

**THE BROWARD COUNTY SCHOOL BOARD, FLORIDA**

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

Stephen DeMatties

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, Stephen DeMatties ("DeMatties"). The Petitioner seeks two (2) days of suspension without pay 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 DeMatties.

4. DeMatties 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 (2014).
5. The last known address of DeMatties is 447 NW 47<sup>th</sup> Terrace, Deerfield Beach, FL, 33442.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring during the 2014-2015 school year.
7. DeMatties is a physical education teacher at West Broward High School.

## **III. PREVIOUS DISCIPLINE**

8. DeMatties was first hired by the district on January 15, 1994.
9. On or about February 8, 2008, DeMatties was issued a written reprimand for insubordination and publicly embarrassing students.

10. On or about February 20, 1998, DeMatties was issued a written reprimand for continued failure to follow established procedures.
11. On or about November 12, 2008, DeMatties was issued a one (1) day suspension without pay.
12. On or about February 26, 2010, DeMatties was issued a written verbal reprimand for use of inappropriate language with students.
13. On or about February 11, 2011, DeMatties was issued a verbal reprimand for use of inappropriate language with students.
14. On or about March 8, 2012, DeMatties was issued a verbal reprimand for use of inappropriate language with students.
15. On or about April 4, 2013, DeMatties was issued a verbal reprimand for use of inappropriate language with students.

**IV. ADMINISTRATIVE CHARGES**

16. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through fifteen (15) above.
17. On or about March 19, 2015, DeMatties was sleeping while on duty, with students present, during a time when DeMatties was responsible for supervising and teaching students.
18. On or about March 30, 2015, DeMatties was engaged in social media on his phone with his back to the class while on duty,

with students present, during a time when DeMatties was responsible for supervising and teaching students.

**V. JUST CAUSE FOR DISCIPLINE**

19. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.33, 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.
20. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**
  - A. "Immorality" means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.
  - B. "Misconduct in Office" means one or more of the following:
    1. A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
    2. A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;
    3. A violation of the adopted school board rules;
    4. Behavior that disrupts the student's learning environment; or
    5. Behavior that reduces the teacher's ability or his or his colleagues' ability to effectively perform duties.
  - C. "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
    1. "Inefficiency" means one or more of the following:
      - a. Failure to perform duties prescribed by law;
      - b. Failure to communicate appropriately with and relate to students;
      - c. Failure to communicate appropriately with and

- relate to colleagues, administrators, subordinates, or parents;
- d. Disorganization of his or his classroom to such an extent that the health, safety or welfare of the students is diminished; or
- e. Excessive absences or tardiness.
- 2. "Incapacity" means one or more of the following:
  - a. Lack of emotional stability;
  - b. Lack of adequate physical ability;
  - c. Lack of general educational background; or
  - d. Lack of adequate command of his or his area of specialization.
- D. "Gross insubordination" means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.
- E. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.
- F. Multiple annual performance ratings of unsatisfactory or needs improvement as specified in Section 1012.33(1)(a), F.S.
- G. "Crimes involving moral turpitude."

**A. JUST CAUSE**

- 21. Respondent's actions constitute just cause to suspend his employment without pay for a period of two days.

**B. MISCONDUCT IN OFFICE**

- 22. Respondent's actions constitute misconduct in office.

**C. INCOMPETENCY**

- 23. Respondent's actions constitute incompetency.

**D. WILLFUL NEGLECT OF DUTY**

- 24. Respondent's actions constitute willful neglect of duty.

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Stephen DeMatties without pay for two (2) days based upon the foregoing facts and legal authority.

EXECUTED this 21<sup>st</sup> day of January, 2016.



ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

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

**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 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.

THIS HAS BEEN ISSUED AT THE REQUEST OF:  
Tria Lawton-Russell (754) 321-2655

RECEIVED THIS NOTICE AND ADMINISTRATIVE COMPLAINT ON:

\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock,  
\_\_\_\_.m., and served the same on \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.m., by delivering a  
true copy thereof (together with the fee for one day's  
attendance and the mileage allowed by law\*)  
to: \_\_\_\_\_

COMPLETE IF SERVED BY SWORN LAW ENFORCEMENT OFFICER

\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
o'clock, \_\_\_\_\_.m. By: \_\_\_\_\_  
Title: \_\_\_\_\_