

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

**Marvin H. Dukes III, Master In Equity
And Special Circuit Court Judge**

C.A. No.: 2013-CP-07-03048

Appellate Case No. 2015-000407

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SC Court of Appeals

Phillip C. Shaw, ... Respondent,

v.

Jeffrey C. Moss, Ed.D..... Appellant.

**RECORD ON APPEAL
Volume 1
Pages 1-470**

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Dr. Jeffrey C. Moss, Ed.D,

Petitioner,

vs.

Phillip Shaw,

Respondent.

**BEFORE THE BOARD OF TRUSTEES
OF THE BEAUFORT COUNTY SCHOOL
DISTRICT**

ORDER

On November 1 and 4, 2013, the Board of Education ("Board") of the Beaufort County School District conducted an evidentiary hearing under the South Carolina Employment and Dismissal Act on the recommendation of the Superintendent, Dr. Jeffrey Moss, that Phillip Shaw be dismissed from employment as a Principal with the Beaufort County School District. Following the conclusion of the hearing, and after due deliberation, the Board, on November 4, 2013, voted eight-to-two, with one abstention, to uphold the Superintendent's recommendation that Mr. Shaw be dismissed from employment, effective November 5, 2013. This Order sets forth the Board's reasons for upholding the termination recommendation.

The Superintendent's rationale for recommending Mr. Shaw's dismissal as Principal of H.E. McCracken Middle School are contained in his letter to Mr. Shaw dated July 18, 2013. (Administration Exh. 45.) Those reasons include ten separate violations of policies and procedures related to the handling of finances at Mr. Shaw's school; failure to comply with the administration's directive not to communicate with faculty and staff during the investigation of his conduct; revealing to a local newspaper confidential, employment-related information concerning another employee; concerns about Mr. Shaw's handling of his administrative and medical leave; questionable honesty in discussing several of the Superintendent's concerns,

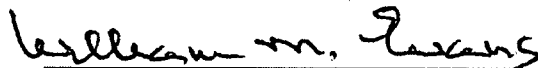
including knowledge about the contents of a lockbox kept under Shaw's desk (which contained \$600 cash and personal items belonging to Shaw); and overall poor administrative judgment in the handling of matters at the school, including Shaw's excessive delegation of authority to his secretary in the management of school affairs. These considerations led Dr. Moss, as he stated in his July 18, 2013, letter, to lose all confidence in Mr. Shaw's ability to be an effective administrator and to manage the day-to-day operations of his school.

At the hearing, the administration introduced substantial testimony and documentary evidence supporting the Superintendent's recommendations for termination. Based on that evidence, the Board found that good and sufficient reasons existed to discharge Mr. Shaw as provided in South Carolina Code of Laws, Section 59-19-90(2). As provided under the Employment and Dismissal Act, Section 59-24-430, the Board concluded, in light of the evidence, that Mr. Shaw manifested an evident unfitness for serving as an administrator based on a willful violation of the rules of the Board pertaining to the handling of finances, violation of the confidentiality of employment-related information, and his questionable behavior or dishonesty related to administrative and medical leave, confidentiality, and lockbox contents. It was significant to the Board in its deliberation that Mr. Shaw did not testify on his own behalf at the hearing. Consequently, the evidence in support of the administration's recommendation, and the inferences to be drawn from that evidence, went un rebutted. Mr. Shaw's case, as presented by his legal counsel, consisted primarily of an attempt to suggest that administrators involved in the investigation of the matters in question and the initial recommendations for possible action had ulterior or improper motives. These efforts were based largely on speculation and innuendo, and while the Board granted Mr. Shaw's attorneys leeway, it concluded that improper or ulterior

motive was not established.¹ It is significant that Dr. Moss, who recommended Mr. Shaw's dismissal, had no involvement in the investigation or development of the case, since he only assumed his position as of July 1 of this year. Dr. Moss testified that his recommendation was based on his review of all the facts and circumstances, and his discussions and interactions with Mr. Shaw during two meetings. There was no evidence or even suggestion that Dr. Moss acted with any improper or ulterior motive, or that he reached a conclusion on any basis other than his assessment of the facts and Mr. Shaw's conduct. The Board agrees with the Superintendent's judgment and recommendation in this matter.

Based on all the evidence, as summarized above, the Board upholds the Superintendent's recommendation to terminate Mr. Shaw's employment with the Beaufort County School District.

AND IT IS SO ORDERED.



Bill Evans, Chairman,
Beaufort County School District Board of Trustees

Beaufort County, South Carolina

November 20, 2013

¹ The Board found it necessary to limit testimony of one of Mr. Shaw's three witnesses, a former Board member and current employee of the District, who had no personal knowledge of the case and who was presented for the purpose of offering his personal opinion about the negative "culture" within the District.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2013 CP-07-03048

PHILLIP C. SHAW

JEFFREY C. MOSS, Ed.D.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: MASTER IN EQUITY

Attorney for : ☐ Plaintiff, ☒ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

Date

4

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

FATIMA A. ZEIDAN

VERNIE L. WILLIAMS

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

[illegible]

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PHILLIP C. SHAW,

Appellant.

v.

JEFFREY C. MOSS, ED. D.

Respondent.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 13-CP-07-03048

ORDER

2014 NOV 17 PM 3:55
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Date of Hearing:

October 7, 2014

Presiding Judge:

Honorable Marvin H. Dukes, III

Attorney for Appellant:

Fatima Alexis Zeidan, Esquire

Attorney for Respondent:

Vernie L. Williams, Esquire

Court Reporter:

Deborah Thomas

This matter came to be heard before me on October 7, 2014 in the Beaufort County Court of Common Pleas for the purpose of hearing an Appeal filed by Appellant, Phillip Shaw, in which he appealed the Beaufort County School District Board of Trustees's ("Board") decision rendered on November 4, 2013 to terminate his employment with the school district. The Court has jurisdiction over the parties and subject matter pursuant to §59-25-480 S.C. Code Ann. (2007). Appellant was represented by Fatima Alexis Zeidan, Esquire. Respondent was represented by Vernie L. Williams, Esquire. During the hearing, oral arguments and evidence were presented from both attorneys.

Phillip Shaw "(Shaw/Appellant)", a twenty-year veteran educator, began his employment with the Beaufort County School District as the principal of H.E. McCracken Middle School ("McCracken") in 2006. On November 8, 2012, he was placed on

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administrative leave. Superintendent Jeffery Moss ("Moss/Respondent") recommended Shaw's termination under S.C. Code Ann. §59-25-430 for reasons outlined in a letter to Shaw dated July 18, 2014. Pursuant to S.C. Code Ann. §59-25-470, Shaw requested an evidentiary hearing in front of the Beaufort County School District Board of Trustees ("Board"). The hearing commenced on November 1, 2013 and concluded on November 4, 2013. On November 4, 2013, the Board voted to terminate Shaw in accordance with the provisions of S.C. Code Ann. §§59-19-90(2) and 59-25-430. A written order of the Board was executed on November 20, 2013. Shaw appealed the Board's decision by the filing of this action on December 4, 2013 pursuant to S.C. Code Ann. §59-25-480.

After hearing testimony and reviewing the evidence, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

- a. This action is governed by the South Carolina Teacher Employment and Dismissal Act ("Act"), S.C. Code Ann. §§59-25-410 to 530.
- b. This action was initiated pursuant to S.C. Code Ann. § 59-25-480 (1976).
- c. Appellant was employed by the Beaufort County School District from 2006 until his termination by the Board on November 4, 2013.
- d. Appellant was most recently employed by the district as the Principal of H.E. McCracken Middle School in Bluffton, South Carolina. (Although the Act references "teachers" it is agreed that it applies in this instance)

- e. Respondent is the superintendent of Beaufort County School District. Respondent became the superintendent on July 1, 2013.
- f. On November 8, 2012, Appellant was placed on administrative leave.
- g. On July 18, 2013, Respondent recommended Appellant's termination under S.C. Code Ann. §59-25-430.
- h. Pursuant to S.C. Code Ann. § 59-25-470, Appellant requested an evidentiary hearing with the Beaufort County School District Board of Trustees ("Board").
- i. The evidentiary hearing commenced on November 1, 2013 and concluded on November 4, 2013.
- j. On November 4, 2013, the Board voted to terminate Shaw in accordance with the provisions of S.C. Code Ann. §59-19-90(2) and §59-25-430.
- k. A written order of the Board was executed on November 20, 2013.
- l. Pursuant to S.C. Code Ann. §59-25-480, Appellant appealed the Board's decision by filing this action on December 4, 2013.
- m. Appellant's appeals the judgment of the Board on the following grounds 1) The appellant was improperly terminated under S.C. Code Ann. §59-25-430; 2) The Board improperly found good and sufficient reasons existed to discharge Appellant as provided under S.C. Code Ann. §59-19-90(2); 3) The Board improperly found that Appellant manifested an evident unfitness for teaching under S.C. Code Ann. §59-25-430; 4) The Board improperly upheld objections to limit the testimony of a witness called by the Appellant; 5) The Board improperly allowed evidence of a lockbox to be

admitted; and 6) the Board improperly considered the fact that the appellant did not testify on his own behalf during the evidentiary hearing.

- n. The hearing regarding the appeal in this matter was held on October 7, 2014 at 10:00 a.m.

ANALYSIS

Review of a school board decision terminating a teacher's employment is normally limited to determining whether it is supported by substantial evidence. *Felder v. Charleston County School Dist.*, 327 SC 21, 25 (1997). Substantial evidence is relevant evidence that, considering the record as a whole, a reasonable mind would accept to support an administrative agency's action. Substantial evidence exists when, if the case were presented to a jury, the court would refuse to direct a verdict because the evidence raised questions of fact for the jury. *Hamm v. South Carolina Pub. Serv. Comm'n*, 315 SC 119, 122 (1993). "Substantial evidence" is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the Board reached or must have reached in order to justify its action. *Laws v. Richland County School Dist. No. 1*, 270 SC 492 (1978). The Administrative Practices Act gives the circuit court the authority to reverse an agency decision 'made upon unlawful procedure' or in excess of 'statutory authority.' *Adamson v. Richland County School District One*, 332 S.C. 121, 128 (1998).

I. §59-25-430, S.C. Code of Laws, 1976

Local school boards have the power to employ and discharge teachers. S.C. Code Ann. §59-19-90(2) (1990). This authority is codified in the South Carolina Teacher Employment and Dismissal Act ("Act") , S.C. Code Ann. §§59-25-410 to 530. The Act governs the employment and dismissal of all continuing contract teachers in the South Carolina public school system. Among other things it empowers school boards to employ teachers and to discharge them "when good and sufficient reasons for doing so present themselves." S.C. Code Ann. § 59-19-90(2)(1976). Our General Assembly permits the termination of a teacher's employment—without affording a reasonable time for the teacher to rectify the offending behavior—only under certain narrow circumstances. *Hall v. The Board of Trustees of Sumter County School District No. 2*, 330 S.C. 402, 405 (1998).

§59-25-430 of the Act provides, "Any teacher may be dismissed at any time who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent or who shall otherwise *manifest any evident unfitness for teaching...*" S.C. Code Ann. §59-25-430 (1990) (emphasis added). Other deficiencies or shortcomings, however, must be addressed by giving the teacher notice and a reasonable time for improvement. S.C. Code Ann. §59-25-440 (1978); *Adams v. Clarendon County Sch. Dist. No. 2*, 270 S.C. 266, 273 (1978). Failure to improve within this time constitutes a "good and sufficient" reason warranting the termination of employment. S.C. Code Ann. §59-19-90(2); *Adams*, 270 S.C. at 272-73. South Carolina appellate courts have upheld immediate termination only where evidence of unfitness for teaching was "undeniably and abundantly present." *Kizer v. Dorchester County Vocational Educ. Bd. Of Trustees*, 287 SC 545 (1986).

Section 59-25-430 sets forth a non-exclusive list of examples of unfitness for teaching. Examples including "persistent neglect of duty, willful violation of rules and regulations of [the] district board of trustees, drunkenness, conviction of a violation of the law of this State or the United States, gross immorality, dishonesty, illegal use, sale or possession of drugs or narcotics." S.C. Code Ann. §59-25-430.

Immediate termination under §59-25-430 has been used in rare circumstances. As stated in the *Hall* opinion, although the Teacher Employment and Dismissal Act contemplates "evident unfitness for teaching" to encompass a broad variety of deficiencies, the Act was also intended to prevent the abuse of a school board's power of termination. *Adams* 270 S.C. at 272. Consistent with this requirement, South Carolina appellate courts have upheld immediate termination only where evidence of unfitness for teaching was "undeniably and abundantly present." *Kizer v. Dorchester County Vocational Educ. Bd. Of Trustees*, 287 SC 545 (1986).

In *Kizer*, the South Carolina Supreme Court affirmed a school board's immediate termination where the teacher, among other things, referred to fellow teachers and students as "stupid," obstructed the provision of emergency medical services for a pregnant student suffering a miscarriage, used profanity, and otherwise created a school environment filled with "turmoil, tension, conflict, fear and an absence of trust and respect. . . at war with the interests of society. *Id.* At 550-51.

The Supreme Court upheld immediate termination and extended unfitness for teaching regarding a teacher's participation in an unauthorized student protest, contrary to

the specific directive of the principal that the students return to class. *Felder v. Charleston County School Dist.*, 327 S.C. 21 (1997). In *Hendrickson v. Spartanburg County School District Number 5*, 307 SC 108 (Ct. App. 1992), the Court of Appeals affirmed a teacher's immediate termination where the teacher slapped a student and could not maintain control of her temper or classroom.

The *Hall* Court went on to find, by contrast, when a teacher's conduct does not demonstrate unfitness for teaching of the type contemplated by the previously cited decisions, procedural safeguards must be followed to allow the teacher reasonable time to correct the problem. This delineation is an important one. As noted in *Johnson v. Spartanburg County School District Number 7*, "there must be a distinction between the cases or it renders the legislatures's intent to create procedural safeguards for educations a nullity." 314 S.C. 340, 343 (1994) (assistant principal demoted without an opportunity to modify offensive behavior and without being given notice that he risked demotion.)

