeks termination of the 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, Tarakiki Dozier (hereinafter "Dozier").
4. Respondent, Dozier, is an employee of the Broward County School Board and is currently employed as a teacher 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, Dozier, is 6619 Winfield Boulevard, #7, Margate, Florida 33063.

II. MATERIAL ALLEGATIONS

6. DOZIER, is an ESE Pre-School Intensive Teacher at Dania Elementary School.
7. On or about April 17, 2014, DOZIER along with two (2) co-defendants, was indicted by a Federal Grand Jury for the following four (4) Federal crimes:

Count 1

8. "Beginning on or about January 14, 2013, and continuing through on or about February 7, 2013, in Miami-Dade, Broward, and Palm Beach Counties, . . . **knowingly and**

willfully combine, conspire, confederate and agree . . . to import into the United States, from a place outside thereof, a controlled substance, in violation of Title 21, United States Code, Section 952(a); all in violation of Title 21, United States Code, Section 963.

9. The "controlled substance" is further described in the Federal indictment as **"100 kilograms or more of a mixture and substance containing a detectable amount of marijuana,** in violation of Title 21, United States Code, Section 960(b)(2)(G)."

Count 2

10. "On or about February 7, 2013, in Palm Beach County, . . . the defendants . . . **did knowingly and intentionally import into the United States, from a place outside thereof, a controlled substance,** in violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.
11. The indictment "further alleged that this violation **involved 100 kilograms or more** of a mixture and substance containing a detectable amount **of marijuana.**"

Count 3

12. "From on or about January 14, 2013, through on or about February 7, 2013, in Miami-Dade, Broward, and Palm Beach Counties," . . . the defendants, **did knowingly and willfully combine, conspire, confederate, and agree with each other . . . to possess with intent to distribute a controlled substance,** in violation of Title 21 United States Code.
13. "[T]he controlled substance involved in the conspiracy . . . is **100 or more kilograms of . . . marijuana.**"

Count 4

14. On or about February 7, 2013, in Palm Beach County . . . **defendants, did knowingly and intentionally possess with intent to distribute a controlled substance,** in violation of Title 21, United
15. "**This violation involved 100 kilograms or more of . . . marijuana.**"
16. DOZIER was facing a maximum penalty of forty (40) years imprisonment on each of the four (4) counts.
17. On June 18, 2015, DOZIER entered a plea agreement with the United States Attorney's Office and plead guilty to count one of the indictment, which charged DOZIER with conspiracy to import 100 kilograms or more of marijuana into the United States. (**Exhibit A**).

18. Under the terms of her plea agreement, DOZIER also provided a written Factual Proffer to the Court on June 18, 2015, detailing the extent of her criminal conduct. (**Exhibit B**).
19. Under the terms of her agreement, the Court must impose a minimum term of five (5) years imprisonment and may impose a statutory maximum term of up to forty (40) years. Additionally, the Court may also impose a fine of up to \$5,000.000.00.

III. PREVIOUS ARRESTS

20. On or about March 31, 2006, DOZIER was arrested pursuant to §302.0848(7) Fla. Stat. for displaying a handicap parking permit that belongs to another.
21. She received a withhold of adjudication for this second degree misdemeanor.

IV. ADMINISTRATIVE CHARGES

22. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-one (21) above.
23. 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.

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

A. MISCONDUCT IN OFFICE

25. The Respondent, through her above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2) (a) through (e) 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.

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

- (2) Violation of any of these principles **shall** subject the individual to **revocation or suspension** of the individual educator's certificate, or the other penalties as provided by law.
- (3) **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.
 - (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
 - (f) Shall not intentionally violate or deny a student's legal rights
 - (g) 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.
- (4) **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
- (5) **Obligation to the profession** of education requires that the individual:

- (a) Shall maintain honesty in all professional dealings.

27. The Code of Ethics of the Education Profession in Florida imputes the following attributes to an educator:

- (1) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- (2) The educator's primary professional concern will always be for the student and for the development of the student's potential. **The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.**
- (3) **Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.**

28. 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.

