

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

DAVID MICHAEL STOKES,

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, David Michael Stokes ("STOKES"). 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 STOKES.

4. STOKES 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 STOKES is 8214 SW 23RD Street, North Lauderdale, Florida 33068.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2017-2018 school year.
7. STOKES is a Social Science Teacher who, at all materials times, was employed at Ramblewood Middle School (hereinafter "RAMBLEWOOD").
8. STOKES was hired by the District on a full-time basis on July 1, 2008.
9. On or about September 15, 2017, STOKES was arrested and later charged with two counts of contributing to delinquency or dependency of a minor. **(Exhibit "A")**.

10. On or about September 15, 2017, STOKES' vehicle was parked in the parking space inside a closed park at approximately 2:50 AM. Upon contact with STOKES, Deputy Cosgrove observed two minor female occupants located in the vehicle. Both females were sixteen and appeared visibly intoxicated based on their slurred speech and being unable to remain balanced on their feet.
11. One student was identified as I.V. and the other was identified as B.C. Upon questioning, both students informed Deputy Cosgrove that STOKES picked them up near I.V.'s, residence sometime between 10:00 PM, and 11:00 PM, without their parent's knowledge.
12. I.V. and B.C. both informed Deputy Cosgrove that STOKES provided them with alcohol (Jack Daniels Whiskey for I.V. and Tequila for B.C.), which they drank. STOKES also gave them both Coricidin Cough and Cold medicine (hereinafter Triple "C" pills). I.V. stated that she consumed 16 of the 24 pills.
13. In addition, I.V. indicated that she had been a former student of STOKES when she attended Ramblewood Middle School.
14. On or about September 15, 2017, Detectives Floyd and DePelisi separately interviewed both I.V. and B.C. I.V. indicated that about eight months earlier she started

communicating with STOKES after requesting to friend some of her former teachers on social media.

15. I.V. stated that she and STOKES started communicating through social media sites such as Facebook, Snapchat and Instagram. Additionally, I.V. stated that she never gave STOKES her telephone number.
16. I.V. stated that STOKES was her 8th grade history teacher at RAMBLEWOOD. B.C. stated that she did not previously know STOKES. She met him for the first time on September 13, 2017, while hanging out with I.V.
17. I.V. stated that STOKES requested that she only call him "Michael" when hanging out with him and in the presence of other people because he was still a teacher and it would be awkward calling him Mr. Stokes in front of others.
18. Both I.V. and B.C. stated that on September 13, 2017, they "hung out" with STOKES. STOKES drove to a CVS Pharmacy, purchased a box of Triple "C" pills and to a liquor store and purchased a bottle of Jack Daniels Whiskey. B.C. consumed eight of the Triple "C" pills. In addition, STOKES poured each of them a cup each of Jack Daniels Whiskey to drink. B.C. did not like the taste so she dumped it out. B.C. started to become nervous and wanted to end the evening. STOKES drove both girls back to I.V.'s home.

19. On the next night, September 14, 2017, I.V. and B.C. were at I.V.'s home. STOKES texted I.V. to hang out again and picked both students up from a Dunkin Donuts near I.V.'s home. STOKES drove the students around Hollywood, Fort Lauderdale, Deerfield Beach and Pompano Beach. STOKES purchased a bottle of Tequila for B.C. and he still had the bottle of Jack Daniels Whiskey from the prior evening for I.V.
20. While in STOKES' vehicle, he provided each girl with a box of Triple "C" pills. B.C. stated that she did not take the pills, but observed I.V. take 16 of the pills at one time. STOKES continued to pour I.V. and B.C. shot after shot of alcohol and encouraged the girls to keep drinking. B.C. indicated that she had about three or four big shots of Tequila.
21. Once STOKES, I.V. and B.C. arrived at park in Pompano Beach, all three of them exited STOKES vehicle, walked around the beach, and "hung out". Upon returning to the vehicle approximately, 2:50 AM the police approached the vehicle and STOKES was placed under arrest. Both I.V. and B.C. were taken to the Pompano Beach Police Station, interviewed, and then released to their parents.
22. I.V. stated that on another occasion while hanging out with STOKES and another friend (D.R.) in front of STOKES

residence, she needed to use the restroom. I.V. was not allowed to use the restroom inside the residence, so she decided to urinate on the side of the house. As she was pulling up her pants, STOKES came up behind her and began pulling down her pants as she was trying to pull them up.

23. I.V. stated that STOKES pulled his pants down and attempted to penetrate her vagina with his penis. She felt his erect penis against her vagina but there was no penetration.
24. STOKES never touched B.C. but did insinuate that he wanted to watch both B.C. and I.V. do something sexual together, when B.C. accidentally touched I.V.'s breast.
25. I.V. stated that on numerous occasions STOKES would pick her and one of her friends up, purchase both alcohol and Triple "C" pills for them and drive around.
26. On or about September 19, 2017, D.R. gave a sworn recorded statement. She indicated that on one occasion both she and I.V. hung out with STOKES. D.R. stated that she knew STOKES from attending RAMBLEWOOD, but he was never her teacher.
27. D.R. stated that STOKES would use Facebook and other message apps to message I.V. D.R. stated that sometime last year STOKES picked up both her and I.V. from D.R.'s home. After picking them up, they decided to go to the beach. On the way to Deerfield Beach, STOKES stopped at a liquor store and purchased a bottle of "Smirnoff and a mixer".

