AGENDA REQUEST FORM THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

2020-02-04 10:05 - School Board Operational Meeting Special Order Request MEETING DATE Yes No ITEM No.: AGENDA ITEM ITEMS Time 1-1. CATEGORY I. OFFICE OF THE SUPERINTENDENT Open Agenda Office of Chief of Staff DEPARTMENT Yes (No TITLE: Administrative Complaint Brandon Jamal Sutton REQUESTED ACTION: Adopt the Superintendent's recommendation to terminate the teacher, Brandon Jamal Sutton, suspend him without pay and conduct a hearing directly before the School Board. 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 SOURCE OF ADDITIONAL INFORMATION: BOARD ACTION: Phone: 7543212050 Name: Douglas G. Griffin Name: Andrew B. Carrabis Phone: 7543212050 (For Official School Board Records Office Only)

Approved In Open

Board Meeting On:

FEB 0 4 2020

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Senior Leader & Title

Jeffrey S. Moguin - Chief of Staff

Signature

Jeffrey S. Moguin 1/22/2020, 11:15:49 AM

Electronic Signature

Form #4189 Revised 07/25/2019 RWR/ JSM/DGG/ABC:asj

SUMMARY EXPLANATION AND BACKGROUND

On September 18, 2018, the State of Florida charged Brandon Jamal Sutton (hereinafter "SUTTON") with one count of lewd and lascivious conduct. On October 27, 2018, and November 7, 2018 the court entered pre-trial supervision orders. Pursuant to the orders, SUTTON is prohibited from having contact with any minor child that is not his biological child. 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 minor students.

The Administrative Counsel prepared the Administrative Complaint and notice was provided to SUTTON, that a recommendation for his termination will be presented to the School Board on February 4, 2020. The Administrative Complaint was served on SUTTON on January 9, 2020, and he timely requested a hearing.

Please take special note that, given the absence of dispute of material facts regarding these charges, if Sutton 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.



ROBERT W. RUNCIE Superintendent of Schools

The School Board of Broward County, Florida

Donna P. Korn, Chair Dr. Rosalind Osgood, Vice Chair

> Lori Alhadeff Robin Bartleman Heather P. Brinkworth Patricia Good Laurie Rich Levinson Ann Murray Nora Rupert

January 6, 2020

Brandon Jamal Sutton 1810 N.W. 28th Avenue Fort Lauderhill, Florida 33311

Re: Robert W. Runcie v. Brandon Jamal Sutton

Dear Mr. Sutton:

Pursuant to Florida Statute 1012.33, you are hereby notified that I, Robert W. Runcie, Superintendent, will make a recommendation to The School Board of Broward County, Florida for your formal suspension without pay and termination. This recommendation is predicated upon the charges outlined in the attached Administrative Complaint.

These charges will be presented to the School Board on **Tuesday**, **February 4**, **2020**, at **10:05 A.M.**, at Kathleen C. Wright Administration Building, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Pursuant to Florida Statute Chapter 120, you may request a formal hearing, provided that you request said hearing, in writing, to the Superintendent as set forth in the Notice section of the Administrative Complaint.

This is your notice pursuant to Florida Statute 1012.31 that the material contained in your investigative file is a public record and it will become available for inspection by the public ten days from receipt of this letter. Any request made by the public for the documentation referred to above will be provided in accordance with the laws of the State of Florida and Federal law.

Robert W. Runcie

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 S.E. 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.

