



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:  
**2.**

MEETING DATE	2020-05-05 10:00 - Special Meeting
AGENDA ITEM	SUPERINTENDENT'S RECOMMENDATION
CATEGORY	Superintendent's Recommendation
DEPARTMENT	Office of the General Counsel

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

**TITLE:**

Broward County School Board vs. Brandon Jamal Sulton

**REQUESTED ACTION:**

(1) Hold an Administrative (Evidentiary) Hearing for Employment Termination of Brandon Jamal Sulton, Case No.: 050520-2; and  
(2) Render a Final Order based on the action in the Administrative Complaint and the Evidence presented during the Administrative Hearing.

**SUMMARY EXPLANATION AND BACKGROUND:**

On February 4, 2020, The School Board approved the recommendation from the Superintendent of Schools to terminate Mr. Brandon Jamal Sulton's employment. In response Mr. Sulton requested an Administrative Hearing. See Supporting Docs for continuation of 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 District.

**EXHIBITS: (List)**

(1) Summary Explanation and Background (2) Administrative Complaint

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

<b>SOURCE OF ADDITIONAL INFORMATION:</b>	
Name: Barbara J. Myrick, Esq.	Phone: 754-321-2050
Name:	Phone:

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

Barbara J. Myrick - General Counsel

Signature  
*Barbara J. Myrick*  
4/28/2020, 4:33:56 PM

Approved In Open Board Meeting On:

**MAY 05 2020**

By:

*Deanna F. ...*  
School Board Chair

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

CASE No.: 050520-02  
SSBM Agenda: 05-05-2020

vs.

BRANDON JAMAL SUTTON,

Respondent.

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**FINAL ORDER**

THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as “THE SCHOOL BOARD”) at its meeting conducted on May 5, 2020 to consider: i) whether there was just cause to determine that Respondent, BRANDON JAMAL SUTTON (“SUTTON”) violated Rule 6A-5.056, Florida Administrative Code due to incompetency, ii) the Petitioner, ROBERT W. RUNCIE’s (“RUNCIE”) recommendation to terminate SUTTON, and iii) the Respondent’s response thereto.

**FINDINGS OF FACT**

Mr. Sutton was arrested on October 28, 2018 for the criminal charge of Lewd and Lascivious Conduct Upon a Person Sixteen (16) Years of Age or Less.<sup>1</sup> At the hearing, THE SCHOOL BOARD accepted Petitioner’s Exhibits’ “A” through “K” into evidence without objection. THE SCHOOL BOARD finds it is undisputed that Mr. Sutton is prohibited from having any contact with any non-biological minors.

Whether Respondent committed the charged offense, which in this case is that Mr. Sutton is legally unable to perform his employment duties, is a question of ultimate fact to be determined

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<sup>1</sup> State of Florida vs. Brandon Sutton, Case Number 18-11503CF10A

by the THE SCHOOL BOARD. By a preponderance of the evidence from the testimony, argument of counsel, and exhibits, THE SCHOOL BOARD finds the Petitioner met his burden that SUTTON is legally incompetent and unable to perform his employment duties.

THE SCHOOL BOARD further finds the exhibits introduced by Petitioner, along with Florida Statute § 903.047(1)(b), preclude SUTTON from having any contact with non-biological minors whether in a traditional classroom setting or an online, virtual classroom setting.

### CONCLUSIONS OF LAW

Florida Administrative Code Rule 6A-5.056, Criteria for Suspension and Dismissal, states the following:

“Just cause” means cause that is legally sufficient. [The charge] upon which just cause for a dismissal action against specified school personnel may be pursued are set forth in sections 1012.33 and 1012.335, Florida Statutes.

In fulfillment of these laws, the basis for each such charge is hereby defined:

(3) “Incompetency” means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

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

1. Failure to perform duties prescribed by law;

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THE SCHOOL BOARD finds there is “just cause” to terminate SUTTON pursuant to 1012.335, Florida Statutes. Furthermore, the applicable statute, Florida Statute § 903.047(1)(b), provides that if a court issues a no-contact order, the defendant must refrain from any contact of any type with the victim except through pretrial discovery under the Florida court rules. In this case the Broward County Circuit Court in and for the 17<sup>th</sup> Judicial Circuit has ordered SUTTON to have no contact with any non-biological minors.

Florida Statute § 903.047(1)(b) is explicit as to the meaning of "no contact," and specifically prohibits:

Communicating orally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person, with the victim or any other person named in the [no contact] order.

In light of the evidence introduced at the hearing, just cause exists to terminate Mr. Sutton pursuant to Florida Administrative Code Rule 6A-5.056(3) as he is legally unable to perform his employment duties as prescribed by law. Mr. Sutton's criminal case orders specifically state he is to have no contact with any non-biological minors. Additionally, Florida Statute § 903.047(1)(b) expressly prohibits Mr. Sutton from having any contact with non-biological children in any classroom setting – whether it is a traditional setting or a virtual, online setting. He is legally incompetent and unable to perform his employment duties.

**WHEREFORE:**

**IT IS THEREUPON ADJUDGED that:**

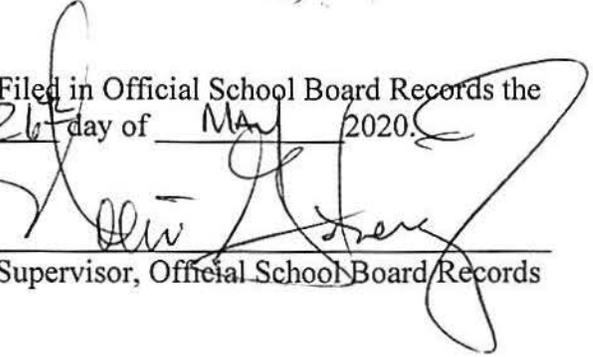
1. Based on a preponderance of the evidence and the record evidence presented to THE SCHOOL BOARD at the May 5, 2020 meeting, THE SCHOOL BOARD finds that just cause exists to determine that SUTTON violated Rule 6A-5.056, Florida Administrative Code due to incompetency.
2. THE SCHOOL BOARD further finds that such behavior on the part of SUTTON merits termination of SUTTON from his employment with THE SCHOOL BOARD.
3. For the reasons set forth above, THE SCHOOL BOARD accepts RUNCIE's recommendation to terminate SUTTON from his employment with THE SCHOOL BOARD.

4. As of May 5, 2020, SUTTON is hereby terminated from his employment with THE SCHOOL BOARD.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 26<sup>th</sup> day of MAY, 2020.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By   
DONNA P. KORN, CHAIR

Filed in Official School Board Records the 26<sup>th</sup> day of May 2020.  
  
Supervisor, Official School Board Records

Copies Furnished to:

ANDREW B. CARRABIS, ESQUIRE  
Broward County School Board  
Eleventh Floor  
600 Southeast Third Avenue  
Fort Lauderdale, Florida 33301

DOUGLAS G. GRIFFIN, ESQUIRE  
Broward County School Board  
Eleventh Floor  
600 Southeast Third Avenue  
Fort Lauderdale, Florida 33301

ROBERT F. MCKEE, ESQUIRE  
Robert F. McKee, P.A.  
Suite 301  
1718 East 7th Avenue  
Tampa, Florida 33605

ROBERT W. RUNCIE, Superintendent of Schools  
Office of the Superintendent  
The School Board of Broward County, Florida  
600 Southeast Third Avenue - 10th Floor  
Fort Lauderdale, Florida 33301

STATE OF FLORIDA, DIVISION OF  
ADMINISTRATIVE HEARINGS  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

### **APPEAL OF FINAL ORDER**

Pursuant to Section 120.68, Florida Statutes, a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 110 South Tamarind Avenue, West Palm Beach, Florida 33401. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.