

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

MARY C. COKER,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against, MARY C. COKER ("COKER"). The Petitioner seeks the demotion of COKER's employment with the Broward County School Board ("BCSB") from Director of Procurement and Warehouse Services to Manager, Material and Logistics, also known as Manager, Warehousing Services, pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. 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 COKER.
4. COKER is an employee of the Broward County School Board and is currently employed as a member of the BCSB administrative or supervisory staff.
5. The last known address of COKER is 6701 Stonehaven Road, Miami Lakes, Florida, 33014.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2019-2020 school year.
7. COKER is the Director of Procurement and Warehouse Services for BCSB.
8. The School Board hired COKER on February 23, 2016.
9. On or about October 31, 2019, during the 2019-2020 school year, COKER dressed in a "Flasher Costume" while attending Lanier Education Center (hereinafter "Lanier") and the

Procurement and Warehousing Services Department, TSSC Building (hereinafter "TSSC") and TSSC Annex.

10. COKER's Flashing Costume consisted of only a black coat and hat, with a tight fabric underneath which replicated a naked female body with breasts, drawn on nipples, and simulated pubic hair in the genital area.
11. On October 31, 2019, at approximately 9:00 A.M., COKER visited Lanier where seven (7) employees witnessed COKER in the Flasher Costume.
12. Five (5) of the employees mentioned in paragraph 11 witnessed COKER flash, or open her coat to them, which revealed a costume of a what appeared as a naked female body; four (4) of the employees were shocked at the inappropriate costume intimately detailing a naked female body.
13. When questioned during the investigation into her actions, COKER lied by denying that she flashed, or opened her coat, to anyone at Lanier.
14. After departing Lanier, COKER attended the Halloween Brunch and Costume Parade (hereinafter "Brunch") from 11:30 A.M. to 1:30 P.M. at TSSC.

15. TSSC employees were encouraged to attend the Brunch and pay five dollars (\$5) or bring food in order to attend the Brunch.
16. At the Brunch, COKER inappropriately "flashed" children, staff, and colleagues in a sexually suggestive nude outfit depicting a naked female body.
17. Employees at the Brunch were offended and some suggested that they could not tell if COKER was wearing a costume or was truly naked.
18. After flashing the crowd of employees and seeing their reaction, COKER stated, "Hey everybody, relax, it is fake, please erase the pictures."
19. Young children were present when COKER flashed the employees at the Brunch and during the costume contest event.
20. At one point, COKER led employees around TSSC and TSSC Annex for a "parade" where COKER flashed every department visited by the parade in TSSC and TSSC Annex.
21. During the "parade", two children were present and in close proximity to COKER.
22. In all, forty-one employee (41) interviews were conducted regarding the Coker wearing the Flasher Costume. Of the forty-one (41) employee interviews:

- A. Thirty-two (32) employees witnessed COKER in the Flasher Costume flashing others;
 - B. Twenty-seven (27) employees witnessed minor children in the parade throughout TSSC and TSSC Annex; and
 - C. Twenty-four (24) employees stated the Flasher Costume was inappropriate for a school or work environment.
23. Employees stated they were shocked, embarrassed, felt uncomfortable, offended or surprised. Employees further stated COKER's poor judgment did not reflect the culture or values of the employees.
24. On or about November 7, 2019, the Miami Herald published an article, with a video of the Brunch and Coker wearing the Flasher Costume titled, "Broward Schools official wore naked woman Halloween costume to work. Trouble ensued."

III. ADMINISTRATIVE CHARGES

25. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-four (24) above.
26. Any member of the BCSB administrative or supervisory staff may be suspended or dismissed at any time during the term of the contract; however, the charges against her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty,

drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Fla. Stat. § 1012.33(6)(b)

27. COKER's actions, as alleged in paragraphs six (6) through twenty-four (24), incorporated herein by reference, constitute misconduct in office. "Misconduct in Office" means one or more of the following:

A. A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6A-10.080, F.A.C.¹;

B. A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6A-10.081, F.A.C.;

C. A violation of the adopted school board rules;

D. Behavior that disrupts the student's learning environment; or

E. Behavior that reduces the teacher's ability or his or his colleagues' ability to effectively perform duties.

28. COKER's actions, as alleged in paragraphs six (6) through twenty-four (24), incorporated herein by reference,

¹ Repealed 3-23-16. Now included in 6A-10.081 F.A.C., Principles of Professional Conduct for the Education Profession in Florida.

constitute Incompetency. "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:

- a. Failure to perform duties prescribed by law;
- b. Failure to communicate appropriately with and relate to students;
- c. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
- d. Disorganization of his or his classroom to such an extent that the health, safety or welfare of the students is diminished; or
- e. Excessive absences or tardiness.

B. "Incapacity" means one or more of the following:

- a. Lack of emotional stability;
- b. Lack of adequate physical ability;
- c. Lack of general educational background;
or
- d. Lack of adequate command of his or his area of specialization.

29. COKER's actions, as alleged in paragraphs six (6) through twenty-four (24), incorporated herein by reference, constitute Willful Neglect of Duty. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

IV. SCHOOL BOARD POLICY 4009.11, CODE OF CONDUCT FOR ADMINISTRATORS

30. SBBC Policy 4009.11 states:

All administrators shall conduct their schools, centers, county and area departments in accordance with applicable federal, state and local laws, policies, rules and regulations. While many guidelines are furnished by the sources mentioned above, it is realized that numerous acts which an administrator must do are subject to professional judgment decisions and there are subject to controversy and differing opinions. The main value that shall be held when judging an administrative act is that it is aimed at fostering and improving the program for which the administrator is directly accountable. Any violations of law or policy by administrative personnel are subject to disciplinary action by the superintendent.

SBBC Policy 4009.11.

31. COKER's actions, as alleged in paragraphs six (6) through twenty-four (24), incorporated herein by reference, constitute a violation of SBBC Policy 4009.11.

V. SCHOOL BOARD POLICY 4.9

32. Pursuant to School Board Policy 4.9, "[e]mployees are expected to comply with workplace policies, procedures and regulations, local, state and federal laws; and State Board Rules, both in and out of the workplace."

33. "There are certain acts of misconduct that are so offensive as to render an employee no longer employable. The only appropriate corrective measure in these cases is the

termination of the employment relationship with the School Board of Broward County." School Board Policy 4.9 (I)(c).

34. While paragraph thirty-three (33) refers to Category A Offenses, Category B Offenses, such as lewd and lascivious behavior or indecent exposure, recommend corrective action up to dismissal or termination of employment.

35. The Superintendent and School Board reserve the right to impose corrective measures, up to and including termination of employment, for any offense, act, or conduct which constitutes Just cause for corrective action or which violates any School Board rule, regulation, state or federal law, as well as the Code of Ethics and Principles of Professional Conduct. School Board Policy 4.9 (III)(b).

36. COKER is in violation of Section II Category B Offenses which prohibit and is cause for dismissal:

(j) Lewd and Lascivious behavior

(k) Indecent Exposure

* * *

(m) Any violation of The Code of Ethics of the Education Professional in the State of Florida-State Board of Education Administrative Rule

* * *

r) Failure to comply with School Board policy, state law, or appropriate contractual agreements

* * *

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board demote Mary C. Coker from Director of Procurement and Warehouse Services to Manager, Material and Logistics, also known as Manager, Warehousing Services, based upon the foregoing facts and legal authority.

EXECUTED this 6th day of December, 2019.



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 21 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 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.