

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

WYMAN LEE GRESHAM,

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, Wyman Lee Gresham ("Gresham"). The Petitioner seeks termination of Respondent's employment with the Broward County School Board ("BCSB"). 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 Gresham.

4. Gresham is an employee of the BCSB and is currently employed as a teacher pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes (2018).
5. The last known address of Gresham is 3065 North Oakland Forest Drive, Unit 202, Oakland Park, Florida 33309.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2017/2018 school year.
7. Gresham is employed as a Life Skills teacher at Lauderhill 6-12 STEM-MED ("Lauderhill"). He was also the coach of the boys' basketball team.
8. The BCSB hired Gresham on or about May 5, 1995, in a non-instruction position. On or about October 1, 2001, Gresham was hired for an instructional position. He has been assigned to Lauderhill since October 6, 2014.
9. During the first and second quarters of the 2017/2018 school year, Gresham inappropriately touched several female students at Lauderhill.

10. During the first and second quarters of the 2017/2018 school year, Gresham inappropriately touched a minor female student, K.R. Specifically, Gresham touched K.R.'s buttocks, told K.R. he loved her, and stuck his tongue out at K.R. in a sexually suggestive manner.
11. During the first and second quarters of the 2017/2018 school year, Gresham inappropriately touched a minor female student, S.F. Specifically, Gresham hugged S.F. and put his hands on her lower back. Gresham also stuck his tongue out at S.F., licked his lips in a sexually suggestive manner, and sat with his legs open facing towards S.F.
12. During the first and second quarters of the 2017/2018 school year, Gresham inappropriately touched a minor female student, Z.M. Specifically, Gresham rubbed Z.M.'s ear, placed his hands on Z.M.'s waist, and told Z.M. he missed her.
13. During the first and second quarters of the 2017/2018 school year, Gresham made inappropriate comments to several of his female students. Specifically, Gresham told his female students that they were "hoes in the making."
14. Lauderhill became aware of this conduct on or about Monday, December 4, 2017 after two employees reported that they overheard several female students discussing Gresham's conduct during an afterschool program ("the Report").

15. Specifically, on or about Friday, December 1, 2017, campus hall monitor Carlos Hunt overheard K.R. telling her friends at the Y.M.C.A. afterschool program that Gresham had touched her buttocks and was licking his lips.
16. Mr. Hunt called security specialist Allison Harris and asked her to come listen to and speak with K.R. about her statements.
17. K.R. told Ms. Harris that Gresham was "always under her butt." When Ms. Harris asked for clarification, K.R. explained that Gresham touched her buttocks when he hugged her.
18. K.R. also demonstrated on Ms. Harris where Gresham would place his hands, and she put both of her hands on Ms. Harris's buttocks.
19. K.R. prepared a written statement. In her statement, K.R. said that Gresham: i) touches her lower back "(booty)" when he hugs her, ii) stares at her, and iii) told her he loved her and tried to force her to say it back to him.
20. Z.M. also prepared a written statement wherein she reported that Gresham: i) hugs her in an uncomfortable way, ii) says that he loved or missed her, iii) once watched her and her minor friends through a classroom window while they were "twerking" and told them not to stop just because he was

there, and iv) asked her to take her backpack off so that boys/he could see her "ass."

21. After the Report, Z.M. said that Gresham came and pulled her out of class and asked Z.M. to "protect him" and then invited her to the basketball pizza party.
22. Based on the foregoing, on December 4, 2017, Gresham was taken into custody by Broward Sheriff's Office.
23. Effective December 13, 2017, Gresham was placed on administrative reassignment.
24. On December 19, 2017, during an investigation into the Report, S.F. reported that Gresham would hug her every day while she was in class. She also reported that Gresham would get angry with her if he told S.F. that he loved her, and S.F. did not say it back to him.
25. S.F. also reported that Gresham got "too touchy feely" with her. Specifically, Gresham would touch her shoulders, put his hands on her hips, would stare at her buttocks, and would call her "baby girl."
26. According to S.F., she did not report these incidents with Gresham because she thought she would get in trouble.
27. On December 19, 2017, Z.M. reported feeling uncomfortable around Gresham because he was "too touchy."

