

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

~~ROBERT W. RUNCIE,~~
Superintendent of Schools,

Petitioner,

v.

MICHAEL LUNT,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida, through his undersigned counsel, Law Offices of Carmen Rodriguez, P.A., files this Administrative Complaint pursuant to Chapters 120, 1001, and 1012 of the Florida Statutes, as well as Chapters 6A-5 and 6A-10 of the Florida Administrative Code, and states the following:

1. Jurisdictional Basis:

a. The agency is the School Board of Broward County, Florida, located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.

b. The Petitioner is Robert W. Runcie, who is the Superintendent of Schools of Broward County, Florida.

c. The Petitioner is statutorily obligated to recommend the placement of school personnel and to require compliance and observance with all laws, rules and regulations. Any violation(s) thereof shall be reported, with the appropriate disciplinary action, against any school personnel failing to comply therewith, inclusive of the Respondent, Michael Lunt ("Lunt").

d. Lunt is an employee of the Broward County School Board and is currently employed as a teacher at South Broward High School.

e. The last known address of Lunt is 9871 NW 24th Court, Sunrise, Florida 33322.

2. Specific Charges

The Petitioner, Robert W. Runcie, alleges as follows:

a. Lunt, a chemistry teacher at South Broward High School, was arrested on or around March 26, 2013 for sexual battery. Lunt has subsequently been charged with unlawful sexual activity with a minor in violation of Florida Statute §794.05(1) and is awaiting trial.

b. Lunt engaged in an inappropriate sexual relationship with a minor student, P.S.

c. P.S. met Lunt for the first time at a school event in December of 2011. P.S. and Lunt spoke at this event and she learned that Lunt would be her AP Chemistry teacher the following school year.

d. Beginning on or around February or March 2012, P.S. had a question regarding a future class and emailed Lunt, including her cell phone number in the email. Lunt contacted her about her question and they continued to remain in contact through texting, phone conversations and visits to Lunt's class.

e. By the end of February and early March, P.S. believed Lunt was interested in her. They arranged to meet outside of school at Dania Beach.

f. Once she arrived, Lunt informed her that he had arranged for a hotel room for them to spend time together under the pretext that they could not be seen together in public. They engaged in sexual intercourse twice in the hotel room.

g. On another occasion, Lunt picked up P.S. at her home and the two went to a local Dunkin Donuts while her mother was in the Florida Keys. The mother returned home and could not find her daughter, so she called her to determine where she was. The mother questioned P.S. noting that she was acting strange. She confessed she was at the Dunkin Donuts down the street with a friend. The mother went there to pick her up. When the mother arrived, P.S. was waiting outside by the curb alone.

h. The mother was suspicious of P.S.'s behavior and began asking questions. Eventually, the mother took P.S.'s phone and found messages from Lunt. P.S. told her mother what happened between her and Lunt, but she did not disclose that Lunt is a 25-year-old teacher at her school. The mother, posing as P.S., texted Lunt to meet at her home asserting that her mother knew everything and was "cool" with it. Lunt agreed to come to her home. However, not feeling comfortable with bringing Lunt to her home, the mother changed the meeting to Frost Park in Dania.

i. When the mother told P.S. that Lunt was on his way to Frost Park to meet them, P.S. confessed to her mother that Lunt was a teacher at South Broward High School and that he was 25-years-old.

j. P.S.'s mother took her to the police station in Dania to report the incident and on March 26, 2013, Lunt turned himself into custody at Broward County's Main Jail where he was placed under arrest and charged.

k. In preparing the classroom for a substitute teacher, a South Broward High School administrator discovered correspondence evidencing a personal relationship that was identified to be from P.S. to Lunt.