Hall, a media specialist was immediately terminated under §59-25-430 of the Act, arising from her actions while supervising a senior class trip to Disney World. Hall checked in a different hotel than the students and failed to abide by an administrative directive not to discuss the matter with any other employees pending the closure of the investigation. The Court of Appeals held that "regardless of what common sense would appear to dictate, the immediate termination of a teacher with fifteen years experience for reasons unrelated to the discharge of her teaching responsibilities cannot be upheld under these circumstances." 330 S.C. 402, 408. When discussing Hall failing to abide by the administrative directive, the Court

held, "We find, however, that the Board produced insufficient evidence to show that Hall's alleged insubordination demonstrated unfitness for teaching." 330 S.C. 402, 409.

More recently, the Supreme Court in *Shell v. Richland County School District One*, ordered Shell reinstated after he was immediately terminated under §59-25-430 of the Act for being arrested for possession of crack cocaine. The Board found this arrest constituted an unfitness to teach; however, the Court overturned that ruling, holding that it was "insufficient to support a finding of unfitness to teach, especially when the school district does not contend Shell ever used, possessed, or sold illegal drugs." 362 S.C. 408 (2005).

In the instant action, Moss recommended Shaw's termination to the Board for reasons delineated in a letter dated July 18, 2013. The letter detailed ten (10) various district financial protocol violations that were determined to have been committed by two teachers and a secretary at McCracken. In the letter, Moss opined "if these transactions were occurring without your knowledge, you were not effectively managing the day-to-day operations of your school." Moss also held that Shaw did not comply with the administration's directive not to communicate with faculty and staff members of McCracken during his leave, as Shaw had received communications from a secretary at McCracken. Shaw previously informed Moss that the secretary had spoken with his wife while he was on leave, and Moss considered this "violating the spirit of the directive" Shaw given to Shaw. Additionally, Moss decided "after reviewing the information that was reported in the newspaper and comparing it with the concerns you expressed in our meeting, the information shared substantially similar to the statements attributed to you by a local

newspaper regarding your issues with Ms. Ballard. You did not offer a satisfactory explanation of how the newspaper would be aware of your concerns if you did not share the information with the newspaper." Moss also determined that Shaw was "purposely insubordinate" as he did not provide a physician's statement "until it was requested a second time." The letter went on to criticize Shaw regarding the "apparent delegation of authority that you gave to your secretary." The Board, in their written order dated November 20, 2013, "agreed with the Superintendent's judgment and recommendation in this matter." The Board upheld Moss's determination and held Shaw's failure to supervise and his insubordination demonstrate his evident unfitness for teaching, thereby justifying his dismissal without providing him with a reasonable time for improvement .

The Board's findings were insufficient to support a finding of unfitness for several reasons. First, the Board upheld Moss's determination that there were ten separate violations of policies and procedures related to the handling of finances at McCracken. These violations stemmed from an agreement between Student Counsel sponsors and the Parent Teacher Organization. Counsel for Respondent admitted that the PTO is an independent organization not subject to governance by school administrators.

Included in the violations was the use of an unauthorized checking account for student activity purposes in the name of McCracken in which the school bookkeeper nor Shaw was familiar with. None of the ten financial allegations described in the termination letter contend that Shaw ever used any money, possessed any money, arranged or was involved in any of the financial violations.

The Board upheld Moss's determination that Shaw failed to comply with the administration's directive not to communicate with faculty and staff during the investigation. During the evidentiary hearing, no evidence was presented that Shaw spoke with any faculty or staff member. Instead, Moss assumed Shaw failed to comply based on his answers to questions and "violated the spirit of the directive" when Shaw's wife spoke with a secretary of McCracken. I defer to the Court's ruling in *Hall* regarding this matter, and contend there is no evidence that, even if true, Shaw's alleged subordination manifested an unfitness for teaching.

Next, the Board upheld Moss's determination that Shaw revealed to a local newspaper confidential, employment-related information concerning another employee. Moss concluded the sentiments attributed to Shaw were "substantially similar" to those expressed by Shaw within their meeting, therefore concluding Shaw must have given the newspaper the information. This conclusion is troublesome. First, even if the assumption is correct, there is no cited district policy in which Shaw was found to violate and there is no evidence that such violation would rise to a level of evident unfitness as a principal. Second, since this was merely an assumption reached by Moss and ultimately the Board, it does not rise to the "undeniably present and abundant" substantial evidence as required by *Kizer*.

The Order of the Board cited general concerns about how Shaw handled his administrative and medical leave; however, no district policy violations were cited and no conclusions were made by the Board that would indicate an evident unfitness for teaching. Likewise, in the Order the Board repeated Moss's concerns involving "questionable honesty

in discussing several of the Superintendent's concerns," which included knowledge about a lockbox allegedly found under Shaw's desk allegedly containing \$600 cash and personal items belonging to Shaw. Throughout the investigation, Shaw contended he had no knowledge of the contents of the lockbox. In his letter, Moss concluded that it was "reasonable" for him to find that the cash contained in the lock box confirmed cash transactions were being done on a routine basis and cash was being kept inside the school. No entity including the school or student council ever reported missing any funds. The financial handbook developed and distributed to all faculty and staff by the bookkeeper at McCracken and introduced into evidence at the hearing as complainant's exhibit 37 contained no mention of any school or district policies which prohibited leaving any amount of cash in a school overnight. Even if the Board "questioned" Shaw's honesty regarding these matters, there was an internal investigation done and the results did not yield any conduct by Shaw which would rise to the level of unfitness as teacher.

None of the teachers involved in the apparent violations of financial district policies were reprimanded in any way for their conduct. Likewise, neither was the school bookkeeper who admitted during the hearing receiving packages in which she did not order, signing for the receipt of those packages, and delivering those packages to the two teachers in charge of student council. The school bookkeeper also admitted to knowing the teachers were not in compliance with district and school financial policies, however, there was no evidence presented that she reported such violations to Shaw. There was also no evidence presented during the hearing that Shaw had knowledge of or had been formally trained in district finance procedure. Instead, a local high school principal testified on behalf of Shaw that

given the workload and duties of an administrator, principals rely on the in-house school bookkeeper to keep them abreast of such policies. Absent direct evidence regarding the “questionable honesty” of Shaw in handling such matters, the scant evidence is insufficient to show Shaw’s unfitness for teaching within the meaning of §59-25-430.

The Board’s Order lastly sided with Moss regarding the “general overall poor administrative judgment in handling of matters at the school, including Shaw’s excessive delegation of authority to his secretary in the management of school affairs.” The generality of that assertion lends itself to no direct understanding of what the Board was referring to. During the hearing, there was testimony that Shaw worked closely with the designated principal’s secretary of McCracken; however, there was no evidence provided by the district that this working relationship was out of the norm or uncharacteristic. Further, there was no evidence by the District that Shaw had been advised of any concerns regarding the role and tasks assigned to the secretary. Testimony was provided by a staff member that a concern had been expressed to Shaw that the secretary needed to work from her own desk and that he had been instructed to move her office to another location. Testimony from witnesses at the hearing indicated Shaw complied with that demand.

The generality of the later three assertions by the Board in upholding Shaw’s termination is of concern, especially when attempting to convert them to show to an unfitness for teaching as §59-25-430 requires. Applying the substantial evidence test, there is no substantial evidence in the record to support that, even in the light most favorable to the district, Shaw manifested an evident unfitness for teaching. In fact, evidence presented at the

hearing demonstrated that Shaw had received a favorable evaluation from a superintendent just three months prior to him being placed on administrative leave. Moreover, after the investigation into the financial policy violations at McCracken concluded then-acting Superintendent Jacqueline Rosswurm decided not to terminate Shaw, but rather re-assign him to another school. This demonstrates that the district did not find that his actions manifested an evident unfitness for teaching.

The Board adopted all of Moss's findings in the Order. These findings are inconsistent with the legislative intent of the Act and the judicial precedent of the South Carolina Court System as it fails to demonstrate an unfitness for teaching. Shaw was improperly terminated under §59-25-430. The district provided no substantial evidence to show that any of the allegations against Shaw undeniably and abundantly manifested an evident unfitness for teaching as required by law. As such, the Board could not have found there was substantial evidence warranting Shaw's immediate termination. The more appropriate remedy under the Act, would to have been for the district to comply with the requirements of §59-25-440 in which when any superior finds it necessary to admonish a teacher for a reason they believe may lead to or be cited as a reason for dismissal, they must first bring the matters in writing to the attention of the teacher, make a reasonable effort to assist the teacher in correcting such issues, and allow reasonable time for improvement.

II. §59-19-90(2), S.C. Code of Laws, 1976

Local school boards have the power to employ and discharge teachers from authority codified in the South Carolina Teacher Employment and Dismissal Act , S.C. Code Ann.

§§59-25-410 to 530. The Act governs the employment and dismissal of all continuing contract teachers in the South Carolina public school system. Among other things it empowers school boards to employ teachers and to discharge them "when good and sufficient reasons for doing so present themselves." S.C. Code Ann. § 59-19-90(2) (1976). As discussed herein, teachers may be dismissed immediately under §59-25-430 or after a reasonable period of correction under §59-25-440.

During the termination hearing, the district provided no substantial evidence to show that any of the allegations against Shaw undeniably and abundantly manifested an evident unfitness for teaching as intended by the General Assembly and interpreted by the case law of this State. As such, the Board could not have reasonably found that good and sufficient reasons existed to warrant his immediate termination.

CONCLUSIONS OF LAW

NOW THEREFORE, based on the evidence presented I find the following:

1. Appellant brought this action pursuant to Section 59-25-480, Code of Laws of South Carolina, 1976, as amended.
2. Appellant was dismissed pursuant to §59-25-430, S.C. Code Ann., which reads in part, "Any teacher may be dismissed at any time who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who shall otherwise manifest an evident unfitness for teaching; provided, however, that notice and an opportunity shall be afforded for a hearing prior to any dismissal. Evident unfitness for teaching is manifested by conduct such

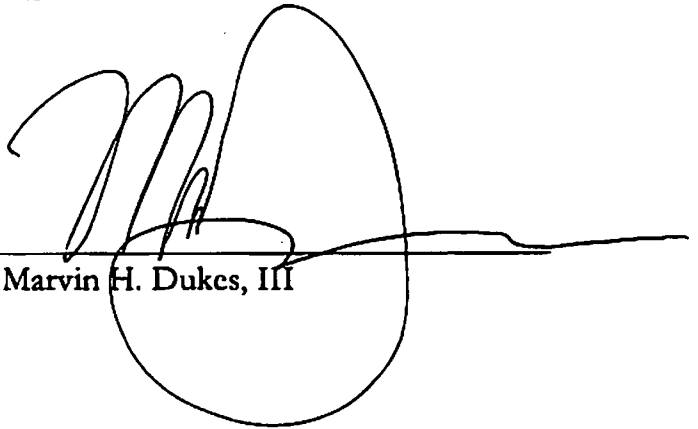
as, but not limited to, the following: persistent neglect of duty, willful violations of rules and regulations of district board of trustees, drunkenness, conviction of a violation of the law of this State or the United States, gross immorality, dishonesty, illegal use, sale or possession of drugs or narcotics.”

3. Based on the evidence presented, the statutory authority and relevant case law, the Board erred in finding the Appellant manifested an unfitness for teaching.
4. As the Board erred in finding Appellant manifested an unfitness for teaching, the Board further erred in finding that good and sufficient reason existed to terminate employment of Appellant.
5. As I reverse on the grounds stated hereinabove, it is not necessary to rule on the remaining grounds for appeal.

IT IS SO ORDERED, ADJUGED AND DECREED:

That the decision of the Board be REVERSED.

IT IS SO ORDERED



Marvin H. Dukes, III

Beaufort, South Carolina

Monday, November 17, 2014

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2013 CP-07-03048

PHILLIP C. SHAW

JEFFREY C. MOSS

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

THIS CAME BEFORE ME ON A MOTION FOR RECONSIDERATION. AFTER HEARING FROM BOTH PARTIES I HEREBY DENY THE MOTION.

ORDER INFORMATION

This order ☒ ends ☒ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

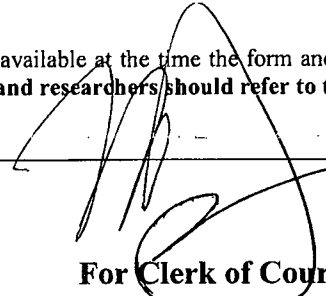
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

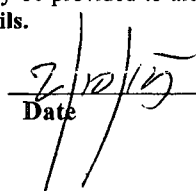
The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**


Circuit Court Judge

3069

Judge Code


Date

For Clerk of Court Office Use Only

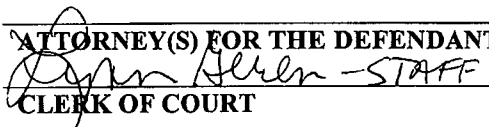
This judgment was entered on the 10th day of FEB, 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 17th day of FEB 2015 to attorneys of record or to parties (when appearing pro se) as follows:

FATIMA A. ZEIDAN

VERNIE L. WILLIAMS

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)


CLERK OF COURT

Court Reporter: N/A

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PHILLIP C. SHAW,

Appellant.

v.

JEFFREY C. MOSS, ED. D.

Respondent.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 13-CP-07-03048

**CONSENT ORDER FOR REFERRAL
TO SPECIAL CIRCUIT COURT JUDGE**

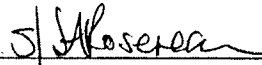
2014 OCT 10 AM 11:12
BEAUFORT COUNTY, S.C.
CLERK OF COURT

COMES NOW, both parties, through their undersigned attorneys consenting to the referral of this matter to the Special Circuit Court Judge, the Honorable Marvin H. Dukes, III.