28. In addition to the allegations set forth in Paragraph 12 above, Z.M. stated that Gresham asked her to remove her backpack so that boys could see her butt.
29. Z.M. stated that Gresham would flick her on the lips with his hand.
30. Z.M. also reported that she saw Gresham hug K.R. and touch her buttocks.
31. According to Z.M., Gresham told her and other female students to speak with him if they ever got in trouble, and would get mad at them if they missed a basketball game.
32. On December 19, 2017, K.R. reported that Gresham had touched her on her buttocks approximately 12 times. According to K.R., the touching occurred in Gresham's classroom and in his office.
33. K.R. also stated that she and other female students had given Gresham their Instagram account names, and that one of the students told K.R. that Gresham had given that student his telephone number.
34. On January 4, 2018, math teacher, Tami Osias confirmed that on December 4, 2017, Gresham came to her classroom on two separate occasions, during both second and third period, to speak to Z.M. and S.F.
35. On January 17, 2018, security specialist, Cedrick Alexander reported that he previously worked with Gresham at another

BCSB school. According to Mr. Alexander, one day, while he was working with Gresham at that other school, he encountered a female student at the school who had arrived late and was dressed inappropriately. When questioned about her whereabouts, the female student stated she had been with her boyfriend. The administration used the female student's cell phone to call the person the student identified as her boyfriend, and Gresham answered the phone. Despite having the day off, Gresham came to the school 15 minutes after the call to speak with the principal. Mr. Alexander also stated that Gresham was spoken to about having lunch with female students. Finally, Mr. Alexander stated that he asked Gresham to remove a couch from his classroom because it appeared inappropriate.

36. On February 15, 2018, T.D., a former student of Gresham stated that, while she was in high school, Gresham asked her to send him a picture of her in her bra and panties.

37. On February 21, 2018, the State of Florida charged Gresham with one count of lewd and lascivious molestation and one count of lewd and lascivious conduct. See Exhibit A.

38. On March 13, 2018, minor student B.M. confirmed that she saw Gresham touch Z.M.'s thigh while hugging Z.M. in class on two separate occasions.

39. B.M. also reported that she saw Gresham rub Z.F.'s thighs in his office while Gresham and Z.F. were alone in Gresham's office.
40. On November 28, 2018, K.R. and Z.M. each filed a civil lawsuit against BCSB stemming from Gresham's conduct towards the minor students. See Composite Exhibit B.
41. In her Complaint, K.R. alleges that Gresham made inappropriate sexual advances towards her, including grabbing her buttocks, holding her close to him, and telling her that he loved her.
42. In her Complaint, Z.M. alleges that Gresham also made inappropriate sexual advances towards her, including hugging her, rubbing his penis against her, rubbing the inside of her legs while holding her close, and making comments about her buttocks.

III. PREVIOUS DISCIPLINE AND CORRECTIVE ACTION

43. During the 2001/2002 school year, Gresham was issued a letter of reprimand, had to complete new teacher orientation training, and was suspended for five (5) days after probable cause was found regarding an allegation that Gresham harassed and fondled a student in a classroom closet at Dillard High School.

44. Also during the 2001/2002 school year at Dillard High School, Gresham was issued a letter of reprimand, was ordered to attend new teacher orientation training, and was referred to the employee assistance program after probable cause was found regarding an allegation that Gresham committed verbal assault towards another employee and was insubordinate.

45. On or about February 13, 2006, the Florida Department of Education made a probable cause finding regarding the State of Florida Education Practices Commission ("EPC") Case 023-0120. This matter concerned two separate events over which Gresham ultimately entered into a settlement agreement with EPC. The two events are listed as follows:

- On March 23, 1998, Gresham "offered M.D., a 13 or 14 year-old, female student money if she would strip for him and perform sexual acts." The student was transferred to another school.
- On December 12, 2002, Gresham "engaged C.P., a female student, in inappropriate conversations concerning the student's personal problems. On or about February 11, 2002, Gresham touched C.P. inappropriately about the hip area and made inappropriate comments and gestures about sexual act(s)." The BCSB issued Gresham a written

reprimand and suspended him for five days without pay.

46. Pertaining to EPC Case # 023-0120, Wyman Gresham was issued a Letter of Reprimand, was placed on three years' probation, and was issued a fine.

