

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

BRANDON JAMAL SUTTON,

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, Brandon Jamal Sutton ("Sutton"). 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 Sutton.

4. Sutton 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 Sutton 1810 NW 28th Avenue, Fort Lauderdale, Florida, 33311.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2017/2018 school year.
7. Sutton is employed as social sciences teacher at Parkway Middle School ("Parkway").
8. The BCSB hired Sutton on or about April 20, 2015.
9. On or about September 18, 2018 the State of Florida charged Sutton with one count of lewd and lascivious conduct, triggering a warrant for Sutton's arrest. *Please See Exhibits A and B.*

10. Specifically, the State of Florida charged that on or between May 1, 2018 through May 22, 2018, Sutton did intentionally touch a minor under sixteen (16) years of age in a lewd or lascivious manner by rubbing the top of her buttocks.¹ *Please see Exhibit A.*
11. On or about September 29, 2018, the Honorable Michael A. Usan, County Court Judge in and for Broward County, Florida, issued a jail hold, no bond arrest warrant for Sutton for the charge of lewd and lascivious conduct. *Please see Exhibit B.*
12. On or about October 26, 2018, Sutton was arrested by the Lauderhill Police Department and taken into custody by the Broward Sheriff's Office for the charge of lewd or lascivious conduct by a person eighteen (18) years of age or older, in violation of Florida State Statute 800.04(6)b. *Please see Exhibit C.*
13. On or about October 27, 2018, the court entered a pre-trial supervision order in which Sutton was placed on a global positioning system (GPS) for monitoring and was prohibited from having contact with any minors. *Please See Exhibit D.*
14. On or about November 7, 2018, the court entered an order permitting Sutton to have contact with his biological

¹ Bond was reset to \$10,000.

children and supervised contact with other minors during holidays. *Please see Exhibit E.*

15. On or about March 20, 2019, Sutton petitioned the court to travel to Orlando. In response, the court specifically ordered Sutton not go to Disney World, or any Disney related venues. Additionally, the court ordered once again that Sutton may only have supervised contact with minors that are related to him with their guardian's consent. *Please see Exhibit F.*
16. Sutton's criminal case is currently pending.
17. Sutton continues to be paid as a teacher, despite that he is prohibited from having contact with non-biological minors by court order.

III. ADMINISTRATIVE CHARGES

18. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through seventeen (17), above.
19. 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.

20. "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** incompetency. "Incompetency" means the **inability**, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity. (Emphasis added).

1. "Inefficiency" means one or more of the following:
 - a. Failure to perform duties prescribed by law;

* * *

IV. **JUST CAUSE FOR DISCIPLINE**

A. **JUST CAUSE**

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

B. **INCOMPETENCY**

22. 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:

1. "Inefficiency" means one or more of the following:
 - a. Failure to perform duties prescribed by law;

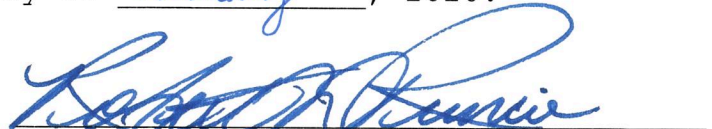
* * *

23. As a result of the pre-trial supervision order, and the court's subsequent orders, Sutton is prohibited from having contact with non-biological minors.
24. As such, Sutton is prohibited from having contact with non-biological students.
25. Accordingly, Sutton has demonstrated an inability to discharge his required duty as a result of inefficiency or incapacity, and therefore, has failed, to perform his duties as a teacher as he may not have contact with any of his non-biological minor students.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the BCSB terminate the Respondent, Brandon Jamal Sutton, based upon the foregoing facts and legal authority.

EXECUTED this 6th day of January, 2020.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Respectfully submitted:
Andrew Brett Carrabis, Esq.
Administrative Counsel

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, at the School Board's election, in accordance with one of the following procedures:

1. A direct hearing conducted by the district school board within 60 days after receipt of the written appeal; or

2. A hearing 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.

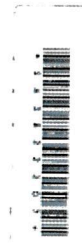
IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.

EXHIBIT A

Filing # 78161185 E-Filed 09/20/2018 11:02:28 AM

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

AMENDED INFORMATION FOR CASE NO.: 18-11503CF10A



THE STATE OF FLORIDA

INFORMATION FOR

vs.

