

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.
PAMELA SYLVIA STIGGER,

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, Pamela Sylvia Stigger ("STIGGER"). The Petitioner seeks termination 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 Broward County School Board, 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 STIGGER.
4. STIGGER 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 (2017).
5. The last known address of STIGGER is 1316 Avon Lane, Apt. 37, North Lauderdale, Florida 33068.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2016-2017 school year.
7. STIGGER is a Language Arts Teacher who, at all materials times, was employed at Forest Glen Middle School (hereinafter "Forest Glen").
8. STIGGER was first hired by the district on August 12, 2008.
9. On or about May 11, 2017, STIGGER was arrested based on the allegation of sexual battery by a person in position of familial or custodial authority to a person less than 18

years of age, lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.

10. On or about May 11, 2017, STIGGER engaged in inappropriate sexual activity with one of her former students.
11. On or about May 11, 2017, STIGGER was found in the back seat of her vehicle with R.S., a 16 year old male, by Deputy Sammarco and Deputy Amaris of the Broward Sheriff's office.
12. On or about May 11, 2017, Stigger's vehicle was parked in the roadway with its lights on when Deputy Sammarco observed that R.S. had no clothing covering the lower half of his body and his genitalia was exposed and still erect indicating a state of arousal.
13. Upon questioning of R.S., Deputy Sammarco determined R.S. was not an adult and contacted his supervisor who arrived on the scene who thereafter contacted BSO Special Victims Unit ("SVU").
14. On or about May 11, 2017, R.W.'s mother joined her son at the interview conducted by BSO Detective Rodriguez of SVU.
15. During the aforementioned interview, R.S. stated that he is a former drama student of STIGGER when he attended Forest Glen. He is currently a 9th grade student at Coral Springs High School (hereinafter "Coral Springs").
16. On or about May 10, 2017, R.S. was volunteering on a drama production that Forest Glen was putting on at Coral Springs

after which STIGGER drove him and several other volunteers home at approximately 12:00 a.m.

17. R.S. stated after STIGGER dropped everyone else off, STIGGER stopped the car in the street as they drove towards his house and pulled over to where they had sex, and were found by BSO.
18. R.S. stated he and STIGGER had oral sex while in the car that night.
19. R.S. told Detective Rodriguez, "I fingered her a bit then we had oral sex again." He further stated they were "*kissing and moved to the back seat because there was more room.*"
20. R.S. stated this was not their first time. The sexual relationship between STIGGER and R.S. began about a week prior.
21. On or about Friday, May 5, 2017, STIGGER and R.S. stayed at a Hampton Inn in Broward together for the weekend and STIGGER took him to school on Monday, May 8, 2017.
22. On or about May 5-8, 2017, STIGGER AND R.S. slept in the same bed at the Hampton Inn.
23. R.S. stated that during the stay at the Hampton Inn, "*we started touching, I fingered her, and then we had penis to vaginal sex*". He further stated they had sex again, regular and oral, when they woke up on Sunday.

24. R.S. further stated that on or about May 11, 2017, prior to STIGGER and R.S. being caught by BSO deputies in the back seat of STIGGER's vehicle, "he took of his pants, they were kissing, he took of his underwear, she took of her pants, then her underwear. They had sexual penetration. She also performed oral sex on him."

III. PRIOR DISCIPLINE

25. On or about March 27, 2009, while employed at Rickards Middle School (hereinafter "RMS")), STIGGER was issued a directive regarding transporting students in her personal vehicle, which was in direct violation of the RMS Coaches' Handbook.

IV. ADMINISTRATIVE CHARGES

26. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-five (25) above.

27. 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.

28. "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.

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

29. Respondent's actions constitute just cause to terminate.

B. IMMORALITY

30. Respondent's actions constitute immorality.

C. MISCONDUCT IN OFFICE

31. Respondent's actions constitute misconduct in office. The Respondent through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and one or more of Rules 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

D. INCOMPETENCY

32. Respondent's [f]ailure to communicate appropriately with and relate to students" constitutes inefficiency.

E. INSUBORDINATION

33. Respondent's actions constitute insubordination.

F. SCHOOL BOARD POLICY 4.9

34. Respondent is in violation of School Board Policy 4.9 which prohibits inappropriate sexual conduct including, but not limited to, sexual battery, possession or sale of pornography involving minors, sexual relations with a student or the attempt thereof. Policy 4.9 II (a) (9/8/10) and Committing a Criminal Act - Felony. Policy 4.9 II (b) (a)

G. SCHOOL BOARD POLICY 4008

35. Respondent is in violation of School Board Policy 4008 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.

36. 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, Pamela Sylvia Stigger, based upon the foregoing facts and legal authority.

EXECUTED this 21st day of February, 2018.



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 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.