RWR/DGG/ABC: asj Attachment

c: Jeffrey S. Moquin, Chief of Staff

Alan Strauss, Chief Human Resources & Equity Officer

Valerie Wanza, Ph.D., Chief School Performance and Accountability Officer

Barbara Myrick, General Counsel

Susan Rockelman, Director, Talent Acquisition & Operations (Instructional)

Susan Cooper, Director, Employee and Labor Relations

Brad Mattair, Principal, Parkway Middle School

Craig Kowalski, Chief, Broward District Schools Special Investigative Unit

Samantha Gordon, Manager, Human Resource Support Services

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

- 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. 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).
 - "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 _______, day of _______, 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 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) changed, and that this prosecution is instituted in good faith. SWORN TO AND SUBSCRIBED before me this SEAL SEAL BRENDA FORMAN SEAL SEAL
Clerk of the Circuit Court, 17th Ociciel 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:

EXHIBIT B

**** FILED: BROWARD COUNTY, FL. Brenda D. Forman, CLERK 9/19/2018 1:10:59 PM **** Brandon Sutton 1810 NW 28Th Avenue Fort Lauderdale FL 33311 Male 10/24/1985 Black In The Circuit/Court 18-011503-CF10A In And For Broward County, Florida 6 Ft. 0 In. Black 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 1 Lewd/Lascivious Conduct No Bond * Jail Hold for Mag.Hrg. Total: No Bond No Bond Hold 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 Qugel Ake 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

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 1	0/26/18 08:23 52	Prints Yes	10/26/18 11:	28:11
Arrest #	LH 1800834	Offer	se Report #	291810004510		Agency L	AUDERHILL
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Race	Sex H	feight Weight	Eyes Hair	Comp. Age Adn	nitted DOB	Place of Birth	State FDLE
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Permanent Address				Months of Residence 36			
Arrest Date	10/26/18 07 0	10 00 PI	ace of Arrest	1810 NW 28TH AV	Arres	ting Officer 570 GC	ONZALEZ
Inmate Logg	ged Date 1	0/26/18 07 48 3	3 Inmale	Log Type FULL IN	TAKE	Place Admitted	MAIN
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Charge No.	10/26						275,000 00
	LEWD/LASC CO OLDER	ONDUCT BY PE	RSON 18YOA	OR Comments			

* End of Report *

and of Report

EXHIBIT D

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

	STATE OF FLORIDA	TOTAL CONTRACTOR	IN THE CIRCUIT/COUNTY COURT OF THE
	and a board of		SEVENTEENTH JUDICIAL CIRCUIT.IN AND FOR BROWARD COUNTY, FLORIDA
(Suffort, Orangovi		ARREST NO. 56/800 634
-	NO MONETARY BOND REQUIRED	ON ARD COURT	CASE NO
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		PRETRIAL SERVICES	hi Openn 18 VIA DE AMER
		SUPERVISION ORDER	SY TOSUT TO 1017 DE DIGUE
			ADAM
	T IS HEREBY ORDERED AND ADJUDGED THAT,		
	hours.	 Electronic Monitoring detendants shall be rele 	to the Broward Sheriff's Office Division of Pretrial Services for assed only in person to Pretrial Services staff during prescribed
2.	 The defendant shall not leave Broward, Miami-Da number without obtaining permission from the Cou the Pretrial Services Division 	ide, or Palm Beach County, Florida, or the Cou urt or the assigned Pretrial Services staff. The di	nty of their residence and/or change their residence or phone efendant shall abide by all rules and regulations as set forth by
	The defendant shall not violate any City, County,		
	required Court documents.		Office immediately after Court for the purpose of submitting
5.	. The defendant shall follow all valid instructions as		
	in a job skills or education program within thir		quired to report times per week by telephone and shall be required to secure lawful employment, if able, or enroll shall abide by all rules and regulations set forth by the program etrial Services staff.
	appointments, meetings with assigned attorn ELECTRONIC MONITORING SHALL BE EL	nours per day. The only exception shall be for neys or Pretrial Services staff, Court hearings or NFORCED VIA: RF, GPS ACTIVE (EXC	LUSION ZONES), GPS PASSIVE
	approval is needed for medical appointments, attorneys or Pretrial Services staff, Court he (including travel time) per week to attend rela-	er day unless approved by Pretnal Services staf , lawful employment or maximum twenty (20) hou larings or Court ordered programs. Defendants glous services, for personal shapping, and large	\$5.00 per day (unless indigent) and shall be confined to their f. The only exception shall be for medical emergencies. Pre-rs per week for job search, educational purposes, meeting with may also receive a combined total of up to eight (8) hours dry services (if needed). LUSION ZONES), GPS PASSIVE
		NFORCED VIA: RF, GPS ACTIVE (EXC	s at a rate of \$5 00 per day (unless indigent). LUSION ZONES), GPS PASSIVE
ì.	The defendant shall submit to the following specia		
	The defendant shall submit to a follow-up treatment	evaluation within calend	dar days from release and submit to any recommended
	The defendant shall not consume alcohol or		
		ered by the Court and shall be required to pay for	
	The defendant shall submit to remote alcoho	I testing via SOBRIETOR / TAD (landline phone	e required) at the rate of \$5.00 per day (unless indigent).
	The defendant shall not own or possess any		
	The defendant shall not pay Electronic Monit	11011 MUDERO	
	The defendant shall have no contact with vic	tim(s). Gily I III (CX)	Name(s)
	☐ The defendant shall further abide by the follo	wing:	
	Any violation of this Order, upon affidavit of the B arrest warrant and revocation of release or an A	roward Sheriff's Office Division of Pretrial Service	ces attesting thereto, may resolve the issuance of an
	DONE AND ORDERED, Fort Lauderdale, Browar	N/ /WI	2 20 18 // ATH
	White - Clerk Yellow - Confinement Status Pi	ink - Pretrial Blue - Defendant	Circuit/County Court Judge
	BSO DJ#155a (Revised 09/14)		Fun