29. 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. IMMORALITY

30. The Respondent, through her above-described conduct, violated § 1012.33 Fla. Stat., and Rule 6A-5.056(1) of the Florida Administrative Code, and her actions constitute immorality, which is conduct inconsistent with the standards of public conscience and good morals.

31. Additionally, the Respondent's conduct, as factually set forth herein, is sufficiently notorious to bring the Respondent and/or the education profession into public disgrace or disrespect and impair the Respondent's service in the community.

C. MORAL TURPITUDE
§1012.315 and §1012.335 Fla. Statutes
Rule 6A-5.056 F.A.C.

32. Pursuant to Rule 6A-5.056(8) F.A.C. (2014), “[c]rimes involving moral turpitude’ means offenses listed in 1012.35, F.S.”.

33. The crimes listed in §1012.315, Fla. Stat. render

[a] person ineligible for an educator certification, and **instructional personnel ineligible for employment in any position that requires direct contact with students in district school system**, . . . if the person, instructional personnel has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

34. Furthermore, §1012.335(5), Fla. Stat. specifically enumerates part of the non-exhaustive list which comprise “just cause”. Included in the list is “[b]eing convicted or found guilty of, or **entering a plea of guilty to**, regardless of adjudication of guilt, **any crime involving moral turpitude.**” §1012.335(5)(f), Fla. Stat. (2014).

35. DOZIER’s guilty plea on June 18, 2015, to the Federal crime of “conspiracy to import into the United States one

hundred kilograms or more of marijuana" meets the specified criteria of the afore-mentioned administrative rules and Florida statutes defining just cause and moral turpitude.

36. Furthermore, pursuant to the mandates of §1012.315(1)(qq), Fla. Stat., Dozier is ineligible for employment in any position that requires direct contact with students in a district school system; and, therefore, is unable to meet the basic requirements of her teaching contract.

D. SCHOOL BOARD POLICY 4008(B)

37. 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.
38. Furthermore, School Board Policy 4008(B) requires that "members of instructional staff shall perform the following functions:"
1. Comply with the Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida.
 3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.

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 terminate the Respondent, TARAKIKI DOZIER, 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 W. Runcie, Superintendent, Broward County School District, 600 3rd 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 12th day of August, 2015.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-20244-CR-RLR

UNITED STATES OF AMERICA

vs.

TARAKIKI DOZIER.

Defendant.

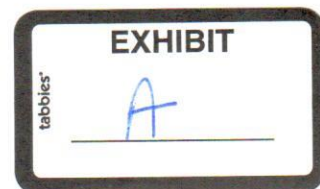
PLEA AGREEMENT

The United States Attorney's Office for the Southern District of Florida ("this Office") and Tarakiki Dozier (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to count one of the indictment, which count charges the defendant with conspiracy to import into the United States one hundred kilograms or more of marijuana, in violation of Title 21, United States Code, Sections 963 and 952(a).

2. This Office agrees to seek dismissal of counts two, three, and four of the indictment, as to this defendant, after sentencing.

3. The defendant is aware that the sentence will be imposed by the Court after considering the advisory Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a pre-sentence investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory



sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose a sentence within that advisory range; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory range. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offense identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

4. The defendant also understands and acknowledges that the Court must impose a minimum term of imprisonment of five years and may impose a statutory maximum term of imprisonment of up to forty years. Any such term of imprisonment must be followed by a term of supervised release of at least four years and up to life. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$5,000,000.

5. The defendant further understand and acknowledges that, in addition to any sentence imposed under paragraph 4 of this agreement, a special assessment in the amount of \$100 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing. If a defendant is financially unable to pay the special assessment, the defendant agrees to present evidence to this Office and the Court at the time of sentencing as to the reasons for the defendant's failure to pay.

6. This Office reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses

committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

7. This Office agrees that it will recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, this Office will file a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. This Office further agrees to recommend that the defendant be sentenced at the low end of the guideline range, as that range is determined by the Court. This Office, however, will not be required to make this motion and these recommendations if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official.