WHEREAS, this a matter pending in the 14th circuit in which the Special Circuit Court Judge has jurisdiction;

NOW THEREFORE, the parties consent to the referral of this matter to the docket of the Special Circuit Court Judge.

IT IS SO ORDERED, ADJUDGED, AND DECREED this 7 day of Oct, 2014.



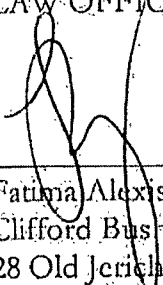
The Honorable Jerri Ann Roseneau
Clerk of Court

Beaufort, South Carolina

10-7, 2014

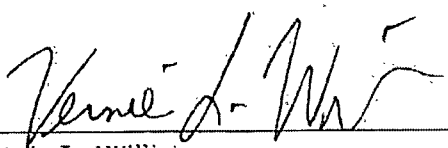
We Consent.

LAW OFFICE OF CLIFFORD BUSH III



Fatima Alexis Zeidan
Clifford Bush, III
28 Old Jericho Road
Beaufort, South Carolina 29906
(843) 379-9500

CHILDS & HALLIGAN, P.A.



Vernie L. Williams
Post Office Box 11367
Columbia, South Carolina 29201
(803) 254-4035

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Dr. Jeffrey C. Moss, Ed.D,

Petitioner,

vs.

Phillip Shaw,

Respondent.

**BEFORE THE BOARD OF TRUSTEES
OF THE BEAUFORT COUNTY SCHOOL
DISTRICT**

DECISION

X

Based upon the testimony and evidence presented in the hearing on November 1 and 4, 2013, the Board finds that good and sufficient reasons exist to terminate Phillip Shaw's employment with the District in accordance with the provisions of S.C. Code Ann. §§ 59-19-90(2) and 59-25-430, and it is so ordered.

Based upon the testimony and evidence presented in the hearing on November 1 and 4, 2013, the Board hereby reinstates Phillip Shaw as a certified employee of the District, effective immediately.

William M. Evans

Bill Evans, Chairman,
Beaufort County School District Board of Trustees

11-4-2013

Date

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PHILLIP C. SHAW

Appellant,

v.

JEFFREY C. MOSS, Ed. D.

Respondent.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Civil Action No.: 2013-CP-07-

S.C. Code of Laws §59-25-460 Hearing

IN THE COURT OF COMMON PLEAS

NOTICE OF CIVIL APPEAL

13 DEC -4 PM 4:05
BEAUFORT COUNTY S.C.
CLERK OF COURT

Pursuant to §59-25-480 S.C. Code of Laws, 1976, Phillip C. Shaw, through his undersigned attorneys, hereby gives notice of appeal from the decision of the Beaufort County School District Board of Trustees ("Board"), to the Circuit Court of Common Pleas, in the county of Beaufort.

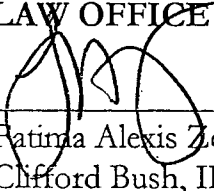
This appeal is made subsequent to personal notice of the judgment which was received on the 4th day of November 2013. A written Order detailing the decision of the Board was received on the 21st day of November 2013.

The appellant's exceptions to the judgment of the district board of trustees are set forth as follows:

- The appellant was improperly terminated under §59-25-430, SC Code of Laws, 1976.
- The Board improperly found good and sufficient reasons existed to discharge Shaw as provided under §59-19-90(2), SC Code of Laws, 1976.
- The Board improperly found that Shaw manifested an evident unfitness for serving as an administrator under §59-25-430, SC Code Laws, 1976.
- The Board improperly upheld objections to limit the testimony of a witness called by the appellant.

- The Board improperly allowed evidence of a lockbox to be admitted, where no chain of custody could be established for the lockbox and no witness was able to authenticate the alleged contents of the lockbox.
- The Board improperly considered the fact that the appellant did not testify on his own behalf during the evidentiary hearing.

LAW OFFICE OF CLIFFORD BUSH, III, LLC



Fatima Alexis Zeidan
Clifford Bush, III
28 Old Jericho Road
Beaufort, South Carolina 29906
(843) 379-9500
(843) 379-9550 *facsimile*
ATTORNEYS FOR APPELLANT

December 4, 2013
Beaufort, South Carolina

Other Counsel of Record:
Vernie Williams
Shirley Fawley
Childs & Halligan, P.A.
P.O. Box 11367
Columbia, SC 29211
Phone (803) 254-4035
Attorney for Respondent

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PHILLIP C. SHAW

v.

JEFFREY C. MOSS, Ed. D.

S.C. Code of Laws §59-25-460 Hearing

Certificate of Service

I, the undersigned, Ron Lewis, a legal assistant at the Law Office of Clifford Bush, III, attorney for Plaintiff, do hereby certify that on January 17, 2014, I served a true and accurate copy of the **Notice of Civil Appeal and Proof of ADR or Exemption** on the below-listed party by personally depositing a copy of the same in the United States Postal Service Mailbox, first class, certified mail, postage-pre paid, addressed as follows:

**Beaufort County Board of Education
2900 Mink Point Blvd.
Beaufort, South Carolina 29902**

**Vernie Williams, Esq.
Shirley Fawley, Esq.
Childs & Halligan, P.A.
Post Office Box 11367
Columbia, South Carolina 29211**


Ron Lewis

Beaufort, South Carolina

January 17, 2014

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PHILLIP C. SHAW

Plaintiff(s)

vs.

JEFFERY C. MOSS, ED. M.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

13-CP - 07- 03048

Submitted By: Fatima Alexis Zeidan
Address: Law Office of Clifford Bush, III
28 Old Jericho Road, Beaufort, South Carolina 29906

SC Bar #: 79814

Telephone #: (843) 379-9500

Fax #: (843) 379-9550

Other:

E-mail: fzeidan@lawofficeofcliffordbush.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20____-CP-_____ ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture—Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☒ Other (999) Appeal from Beaufort County School District Board of Trustees, §59-25-480, SC Code of Laws
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Sexual Predator (510)		

Submitting Party Signature: _____

Date: December 4, 2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Phillip C. Shaw,
Complainant,

vs.

Jeffrey C. Moss, Ed.D.,
Respondent.

C.A. No. 2013-CP-07-03048

**ANSWER AND RETURN OF
RESPONDENT**

14 JUN - 9 PM 3:36

The Respondent, responding to the appeal of Appellant, would respectfully show unto the court:

The Respondent denies each and every allegation of the appeal of the Appellant herein.

Wherefore, the Respondent, having fully answered the appeal of the Appellant, prays that the same be dismissed with costs.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By: Vernie L. Williams
Shirley M. Fawley, S.C. Bar No. 11599
sfawley@childs-halligan.net

Vernie L. Williams, S.C. Bar No. 9511
vwilliams@childs-halligan.net

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Respondent

January 2, 2014

Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **ANSWER AND RETURN OF RESPONDENT** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 2nd day of January, 2014:

Fatima Alexis Zeidan, Esq.
The Law Office of Clifford Bush III, LLC
P.O. Box 6194
Beaufort, SC 29903

Duff, White & Turner, LLC
David T. Duff, Esq.
3700 Forest Drive, Suite 404
Columbia, SC 29204



Andrea E. Shull

11 JAN -6 PM 3:36

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

Phillip C. Shaw,
Complainant,

vs.

Jeffrey C. Moss, Ed.D.,
Respondent.

C.A. No. 2013-CP-07-03048

**RESPONDENT'S MOTION FOR
RECONSIDERATION**

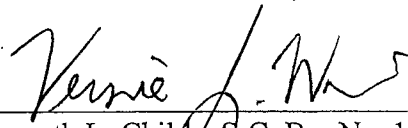
2014 DEC -3 PM 3:21

Attorneys for the Respondent respectfully file this Motion for Reconsideration in the above captioned matter. The reasons for the Respondents' Motion are contained in the Memorandum of Law which is being filed contemporaneously with the motion.

Respectfully submitted,

CHILDS & HALLIGAN, P.A.

By:


Kenneth L. Childs, S.C. Bar No. 1217
kchilds@childs-halligan.net

Shirley M. Fawley, S.C. Bar No. 11599
sfawley@childs-halligan.net

Vernie L. Williams, S.C. Bar No. 9511
vwilliams@childs-halligan.net

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Respondent

December 1, 2014
Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **RESPONDENT'S MOTION FOR RECONSIDERATION** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 1st day of December, 2014:

Fatima Alexis Zeidan, Esq.
The Law Office of Clifford Bush III, LLC
P.O. Box 6194
Beaufort, SC 29903


Andrea E. Shull

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

Phillip C. Shaw,)
)
Complainant,)
)
vs.)
)
Jeffrey C. Moss, Ed.D.,)
)
Respondent.)
)
)
)
)
)
)
)

C.A. No. 2013-CP-07-03048

**RESPONDENT'S MEMORANDUM OF
LAW IN SUPPORT OF IT'S MOTION FOR
RECONSIDERATION**

FILED
DEC-3
PM 3:21
2014

Respondents were advised of the decision of the court by Order submitted via email on Monday, November 17, 2014. Respondents respectfully request reconsideration for the reasons outlined herein.

I. INTRODUCTION

The initial question in an appeal from a South Carolina school board decision made pursuant to the Teacher Employment and Dismissal Act is the standard of review. The well-established standard of review since 1975, more than 40 years, has been substantial evidence. Substantial evidence is not a mere scintilla of evidence but such evidence reviewing the record as a whole that would allow a reasonable person to reach the same conclusion of the reviewing school board. *Law v. Richland County School District No. 1*, 243 S.E.2d 192, 193 (S.C. 1978). Employment and dismissal decisions regarding school personnel are entrusted by South Carolina law to school boards. See § 59-19-90.

In this case, two experienced Beaufort County School District Superintendents, Dr. Jacqueline Rosswurm and Dr. Jeffrey Moss, testified without qualification, that Principal Phillip Shaw's improper handling of funds entrusted to the school in violation of District policy, his failure to follow the directives of his superiors to remove his secretary from his private office

whose presence there was frequently discussed by staff members, as was testified to during the hearing in this matter, and his cavalier, unresponsive disregard of legitimate directives of his superiors, including meeting with them and reporting to work, justified his termination. Moreover, his dishonesty and lack of candor regarding his whereabouts during normal business hours and his continued communication with his secretary in violation of the terms of his administrative leave was clearly unacceptable and unprofessional conduct. What further evidence should a school board require or need? Additionally, as discussed below, the Order is not supported by the record in this case.

II. ARGUMENT

A. Respondents Respectfully Submit That The Court Apparently Misunderstood The Record As It Relates To The Financial Policy And Procedure Violations That Occurred Under Appellant's Leadership.

Based on the court's Order, it appears that at least some portion of the Order is based on the understanding of the financial matters about which the administration was concerned at McCracken only pertaining to "PTO funds." The Order states, "these violations stemmed from an agreement between student council sponsors and the Parent Teacher Organization." In fact, it is clear from the record that the financial matters about which the District administration was concerned related to student activity monies, as was testified to at Mr. Shaw's hearing by Phyllis White, the District's Chief Operational Services Officer. Included in the record as Complainant's Exhibit 41 was the Beaufort County School District Student Activities Policies and Procedures manual. The manual provides that,

"Purpose and Objective

This manual is a formal internal communication document of Beaufort County School District. It is designed to be a comprehensive document which will aid staff members in understanding the scope and purpose of the STUDENT ACTIVITIES FUND and provide uniform policies, procedures and standards to assist all members in

performing their assigned duties.

Student activities monies defined

‘All monies raised with the approval of the Governing Board of a school district by the efforts of students in pursuance of or in connection with all activities of student organizations, clubs, school plays or other student entertainment (hereafter referred to as CLUBS) are student activities monies.’ These monies must be accounted for separately from district operating funds.”

(Comp Exb. 41. p. 6.)

Additionally, Ms. White testified as follows in response to a question from Clifford Bush, attorney for Mr. Shaw:

“Okay. It is important for student activities money - - in this case, for the purpose of this case, student activity monies must be accounted for separately from District operating funds; correct?

Answer: Correct.

Question: And so the financial procedures in question in this case were directly related to what were identified as the student council club; correct?

Answer: Correct.

Question: And the problem - - I think one of the problems you identified was that student council club was supposed to have deposited all of their money through the school bookkeeper; isn't that correct?

Answer: That's correct.

Question: And as it pertains to the disbursement, they should have been handled through the District/Managed Accounts; is that correct?

Answer: The - - all the deposits and checks should run through the District managed account.

Question: Okay.

Answer: Through the bookkeeper.”

(Transcript p. 301.)

Accordingly, the record is clear that the funds about which the District administration was concerned were student activity monies that were to be handled in the manner prescribed by District policy and procedure. With regard to the position that the financial matter should have been handled differently because the account was allegedly a PTO account, on further questioning from counsel for Mr. Shaw, Ms. White stated that she had no proof that the account was a PTO account. (Transcript p. 313.) Ms. White further indicated that Mr. Shaw told her that he did not recognize the account and that his school did not have an active PTO. (Transcript p. 313.)

The Order also indicates, “there was also no evidence presented during the hearing that Shaw had knowledge of or had been formally trained in District finance procedure.” This statement is not correct. Ms. White’s testimony made it clear that Mr. Shaw, and the District’s other principals, were provided training related to the handling of financial matters. In response to additional questioning by counsel for Mr. Shaw, Ms. White responded as follows:

“Question: And the principals are only provided information on the financial policies and procedures; correct?

Answer: No sir, that’s not what I had said. They received training in the summer at the senior - - at the leadership retreat, and I can recall one in particular at Pritchardville Elementary, where they are provided a notebook that contains the policies and we go through and highlight some of the policies. And they are also brought up during the regular leadership meetings throughout the year.”

(Transcript p. 300.)

B. There Is Substantial Evidence In The Record That Mr. Shaw Was Aware Of The Violations Of Financial Policies And Did Not Take Action To Address The Violations.