IV. ADMINISTRATIVE CHARGES

47. Petitioner re-alleges and incorporates herein by reference the allegations set forth in paragraphs one through forty-six (46) above.

48. Just cause exists for the requested relief pursuant to Section 1012.33(1)(a), Fla. Stat., Section 435.04, Fla. Stat., Section 6A-5.056, F.A.C., the Respondent's employment contract, BCSB rules and regulations, the Code of Ethics of the Education Profession, and the policies promulgated by the BCSB.

49. "Just cause" means cause that is legally sufficient. Pursuant to Section 6A-5.056 F.A.C., "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.

* * *

(emphasis added)

V. JUST CAUSE FOR DISCIPLINE

¹ Repealed 3-23-16. Now included in 6A-10.081 F.A.C., Principles of Professional Conduct for the Education Profession in Florida.

A. JUST CAUSE

50. Respondent's actions constitute just cause to terminate his employment with the BCSB.

B. IMMORALITY

51. Respondent's actions constitute acts of immorality.

C. MISCONDUCT IN OFFICE

52. 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".

RULE 6A-10.081 F.A.C., PRINCIPLES OF PROFESSIONAL CONDUCT FOR
THE EDUCATION PROFESSION IN FLORIDA

53. Gresham has violated the following Principles of Professional Conduct for the Education Profession in Florida,

(2) Florida educators **shall**² comply with the following disciplinary principles. 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.

(a) Obligation to the student requires that the individual:

² Emphasis added.

1. 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.

* * *

5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

* * *

7. 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.

* * *

- (b) Obligation to the public requires that the individual:

* * *

5. Shall offer no gratuity, gift, or favor to obtain special advantages.

* * *

E. INCOMPETENCY

54. Respondent's actions constitute incompetency. The Respondent, through his above-described conduct has violated Florida Statute §1012.33 and Rule 6A-5.056(3)(a) of the Florida Administrative Code. His actions show a

failure to perform the required duties as a result of inefficiency, as follows:

(a) "Inefficiency" means one or more of the following:

* * *

2. Failure to communicate appropriately with and relate to students;

55. Gresham failed to perform his duties prescribed by law and failed to communicate appropriately with and relate to students by giving them unsolicited frontal hugs and touching their buttocks, referencing the anatomy of his female students, and making sexually inappropriate gestures towards female students.

F. SCHOOL BOARD POLICY 4008

56. Gresham is in violation of School Board Policy 4008 titled, "Responsibilities and Duties (Principals and Instructional Personnel)," 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.

57. 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.
4. Enforce the Broward County Schools Code of Conduct.

* * *

8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

* * *

G. SCHOOL BOARD POLICY 4.9

58. Pursuant to School Board Policy 4.9, "[e]mployees are expected to comply with workplace policies, procedures and regulations, local, state and federal laws; and State Board Rules, both in and out of the work place."
59. Gresham is also in violation of various Section II, Category B Offenses which prohibit the following:

* * *

m) Any violation of The Code of Ethics of the Education Professional in the State of Florida-State Board of Education Administrative Rule.

* * *

r) Failure to comply with School Board policy, state law, or appropriate contractual agreements.

* * *

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the BCSB terminate the Respondent, Wyman Lee Gresham, based upon the foregoing facts and legal authority.

EXECUTED this 18 day of November, 2019.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Respectfully submitted:
Anastasia Protopapadakis, Esq.
Gray Robinson, P.A.
333 S.E. 2nd Ave. Suite 3200
Miami, Florida 33131

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.

Wyman, Wyman
8-6-69

Docket No. 18-74 AF10

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

STATE OF FLORIDA

VS.

WARRANT TO ARREST

Wyman Lee Gresham
DOB 8/6/69

RECEIVED SHERIFF
2018 FEB 21 PM 12:37
BROWARD COUNTY, FLORIDA

COUNT I

Lewd / Lascivious Molestation

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFF'S
AND CONSTABLES OF THE STATE OF FLORIDA:

Whereas, Detective Andrew Kiefer / CCN 267 of the Lauderhill Police Department has this day made oath before me that between the 21st Day of September, A.D., 2017 and 1st Day of December, A.D., 2017, in the county aforesaid, one Wyman Lee Gresham (Age 48) being eighteen (18) years of age or older did intentionally touch in a lewd or lascivious manner the buttocks, or the clothing covering them, of K [REDACTED] R [REDACTED] (Age 12), a person twelve (12) years of age or older but less than sixteen (16) years of age, contrary to F.S. 800.04 (5)(a) and F.S. 800.04 (5)(c)2.