8. This Office and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that, pursuant to Section 5C1.2 of the Sentencing Guidelines, the Court impose a sentence within the sentencing guideline range without regard to any statutory minimum sentence identified in paragraph 4 above, provided that:

(a) defendant is not found to have more than one criminal history point, as determined under the Sentencing Guidelines;

(b) not later than the time of the sentencing hearing the defendant provides to this Office a written statement truthfully setting forth all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan as charged in the indictment; and

(c) the defendant is not found to have used violence or threats of violence, or to have possessed a firearm or other dangerous weapon in connection with the offense; that the offense did not result in death or serious bodily injury to any person; and that the defendant is not found to have been an organizer, leader, manager or supervisor of others in the offense.

9. The defendant agrees that she shall cooperate fully with this Office by: (a) providing truthful and complete information and testimony, and producing documents, records and other evidence, when called upon by this Office, whether in interviews, before a grand jury, or at any trial or other Court proceeding; (b) appearing at such grand jury proceedings, hearings, trials, and other judicial proceedings, and at meetings, as may be required by this Office; and (c) if requested by this Office, working in an undercover role under the supervision of, and in compliance with, law enforcement officers and agents. In addition, the defendant agrees that she will not protect

any person or entity through false information or omission, that she will not falsely implicate any person or entity, and that she will not commit any further crimes.

10. This Office reserves the right to evaluate the nature and extent of the defendant's cooperation and to make that cooperation, or lack thereof, known to the Court at the time of sentencing. If in the sole and unreviewable judgment of this Office the defendant's cooperation is of such quality and significance to the investigation or prosecution of other criminal matters as to warrant the Court's downward departure from the advisory sentencing range calculated under the Sentencing Guidelines and/or any applicable minimum mandatory sentence, this Office may make a motion prior to sentencing pursuant to Section 5K1.1 of the Sentencing Guidelines and/or Title 18, United States Code, Section 3553(e), or subsequent to sentencing pursuant to Rule 35 of the Federal Rules of Criminal Procedure, informing the Court that the defendant has provided substantial assistance and recommending that the defendant's sentence be reduced. The defendant understands and agrees, however, that nothing in this agreement requires this Office to file any such motions, and that this Office's assessment of the quality and significance of the defendant's cooperation shall be binding as it relates to the appropriateness of this Office's filing or non-filing of a motion to reduce sentence.

11. The defendant understands and acknowledges that the Court is under no obligation to grant a motion for reduction of sentence filed by this Office. In addition, the defendant further understands and acknowledges that the Court is under no obligation of any type to reduce the defendant's sentence because of the defendant's cooperation.

12. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the

defendant may receive, whether that estimate comes from the defendant's attorney, this Office, or the probation office, is a prediction, not a promise, and is not binding on this Office, the probation office or the Court. The defendant understands further that any recommendation that this Office makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 3 above, that the defendant may not withdraw her plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, this Office, or a recommendation made jointly by the defendant and this Office.

13. The defendant is aware that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291 afford the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Sections 3742 and 1291 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or an upward variance from the advisory guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and or duty to appeal as set forth in Title 18, United States Code, Section 3742(b) and Title 28, United States Code, Section 1291. However, if the United States appeals the defendant's sentence pursuant to Sections 3742(b) and 1291, the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant

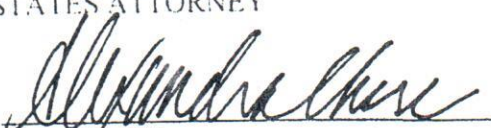
acknowledges that the defendant has discussed the appeal waiver set forth in this agreement with the defendant's attorney.

14. This is the entire agreement and understanding between this Office and the defendant.

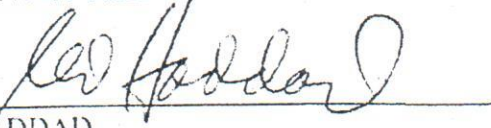
There are no other agreements, promises, representations, or understandings.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

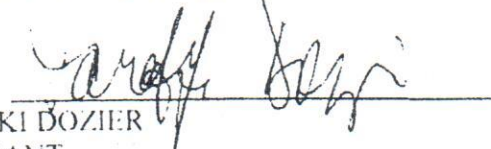
Date: 6/18/15

By: 
BENJAMIN C. COATS
ASSISTANT UNITED STATES ATTORNEY

Date: 6/11/15

By: 
FRED HADDAD
ATTORNEY FOR DEFENDANT

Date: 6/11/15

By: 
TARAKIKI DOZIER
DEFENDANT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 14-20244-CR-RLR

UNITED STATES OF AMERICA

v.