**I. LEWD OR LASCIVIOUS
CONDUCT**

BRANDON SUTTON

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 **BRANDON SUTTON**

from the 1st day of May, 2018 thru the 22nd day of May, 2018, in the County and State aforesaid, being eighteen (18) years of age or older, did intentionally touch [REDACTED] a person under sixteen (16) years of age, in a lewd or lascivious manner by rubbing the top of her buttocks contrary to F.S. 800.04(6)(a) and F.S. 800.04(6)(b). L6

STATE OF FLORIDA vs. BRANDON SUTTON
INFORMATION, Page 2

IDENTIFYING DATA:

Black, Male, Height 6' _____", _____ Lbs, Black Eyes, Black Hair
DOB: 10-24-1985; Place of Birth: Fort Lauderdale, FL

COUNTY OF BROWARD
STATE OF FLORIDA

Personally appeared before me **STACEY HONOWITZ**, duly appointed as an Assistant State Attorney of the 17th Judicial Circuit of Florida, by **MICHAEL J. SATZ**, State Attorney of said Circuit and Prosecuting Attorney for the State of Florida in the County of Broward, who being first duly sworn, certifies and says that testimony has been received under oath from the material witness or witnesses for the offense(s), and the allegations as set forth in the foregoing information would constitute the offense(s) charged, and that this prosecution is instituted in good faith.

ASSISTANT STATE ATTORNEY, 17TH JUDICIAL CIRCUIT

SWORN TO AND SUBSCRIBED before me this 18th day of September, 2018.

BRENDA FORMAN

Clerk of the Circuit Court, 17th Judicial Circuit,
Broward County, Florida

By: _____
Deputy Clerk



To the within Information, Defendant pleaded _____.

BRENDA FORMAN

Clerk of the Circuit Court, 17th Judicial Circuit,
Broward County, Florida

By: _____
Deputy Clerk

EXHIBIT B

**** FILED: BROWARD COUNTY, FL. Brenda D. Forman, CLERK 9/19/2018 1:10:59 PM ****

Brandon Sutton
1810 NW 281h Avenue
Fort Lauderdale FL. 33311

Male 10/24/1985 Black
18-011503-CF10A

6 Ft. 0 In. Black

In The Circuit/Court
In And For Broward County,
Florida

BCCN:

Capias

Judge Michael A Usan - FP
Deft Number 18-011503-CF10A

To all and singular the sheriffs of Florida, Greetings:

You are commanded to take **Brandon Sutton**

If that person be found in your county, arrest and safely keep so that you may have that person's body before the Judge of our said court instanter to answer to the charge, filed by the State Attorney of Broward County, Florida to:

Charge	Charge Description	Bond Amount
I	Lewd/Lascivious Conduct	No Bond * Jail Hold for Mag.Hrg.
		Total: No Bond No Bond Hold

Issue Date: 9/19/2018

Attest: _____ this writ



Arresting Officer: _____

Reason Capias Issued: **Capias - Not In Custody**

Received this capias on _____ and executed same on _____

By arresting the within named defendant and having him now before the court.

_____, Sheriff By: _____

Deputy Sheriff

9/28/2018

Witness Brenda D. Forman, Clerk of our
Said court and the seal of our said court,
At the Courthouse at Fort Lauderdale Florida,
Brenda D. Forman, Clerk

By: Angelita Hanks Deputy Clerk

EXHIBIT C

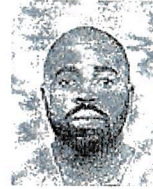
**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 10/29/2018 1:59:46 PM ****