COUNT II

Lewd / Lascivious Conduct

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFF'S
AND CONSTABLES OF THE STATE OF FLORIDA:

Whereas, Detective Andrew Kiefer / CCN 267 of the Lauderhill Police Department has this day made oath before me that between the 21st Day of September, A.D., 2017 and 1st Day of December, A.D., 2017, in the county aforesaid, one Wyman Lee Gresham (Age 48) by being eighteen (18) years of age or older, did solicit S [REDACTED] F [REDACTED] (Age 16), a person

EXHIBIT A

18-74AF10

under sixteen (16) years of age, to commit a lewd or lascivious act, to-wit: lick his lips, stick his tongue out of his mouth and flick it up and down, and touch her on her hips, contrary to F.S. 800.04(6)(a) and F.S. 800.04(6)(b).

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR THE SHERIFF'S AND CONSTABLES OF THE STATE OF FLORIDA: THE OFFENSES SET FORTH IN THE FOREGOING WARRANT IS CONTRARY TO THE STATUTES IN SUCH CASE MADE AND PROVIDED, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF FLORIDA. ATTACHED HERETO AND MADE A PART HEREOF BY INCORPORATION IS THE AFFIDAVIT EXECUTED BY DETECTIVE ANDREW KIEFER / CCN 287, AFFIANT HEREIN.

THESE ARE, THEREFORE, TO COMMAND YOU FORTHWITH TO ARREST THE SAID Wyman Lee Gresham AND BRING HIM BEFORE ME TO BE DEALT WITH ACCORDING TO LAW.

GIVEN UNDER MY HAND AND SEAL THIS 21st DAY OF February A.D., 2018.

BOND AMOUNT: COUNT I \$25,000.⁰⁰
BOND AMOUNT: COUNT II \$25,000.⁰⁰
EXPIRATION DATE: 1 year

Total
is

Carlos S. Reinos
HONORABLE JUDGE OF THE CIRCUIT/COUNTY COURT

\$50,000⁰⁰

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO:

JANE DOE by and through JANE
DOE's Mother as parent and natural
guardian

Plaintiff,

vs.

BROWARD COUNTY PUBLIC
SCHOOLS, and WYMAN GRESHAM,

Defendants.

COMPLAINT FOR DAMAGES

Plaintiff, JANE DOE by and through JANE DOE'S Mother as parent and natural guardian, hereby file this Complaint against Defendants, BROWARD COUNTY PUBLIC SCHOOLS, and WYMAN GRESHAM, and allege as follows:

1. This is an action for damages in excess of \$15,000.00 exclusive of costs and interest.
2. JANE DOE, a minor with a date of birth of July 31, 2004, is a resident of Broward County, Florida and is not *sui juris* by virtue of her minority. JANE DOE's mother resides with her daughter JANE DOE in Broward County, Florida and is over the age of 18 and is otherwise *sui juris*. In this action, Plaintiff is identified by a pseudonym in that this matter concerns the sexual assault of a minor.

3. At all times material hereto, Defendant, BROWARD COUNTY PUBLIC SCHOOLS, was and is a political subdivision of the State of Florida charged with the responsibility for overseeing and regulating the policies and procedures followed in and throughout the Broward County school system in Broward County, Florida.
4. At all times material hereto, defendant, WYMAN GRESHAM, is an individual residing in Broward County, Florida, over the age of 18, and otherwise sui juris.
5. Plaintiff has complied with all conditions precedent pursuant to Florida Statute 768.28 prior to initiating this lawsuit.
6. At all times material hereto, JANE DOE, was a thirteen-year-old seventh grade student at Lauderhill 6 - 12 STEM-MED in Lauderhill which is part of the Broward County Public School District.
7. At all times material hereto, defendant, WYMAN GRESHAM, was an employee of BROWARD COUNTY PUBLIC SCHOOLS and was assigned to be the life skills teacher for JANE DOE.
8. On multiple occasions during the 2017/2018 school year WYMAN GRESHAM began making inappropriate sexual advances towards JANE DOE. Such behavior included hugging JANE DOE and rubbing his penis against her. He would also make sexual comments about her buttocks and rub the inside of her legs while holding her close to him.