In the Order, the Court indicates that, “the school bookkeeper also admitted to knowing the teachers were not in compliance with District and school financial policies, however, there was no evidence presented that she reported such violations to Shaw.” This statement is not an accurate account of the record in this case.

The District presented the testimony of Barbara Williams, who was the long time bookkeeper at McCracken Middle School regarding Mr. Shaw’s knowledge of the policy violations. Ms. Williams testified that she observed students engaging in fundraising activities, and she became concerned when she, as the Bookkeeper, was not provided with any of the funds. In light of her concerns, Ms. Williams testified that she notified Mr. Shaw on more than one occasion that the violations were occurring. She indicated that Mr. Shaw told her that he would handle the matter. Specifically, Ms. Williams testified as follows with respect to whether or not she informed Mr. Shaw of her concerns regarding the violations of financial policies that were occurring at McCracken Middle School:

“Answer: They asked me if I informed the Principal that money is being collected and is not being deposited into Student Activities, and I did answer and told them, ‘Yes, I have informed the Principal many times’ and even with them, every time we had a meeting, I would just let him know that it is still going on, and at one meeting, I did say that I received a check from a teacher, and that’s not normal to receive a check of \$1,288 for a field trip from a teacher, and I let them know that a checking account that looks very much like my imprest checking account for the school, but the teachers have access to cash money as well as a checking account. I did let them know, and they said that if I had informed the Principal, which I did time and time again, that I had done the right thing by informing the Principal of my concern.” (*emphasis added.*)

(Transcript p. 205.)

Based on the foregoing testimony from the record, there is substantial evidence that Ms. Williams advised Mr. Shaw that teachers were not in compliance with the District and school financial procedures, and he failed to address her concerns. Mr. Shaw did not offer any evidence for testimony to counter Ms. Williams' testimony she told him of the financial violations.

The Order also refers to a document that was introduced during Ms. Williams' testimony and states, "Complainant's Exhibit 37 contained no mention of any school or District policies which prohibited leaving any amount of cash in a school overnight." While Exhibit 37 may not have contained any references to leaving any amount of cash in a school overnight, Complainant's Exhibit 41, which was introduced through Ms. White contained more than one reference to the fact that funds over twenty five dollars were not to be kept in schools overnight. Dr. Moss' letter recommending Mr. Shaw's termination referred to the specific student activities policies and procedures that were violated, including those which addressed money being kept in schools overnight. The manual provides as follows, "under no circumstances shall funds totaling over twenty five dollars be left in the school overnight." (Comp. Exb. 41 p. 16.) A few pages later in the manual, it again states in bold print that, "under no circumstances should more than twenty five dollars be held overnight." (Comp. Exb. 41 p. 19.) The evidence and testimony in the record are abundantly clear that Mr. Shaw knew this policy was being violated. There was testimony that Mr. Shaw was present when money was given to Ms. Gibbo. The money was kept in his office and ultimately six hundred dollars was found in the lockbox under his desk. While the Order refers to the fact that there are no allegations that Mr. Shaw improperly took money, the failure to adhere to proper procedures makes it difficult to determine if the money that was collected was always used for its intended purposes.

In addition to Ms. Williams' testimony regarding her reporting of the concerns with the financial policies being violated, an additional District witness, Sonia Merrick, testified that Mr. Shaw witnessed her giving money to Ms. Gibbo in violation of the policies. Specifically, in

response to a question about whether or not Mr. Shaw was present when she gave money to Ms.

Gibbo, Ms. Merrick responded as follows:

“There were times that he was, and there’s times that he wasn’t. Sometimes when he was there, he would see that I had a package of money, and he would say, ‘I have to go somewhere. I need to go to the bathroom. I have to leave.’ One time, I asked him - - I didn’t realize that he didn’t handle the money or take the money. I tried to give it to him, and he said, ‘I don’t deal with that. You need to give that to Ms. Gibbo.’”

(Transcript p. 238.)

It is clear from Ms. Merrick’s testimony that Mr. Shaw was aware of how student council funds were being handled at McCracken Middle School, and that they were being handled in violation of the District’s policies and procedures. At best, Ms. Merrick’s testimony established that Mr. Shaw was attempting to take a “willful blindness” approach so that he could assert that he did not have any direct knowledge of the violations. In short, two of the District’s witnesses provided direct testimony of Mr. Shaw’s knowledge of the policy violations. Mr. Shaw did not provide any evidence to rebut the testimony of these witnesses. Ultimately, the Board has the discretion to determine the credibility of the witnesses. The Board’s decision is confirmation that the Board found the administration’s witnesses credible.

C. There Was Substantial Evidence That Mr. Shaw Was Informed Of The Concerns Regarding His Secretary Ms. Gibbo And Failed To Address These Concerns.

The Order states:

“Further, there was no evidence by the District that Shaw had been advised of any concerns regarding the role and tasks assigned to the secretary. . . .”

The Order further states:

“... Testimony was provided by a staff member that a concern had been expressed to Shaw that the secretary needed to work from her own desk and that he had been

instructed to move her office to another location.
Testimony from witnesses at the hearing indicated Shaw
complied with that demand.”

Both of the assertions regarding Mr. Shaw complying with the administration’s directives regarding Ms. Gibbo are not supported by the record. There was no testimony offered by any witnesses that Mr. Shaw complied with this demand. In her testimony regarding the concerns the administration discussed with Mr. Shaw at a conference with him on November 8, which was the day he was placed on administrative leave, Alice Walton, Personnel Director, testified that “Dr. Rosswurm first asked Mr. Shaw why he did not report back to the District office on Wednesday. She also discussed some concerns that she said she had spoken with Mr. Shaw - - before, with Dr. Truesdale, and that was his accountability during the school day, where he was, his visibility for staff members, **as well as her concerns that he had not moved Denise Gibbo out of his office.**” (*emphasis added*) (Transcript p. 29.) In response to questions regarding the November 8 meeting between Mr. Shaw, Ms. Walton, and Dr. Rosswurm, Dr. Rosswurm testified that she was aware of several conversations with Mr. Shaw regarding the location of his office manager’s workspace.

“Now, this was the third time that I was aware that this discussion had taken place, and he hemmed and hawed and couldn’t give us a straight answer and then finally said, ‘Well, I’ll make sure that she gets moved.’”

We went back to talking about where he had been. We were not getting anywhere in this conversation, and at that point, I said to Mr. Shaw, ‘You’ve had the opportunity to move your office manager. We tried to meet with you yesterday. There’s nothing clear about what happened yesterday. That’s why I believe that it is important for us to place you on administrative leave so that we can understand how the management of this school is occurring.’”

(Transcript p. 115.)

The testimony in the record does not support Appellant’s contention that Mr. Shaw

complied with the administration's directive regarding Ms. Gibbo. To the contrary, the witnesses who were asked about Ms. Gibbo's office testified that Ms. Gibbo spent most of her time in Mr. Shaw's office. For example, in response to a specific question regarding Ms. Gibbo's office, Sonia Merrick provided the following testimony:

"She had an office that she would never be in. She always sat at the edge of Mr. Shaw's desk with her laptop. We would always joke that she had a pretend office to the side of his office. It was interesting that there was an internal door that could connect the two of them together, but she would never be in there. Maybe once or twice, I would see her in there on her cell phone, but for the most part, she was always, always, always in his office."

(Transcript p. 251.)

Another witness, Susan Dee, who was also a teacher at McCracken testified as follows as relates to Ms. Gibbo being in Mr. Shaw's office:

Question: "Do you know if Mr. Shaw was ever alone with Ms. Gibbo in his office with the door closed?"

Answer: "Yes, it was a standard thing. The door was always closed, and people always talked about it. I know, because I would knock on the door, and she would open the door, and he was in the office."

Question: "Did she have an official office at McCracken?"

Answer: "I believe it was set up right next to or adjoining Mr. Shaw's."

Question: "Did you see her in that office?"

Answer: "I never saw her sitting in her office."

(Transcript p. 275.)

In his case and chief, Mr. Shaw called Sherie Bush-Sturgis, Mark Dievendorf, and Mike Sanz. None of those witnesses offered any testimony regarding Mr. Shaw complying with the administration's directives regarding Ms. Gibbo.

Contrary to the conclusion in the Order, the overwhelming evidence was that Mr. Shaw did not comply with the administration's directive to move Ms. Gibbo out of his office. Based on the above testimony, there clearly is substantial evidence in the record that Mr. Shaw had previously been advised by the administration of their concerns with his secretary maintaining an office in his office and he did not address those concerns.

D. There Is Substantial Evidence In The Record That Mr. Shaw's Conduct After The District's Attempt To Reassign Him Justify His Termination From The District.

After the investigation into the financial practices at McCracken Middle School, it was the recommendation of both Ms. White and Ms. Walton to then Superintendent Dr. Rosswurm that Mr. Shaw's employment with the District be terminated. It was initially Dr. Rosswurm's decision to reassign Mr. Shaw to a different administrative position, to begin on January 2, 2013. Significantly, at the time of her decision, Dr. Rosswurm had not received Ms. White's report regarding the financial policy violations at McCracken Middle School. According to the testimony of Ms. Walton, Mr. Shaw did not show up for his new assignment on January 2, 2013, nor did he at that time provide the administration with any reason as to why he did not show up for his new assignment. Mr. Shaw did not provide documentation to the administration regarding his absence until several days later. Additionally, Ms. Walton testified to having great difficulty getting Mr. Shaw to comply with the simplest of requests during his time on medical leave. For example, Ms. Walton testified that it took more than a month for Mr. Shaw to provide appropriate documentation from a medical professional regarding his medical leave. Accordingly, at a time when Mr. Shaw was being paid by the District for being on medical leave, the District administration could not get him to respond to their request for appropriate documentation to confirm the necessity of the medical leave.

The District administration also could not get Mr. Shaw to meet with them to discuss their concerns. Ms. Walton testified of numerous attempts to get Mr. Shaw to show up for a

meeting with the District administration. Mr. Shaw would not meet with the District administration until the meeting was arranged on July 16, 2013, with Dr. Moss. It was during that meeting that Dr. Moss concluded that Mr. Shaw was being dishonest with him as it relates to him violating the confidentiality of employees as well as his continued communications with Ms. Gibbo while on administrative leave. It was ultimately Mr. Shaw's responses during this conference with Dr. Moss, to which Dr. Moss testified, at the hearing, that led to the conclusion that Mr. Shaw should be terminated.

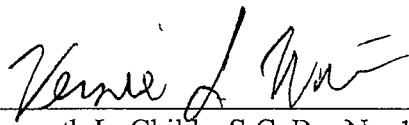
With regard to Mr. Shaw's continued communications with Ms. Gibbo, the Order refers to Dr. Moss's letter to Mr. Shaw stating that Mr. Shaw violated the "spirit of the directive" not to communicate with staff members while on administrative leave. The sole reliance on the language regarding the spirit of the directive ignores the remaining language of the letter, which indicates that Dr. Moss in fact concluded that Mr. Shaw had spoken with Ms. Gibbo during his administrative leave based on information that Mr. Shaw shared with him in their conference. Specifically, during the testimony from Dr. Moss, he states unequivocally, "during our conversation on the 16th, it was evident to me that he had had conversations with Ms. Gibbo, even though he said that - - his story changed, frequently, from beginning to end, which causes me great concern. And in the end, he finally said, 'Well, I think my wife talked to Ms. Gibbo.' I don't believe that was the case." (Transcript p. 360.)

III. CONCLUSION

In summary, in light of the more than substantial evidence in the Record to support the Board's decision and the discrepancies between the Order and the Record, Respondents' respectfully request that the Court reconsider the decision in this matter.

Respectfully submitted,

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Attorneys for Respondent

December 1, 2014

Columbia, South Carolina

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Childs & Halligan, P.A., hereby certifies that she has served the following counsel of record with the foregoing **RESPONDENT'S MEMORANDUM OF LAW IN SUPPORT OF IT'S MOTION FOR RECONSIDERATION** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 1st day of December, 2014:

Fatima Alexis Zeidan, Esq.
The Law Office of Clifford Bush III, LLC
P.O. Box 6194
Beaufort, SC 29903


Andrea E. Shull

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

JEFFREY C. MOSS, Ed.D.)
)
)
-versus-)
)
PHILLIP C. SHAW)
)
)

S.C. Code of Laws § 59-25-460
Hearing

Employment Hearing before the Beaufort
County Board of Education commencing on the 1st
day of November, 2013, at the Offices of the
Beaufort County School District, 2900 Mink Point
Boulevard, Beaufort, South Carolina, at
approximately 9:08 a.m.

APPEARANCES

Beaufort County Board of Education: Chair Bill Evans, presiding
Vice-Chair Mary Cordray
Laura Bush, Secretary
Evva Anderson
Jim Beckert
Earl Campbell
Geri Kinton
JoAnn Orischak
Michael Rivers
Paul Roth
Bill Payne

Robyn Cushingberry, exec. asst.

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CHILDS & HALLIGAN, P.A.
1301 Gervais Street, Suite 900
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For Mr. Shaw: Clifford Bush, III, Esquire
Fatima A. Zeidan, Esquire
LAW OFFICE OF
CLIFFORD BUSH III, L.L.C.
28 Old Jericho Road
Beaufort, South Carolina 29906

Reported by: Matthew Hazen Anderson
Notary Public/Court Reporter

Also present: Jeffery C. Moss
Phillip C. Shaw

o0o

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Beaufort, South Carolina

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1 November 1, 2013

Friday, 9:08 a.m.

2 BEFORE THE BEAUFORT COUNTY BOARD OF EDUCATION

3 CHAIRMAN EVANS: Good morning. This is Friday,
4 November 1st, 2013. It's approximately 9:00 a.m. For the
5 record, I am Bill Evans. I'm chairman of the Board of
6 Trustees of the Beaufort County School District. As Board
7 chair, I will serve as the presiding officer in these
8 proceedings.