1. P.S.'s cell phone was taken into evidence by the Broward Sheriff's Office ("BSO") whereby it was noted that a text message was received from Lunt to P.S. stating "And here I sat, fighting between beauty and brains, wondering which I'd have to compromise on to finally find happiness. Now here you are, every bit as beautiful as you are smart, redefining everything I've ever expected from a lover. You are everything I've ever waited for and thought I'd never find."

m. On May 17, 2013, Lunt was directed to report for a Garrity Statement as part of Petitioner's investigation into the facts of the case. Lunt was represented by his chosen attorney, Steve Rossi, and was read the Garrity Warning. Additionally, Lunt received the Garrity Warning in writing and had the opportunity to read the warning with his attorney. Mr. Rossi signed the warning for Lunt.

n. Despite the Garrity Warning containing the consequences for failing to respond to questions for purposes of the administrative investigation (up to discharge), Lunt refused to answer any questions pertaining to the facts of this case. Lunt's refusal to answer questions interfered with Petitioner's ability to conduct a full investigation.

o. Lunt's pending charges for Unlawful Sexual Activity with Certain Minors pursuant to Fla. Stat. §794.05(1), a second degree felony, preclude his return to work for the Petitioner. Pursuant to Fla. Stat. §435.04, and 1012.32, Lunt is not eligible to serve in the position for which he was hired as he cannot pass the requisite Level 2 screening standards that apply to all instructional personnel.

3. **Just Cause:**

Just cause exists for the requested relief pursuant to §1012.33, Florida Statutes, Lunt's

employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, Principles of Professional Conduct of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board, including but not limited to the following:

i. Immorality: Through his above-described conduct, Lunt violated §1012.33, Florida Statutes, and Rule 6A-5.056(1), Florida Administrative Code. His actions constitute immorality, which is conduct inconsistent with the standards of public conscience and good morals. Additionally, Lunt's above-described conduct further violates the Code of Ethics of the Education Profession, Rule 6A-10.080, Florida Administrative Code ("F.A.C.") and the Principles of Professional Conduct for the Education Profession, Rule 6A-10.081, F.A.C. Lunt's conduct, as factually set forth herein, is sufficiently notorious to bring Lunt and/or the education profession into public disgrace or disrespect and impair Lunt's service in the community.

ii. Misconduct in Office: Through his above-described conduct, Lunt violated §1012.33, Florida Statutes, and Rule 6A-5.056(2)(a) and (b), Florida Administrative Code. His actions constitute misconduct in the office through violation of various provisions of the Code of Ethics of the Education Profession, Rules 6A-10.080 (1), (2), and (3) and 6A-10.081(3)(a), (h), Florida Administrative Code.

iii. Incompetency: Through the above-described conduct, Lunt violated §1012.33, Florida Statutes, and Rule 6A-5.056(3)(a)(2), Florida Administrative Code. His actions resulted in his inability to appropriately communicate and relate to students.

iv. Moral Turpitude: Through the above-described conduct, Lunt violated §1012.33,

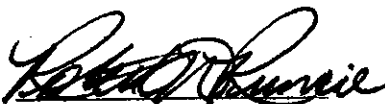
Florida Statutes, and Rule 6A-5.056(8), Florida Administrative Code, and the baseness, vileness and depravity of his actions constitute moral turpitude in violation of the social and private duties to which he owed his fellow man and society in general as an educator.

v. Through the above-described conduct, Lunt violated his obligation and directive to provide an administrative statement pursuant to the Garrity provisions. Lunt refused to provide the ordered statement despite warning that failure to comply could lead to discharge. Petitioner hereby moves to discharge Lunt for failure to provide a statement, thereby obstructing Petitioner's investigation into Lunt's conduct.

vi. Lunt is ineligible to return to his job by operation of Florida Statutes, §435.04 and §1012.32.

WHEREFORE, based on the foregoing facts and legal authority, the Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board, subsequent to providing requisite notice, terminate the Respondent, Michael Lunt, from his employment.

Dated: December ____, 2013


Robert W. Runcie,
Superintendent of Schools

Respectfully submitted:
Carmen Rodriguez, Esquire
Cadre Attorney