COUNT I – NEGLIGENCE AGAINST BROWARD COUNTY PUBLIC SCHOOLS

9. At all times material hereto, WYMAN GRESHAM, was the agent and/or employee of

Defendant, BROWARD COUNTY PUBLIC SCHOOLS, and in doing the acts described herein, was acting within the course and scope of his authority as agent and employee, and in the transaction of the business of the employment or agency.

10. At all times material hereto, Defendant, BROWARD COUNTY PUBLIC SCHOOLS, owed plaintiff a duty to provide a safe, secure, and healthful school environment and to exercise reasonable care in the supervision of students placed within its care, including the plaintiff and to keep her free from harm while in its custody and control.
11. Defendant breached such duty by negligently hiring, training, and/or supervising its employees and/or by failing to supervise and/or by negligently supervising plaintiff while in the care and custody of WYMAN GRESHAM.
12. At all relevant times, Defendant, BROWARD COUNTY PUBLIC SCHOOLS, knew or should have known that WYMAN GRESHAM posed a risk or danger of sexual molestation, sexual abuse and/or inappropriate touching to other minor children, including JANE DOE. Specifically, in 2009 WYMAN GRESHAM was found guilty of gross immorality or an act involving moral turpitude by the State of Florida Commissioner of Education and was formally reprimanded for previous inappropriate sexual behavior with students while employed by The Broward County School Board. Specifically, in March 1998 WYMAN GRESHAM was found guilty of offering a 13-year-old female student money if she would strip for him and perform sexual acts. He was simply transferred to another school as a result. Then in February 2002 he was found guilty of inappropriately touching a student's hip area while making sexual

comments and gestures. As a result of that incident he was suspended for 5 days without pay.

13. Despite having actual notice or knowledge of incidents of sexual abuse and/or inappropriate touching of female minors Defendant, BROWARD COUNTY PUBLIC SCHOOLS, failed to take appropriate action to protect JANE DOE.

14. As a result, JANE DOE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

COUNT 2 – BATTERY CLAIM AGAINST WYMAN GRESHAM.

15. On multiple occasions during the 2017/2018 school year Defendant, WYMAN GRESHAM, intentionally hugged JANE DOE and rubbed his penis against her, touched her buttocks and rubbed the inside of her legs while holding her close to him without her consent and knowing that she would regard such conduct as offensive.

16. At all times material hereto, Defendant acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for Decedent's safety.

17. As a result, JANE DOE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life,

expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

18. Due to the nature of the intentional tort, Plaintiff, is entitled to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

COUNT 3 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST WYMAN GRESHAM.

19. The violent and abusive conduct of the Defendant was intentional and/or reckless and in acting in the brutal and oppressive manner that he did, the Defendant knew or should have known that his behavior would likely result in severe emotional distress to JANE DOE.

20. The violent and abusive conduct of the Defendant was outrageous and went beyond all bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

21. The violent and abusive conduct of the Defendant was intended to and did cause agonizing and severe emotional distress to JANE DOE.

22. At all times material hereto, Defendant acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for Decedent's safety.

23. As a result, JANE DOE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life,

expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

24. Due to the nature of the intentional tort, Plaintiff, is entitled to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury as to all issues so triable as a matter of right.

DATED: November 28, 2018.

WILLIAMS HILAL WIGAND GRANDE
Attorneys for Plaintiff(s)
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Ft. Lauderdale, FL 33314
Tel: (954) 639-4561
Fax: (954) 639-4559
e-mail: chris@thewigandlawfirm.com



BY: _____
Christopher Wigand
Fla. Bar No. 175439

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO:

JANE ROE by and through JANE
ROE's Mother as parent and natural
guardian

Plaintiff,

vs.

BROWARD COUNTY PUBLIC
SCHOOLS, and WYMAN GRESHAM,

Defendants.