9 The Beaufort County School District Board of
10 Trustees has convened this proceeding for the purpose of
11 granting Mr. Phillip Shaw a hearing under the provisions of
12 title 59, chapter 25, of the code of laws of South
13 Carolina. The parties for the hearing are Dr. Jeffrey
14 Moss, who, as superintendent, is the petitioner, and Mr.
15 Phillip Shaw, the respondent. The statute gives the
16 respondent the right to choose whether the hearing is to be
17 conducted in executive session or in public. Mr. Shaw has
18 chosen to have the hearing conducted in public.

19 Present at the hearing for the petitioner, Dr.
20 Moss, is rep -- who is represented by Mr. Vernie Williams
21 and Ms. Shirley Fawley of the firm of Childs & Halligan.
22 Respondent Phillip Shaw is also present. He is represented
23 by Ms. Fatima Zeidan and Mr. Clifford Bush of the Law
24 Offices of Clifford Bush III. Also present is Mr. David
25 Duff of the firm of Duff, White & Turner, who will serve as

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1 counsel to the Board during these proceedings, including
2 the Board deliberation after the hearing is concluded.

3 As Board chair and presiding officer for this
4 hearing, it is my duty, subject to any determination by the
5 Board majority, to take whatever action is necessary to
6 ensure an equitable, orderly, and expeditious hearing.
7 This hearing will be conducted as informally as possible.
8 Rules of evidence appropriate for an administrative
9 proceeding will be followed. If either party wishes to
10 object to the admissibility of any evidence, he or she
11 should do so at the appropriate time, stating the reason
12 for the objection. I will make all rulings on any
13 objections that are made during this hearing in
14 consultation with Mr. Duff, if needed, and again subject to
15 the vote of the majority of the Board of Trustees. Only
16 evidence relevant to the issues will be heard by the Board.
17 The Board also reserves the right to limit or exclude
18 testimony from witnesses that is redundant or cumulative in
19 nature to the testimony received from other witnesses.

20 Counsel for the administration will present the
21 administration's case first, followed by the presentation
22 by his counsel on behalf of Mr. Shaw. Each party through
23 counsel also will be given an opportunity at the
24 appropriate time to ask questions of all witnesses.
25 Witnesses listed by the respondent who are called in the

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1 petitioner's case should be examined fully at that time by
2 both counsel. Members of the Board may, if necessary,
3 direct questions to witnesses once questioning by counsel
4 is concluded.

5 Before the hearing is closed, each party will be
6 allowed to present a brief summary statement, after which
7 time the Board will excuse itself to deliberate in
8 executive session. Following the deliberation, the Board
9 will return to open session to take action on the matter in
10 public.

11 All witnesses will be sequestered. As each
12 witness is -- as each witness is needed, he or she will be
13 invited into the hearing. The Board will only hear from
14 those witnesses previously identified by parties for the --
15 identified by attorneys for the parties.

16 Order will be maintained during the course of the
17 hearing at all times. Outbursts or disorderly conduct will
18 not be tolerated and will be dealt with appropriately.
19 Members of the audience are reminded that, if you are a
20 witness, you must be sequestered. So, if you are a witness
21 called by either of the parties, you're going to have to be
22 sequestered and leave the proceedings. Ms. Cushingberry
23 can direct you to the room that we've set up for
24 sequestration.

25 Are there any questions or other matters to come

1 before the Board before we begin the hearing?

2 MR. WILLIAMS: None from the administration.

3 MR. BUSH: Yes, Chairman. The only thing is, we
4 had filed a motion in limine. We've discussed with Mr.
5 Duff. For the record, we'd like to note that we did file a
6 motion suppressing any evidence from Chris Barrow as well
7 as testimony from Angie Lopatka.

8 CHAIRMAN EVANS: We've --

9 MR. BUSH: We've discussed --

10 CHAIRMAN EVANS: We have read your motion, Mr.
11 Bush, and thank you. I will tell you that our decision at
12 this time is to admit it, temporarily. As it comes up in
13 the proceedings, we will provide an opportunity to discuss
14 it further at that point.

15 MR. BUSH: Thank you, Mr. Chairman.

16 CHAIRMAN EVANS: Okay. At this time, Mr.
17 Williams or Ms. Fawley, you may make an opening statement
18 on behalf of the petitioner, followed by an opening
19 statement on behalf of the respondents.

20 MS. FAWLEY: Good morning.

21 CHAIRMAN EVANS: Good morning.

22 MS. FAWLEY: As the Board of Education is aware,
23 Superintendent Jeffrey Moss -- yes. Ah. (Adjusts
24 microphone.) My voice isn't as loud. How -- is that
25 better?

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**Preliminaries
Opening: Fawley**

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1 As the Board of Education is aware, your
2 superintendent, Jeffrey Moss, has recommended that Phillip
3 Shaw, an administrator in this school system, be discharged
4 from employment. Now, the -- now, the purpose of an
5 opening statement at a dismissal hearing like this is to
6 provide a brief explanation of the laws that affect this
7 case and also to give an overview of each party's case.

8 Vernie Williams and I are here as Dr. Moss's
9 legal representatives, and so, on his behalf, we would like
10 to refer the Board to two particular statutes. One is a
11 very simple statute that's been in existence for over 80
12 years, and it provides for some of your general duties and
13 responsibilities as authorized by the state legislature,
14 and that is section 59-19-90-2, which states that local
15 boards of trustees shall employ and discharge teachers, or,
16 in this case, any certified employee, when good and
17 sufficient reasons present themselves. The
18 superintendent's position is that you will hear
19 overwhelming evidence at this hearing to support good and
20 sufficient reasons to discharge Mr. Shaw from your
21 employment.

22 The second statute that is applicable is the
23 South Carolina Teacher Employment and Dismissal Act, and
24 that's an act that only applies to certified administrators
25 like Mr. Shaw and certain teachers who have what's called

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Opening: Fawley

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1 "continuing contract rights." Under that statute, which
2 has lots of parts, the one applicable today is 59-25-430,
3 which provides that an administrator or teacher may be
4 dismissed at any time who evident -- who reflects and
5 manifests an evident unfitness for teaching. And the
6 statute defines evident unfitness for teaching, and two of
7 the particular definitions include a willful violation of
8 district board policies and regulations, and, second,
9 dishonesty.

10 The evidence and testimony that you will be
11 hearing from the administration during this hearing will
12 reflect that Mr. Shaw willfully violated the district's
13 financial policies and protocols. They will also
14 demonstrate that he violated your expectations for policy
15 for staff conduct, and that he was insubordinate, and he
16 failed to follow the reasonable directives of his
17 supervisors, in both small instances and in large
18 instances, and the testimony will show that Mr. Shaw was
19 dishonest in responding to questions posed by his
20 supervisors.

21 You will hear from witnesses that former
22 superintendent Valerie Truesdale issued straightforward
23 expectations to Mr. Shaw as a principal, simple things such
24 as being visible in your building, monitoring the halls,
25 being in the lunchroom, and, most importantly, observing

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Opening: Fawley

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1 your teachers teach. You will hear testimony that she
2 required Mr. Shaw to assume responsibility for his own
3 emails and his own correspondence, rather than delegating
4 it to his secretary/office manager. Dr. Truesdale further
5 said she expected him to establish regular office hours
6 when teachers, support staff, parents would know that Mr.
7 Shaw would be in his office so that they could get in to
8 see him. She was requiring him to hold statutorily
9 required school improvement council meetings at McCracken,
10 and she asked him to move his secretary/office manager out
11 of his office and into an office of her own. You will
12 learn that Mr. Shaw chose not to comply to these types of
13 directives.

14 Former interim superintendent Jackie Rosswurm
15 will explain how Mr. Shaw failed to follow a one-sentence
16 directive, which was report back to the district office
17 after a leadership meeting to meet with chief
18 administrative and human resources officer Alice Walton and
19 me, and because he failed to do that, this opened up the
20 way that the administration was advised of financial
21 impropriety at his school and determined later that Mr.
22 Shaw was in violation of numerous district policies with
23 respect to finances. Dr. Rosswurm will also testify that
24 she was extremely troubled by a report that Ms. Walton had
25 brought her that Mr. Shaw had been dishonest with a teacher

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1 in his building about involving human resources in a matter
2 of deep concern to that individual, and that he told the
3 individual that the office of human resources was just
4 delayed in getting back to her.

5 You will hear from some McCracken teachers today
6 who will admit that they violated fund-raising practices
7 and student council and other protocols when it comes to
8 the handling of monies, but significantly, though, you will
9 hear that the processes they followed were the ones
10 directed to them by their principal and his office
11 manager/secretary. You will learn that Mr. Shaw had
12 student council sponsors bring cash that they had raised
13 from things like the school store, jeans day, and other
14 activities directly to his office, where he told them to
15 give the monies to his secretary/office manager, who then
16 put the monies in a filing cabinet in Mr. Shaw's office,
17 hundreds and hundreds of dollars. You will additionally
18 hear that hundreds of dollars were also found in a lockbox
19 located under Mr. Shaw's desk. These are all in violation
20 of the district's expectation of the handling of funds.

21 Long-time bookkeeper at McCracken, Barbara
22 Williams, will testify that she told Mr. Shaw on numerous
23 occasions of her concerns with cash flowing through the
24 building, not coming to the bookkeeper in accord with
25 district protocols, and Mr. Shaw ignored her. You will

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1 learn that Ms. Williams also reported the same concern at
2 district bookkeeper meetings, and certain district finance
3 staff, their primary concern was to say, "Did you report
4 that to your principal?" which she had. You will also hear
5 testimony that the finance office has changed the way it
6 responds to school-level concerns as a result of what
7 happened at McCracken.

8 Chief operational services officer Phyllis White
9 will testify, and she will share the results of the
10 financial inquiry she conducted at the behest of Dr.
11 Rosswurm, and the conclusions drawn will show that Mr. Shaw
12 willfully violated district policy.

13 Alice Walton, chief administrative and human
14 resource services officer, will testify and provide
15 evidence of her dealings with Mr. Shaw throughout 2012-13
16 and talk about the insubordinate -- insubordinate conduct
17 that he demonstrated, which included being unavailable
18 during regular business hours while on paid administrative
19 leave, and then, after the fact, when they were unable to
20 reach him by text, by voice mail, by telephone, he
21 submitted excuses to say that he wasn't really on
22 administrative leave on those days because he was
23 personally ill or he had to personally assist ill family
24 members on days when the administration wanted him to
25 report to the district office.

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1 Testimony will also be given by Dr. Moss
2 regarding his discussions with Mr. Shaw and the formidable
3 conclusions that he reached as a result of those
4 discussions.

5 As part of the discovery process, the legal
6 process leading up to this day, the administration believes
7 that a number of issues may be brought up about other
8 district employees. As you begin listening to testimony in
9 a few minutes and looking at the evidence, Dr. Moss and Mr.
10 Williams and I ask that you consider two things. Number
11 one, this entire hearing his about one employee of Beaufort
12 County schools, and that is Phillip Shaw. And the other
13 issue is, are there good and sufficient reasons to support
14 Dr. Moss's request that Mr. Shaw be discharged from
15 Beaufort County?

16 In sum, under the education statutes of South
17 Carolina that apply to teacher and administrator dismissal
18 hearings, all the superintendent must show is good and
19 sufficient reasons for his recommendation, and that's his
20 burden. Dr. Moss is stepping forward and accepting that
21 burden, and he asks that, once it has been met, that you
22 will respectfully affirm his determination and discharge
23 Phillip Shaw from employment. Thank you.

24 MS. ZEIDAN: Good morning. My name is Fatima
25 Zeidan, and to my right is Mr. Clifford Bush, III, and we

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1 are from the Law Office of Clifford Bush III here in
2 Beaufort, South Carolina. Together, we represent Mr.
3 Phillip Shaw in this evidentiary hearing before you today.

4 We want to keep in mind that this is an
5 evidentiary hearing, and Ms. Fawley touched on that in her
6 opening. What we have to do is -- well, excuse me. What
7 you guys will have to do is determine whether or not there
8 was adequate, good, and sufficient evidence to justify Mr.
9 Shaw's -- excuse me, Mr. Moss's recommendation for Mr. Shaw
10 to be terminated from Beaufort County School District.

11 Now, before we begin, I would be remiss if I did
12 not thank you guys for your service. I know, firsthand,
13 the commitment and the dedication that goes into being a
14 school board member. My mother served on a school board
15 here in the Lowcountry for several years. I mean, she was
16 even chairman of the board. So I fully understand your
17 commitment.

18 I know the long hours that you spend reading
19 those long board packets, and I know those long nights
20 every first and third Tuesdays of the month. And although
21 politics are inherent in every elected position, there's
22 something different about the school board. There's
23 something that sets its members apart, a higher echelon, if
24 you will, and it's well earned.

25 That statement comes from a deep-rooted

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1 commitment to honesty, integrity, and the commitment to do
2 what is right. It comes from the weight of knowing that
3 every decision that you make directly affects thousands of
4 children here in Beaufort County, here in your back yard,
5 their parents, and because you are one of the largest
6 employers here in Beaufort County, the teachers and the
7 staff of the Beaufort County School District.

8 I know the weight. I know the phone calls you
9 get at night. I know the emails that you receive. I know
10 the people that chase you down in the parking lots of
11 stores because they've got to talk to you. They want to
12 tell you something, whether it's praising the system,
13 whether it's asking what happened at the board meeting the
14 other night, whether it's inquiring about initiatives, or
15 whether they're telling you they've been wronged. They
16 want to talk to you, and the reason that they want to talk
17 to you is because they believe in your commitment. They
18 all want to tell you a story, and today, ladies and
19 gentlemen, it's no different.

20 I'm going to introduce to some and acquaint to
21 others Mr. Phillip Shaw, and Phillip is sitting at the end
22 of my table here to my right. Phillip is a Charleston
23 native, a graduate of the College of Charleston and the
24 Citadel. Phillip began his career in the public school
25 system nearly 20 years ago. He started out in Charleston,

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1 quickly became an administrator there, and joined the
2 Beaufort County School District in 2006 as the principal of
3 HE McCracken in Bluffton.

