

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

JAMES F. NOTTER,  
Interim Superintendent of Schools,

Petitioner,

**PETITION FOR FORMAL PROCEEDINGS**

v.

SCOTT DAVIS,

Respondent.

**ADMINISTRATIVE COMPLAINT**

Petitioner, James F. Notter, Interim 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 6B-1 and 6B-4 of the Florida Administrative Code, and states the following:

I. **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 James F. Notter, who is the Interim 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 thereof shall be reported with the appropriate disciplinary action against any school personnel failing to comply therewith, inclusive of the Respondent, Scott Davis.

d. The Respondent, Scott Davis, is an employee of the Broward County School Board and is currently employed as a band teacher at Pompano Beach High School.

e. The last known address of the Respondent, Scott Davis, is 4866 N.W. 22<sup>nd</sup> Street, Coconut Creek, Florida 33063.

## II. Specific Charges

The Petitioner, James F. Notter, alleges as follows:

A. Respondent, Scott Davis, engaged in inappropriate conduct with students by allowing them access to his inappropriate myspace.com account. Mr. Davis was advised by now-retired principal Mr. William Bell about this conduct when a complaint was filed with him. Specifically, the profile had topics that were sexual in nature, profanity, inappropriate photographs, and depression/alcohol/drug content. In particular, on his profile, to which students had access before and after it was made private, Mr. Davis admits to having “become an alcoholic” and to being on drugs. In return, Mr. Davis made the site private so that it could only be accessed by an invitation to join his friends list, and he removed the school’s name from the site.

B. As late as October 16, 2006, the home page of Mr. Davis’ myspace.com account, had as a cover page Mr. Davis giving the viewer the finger. Notwithstanding the opportunity to correct his misconduct, Mr. Davis failed to do so.

The picture on the home page was of Mr. Davis giving the finger with the title of “I am pissed bitch.” While Mr. Davis purported to make his account private, in fact, several Pompano Beach High School students were on Mr. Davis’ “friends list,” which would allow them to have access to his inappropriate site.

At the beginning of the 2006/2007 school year, the photograph on Mr. Davis’ home page

was accompanied by the title "You can just fuck off." In addition to this, the title was linked to several band students' home pages.

Mr. Davis admits giving students access to his myspace.com account by including them in his friends list and that both current and former students contact him on his site. He further admits that the picture is inappropriate.

C. On November 15, 2006, Mr. Davis contacted witnesses to this investigation and threatened that if things did not work out how he wanted them to, he would take some of the faculty down with him. In addition to the threat, this insubordinate act violates the orders not to engage any of the witnesses in any conversation regarding the investigation given in his Notice of Investigation dated October 25, 2006.

D. Mr. Davis violated the School Board's policy regarding his school-issued laptop computer. Upon examining the computer's hard drive, two pictures of Mr. Davis giving the viewer the finger were found, one of which was posted on his my space site. However, upon examining the computer's cookies, three websites were found to have been accessed by Mr. Davis on his school-issued computer: [www.gay.com](http://www.gay.com), [www.gayboysglobal.com](http://www.gayboysglobal.com), and [www.hisfirsthugecock.com](http://www.hisfirsthugecock.com). Mr. Davis admits to visiting these sites.

E. This is a direct violation of the terms of the use of his signed property pass, as these sites are not part of Mr. Davis' employment/study assignments. Mr. Davis also admits that he received and signed for the property which, as part of its terms, states that he agreed to abide by Board Policy #5306 - Acceptable Technology Use, but he states he never read this policy.

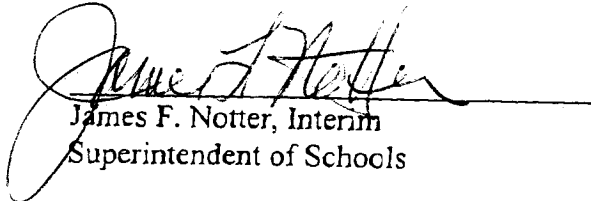
F. That just cause exists for the requested relief, pursuant to Fla. Stat. §1012.33(1)(a) and §1012.33(4)(c), the Respondent's employment contract, School Board rules and regulations, and the

Employee Disciplinary Guidelines promulgated by the School Board, including but not limited to the following:

- 1) Misconduct in the Office: The Respondent, through his above-described conduct, has violated §1012.33(1)(a) and §1012.33(4)(c) Fla. Stat., and Rule 6B-4.009(3) of the Florida Administrative Code, and his actions constitute misconduct in the office through violation of various provisions of the Code of Ethics of the Educational Profession, Rule 6B-1.006 Florida Administrative Code.
- 2) Immorality: The Respondent, through his above-described conduct, has violated §1012.33(4)(c) Fla. Stat., and Rule 6B-4.009(2) of the Florida Administrative Code, and his actions constitute immorality that is conduct inconsistent with the standards of public conscience and good morals. The Respondent's conduct, as factually set forth herein, is sufficiently notorious to bring the Respondent and/or the educational profession into public disgrace or disrespect and impair the Respondent's service in the community.

WHEREFORE, based upon the foregoing, the Petitioner, James F. Notter, Interim Superintendent of Schools, recommends that the School Board, subsequent to providing requisite notice, dismiss the Respondent, Scott Davis, from his employment as an instructional employee based upon the foregoing facts and legal authority.

Dated: June 5, 2007

  
James F. Notter, Interim  
Superintendent of Schools