COMPLAINT FOR DAMAGES

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1. This is an action for damages in excess of \$15,000.00 exclusive of costs and interest.
2. JANE ROE, a minor with a date of birth of May 24, 2005, is a resident of Broward County, Florida and is not *sui juris* by virtue of her minority. JANE ROE's mother resides with her daughter JANE ROE in Broward County, Florida and is over the age of 18 and is otherwise *sui juris*. In this action, Plaintiff is identified by a pseudonym in that this matter concerns the sexual assault of a minor.

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7. At all times material hereto, defendant, WYMAN GRESHAM, was an employee of BROWARD COUNTY PUBLIC SCHOOLS and was assigned to be the life skills teacher for JANE ROE.
8. On multiple occasions during the 2017/2018 school year WYMAN GRESHAM began making inappropriate sexual advances towards JANE ROE. Such behavior included grabbing JANE ROE's buttocks, holding her close to him and telling her that he loved her.

COUNT I – NEGLIGENCE AGAINST BROWARD COUNTY PUBLIC SCHOOLS

9. At all times material hereto, WYMAN GRESHAM, was the agent and/or employee of Defendant, BROWARD COUNTY PUBLIC SCHOOLS, and in doing the acts described

herein, was acting within the course and scope of his authority as agent and employee, and in the transaction of the business of the employment or agency.

10. At all times material hereto, Defendant, BROWARD COUNTY PUBLIC SCHOOLS, owed plaintiff a duty to provide a safe, secure, and healthful school environment and to exercise reasonable care in the supervision of students placed within its care, including the plaintiff and to keep her free from harm while in its custody and control.
11. Defendant breached such duty by negligently hiring, training, and/or supervising its employees and/or by failing to supervise and/or by negligently supervising plaintiff while in the care and custody of WYMAN GRESHAM.
12. At all relevant times, Defendant, BROWARD COUNTY PUBLIC SCHOOLS, knew or should have known that WYMAN GRESHAM posed a risk or danger of sexual molestation, sexual abuse and/or inappropriate touching to other minor children, including JANE ROE. Specifically, in 2009 WYMAN GRESHAM was found guilty of gross immorality or an act involving moral turpitude by the State of Florida Commissioner of Education and was formally reprimanded for previous inappropriate sexual behavior with students while employed by The Broward County School Board. Specifically, in March 1998 WYMAN GRESHAM was found guilty of offering a 13-year-old female student money if she would strip for him and perform sexual acts. He was simply transferred to another school as a result. Then in February 2002 he was found guilty of inappropriately touching a student's hip area while making sexual comments and gestures. As a result of that incident he was suspended for 5 days without

pay.

13. Despite having actual notice or knowledge of incidents of sexual abuse and/or inappropriate touching of female minors Defendant, BROWARD COUNTY PUBLIC SCHOOLS, failed to take appropriate action to protect JANE ROE.

14. As a result, JANE ROE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

COUNT 2 – BATTERY CLAIM AGAINST WYMAN GRESHAM.

15. On multiple occasions during the 2017/2018 school year Defendant, WYMAN GRESHAM, intentionally hugged JANE ROE, touched her buttocks and held her close to him without her consent and knowing that she would regard such conduct as offensive.

16. At all times material hereto, Defendant acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for Decedent's safety.

17. As a result, JANE ROE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff

will suffer the losses in the future.

18. Due to the nature of the intentional tort, Plaintiff, is entitled to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

COUNT 3 - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST WYMAN GRESHAM.

19. The violent and abusive conduct of the Defendant was intentional and/or reckless and in acting in the brutal and oppressive manner that he did, the Defendant knew or should have known that his behavior would likely result in severe emotional distress to JANE ROE.

20. The violent and abusive conduct of the Defendant was outrageous and went beyond all bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

21. The violent and abusive conduct of the Defendant was intended to and did cause agonizing and severe emotional distress to JANE ROE.

22. At all times material hereto, Defendant acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for Decedent's safety.

23. As a result, JANE ROE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff

will suffer the losses in the future.

24. Due to the nature of the intentional tort, Plaintiff, is entitled to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against the Defendant for damages according to law together with interest and costs.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury as to all issues so triable as a matter of right.

DATED: November 28, 2018.

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