



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
I-8.

MEETING DATE: 2019-12-10 10:05 - School Board Operational Meeting

AGENDA ITEM: ITEMS

CATEGORY: I. OFFICE OF THE SUPERINTENDENT

DEPARTMENT: Office of Chief of Staff

Special Order Request
 Yes No

Time

Open Agenda
 Yes No

TITLE:
Administrative Complaint Wyman Lee Gresham-1

REQUESTED ACTION:
 Adopt the Superintendent's recommendation to terminate the teacher, Wyman Lee Gresham, suspend him without pay and determine whether to transmit the matter to the Division of Administrative Hearings ("DOAH") or conduct a hearing directly before the School Board, if the employee timely requests a hearing.

SUMMARY EXPLANATION AND BACKGROUND:
 See Supporting Docs for Summary Explanation and Background.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:
 There is no financial impact to the School District.

EXHIBITS: (List)
 (1) Summary Explanation and Background (2) Notice of Board Meeting (3) Administrative Complaint (4) Affidavit of Service

BOARD ACTION:
ADOPTED
 (For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Douglas G. Griffin	Phone: 754-321-2050
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Signature
 Jeffrey S. Moquin
 11/22/2019, 3:33:06 PM

Approved In Open Board Meeting On: DEC 10 2019
 By: *[Signature]*
 School Board Chair

SUMMARY EXPLANATION AND BACKGROUND

On February 21, 2018, the State of Florida charged Wyman Lee Gresham (hereinafter "GRESHAM") with one count of lewd and lascivious molestation and one count of lewd and lascivious conduct. On February 22, 2018, the court entered a pre-trial supervision order. Pursuant to that order, Gresham is prohibited from having contact with any minor child that is not related to him by blood or adoption. Accordingly, Gresham 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 minor students.

The Assistant General Counsel prepared the Administrative Complaint and notice will be provided to GRESHAM, that a recommendation for his suspension without pay and termination will be presented to the School Board on December 10, 2019, so that his deadline for requesting a hearing will expire prior to the Board meeting. Staff will advise the School Board whether a hearing has been requested no later than by the start of the Board meeting on December 10, 2019.

Please take special note that, given the absence of dispute of material facts regarding these charges, if Gresham requests a hearing in this case, the Superintendent recommends that the School Board exercise its right to conduct a direct hearing by the School Board within 60 days after receipt of the request for hearing.

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. On December 4, 2017, Gresham was taken into custody by Broward Sheriff's Office for the charges of lewd or lascivious molestation of a victim 12 to 16 years of age and lewd or lascivious conduct by a person 18 years of age

or older, in violation of Florida State Statutes 800.04(5)(c)2 and 800.04(6)b, respectively.¹

10. Effective December 13, 2017, BCSB placed Gresham on administrative reassignment.
11. 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.
12. On February 22, 2018, the court entered a pre-trial supervision order. See Exhibit B. Pursuant to that order, Gresham is prohibited from having contact with any minor child that is not related to him by blood or adoption. *Id.*
13. Gresham's criminal case is currently pending.
14. Gresham continues to be paid as a teacher, despite that he is prohibited from having contact with minors by court order.

III. ADMINISTRATIVE CHARGES

15. Petitioner re-alleges and incorporates herein by reference the allegations set forth in paragraphs one through fourteen above.
16. 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

¹ Bond was set at \$50,000 collectively, \$25,000 for each charge.

of Ethics of the Education Profession, and the policies promulgated by the BCSB.

17. "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

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

B. INCOMPETENCY

19. 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;

* * *

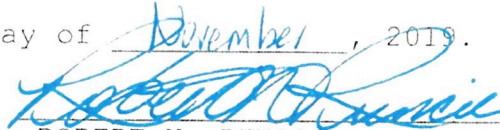
20. As a result of the Court's February 22, 2018, pre-trial supervision order, Gresham is prohibited from having contact with students.

21. Accordingly, Gresham 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 minor students.

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, 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.

Wyman Lee Gresham
3/17 8-6-69

Docket No. 18-74 AFD

**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 267, 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
15

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

\$50,000.⁰⁰

STATE OF FLORIDA
VS.

GRESHAM, WYMAN LEE



Sheriff Scott Israel

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

ARREST NO 561800112

CASE NO 180074AF10

CHARGES ① LEWD/LASC. MOLEST VIC
12-16 YOA OFFENDER ② LEWD
LASCIV. CONDUCT BY PERSON
18 YOA OR OLDER

NO MONETARY BOND REQUIRED

BOND(S) SET AT 25,000
2) 15,000

PRETRIAL SERVICES
SUPERVISION ORDER

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:

- A 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.
- B 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 _____
- C 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 _____
- D 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). VICTIM [REDACTED] Name(s)

The defendant shall further abide by the following: No CONTACT w/ ANY MINOR CHILD NOT RELATED BY BLOOD OR ADOPTION

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 24 day of FEB. 20 18

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

[Signature]
Circuit/County Court Judge