TARAKIKI DOZIER,

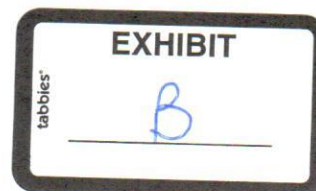
Defendant.

FACTUAL PROFFER

If the case involving the Defendant, Tarakiki Dozier, had gone to trial, the United States of America would have proven the following beyond and to the exclusion of every reasonable doubt:

From at least January 14, 2013, and continuing through February 7, 2013, in Miami-Dade, Broward, and Palm Beach Counties, in the Southern District of Florida, and elsewhere, co-defendants Reinaldo Whylly, Leonard Johnson, and others conspired to import marijuana into the United States. During this period, the Defendant joined and participated in this conspiracy. Reinaldo Whylly, in the Bahamas, owned and arranged the shipment of the marijuana, which was to be imported from the Bahamas into the United States. After the marijuana arrived in the United States, at least a portion of the shipment would be delivered to Leonard Johnson, who had supplied funds to fuel the vessel that was to be used for the importation.

The Defendant's role in this conspiracy was to facilitate communication about the planned importation of marijuana between Whylly, in the Bahamas, and co-conspirators in the United States. Several communications between the Defendant and Whylly were intercepted, in



a Bahamian wiretap on devices being used by Whylly, between January 14, 2013, and February 6, 2013, relating to a planned shipment of marijuana to the United States. These communications revealed that the Defendant was relaying information about the status of the shipment, including reasons for delay, from Whylly to co-conspirators in the United States.

On February 7, 2013, law enforcement in Palm Beach County encountered boat captain Jaime Sotomayor near a vessel that he was operating. After a brief encounter, a drug-sniffing dog alerted to the presence of a controlled substance on the vessel, and agents discovered 96 packages of marijuana wrapped in plastic. The substance has been tested and confirmed to be marijuana, and the weight of the marijuana was 667.85 pounds (approximately 302 kilograms).

On February 7 and 8, 2013, the Defendant and Whylly were intercepted in communications relating to this seized shipment of marijuana. Whylly asked the Defendant to communicate with Johnson so that he would know that the shipment had been seized, and toll records reflect that the Defendant made calls to Johnson in an attempt to carry out that instruction.

The Defendant admitted to law enforcement, in a September 2013 interview, that she knew who Johnson was and had his phone number stored in her phone. She further acknowledged that she had called Johnson on Whylly's behalf in early 2013.

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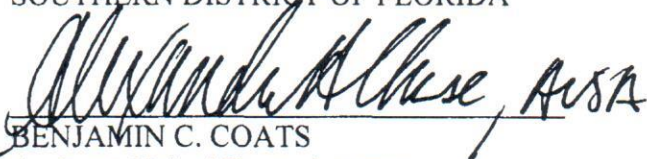
Between January 14, 2013, and February 7, 2013, two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess with intent to distribute marijuana. The Defendant knew the unlawful purpose of the plan and willfully joined in it.

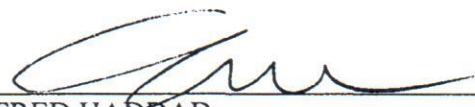
Dated June 18, 2015.

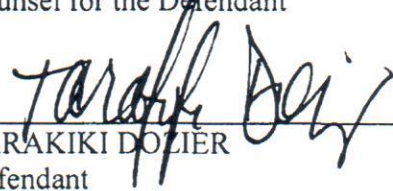
Respectfully Submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF FLORIDA

By:


BENJAMIN C. COATS
Assistant United States Attorney


FRED HADDAD
Counsel for the Defendant


TARAKIKI DOZIER
Defendant