EXHIBIT E

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

	ial Circuit in and for Broward County nty Court in and for Broward County	CLOCK IN Filed in Open Court,		
DIVISION: [] Criminal [] Traffic [] Other	ORDER	ON NOV 0 7 2018 BY AV		
THE STATE OF	FLORIDA VS.	CASC NUMBER		
Bran	dan Sutton DEFENDANT	CASE NUMBER		
	CHARGE LEWD and LOCI			
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_		D ON THE RECORD		
	N OPEN COURT.	T to ITUIT		
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BROWARD CO	UNTY, FLORIDA.			
	JUDGE	Usan		
COPIES: 2880	TR 07134			

EXHIBIT F

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

17th Judicial Circuit in and for Broward County [] In the County Court in and for Broward County	iled in Open Cont.
DIVISION: [1] Criminal [1] Traffic [1] Other ORDER	MAR 2.0 2019
THE STATE OF FLORIDA VS.	CASE NUMBER
Brandon Sittan DEFENDANT	18-11503
I Lewed &	Les
CHARGE	
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Orlando From narch 215	t to
March 25th	
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Detendant may only have 50 contact with minors that are rel	Berned,
wither question's consent	ated to him
DONE AND ORDERED THIS 20 DAY OF MARL	
BROWARD COUNTY, FLORIDA.	11.
	1/1/1
	Ham.
///	
JUDG	i Usan
COPIES: DSO - SAO -	
112-42 GLANK ORDER	

THIS HAS BEEN ISSUED AT THE REQUEST OF: Douglas G. Griffin, Esq., (754)321-2050

Title: DETECTIVE

RECEIVED THIS NOTICE AND ADMINISTRATIVE COMPLAINT ON:
January 9, 2020, at 11:15 o'clock,
A.m., and served the same on January 9,
2020, at 11:15 o'clock, A.m., by delivering a
true copy thereof (together with the fee for one day's
attendance and the mileage allowed by law*)
to: Brandon Sutton
COMPLETE IF SERVED BY SWORN LAW ENFORCEMENT OFFICER
January 9, 2020, at 11:15 o'clock, A.m. By: Ronnie Dinler
o'clock, A.m. By: Ronnie Dinler