Broward County Sheriff's Office

18-11503

Booking Report



CIS #	561800834	BCCN #	903887	Booking Sheet Control Date and Time							
OBTS	609247150	Print Clearance	10/26/18 08:23:52	Prints	Yes	10/26/18 11:28:11					
Arrest #	LH 1800834	Offense Report #	291810004510	Agency	LAUDERHILL						
Last Name First Middle	SUTTON, BRANDON			SSN #	[REDACTED]						
Race	Sex	Height	Weight	Eyes	Hair	Comp.	Age Admitted	DOB	Place of Birth	State	FDLE
B	M	602	208	BRO	BLK	DBR	33	10/24/1985	FT LAUDERDALE	FLORIDA	0
Permanent Address	1810 NW 28TH AVE FORT LAUDERDALE FL 33311						Months of Residence	36			
Arrest Date	10/26/18 07:00:00	Place of Arrest	1810 NW 28TH AV		Arresting Officer	570 GONZALEZ					
Inmate Logged Date	10/26/18 07:48:33	Inmate Log Type	FULL INTAKE		Place Admitted	MAIN					
Intake Comments	SP/CO 11669 29/54 8075 WC 6690										
Alias Last name, First, Middle, DOB											
Warrants Officer Id	bs11589										
Scars, Marks, Tattoos											
Release Date/Time	Release Reason				Release Authorized By						
Charge No.	Charge Initiation Date	Statute	Warrant/Capias	Level	M.C	B. Type	Bond Amount				
1	10/26/18 11:06	800 04-6b	18011503CF10A	2F	Y	BOND	\$10,000.00				
Charges	LEWD/LASC CONDUCT BY PERSON 18YOA OR OLDER										
Booking Off. ID	bs07673	County	BROWARD		Judge	USAN					

* End of Report *

EXHIBIT D

**** FILED BROWARD COUNTY, FL Brenda D. Forman, CLERK 10/29/2018 2:04:36 PM ****

STATE OF FLORIDA
VS

Sutton, Brandon

NO MONETARY BOND REQUIRED
 BOND(S) SET AT 10,000



Sheriff Scott Israel

PRETRIAL SERVICES SUPERVISION ORDER

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

ARREST NO. 561800534

CASE NO. 180115030F0A

CHARGES: Land Use Conduct by Person 1840A or older

IT IS HEREBY ORDERED AND ADJUDGED THAT,

- The defendant shall be released ~~forthwith~~ ^{upon receipt of bond} from custody and shall report to the Broward Sheriff's Office Division of Pretrial Services for enrollment and instruction as to release conditions. ~~Electronic Monitoring defendants shall be released only in person to Pretrial Services staff during prescribed hours.~~
- The defendant shall not leave Broward, Miami-Dade, or Palm Beach County, Florida, or the County of their residence and/or change their residence or phone number without obtaining permission from the Court or the assigned Pretrial Services staff. The defendant shall abide by all rules and regulations as set forth by the Pretrial Services Division.
- The defendant shall not violate any City, County, State, or Federal laws.
- The defendant shall attend all Court hearings. The defendant shall report to the Pretrial Services Office immediately after Court for the purpose of submitting required Court documents.
- The defendant shall follow all valid instructions as set forth by the Court or Pretrial Services and shall submit to one of the following:
 - The defendant shall be placed on **STANDARD PRETRIAL SUPERVISION** and shall be required to report _____ times per week by telephone and _____ time(s) per week in person to the designated Pretrial Services Office. The defendant shall be required to secure lawful employment, if able, or enroll in a job skills or education program within thirty (30) calendar days from release. Defendants shall abide by all rules and regulations set forth by the program. Referrals to outside community-based programs may be initiated upon determination by Pretrial Services staff.
 - The defendant shall be placed on **LEVEL (1) with ELECTRONIC MONITORING** at a rate of \$5.00 per day (unless indigent) and shall remain confined to their approved residence twenty-four (24) hours per day. The only exception shall be for medical emergencies. Pre-approval is needed for medical appointments, meetings with assigned attorneys or Pretrial Services staff, Court hearings or Court ordered programs.
ELECTRONIC MONITORING SHALL BE ENFORCED VIA: RF _____, GPS ACTIVE (EXCLUSION ZONES) _____, GPS PASSIVE _____
 - The defendant shall be placed on **LEVEL (2) with ELECTRONIC MONITORING** at a rate of \$5.00 per day (unless indigent) and shall be confined to their approved residence twenty-four (24) hours per day unless approved by Pretrial Services staff. The only exception shall be for medical emergencies. Pre-approval is needed for medical appointments, lawful employment or maximum twenty (20) hours per week for job search, educational purposes, meeting with attorneys or Pretrial Services staff, Court hearings or Court ordered programs. Defendants may also receive a combined total of up to eight (8) hours (including travel time) per week to attend religious services, for personal shopping, and laundry services (if needed).
ELECTRONIC MONITORING SHALL BE ENFORCED VIA: RF _____, GPS ACTIVE (EXCLUSION ZONES) _____, GPS PASSIVE _____
 - The defendant shall be placed on **ELECTRONIC MONITORING** without schedule restrictions at a rate of \$5.00 per day (unless indigent).
ELECTRONIC MONITORING SHALL BE ENFORCED VIA: RF _____, GPS ACTIVE (EXCLUSION ZONES) _____, GPS PASSIVE _____
- The defendant shall submit to the following special conditions:
 - The defendant shall submit to a _____ evaluation within _____ calendar days from release and submit to any recommended follow-up treatment.
 - The defendant shall not consume alcohol or illegal drugs/intoxicants and shall submit to random Drug and Alcohol tests _____ times per _____ (frequency) as ordered by the Court and shall be required to pay for such tests.
 - The defendant shall submit to remote alcohol testing via SOBRIETOR / TAD (landline phone required) at the rate of \$5.00 per day (unless indigent).
 - The defendant shall not own or possess any firearms, weapons or ammunition.
 - The defendant shall not pay Electronic Monitoring fees.
 - The defendant shall have no contact with victim(s) any minors Name(s) _____
 - The defendant shall further abide by the following: _____