4 Now, ladies and gentlemen, the McCracken that we
5 see today is not the McCracken that Phillip Shaw inherited.
6 In 2006, the state of South Carolina labeled McCracken,
7 gave it an absolute rating of below average, with a growth
8 prospect of at risk. That means it wasn't doing well, and
9 the forecast wasn't looking good, and in a few short years,
10 Mr. Shaw turned the school around. By 2009, the ratings
11 were average across the board. Test scores were going up.
12 Teachers chose to come to McCracken because of Mr. Phillip
13 Shaw. You'll hear that today. You'll hear that he was
14 very personable, very supportive, and created a great
15 atmosphere at McCracken.

16 As we all know, on November 8th, 2012, Phillip
17 Shaw was removed as the principal of McCracken, removed
18 from the school that he helped revive and the community
19 that he helped create. Now, I use the word "community,"
20 and I don't want you to take that word lightly or use it
21 loosely, because that's exactly what it is. These school
22 district schools are almost like towns. They have their
23 own governments, their own hierarchies, social structures,
24 cliques. I fully expect them to have their own ZIP codes
25 soon. These schools are communities, and it's important

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1 that not only do we delve into that community of McCracken,
2 but we also delve into the culture here at the Beaufort
3 County School District, and that's what we're going to do.

4 And by the end, I want you to ask yourselves, "Is
5 the testimony that I heard presented from the district and
6 the testimony and the evidence that I have placed before me
7 -- does that lend itself to the conclusions that the
8 district drew when it recommended Phillip Shaw's
9 termination? When they brought this in front of me, was
10 this evidence sufficient, and was it adequate, and was it
11 good?"

12 Ladies and gentlemen, I know that this is going
13 to be long and hard sometimes, and I trust that you're
14 going to listen as attentively as possible, and soon you
15 will be entrusted with a very big decision that will
16 undoubtedly set precedent here in Beaufort County, and I
17 look forward to going through this case with you. Thank
18 you.

19 CHAIRMAN EVANS: Ms. Fawley, Mr. Williams?

20 MS. FAWLEY: At this time, the administration
21 would like to call its first witness, Alice Walton.

22 (Brief recess taken.)

23 CHAIRMAN EVANS: As soon as the court reporter is
24 ready, we'll have him swear you in.

25 ///

///

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1 (ALICE WALTON, called as a witness, having
2 been first duly sworn, was examined and testified as
3 follows:)

4 DIRECT EXAMINATION

5 BY MS. FAWLEY:

6 Q Please state your full name for the record.

7 A Alice Walton.

8 Q And Ms. Walton, what position do you currently
9 hold in Beaufort County School District?

10 A Chief administrative and human resources officer.

11 Q How long have you been in that position?

12 A One year.

13 Q And how many total years have you spent in
14 education and in what kinds of capacities?

15 A Twenty-six years. I've been a classroom teacher.
16 I've been a director of mentoring induction. I've been
17 coordinator of teacher evaluation, and I've also served as
18 director of certified staff.

19 Q And what educational degrees do you hold?

20 A I hold an undergraduate degree in sociology and
21 psychology from Savannah State College, a master's degree
22 in education from Armstrong University, and a master's
23 degree in supervision and administration from the
24 University of Phoenix.

25 Q In your current position with that fairly long

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1 title of chief administrative and human services officer,
2 would you just briefly describe the key components of the
3 job?

4 A I manage general operations of human resources
5 for the organization, an organization of about 2,700
6 employees. We do recruiting, hiring, supporting, benefits,
7 as well as evaluations across the board.

8 Q And do you know Phillip Shaw?

9 A I do know Mr. Shaw.

10 Q And how did you come to know him?

11 A I knew Mr. Shaw as a principal when I served in
12 the role as support to principals.

13 Q Would you kind of summarize in your own words, if
14 a teacher or a support staff member has a concern and they
15 bring that concern to your attention in HR, what typically
16 do you do?

17 A The first thing I do is listen to the employee to
18 hear what the concerns are, and then my next step is to
19 direct that employee to their principal or immediate
20 supervisor so that it could be rectified on the school
21 level.

22 Q And on November 6th, 2012, did you have reason to
23 go out to HE McCracken Middle School, and if so, would you
24 share with the Board why?

25 A I did, because Teacher A was in distress, and I

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1 had spoken with her a couple of months earlier to talk
2 about what her concerns were, and I hadn't heard from her.
3 So I -- just as I normally do, if I don't hear, I check
4 back.

5 So I went to her to say, "I haven't heard from
6 you. Has everything worked out?" And she said, "No,
7 actually, I've been waiting for you." And at that point, I
8 told her I had -- I did not know because I hadn't heard
9 from her. And she said she had informed Mr. Shaw, and Mr.
10 Shaw told her that he was -- he'd given me the information,
11 and he was waiting for me to get back to him.

12 Q And how many months had it been?

13 A Between two and three months.

14 Q Ms. Walton, during the many years that you've
15 been associated with human resources in Beaufort County
16 School District, how many times prior to November 6th,
17 2012, has an employee complained or expressed frustration
18 about HR not getting back to them once they've talked with
19 you?

20 A None.

21 Q Did you bring Teacher A's allegations about what
22 Mr. Shaw told her to Mr. Shaw's attention to hear what he
23 had to say?

24 A I did.

25 Q And when did you do that?

1 A I did that the day that I met with Teacher A.

2 Q And where did you meet with Mr. Shaw?

3 A In his office.

4 Q And briefly share the conversation, please.

5 A It was a brief conversation. I told Mr. Shaw
6 that I was a little concerned, that I had a teacher in
7 distress, and in her mind, she was waiting for me to get
8 back with her when I did not know anything about it,
9 because he really hadn't informed me, and it really -- it
10 was disturbing because it looked like I had dropped the
11 ball.

12 Q And what was Mr. Shaw's response?

13 A He said, "I told her I was working on it. I told
14 her that I would get back with her."

15 Q And did he tell you that he had told her that he
16 had contacted HR? Did he admit to that or no?

17 A No, he did not.

18 Q Okay. Ms. Walton, in November of 2012, were you
19 aware of any concerns that former Superintendent Valerie
20 Truesdale or interim Superintendent Jackie Rosswurm had
21 regarding Mr. Shaw?

22 A I was aware of a couple of issues, Mr. Shaw's
23 lack of being visible in the building, his housing his
24 secretary, Denise Gibbo, in his office, and the fact that
25 he was not keeping regular work hours.

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1 Q When you went to talk about Teacher A's concerns
2 with Mr. Shaw, who was in his office when you arrived?

3 A Denise Gibbo.

4 Q And who is she?

5 A Mr. Shaw's secretary.

6 Q And where was Mr. Shaw?

7 A He was in the office, as well.

8 Q On November 6th, 2012, after you spoke with Mr.
9 Shaw, where did you go, and what did you do?

10 A Came back to the district office, because I
11 wanted to talk to Dr. Rosswurm, because I was really
12 concerned about the teacher being out there, hanging for a
13 couple of months, without HR being responsive. So we had
14 that conversation, and I just really talked through with
15 her what I thought we needed to do to rectify the situation
16 for Teacher A.

17 Q What, if anything, did Dr. Rosswurm ask you to
18 do?

19 A She asked me -- because the following day was
20 leadership, she asked me to set up a meeting so that she
21 and I could sit with Mr. Shaw and we could talk about the
22 concerns that I had about Teacher A.

23 Q And did you follow through with that request?

24 A I did.

25 Q How did you do that?

1 A I approached Mr. Shaw the morning of the
2 leadership meeting before it began and asked him to meet
3 with Dr. Rosswurm and me in my office directly after the
4 meeting.

5 Q What time did leadership meeting end on November
6 7, 2012?

7 A Between 11:00 and 11:30.

8 Q Would you please tell the Board what you recall
9 after leadership meeting on that day?

10 A Mr. Shaw came directly to my office after the
11 meeting was over. We had a couple of things to talk about
12 that wasn't related to Teacher A. He had a couple staffing
13 issues in his building. So we sat and discussed that. We
14 discussed two teachers, and then I invited Denise Mckeown
15 to come into the office because we were going to, at that
16 point, talk about classified staff. So we did what we
17 needed to do. Mr. Shaw and I talked to the -- talked
18 through the two issues, and that was really the end of what
19 Mr. Shaw and I needed to do together.

20 Q And so then what happened?

21 A After that was over, Dr. Rosswurm had been called
22 into an unexpected meeting. And Mr. Shaw sat there for a
23 couple of minutes, and I said to him, "I really don't want
24 to detain you. I don't know how long Dr. Rosswurm is going
25 to be in the meeting." So I didn't see any -- any need for

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1 him to stay, and at that point, I told him he could leave.

2 Q And did he leave?

3 A He did.

4 Q And then what happened?

5 A About two minutes after he left, Dr. Rosswurm
6 came to my office to say she was available for the meeting,
7 and I told her that I'd dismissed Mr. Shaw because we
8 didn't know how long she was going to be in that meeting.

9 Q And do you recall anything that was said or done
10 by Dr. Rosswurm with respect to Phillip Shaw?

11 A At that point, she asked Angie Lopatka to see if
12 she could get Mr. Shaw on his cell phone, because she
13 actually saw him walking out of the door when she was
14 headed out of her office. So she asked her to call Mr.
15 Shaw and ask him to come back to the district office.

16 Q And did you hear what Ms. Lopatka had to say?

17 A I did. She -- she listened --

18 MS. ZEIDAN: Objection.

19 WITNESS: -- to the conversation.

20 MS. ZEIDAN: Hearsay.

21 MS. FAWLEY: Mr. Chairman, as you've
22 probably already been advised, this is not strictly --
23 we don't follow the strict rules of civil procedure
24 and court -- court rules in South Carolina during a
25 teacher dismissal hearing because the -- you all are

1 judge and jury in this case, but I defer to your --

2 CHAIRMAN EVANS: We note your objection, but
3 I think we're going to listen to this testimony.

4 BY MS. FAWLEY:

5 Q And first of all, before you share what you heard
6 Ms. Lopatka say, who is Ms. Lopatka?

7 A Ms. Lopatka is the administrative assistant in
8 human resources.

9 Q And what did you hear?

10 A It was a brief conversation. "Mr. Shaw, this is
11 Angie. Dr. Rosswurm just walked in the office, and she
12 wants to know if you can turn around and come back --

13 MS. ZEIDAN: Objection.

14 WITNESS: -- "to the district office."

15 MS. ZEIDAN: This is the witness that we
16 addressed in the motion in limine, and we thought
17 those issues were handled. Do we need to take those
18 issues up before the Board now?

19 MR. DUFF: As I understand, this witness is
20 testifying from firsthand knowledge about what she
21 heard. I don't know whether we're going to need --
22 whether Ms. Lopatka will eventually be offered or not,
23 but I think this witness can testify about a
24 conversation she herself overheard, and that's what I
25 would recommend to the Board, to allow her to proceed.

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1 CHAIRMAN EVANS: Motions?

2 MR. DUFF: So your objection is noted for
3 the record, but at this point, the presiding officer
4 believes that the testimony should be allowed.

5 MS. ZEIDAN: And with all due respect, I'd
6 like to note for the record that this witness cannot
7 testify to who Ms. Lopatka was talking to. She can
8 testify to what she heard, but she does not have
9 firsthand knowledge of those. That is hearsay.

10 MR. DUFF: Well, you may -- you may argue
11 that the call was not made to Mr. Shaw, but that could
12 be part of your case.

13 BY MS. FAWLEY:

14 Q Would you finish, please, Ms. Walton?

15 A Will you ask --

16 Q Yes.

17 A -- that question again?

18 Q Were you able to hear Ms. Lopatka make any type
19 of telephone call, and if so, what did you hear?

20 A I heard her say, "Mr. Shaw, this is Angie. Dr.
21 Rosswurm just walked in, and she wants to know if you can
22 turn around and come back to the district office."

23 Q Did Ms. Lopatka make any kind of report to Dr.
24 Rosswurm and you after she ended her telephone
25 conversation?

1 A She did. She said, "Oh, good, he is not at the
2 end of Mink Point road, and he said he'd turn around and
3 come back."

4 Q Did Mr. Shaw turn -- did Mr. Shaw come back and
5 meet with Dr. Rosswurm and you?

6 A He did not.

7 Q And do you know if any efforts were made to
8 contact Mr. Shaw again?

9 A Angie called him 15 minutes later. He did not
10 answer his phone, so she left a voice message.

11 Q Did you personally do anything to try and contact
12 Mr. Shaw after two efforts had been made to get him to
13 return to the district office on the afternoon of the 7th?

14 A I did not, no.

15 Q All right. Mr. Shaw did not return to the
16 district office. Did Dr. Rosswurm and/or you decide to
17 follow up anyway regarding the meeting and conversation?

18 A We did. We decided that, on Thursday morning, we
19 would meet at McCracken to meet with Mr. Shaw at 7:45 on
20 our way to the district office.

21 Q And so that would be November the 8th, the day
22 after leadership meeting?

23 A Right.

24 Q What happened on that morning?

25 A We walked in the building -- I believe we were

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1 there about 7:45 -- and we went directly to the office.

2 Q And when you got to the office, what did you do?

3 A We asked the receptionist at the front desk to
4 tell Mr. Shaw that we were there to see him, and she said,
5 "He's in his office. I will get him."

6 Q And how long before you were invited back to meet
7 with Mr. Shaw?

8 A About 10 minutes. We sat and waited about 10
9 minutes.

10 Q And when you went back to Mr. Shaw's office, what
11 type of discussion was held between Dr. Rosswurm, you, and
12 Mr. Shaw?

13 A Dr. Rosswurm first asked Mr. Shaw why he did not
14 report back to the district office on Wednesday. She also
15 discussed some concerns that she said she'd spoken with Mr.
16 Shaw with -- before, with Dr. Truesdale, and that was his
17 accountability during the school day, where he was, his
18 visibility for staff members, as well as her concerns that
19 he had not moved Denise Gibbo out of his office.