28. D.R. stated that she saw STOKES and I.V. kissing, but I.V. was intoxicated and laughing after it occurred.
29. On another occasions, I.V. showed D.R. a picture of STOKES penis from I.V.'s social media site on her cell phone.

III. PREVIOUS ARREST

30. On or about September 7, 2009, STOKES was arrested pursuant to §316.193(1) Fla. Stat. for Driving under the Influence ("DUI").
31. Subsequently, on or about February 2, 2011, STOKES entered a plea of Nolo Contendere and was convicted of DUI.
32. On or about July 20, 2011, the Court issued a Violation of Probation and issued an Affidavit and Warrant for STOKES arrest.
33. On or about September 1, 2011, the Court terminated the Violation of Probation Warrant.

IV. ADMINISTRATIVE CHARGES

34. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through thirty-three (33) above.
35. 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.

36. "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 6A-10.080, F.A.C.¹;
2. A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6A-10.081, 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:

¹ Repealed 3-23-16.

- 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. "Crimes involving moral turpitude" means offenses listed in Section 1012.315, F.S., and the following crimes:
- a. Section 775.085, F.S., relating to evidence prejudice while committing offense, if reclassified as a felony.
 - b. Section 782.051, F.S., relating to attempted felony murder.
 - c. Section 782.09(1), F.S., relating to killing of unborn quick child by injury to mother.
 - d. Section 787.06, F.S., relating to human trafficking.
 - e. Section 790.166, F.S., relating to weapons of mass destruction.
 - f. Section 838.015, F.S., relating to bribery.
 - g. Section 847.0135, F.S., relating to computer pornography and/or traveling to meet a minor.
 - h. Section 859.01, F.S., relating to poisoning of food or water.
 - i. Section 876.32, F.S., relating to treason.
 - j. An out-of-state offense, federal offense or an offense in another nation, which, if committed in this state, constitutes an offense prohibited under Section 1012.315(6), F.S.

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

37. Based on the aforementioned allegations, Respondent's actions constitute just cause to terminate.

B. IMMORALITY

38. Respondent's interactions with minor students as described above constitute immorality. Stokes' sexual contact, as well, as attempted sexual contact with I.V., as well as supplying over-the-counter drugs and alcohol to minor students constitute immorality.

C. MISCONDUCT IN OFFICE

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

D. INCOMPETENCY

40. Respondent's "failure to communicate appropriately with and relate to students" constitutes inefficiency.

E. SCHOOL BOARD POLICY 4008

41. 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.

42. Furthermore, School Board Policy 4008(B) requires that "members 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 maybe prescribed by the State Board and by the School Board.

F. SCHOOL BOARD POLICY 4.9

43. "The District expects each employee, instructional and non-instructional, to be in conformance, both in and out of the work place, with all laws, whether federal, state or local, State board rules, and all School Board policies, rules, and regulations" (Policy 4.9 I(e)).

44. To wit, the Respondent has been previously convicted of DUI and is presently charged with two (2) counts of contributing to the delinquency of a minor.

45. Policy 4.9 prohibits Committing a Criminal Act such as a Misdemeanor, as well as Alcohol Related Offenses. (Policy 4.9 II B (b) and (e) (9/8/10)).

46. Respondent is also in violation of subsection II (a), which **mandates termination** for certain Category "A" offenses such

as "[i]nappropriate 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**".² (Policy 4.9 II (A) (a)).

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board terminate the Respondent, David Michael Stokes, based upon the foregoing facts and legal authority.

EXECUTED this 30th day of May, 2018.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

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

² Emphasis added.

NOTICE

If you wish to contest the charges, you must, within 15 calendar 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.

IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, STATE OF FLORIDA

THE STATE OF FLORIDA

INFORMATION FOR

v.

DAVID MICHAEL STOKES

I. – II. CONTRIBUTING TO DELINQUENCY
OF A MINOR

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that **DAVID MICHAEL STOKES** on the 15TH day of **SEPTEMBER A.D. 2017**, in the County and State aforesaid, did then and there commit an act, to-wit: Did purchase for and did provide alcohol and intoxicating substances to a minor with the initials [REDACTED], which caused, tended to cause, or encouraged or contributed to causing a child, to-wit: A minor with the initials [REDACTED] to become delinquent or dependent or in need of services as defined by the Laws of Florida, contrary to F.S. 827.04(1)(a).

COUNT II

AND MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that **DAVID MICHAEL STOKES** on the 15TH day of **SEPTEMBER A.D. 2017**, in the County and State aforesaid, did then and there commit an act, to-wit: Did purchase for and did provide alcohol to a minor with the initials [REDACTED], which caused, tended to cause, or encouraged or contributed to causing a child, to-wit: A minor with the initials [REDACTED], to become delinquent or dependent or in need of services as defined by the Laws of Florida, contrary to F.S. 827.04(1)(a).

JZ/jp/10/13/17