Any violation of this Order, upon affidavit of the Broward Sheriff's Office Division of Pretrial Services attesting thereto, may result in the issuance of an arrest warrant and revocation of release or an Administrative Meeting.

DONE AND ORDERED, Fort Lauderdale, Broward County, FL this 29 day of October 2018.

[Signature]
Circuit/County Court Judge

White - Clerk Yellow - Confinement Status Pink - Pretrial Blue - Defendant

Fun

EXHIBIT E

**** FILED BROWARD COUNTY, FL. Brenda D. Forman, CLERK 11/7/2018 2:10:04 PM,****

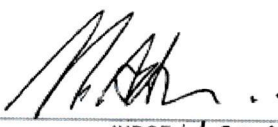

<input type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		CLOCK IN Filed in Open Court,	
DIVISION: <input type="checkbox"/> Criminal <input type="checkbox"/> Traffic <input type="checkbox"/> Other	ORDER		ON <u>NOV 07 2018</u> BY <u>aw</u>
THE STATE OF FLORIDA VS. <u>Brandon Sutton</u> DEFENDANT		CASE NUMBER <u>18-11503CFL0A</u>	
CHARGE <u>Lewd and Lascivious conduct</u>			
DEFENSE MOTION TO <u>Modify Pretrial Release</u> IS HEREBY <u>Granted</u> FOR REASONS AS STATED ON THE RECORD IN OPEN COURT.			
<p>Pretrial is hereby reduced from level I to Level II. Defendant is also permitted to work and look for work, so long as schedule of same is provided to Pretrial. Defendant may travel to Orlando November 16-18th 2018 and to Washington DC Nov. 20-25th 2018. Defendant may have contact with his biological children. Defendant may also have supervised contact with other minors during holidays</p> <p>DONE AND ORDERED THIS <u>7th</u> DAY OF <u>November</u>, 20<u>18</u>, IN BROWARD COUNTY, FLORIDA.</p> <p style="text-align: right;"> _____ JUDGE <u>Usan</u></p>			
COPIES: <u>BBU - SAO</u> <u>PTR</u>			
<small>KC 112-79 ORDER DEFENSE MOTION</small>			

EXHIBIT F

**** FILED: BROWARD COUNTY, FL. Brenda D. Forman, CLERK 3/20/2019 3:54:36 PM ****

<input checked="" type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		Filed in Open Court, CLERK OF BROWARD COUNTY MAR 20 2019 BY <u>P</u>
DIVISION: <input checked="" type="checkbox"/> Criminal <input type="checkbox"/> Traffic <input type="checkbox"/> Other	ORDER	
THE STATE OF FLORIDA VS. Brandon Sotter		CASE NUMBER 18-11503
I heard & see CHARGE _____		
<p>Defendant may travel to Orlando from March 21st to March 25th.</p> <p>Defendant may not go to Disney World, or any Disney related venues.</p> <p>Defendant may only have supervised contact with minors that are related to him w/ their guardian's consent.</p>		
DONE AND ORDERED THIS <u>20</u> DAY OF <u>MARCH</u> 20 <u>19</u> , IN BROWARD COUNTY, FLORIDA.		
 _____ JUDGE <u>Usan</u>		
COPIES: ESG SAC <u>PTR</u>		
11-42 BLANK ORDER		