20 Q Was there anything else that you can recall that
21 she may have addressed with him, anything that had occurred
22 the day before?

23 A Yes, she did say she was concerned about the
24 transport of a student that happened on Wednesday. He was
25 not in the building and could not be located. And she also

1 asked, "Did you ever get in touch with Chris Barrow, the
2 protective services coordinator, to follow up on that
3 incident?"

4 Q And what was his reply?

5 A He said no, because Ms. Gibbo had taken care of
6 it.

7 Q And so this was the Wednesday afternoon when he
8 didn't report back to the district office. Is it your
9 testimony that he wasn't at his school either on Wednesday,
10 November 7th, that afternoon when the student --

11 A That's --

12 Q -- had to be transported?

13 A That's correct, yes.

14 Q Do you have any recollection of what Mr. Shaw's
15 responses were to Dr. Rosswurm and you when she asked him
16 about those things that you just described?

17 A He -- he did respond. He said, "Yes, I have
18 moved Ms. Gibbo's office. She's not in my office. Her
19 office is down the hall." He said, "I am visible, because
20 I'm out and about all the time," and he is in his building
21 all the time.

22 Q And what was his response to where he was
23 yesterday, the day before, when he didn't return to the
24 district office to meet with you? Where -- what did he say
25 he did?

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1 A He said he did come back to the district office,
2 but he was unsure as to who he was supposed to be meeting
3 with because the person who called him did not identify
4 herself, so he thought he was meeting with Casey Newsome,
5 the testing coordinator. When he walked back in the
6 building and could not find Casey, he left the district
7 office, went to get gas, had lunch, went home to pick up
8 some files, and then went back to his building about 5:00.

9 Q Would you please turn in --

10 MS. FAWLEY: Permission to approach the
11 witness, Mr. Chairman?

12 CHAIRMAN EVANS: Go ahead. Sure.

13 MS. FAWLEY: At this time, Mr. Chairman, we
14 would like to offer Plaintiff's Exhibits 1 through 45
15 into evidence.

16 CHAIRMAN EVANS: Is there --

17 MS. FAWLEY: Is that acceptable?

18 CHAIRMAN EVANS: Yes.

19 MS. FAWLEY: Thank you.

20 CHAIRMAN EVANS: Are there copies for the
21 Board?

22 MS. FAWLEY: Yes, and, Vernie, do you mind?
23 Would you mind? And what we would like to ask members
24 of the Board to do, because we have an evidence
25 notebook and Mr. Shaw's attorneys have one, too, if

1 you would, please keep current with just those
2 exhibits as they're introduced, and that way, you will
3 know that they are into evidence before you actually
4 read them.

5 (WHEREUPON, notebooks were distributed to
6 the Board members.)

7 BY MS. FAWLEY:

8 Q Ms. Walton, will you please turn to what has been
9 marked as Complainant's Exhibit 1 and identify these pieces
10 of paper for the record?

11 A These are three statements written by Mr. Shaw on
12 November 8th in his office.

13 Q What do you recall about Mr. Shaw and the writing
14 of these statements?

15 A I recall him writing the statement three times.
16 He was asked to write the first statement. When he gave it
17 to Dr. Rosswurm, she said this was not addressing what she
18 needed to be addressed, so he wrote it again.

19 Q And what did she want him to address?

20 A She wanted him to address his whereabouts on
21 Wednesday, as well as his whereabouts after the leadership
22 meeting, and why he did not return to the district.

23 Q And after he wrote the first statement, did Dr.
24 Rosswurm ask him to do anything else?

25 A She asked him to write the statement and address

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1 the issues that we discussed.

2 Q And after Mr. Shaw finished his second statement,
3 what happened?

4 A She reiterated to him that this was not
5 addressing what she needed to be addressed in his
6 statement.

7 Q And what did Dr. Rosswurm do after that? Did she
8 remain in the room with you?

9 A She did not. She asked me to sit in the room
10 with Mr. Shaw while he completed his statement. She needed
11 to go out and find Mr. Warfield to let him know what had
12 occurred in the building and to let him know that he was
13 going to be in charge.

14 Q And to whom did Mr. Shaw turn over those three
15 statements?

16 A To me.

17 Q And once Mr. Shaw returned -- turned those
18 written statements over to you -- I believe you just
19 indicated that Dr. Rosswurm was speaking with Mr. Warfield.
20 Had she told Mr. Shaw anything about what she expected him
21 to do at that point?

22 A Yes, she'd already placed him on -- told him she
23 was going to place him on administrative leave.

24 Q All right. And did you simply let Mr. Shaw leave
25 the office, or what happened after he finished writing

1 those statements?

2 A I asked Mr. Shaw to get anything personal that he
3 wanted out of his office, and as well as I asked him to
4 give me his badge, his technology equipment, laptop, iPad,
5 and that was it.

6 Q And --

7 A He gave me statement.

8 Q Are those typical things that you ask for when
9 someone is placed on administrative leave?

10 A That's protocol. If someone's placed on
11 administrative leave, we always get the badge, and we
12 always get technology equipment.

13 Q And what did Mr. Shaw and you do at that point?

14 A We left the building, and we walked out of the
15 building together, and, ironically, we were both parked
16 side by side. So he got in his car, and I got in my car
17 and came back to the district office.

18 Q Would you please turn to what has been marked as
19 Complainant's Exhibit Number 2?

20 A (Witness complies.)

21 Q What is this writing?

22 A This is a letter dated November 12th, 2012, to
23 Mr. Shaw from me.

24 Q And what does the content basically say?

25 A It is a letter just reiterating his placement on

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1 administrative leave and --

2 Q And what reasons did Dr. Rosswurm give for his
3 placement on leave?

4 A Concerns about his whereabouts during school
5 hours, veracity about the same, and failure to comply with
6 district office directives.

7 Q And the district office administrative directives
8 which she was referring to, were those the same as to what
9 you've already testified to, or were there other things,
10 the concerns?

11 A She was concerned about Ms. Gibbo still being in
12 his office after he was directed by her and Dr. Truesdale.
13 She was also concerned about his whereabouts on Wednesday,
14 November 7th, and him not returning to the district office.
15 She was also concerned about his visibility to staff
16 members, and she was also concerned about him keeping what
17 is required of all administrators and principal across the
18 district, regular school hours.

19 Q So, on Wednesday, November 7th was the district
20 leadership meeting. On Thursday, November 8th, is it your
21 testimony that Mr. Shaw and -- you all met with Mr. Shaw,
22 and Dr. Rosswurm placed him on leave, administrative leave?

23 A That's correct.

24 Q And then the next day would have been a Friday,
25 which would have been November the 9th. What do you recall

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1 about any actions or conversations that you may have been
2 involved in at McCracken on that day, November 9th?

3 A Dr. Rosswurm did the same as we did on Wednesday.
4 We met at McCracken about 7:45 just to go in the building
5 to make sure Mr. Shaw's office had been secured, to test
6 the pulse of the building, see if Mr. Warfield needed
7 anything, and just really -- just be there to let the staff
8 know that we were supporting them.

9 Q And about how long did all those things take?

10 A About 15 minutes.

11 Q And then what did Dr. Rosswurm and you do?

12 A We left the building and --

13 Q And did anything --

14 A -- drove back to --

15 Q Um-hum. Did anything happen as you were leaving
16 that building?

17 A Yes, we were stopped by the data specialist, who
18 said, "I have something I need to tell you, but I can't
19 talk in the building."

20 Q Okay. She said she couldn't talk in the
21 building, so what did you all do?

22 A We stood on the walkway out back.

23 Q And what did the data specialist tell you?

24 A She said that she had been contacted by Denise
25 Gibbo on the night before, demanding of her to know what

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1 was going on in the building, wanting to know why she
2 couldn't get into Mr. Shaw's office, and she asked her to,
3 over the weekend, leave the side door to Mr. Shaw's open so
4 she could have access to get back into that office over the
5 weekend.

6 Q And so at that point, after speaking to the data
7 specialist, what did Dr. Rosswurm and you do?

8 A Well, she talked for a long time. I guess we
9 stood for maybe 15 minutes. One of the things she did say
10 was, "Ms. Gibbo is interested in getting that lockbox out
11 of Mr. Shaw's office. That is what she's looking for."
12 So, at that point, we turned around and went back to Mr.
13 Shaw's office.

14 Q And who went back to Mr. Shaw's office?

15 A Dr. Rosswurm and me.

16 Q And then what did you do once you, I'm assuming,
17 entered his office?

18 A We did enter his office. We looked for the
19 lockbox, and it was there, located under Mr. Shaw's desk.

20 Q And once you saw the lockbox, did you all do
21 anything?

22 A We did. We looked, tried to open it, and we
23 could not open it because it was locked. And at that
24 point, we pulled the center drawer open, and there was a
25 ring of keys, lots of keys. And the lockbox had an odd-

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1 shaped key. It was round. So it was real obvious that
2 that key would probably fit the lockbox.

3 At that point, we put the key in the lockbox. It
4 did open. We opened the lid. There were files and a bag
5 of money. And at that point, we closed the box down, re-
6 locked it, put the keys on the desk, and Dr. Rosswurm
7 called Chris Barrow.

8 Q And what did she ask Mr. Barrow to do?

9 A She asked him to come to McCracken and meet us in
10 Mr. Shaw's office. He was in the area, so it took him no
11 longer than 15 minutes to get there.

12 Q And what did the two of you do while waiting on
13 Mr. Barrow?

14 A We sat at the table at Mr. Shaw's office and
15 talked, waiting on Mr. Barrow.

16 Q And when Mr. Barrow got there, what did he do?

17 A He located the key for the lockbox, opened it,
18 locked it back, took it out to -- and said he was taking it
19 to his office.

20 Q Then what did Dr. Rosswurm and you do after Mr.
21 Barrow left?

22 A We left the school and came back to the district
23 office.

24 Q All right. So that was Friday, November the 9th.
25 The Board has already heard your testimony that you sent

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1 Mr. Shaw a letter on the next workday, which was Monday,
2 November the 12th. What was your next action in terms of
3 any inquiry at McCracken?

4 A My next action was to try to get in touch with
5 Ms. Gibbo to have her come in and meet with me so that we
6 could question her about things that were going on in the
7 school.

8 Q And just for the record, who is Ms. Gibbo?

9 A Ms. Gibbo is Mr. Shaw's secretary.

10 Q And is she also the office manager?

11 A Yes.

12 Q Were you able to reach Ms. Gibbo to establish a
13 time for the two of you to meet?

14 A I did reach her, and I asked her to come in, and
15 she said she could not because she was too ill.

16 Q So when did Ms. Gibbo and you meet to discuss the
17 issues that you wanted to bring up about McCracken?

18 A We never met.

19 Q You mean from November 12th, 2012, until the end
20 of the school year, Ms. Gibbo never came in to discuss with
21 you anything?

22 A No.

23 Q Did you try to get her to report to the district
24 office?

25 A I did.

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1 Q When was your next involvement with anything at
2 McCracken?

3 A That would be November 20th.

4 Q And what happened on November 20th?

5 A On November 20th, I received an email from
6 Barbara Williams, bookkeeper at McCracken, that simply
7 said, "We have money issues at McCracken."

8 Q And so what did you do after receiving that
9 email?

10 A I called Ms. Williams to ask her if she could
11 tell me what was going on, and she said there had been lots
12 of fund-raisers going on in the building by student
13 council, and none of that money had been funneled through
14 the bookkeeper.

15 Q And so what did you do?

16 A I stopped what I was doing and went to Dr.
17 Rosswurm to tell her that I was going to McCracken.

18 Q Do you know Ms. Williams, or did you know Ms.
19 Williams in November 2012, or was that the first time you
20 had ever spoken with her?

21 A No, I've known Ms. Williams for 20 or more years
22 as the bookkeeper. She was the bookkeeper when I was a
23 teacher at McCracken.

24 Q And what is your professional opinion of Ms.
25 Williams?

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1 A She is one of the most efficient people you will
2 ever run into. She follows the rules and makes no excuses
3 for following the rules.

4 Q When you got to McCracken, did you speak with Ms.
5 Williams?

6 A I did. Ms. Williams, again, went through funds
7 being collected, lots of money being raised, and none of it
8 following district policy, and not coming through her.

9 Q And as a result of what Ms. Williams, the
10 bookkeeper, told you, what steps did you take?

11 A I asked Ms. Williams to tell me the names of the
12 teachers who were actually doing the fund-raising, and she
13 did. She gave me three names.

14 Q And who were those three teachers?

15 A Sonia Merrick, Dawn Sumner, and Sherie Sturgis
16 Bush.

17 Q And Ms. Merrick, what was her role as a teacher
18 at McCracken in any sort of fund-raising?

19 A She was the current leader of the student
20 council.

21 Q And Dawn Sumner, what was her role?

22 A She was a former student council head.

23 Q And Sherie Bush Sturgis, what was her role?

24 A She was the drama club head.

25 Q What -- did you meet with those three teachers?

1 A I did. I met with all three, individually.

2 Q And when you met with them, individually, what
3 kind of things did you ask about?

4 A Just general questions about their policies or
5 what -- their procedures, more or less, when they raised
6 funds. What did they do? Did they have those fund-raisers
7 approved through proper channels? Once they collected
8 money, what did they do with that money? How were the
9 office staff notified of fund-raisers? Just general
10 questions about what they did with funds.

11 Q And basically what did you learn?

12 A I learned that Ms. Sherie Sturgis Bush was
13 following district policies, and Dawn Sumner and Sonia
14 Merrick were not. They were following procedures that were
15 outside of the district's policy.

16 Q And did you ask them how they began following
17 procedures that were outside the district's established
18 protocols?

19 A Yes, I did, and each one of them told me that
20 they had been trained by the person before them that they
21 were to raise funds, collect the money, and take the money
22 to Ms. Gibbo.

