


THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE GENERAL COUNSEL

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BARBARA J. MYRICK  
GENERAL COUNSEL

**MEMORANDUM**

**TO:** School Board Members

**FROM:** Barbara J. Myrick, General Counsel 

**DATE:** August 22, 2016

**SUBJECT:** **Additional Information for Agenda Item 1, Broward County School Board v. Christopher Marshall, for the August 23, 2016 Special School Board Meeting**

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Counsels for the parties were asked to provide proposed rulings for each exception with the appropriate citations to the record and/or statements justifying the action as required by the statute to assist the Board in ruling upon the Exceptions. Attached please find:

- (1) Petitioner's (Proposed) Rulings on Petitioner's Exceptions and Petitioner's (Proposed) Rulings on Respondent's Exceptions

If you have any questions, please do not hesitate to contact me.

BJM:jcf  
Enclosures

C: Robert W. Runcie, Superintendent of Schools  
Tria Lawton-Russell, Administrative Counsel  
Charles T. Whitelock, Esq.  
Melissa C. Mihok, Esq.  
Noemi Gutierrez, Supervisor –Official School Board Records

**BEFORE THE SCHOOL BOARD  
OF BROWARD COUNTY, FLORIDA**

**BROWARD COUNTY SCHOOL  
BOARD,**

**CASE NO. 14-3011TTS**

**Petitioner/Employer,**  
vs.

**CHRISTOPHER MARSHALL,**

**Respondent/Employee.**

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**RULINGS ON PETITIONER'S EXCEPTIONS**

**1. Exceptions to Findings of Fact:**

**B. Accepting the Exception and Rejecting the Finding**

I move that The School Board ACCEPT Petitioner's exception number 1 to the ALJ's Finding of Fact # 16 through 24 and 27 in the Recommended Order and reject the finding based upon a review of the entire record as it is not based upon competent substantial evidence.

I move that The School Board ACCEPT Petitioner's exception number 2 to the ALJ's Finding of Fact # 28 and 29 in the Recommended Order and reject the finding based upon a review of the entire record as it is not based upon competent substantial evidence.

**2. Exceptions to Conclusions of Law:**

**B. Accepting the Exception and Rejecting the Conclusion**

I move that The School Board ACCEPT Petitioner's exception 1 to the ALJ's Conclusion of Law #41 in the Recommended Order. The Board finds that its substituted conclusion of law or interpretation of the administrative rule is as or more reasonable that which is being rejected.

I move that The School Board ACCEPT Petitioner's exception 2 to the ALJ's Conclusion of Law #42 in the Recommended Order. The Board finds that its substituted conclusion of law or interpretation of the administrative rule is as or more reasonable that which is being rejected.

Respectfully submitted,

Charles T. Whitelock, P.A.  
300 Southeast Thirteenth Street  
Fort Lauderdale, Florida 33316  
(954) 463-2001  
(954) 463-0410 (facsimile)  
Counsel for Petitioner

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK  
Florida Bar No. 166020

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to: Melissa C. Mihok, Esq., Melissa C. Mihok, P.A., 1718 E. 7<sup>th</sup> Avenue, #301, Tampa, FL 33605, e-mail: melissa@melissacmihokpa.com and bdjarnagin@gmail.com, Robert W. Runcie, Superintendent of the School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail supt\_Runcie@browardschools.com, Barbara Myrick, General Counsel, School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail: barbara.myrick@browardschools.com, Doug Griffin, Assistant General Counsel, School Board Of Broward County, 600 S.E. 3<sup>rd</sup> Ave.Ft.Lauderdale,FL33301, e-mail doug.griffin@browardschools.com and Joanne C. Fritz, School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail: joanne.fritz@browardschools.com, this 22 day of August, 2016.

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK

**BEFORE THE SCHOOL BOARD  
OF BROWARD COUNTY, FLORIDA**

**BROWARD COUNTY SCHOOL  
BOARD,**

**CASE NO. 14-3011TTS**

**Petitioner/Employer,**  
vs.

**CHRISTOPHER MARSHALL,**

**Respondent/Employee.**

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**RULINGS ON RESPONDENTS EXCEPTIONS**

**1. Exceptions to Findings of Fact:**

**A. Rejecting the Exception**

I move that The School Board REJECT the Respondent's exception number Ai to the ALJ's Finding of Fact # 4 in the Recommended Order.

I move that The School Board REJECT the Respondent's exception number Aii to the ALJ's Finding of Fact # 9 in the Recommended Order.

I move that The School Board REJECT the Respondent's exception number Aiii to the ALJ's Finding of Fact # 10 in the Recommended Order.

I move that The School Board REJECT the Respondent's exception number Aiv to the ALJ's Finding of Fact # 11 in the Recommended Order.

**2. Exceptions to Conclusions of Law:**

**A. Rejecting the Exception**

I move that The School Board REJECT Respondent's exception number: Bi to the ALJ's Conclusion of Law # 26 in the Recommended Order.

I move that The School Board REJECT Respondent's exception number: Bii to the ALJ's Conclusion of Law # 39 in the Recommended Order .

I move that The School Board REJECT Respondent's exception number: Biii to the ALJ's Conclusion of Law # 42 in the Recommended Order .

3. **Exceptions to the Recommended Penalty:**

A. **Rejecting the Exception**

I move that The School Board REJECT Respondent's exception to the ALJ's recommended penalty in the Recommended Order.

Respectfully submitted,

Charles T. Whitelock, P.A.  
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Fort Lauderdale, Florida 33316  
(954) 463-2001  
(954) 463-0410 (facsimile)  
Counsel for Petitioner

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK  
Florida Bar No. 166020

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to: Melissa C. Mihok, Esq., Melissa C. Mihok, P.A., 1718 E. 7<sup>th</sup> Avenue, #301, Tampa, FL 33605, e-mail: melissa@melissacmihokpa.com and bdjarnagin@gmail.com, Robert W. Runcie, Superintendent of the School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail supt\_Runcie@browardschools.com, Barbara Myrick, General Counsel, School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail: barbara.myrick@browardschools.com, Doug Griffin, Assistant General Counsel, School Board Of Broward County, 600 S.E. 3<sup>rd</sup> Ave.Ft.Lauderdale,FL33301, e-mail doug.griffin@browardschools.com and Joanne C. Fritz, School Board of Broward County, 600 S.E. 3<sup>rd</sup> Ave., Ft. Lauderdale, FL 33301, e-mail: joanne.fritz@browardschools.com, this 22 day of August, 2016.

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK