

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

JAMES F. NOTTER, as Superintendent of
Schools,

Petitioner,

v.

RACHEL MAXIE-LEE,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, James F. Notter, Superintendent of Schools ("Petitioner"), files this Administrative Complaint against, RACHEL MAXIE-LEE ("MAXIE-LEE"). The Petitioner seeks the termination of Respondent's employment with the School Board of Broward County, pursuant to Sections 1001.51, 1012.27(5) and 1012.33, Florida Statutes. The Petitioner alleges the following:

JURISDICTIONAL BASIS

1. The agency is the School Board of Broward County, Florida, which is located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
2. Petitioner is the Superintendent of Schools for Broward County, Florida.
3. 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 Broward County School Board.

4. Respondent, was employed, at all times material herein, by the Broward County School Board as a teacher social worker pursuant to a Professional Services Contract.
5. MAXIE-LEE was a teacher social worker at the South Area Student Services during the 2009/2010 school year.

MATERIAL ALLEGATIONS

6. On May 19, 2010, Respondent was arrested during her regular working hours while driving under the influence (DUI) and careless driving. Police were called to the scene where Respondent, while operating her vehicle, had crashed into a building. Respondent was taken to the hospital for medical care. The Respondent refused on two (2) occasions to provide a urine specimen for testing purposes. Respondent finally provided the urine collection cup filled with water. Meanwhile, Respondent's blood had been taken by hospital staff for medical purposes which was tested for the purpose of determining Respondent's blood alcohol level at the time of the accident. Respondent's blood alcohol level was recorded as .315.
7. A search of Respondent's purse uncovered nine (9) prescription bottles containing numerous medications, one (1) or more of which the Respondent subsequently admitted to ingesting.

ADMINISTRATIVE CHARGES

8. Just cause exists for the requested relief, pursuant to Fla. Stat. §§ 1012.33(1)(a). Respondent's employment contract and School Board rules and regulations, including but not limited to the following:

COUNT 1: IMMORALITY

9. Respondent's act or acts violates Fla. Stat. § 1012.33, and Rule 6B-4.009(2) of the Florida Administrative Code. Respondent's acts constitute acts of immorality, that is, conduct inconsistent with the standards of public conscience and good morals. Respondent's conduct is sufficiently notorious to bring Respondent and/or the educational profession into public disgrace or disrespect, and impair Respondent's service in the community.

COUNT 2: DRUNKENESS

10. Respondent's act or acts violates Rule 6B-4.009(5) of the Florida Administrative Code, which is defined as:
 - (a) That condition which exists when an individual publicly is under the influence of alcoholic beverages or drugs to such an extent that his or her normal faculties are impaired.

COUNT 3: MORAL TURPITUDE

11. Respondent has violated Fla. Stat. § 1012.33 and Rule 6B-4.009(6) of the Florida Administrative Code. Respondent's acts constitute acts of moral turpitude, that is, acts of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time, a person owes to his fellow

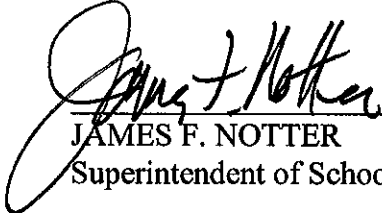
to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

12. This Administrative Complaint is brought pursuant to the authority outlined in Fla. Stat. §§ 120.57; 1001.42; 1012.22; 1006.07; 1006.28; 1006.21; 1001.50; 1001.49; 1001.51; 1012.27; 1006.08; 1012.33(1)(a) and Chapters 6B-1 and 6B-4 of the Florida Administrative Code.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, James F. Notter, Superintendent of Schools, recommends the dismissal of the Respondent, RACHEL MAXIE-LEE, from her employment with the School Board of Broward County, based upon the foregoing facts and legal authority. Petitioner further, recommends the immediate suspension of Respondent without further pay or benefits in the event the Respondent should challenge the school board's recommendation of the termination of her employment.

EXECUTED this _____ day of January, 2011.



JAMES F. NOTTER
Superintendent of Schools, Broward County

Prepared by Charles T. Whitelock, P.A.