23 Q And did they mention anything about Mr. Shaw,
24 directing them, regarding --

25 A Yes.

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1 Q -- those funds?

2 A They said Mr. Shaw had instructed them that that
3 was how they were to handle the funds for the student
4 council.

5 Q After you spoke with those three teachers, did
6 you ask them to do anything?

7 A I did. I asked them to write a statement,
8 discussing everything that they'd discussed with me, and
9 include in that statement the truth about anything they
10 were doing when it -- as it pertained to fund-raising and
11 collecting money in the building.

12 Q And was this in the afternoon or the morning of
13 the 20th?

14 A It was in the afternoon.

15 Q I'd like for you to turn to what has been marked
16 as Complainant's Exhibit 3 and identify these documents for
17 the record.

18 A These are statements that I received from the
19 three teachers.

20 Q And did you receive anything from any of those
21 three teachers, other than their written statements, on the
22 afternoon of November 20th?

23 A I did. Ms. Merrick brought with her from her
24 room, when she brought her statement, a blue bag of
25 receipts.

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1 Q And did you look through the bag of receipts, or
2 did Ms. Merrick and you talk about anything?

3 A I did not look through the bag of receipts. Ms.
4 Merrick did pull out a statement, a bank statement that
5 stated McCracken Middle School. And she said, "I don't
6 really know how this got here, but I'm presuming --
7 presuming that this is the account where our monies are
8 deposited once we do fund-raisers."

9 Q And what did you do with the information that you
10 obtained on the afternoon of November 12th, 2012?

11 A I came back to the district office, went to Dr.
12 Rosswurm's office, and told her what had transpired, showed
13 her the blue bag, and at that point, she called Ms. White
14 to the office to pick it up.

15 Q And what did she say to Ms. White?

16 A She said, "Here, we found this, this bag of
17 receipts, that cash money had been used to pay for
18 different items. So, at this point, we're going to turn
19 this over to you, because it is financial, and that's out
20 of the realm of HR."

21 Q And did she ask Ms. White to do anything?

22 A She did. She asked Ms. White to do an
23 investigation about the procedures and protocols taking
24 place at McCracken as it relates to student funds and
25 student activities.

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1 Q Did you show or give copies of the three
2 teachers' written statements to Ms. White?

3 A I did not.

4 Q Did you assist Ms. White in conducting the
5 financial inquiry?

6 A Minimally. I sat in on interviews that she had
7 with the three teachers, an interview with Mr. Shaw, and
8 that's -- that's all I did.

9 Q With regard to Mr. Shaw, what were the next
10 actions that you took after walking out that door of
11 McCracken with him on November the 8th? When was your next
12 contact?

13 A My next contact was to ask Mr. Shaw to come in
14 for a meeting to sit with Ms. White and I.

15 Q And on what date did you schedule that meeting?

16 A November 28th.

17 Q All right. And did Mr. Shaw come on November
18 28th to meet with Ms. White and you?

19 A He did.

20 Q And what, if anything, stands out from that
21 discussion that Ms. White had with Mr. Shaw on November the
22 28th?

23 A After we presented our findings about the
24 finances and the receipts, Mr. Shaw had no knowledge or --
25 of anything. He -- his answers were, "I don't know. I

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1 need to do some research. I don't know anything about
2 that." That was basically his response.

3 Q And how did you all end the November 28th
4 meeting?

5 A We said to Mr. Shaw that we'd give him 24 hours
6 to go and do whatever research he needed to do so he could
7 come back and let us know what that account was about and
8 any other pertinent information that he could share with us
9 regarding finances. Ms. White made it pretty clear that,
10 if he did not come back on the 29th to let us know what
11 that account was, we would have to go to law enforcement.

12 Q And did Mr. Shaw return to the district office
13 the next day, November the 29th?

14 A He did not.

15 Q Ms. Walton, will you please turn to what has been
16 marked as Complainant's Exhibit 4 and identify this
17 correspondence?

18 A This is a letter dated December 7th to Mr. Shaw
19 from me.

20 Q And what is the gist of the points that you were
21 making in this letter?

22 A I talked about Mr. Shaw's refusal to meet with me
23 and stated the fact that we were insisting that he come in
24 for a meeting.

25 Q And so what was the date of the letter again?

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1 A December 7th.

2 Q And how had you been trying to reach him since
3 that time, or had you?

4 A I had. Voice mails, text messages, I tried
5 several times to get in touch with Mr. Shaw.

6 Q And did he ever return your call?

7 A He did not.

8 Q I'd like for you to refer to the second paragraph
9 of your letter, Complainant's Exhibit 4.

10 A (Witness complies.)

11 Q And explain what you're referring to there.

12 A I'm sorry. The second paragraph?

13 Q The second paragraph of the letter. I believe
14 you had testified that he was supposed to come back on
15 November the 29th, and your letter reflects that he was
16 supposed to come in on December 7th. Did Mr. Shaw offer
17 any kind of excuse?

18 A He did. He said that he did not return on the
19 29th because he was with his mother, who was ill in
20 Charleston, and she was in the hospital.

21 Q Did you accept that excuse?

22 A I did accept that excuse.

23 Q And then what did he say about December 7th?

24 A I don't recall him giving me an excuse for
25 December 7th.

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1 Q And on what day and time did you confirm the
2 December 7th appointment?

3 A On December 6th.

4 Q At what time?

5 A At 4:50 in the afternoon.

6 Q Were there any other key points that you made to
7 Mr. Shaw in Complainant's Exhibit 4?

8 A Yes. We found it suspicious that Mr. Shaw said
9 he was in Beaufort between December 3rd and December 6th,
10 but he couldn't meet with us, but he had time to be
11 interviewed by a local newspaper.

12 Q If you will turn to what has been marked as
13 Complainant's Exhibit 5, identify that writing for the
14 record, please.

15 A This is the December 5th article which includes
16 an interview with Mr. Shaw.

17 Q By who?

18 A By Rachel Heaton, Island Packet.

19 Q In the last paragraph of your letter of December
20 7th, 2012, which is Complainant's Exhibit 4, you wrote that
21 Mr. Shaw was to show up on December 11th, 2012, for a
22 conference, or he would be considered insubordinate; is
23 that correct?

24 A That's correct.

25 Q And did he meet with Ms. White and you on

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1 December 11th?

2 A He did not.

3 Q Please go to Complainant's Exhibit Number 6 and
4 identify these materials.

5 A This is a fax that I received from Mr. Shaw on
6 December 12th.

7 Q And was -- were there any attachments?

8 A Yes, there were leave slips, or leave forms,
9 completed by Mr. Shaw.

10 Q Ms. Walton, how many days did Mr. Shaw take for
11 personal illness during November and the early part of
12 December?

13 A One.

14 Q And was December 7th -- was that the day that he
15 took?

16 A December 7th was that day, yes.

17 Q And was December 7th the day when Mr. Shaw was
18 supposed to meet with Ms. White and you?

19 A Correct.

20 Q And did you speak to Mr. Shaw and -- and in --
21 as to those leave forms that he attached to that fax, and
22 you said that you got them on December the 12th, is that
23 proper district procedure, in terms of leave?

24 A No. It's not, no.

25 Q Would you explain the appropriate procedure?

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1 A If an employee is going to be out sick, they are
2 to notify their immediate supervisor or their supervisor's
3 designee that they were going to be out sick that day.

4 Q So in advance?

5 A In advance, yes.

6 Q And Mr. Shaw's submission of the fax dated
7 December 12th did or did not comport with those
8 expectations?

9 A Did not comport.

10 Q All right. Going back to the leave forms that
11 are a part of Complainant's Exhibit Number 6, how many days
12 did Mr. Shaw take for family illness?

13 A Five.

14 Q Ms. Walton, please turn to Complainant's Exhibit
15 Number 7 and identify it for the Board.

16 A This is an email from me to Mr. Shaw, and Ms.
17 White is copied.

18 Q And on what date did you send that email?

19 A December 12th.

20 Q And what did you advise him in that email?

21 A I advised him that I received his leave forms,
22 and also I advised him that Chris Barrow would not be in
23 attendance in the conference that was set for Mr. Shaw, Ms.
24 White, and me on the 14th.

25 Q Please refer to Complainant's Exhibit Number 8.

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1 What is this?

2 A This is an email from Chris Barrow to me.

3 Q And what date is on that email?

4 A December 13th.

5 Q Please turn to Complainant's Exhibit 9 and
6 identify it for the record.

7 A This is an email from Chris Barrow to me on
8 December 13th that he forwarded as information.

9 Q Now please refer to Complainant's Exhibit Number
10 10 and explain what this writing is.

11 A This is an email from Mr. Barrow on December 13th
12 to me.

13 Q And what does Mr. Barrow tell you in that email?

14 A That he had just received a phone call from
15 Denise Gibbo on his cell phone, asking him to call her. He
16 returned the call to Ms. Gibbo, and she said to Mr. Barrow
17 that Mr. Shaw was trying to get ahold of him and asked
18 Chris if he would contact Mr. Shaw.

19 Q Ms. Walton, what did you think about what Ms.
20 Gibbo had said?

21 A I thought it odd because Ms. Gibbo -- on December
22 13th, I still had not met with her, and I needed to talk to
23 her about issues not only surrounding Mr. Shaw's case, but
24 hers, as well, and she was at this point in touch with Mr.
25 Shaw, and she should not have been.

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1 Q And what was her excuse for not meeting with you?

2 A She was too ill.

3 Q Please turn to Complainant's Exhibit Number 11
4 and identify it for the record.

5 A This is an email from Mr. Shaw to me, copying
6 Chris Barrow and Ms. White, dated December 13th.

7 Q And what did you think about the contents of this
8 email?

9 A I was dismayed, because in this email, Mr. Shaw
10 is reprimanding me for not doing what he had directed me to
11 do.

12 Q Did Mr. Shaw meet with Ms. White and you on
13 December 14th, and, if so, what did the two of you discuss
14 with them, and what were his responses?

15 A He did meet with us on the 14th. We discussed
16 financial issues again, and his answers once again were, "I
17 don't know. I have to do some more research. Let me get
18 back to you on it."

19 Q Ms. Walton, do you recall the decision that Dr.
20 Rosswurm made in December 2012 regarding the status of Mr.
21 Shaw's employment?

22 A Yes, she decided to reassign Mr. Shaw to an
23 administrative position with Right Choices.

24 Q And what workday was she expecting him to report
25 to work?

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1 A January 2nd, 2013.

2 Q Did Mr. Shaw report to work on December 2nd --
3 January 2nd, 2013?

4 A He did not.

5 Q Would you please refer to Complainant's Exhibit
6 12 and identify this writing for the record?

7 A This is a memorandum from Robert Lolik to our
8 benefits coordinator.

9 Q And what date is on that?

10 A January 8th, 2013.

11 Q And what type of position does Mr. Lolik hold?

12 A He is a social worker.

13 Q And what did Mr. Lolik tell the benefits
14 coordinator?

15 A That Mr. Shaw was under his treatment and he was
16 not able to work, currently.

17 Q And on what date did he say that he first met Mr.
18 Shaw or conducted this clinical interview?

19 A On January 8th. He said on this day.

20 Q Would you please turn to Complainant's Exhibit 13
21 and identify it?

22 A This was a medical excuse from -- I'm sorry.

23 Q What date is on that medical excuse or --

24 A January 8th, 2013.

25 Q And what is the person requesting?

1 A She is a nurse.

2 Q She's a nurse?

3 A Nurse practitioner, yes.

4 Q And what is she asking the district to do?

5 A She is asking the district to please excuse Mr.
6 Shaw for work between January 2nd, 2013, and January 14th,
7 2013.

8 Q And on what date was this nurse practitioner's
9 statement received by the district?

10 A It was received on January 12th.

11 Q Please refer to Complainant's Exhibit 14. What
12 is this?

13 A This is an email from Mr. Shaw to Dr. Rosswurm,
14 me, and the benefits coordinator, requesting additional
15 paperwork.

16 Q And what date was this email sent?

17 A January 14th.

18 Q What reason does Mr. Shaw provide for not
19 returning to work the next day, January 15th?

20 A He said he could not because he was dealing with
21 the stress that both family members as well as himself had
22 been enduring.

23 Q And does Mr. Shaw indicate a projected date to
24 return to work?

25 A No, he didn't. He said he was unsure of how long

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1 he'd be out, but when he had that information, he would be
2 in contact.

3 Q Please turn to Complainant's Exhibit 15 and
4 identify these two pieces of paper for the Board.

5 A This is a letter dated January 17th to Mr. Shaw
6 from me.

7 Q And what were you asking him to do?

8 A I was asking him to have his medical care
9 provider to resubmit his request because the one we'd
10 received earlier was of poor quality and we could not --
11 could not read it. So we asked him to ask Mr. Lolik to
12 re-fax it to our office, or we gave him the option and
13 included an authorization to release personal health
14 information, just in case Mr. Shaw wanted us to contact
15 Mr. Lolik instead.

16 Q Will you turn to Complainant's Exhibit 16 and
17 identify it?

18 A This is the certification of healthcare provider
19 under the Family and Medical Leave Act requirements.

20 Q And who submitted that on Mr. Shaw's behalf?

21 A Robert Lolik.

22 Q And what, again, was Mr. Lolik's position?

23 A Social worker.

24 Q Under number five, what date does Mr. Lolik say
25 Mr. Shaw's need for FMLA began?

1 A November 9th, 2012.

2 Q And does that date have any significance?

3 A Yes.

4 Q And what was that date?

5 A That was the date that -- that was the day after
6 Mr. Shaw was placed on administrative leave.

7 Q Please turn to Complainant's Exhibit 17 and
8 identify it.

9 A This is a string of emails between Mr. Shaw and
10 our benefits coordinator that dates January 14th and runs
11 through January 24th.

12 Q And what were they discussing, generally? What
13 type of leave?

14 A His family medical leave and what was required.

15 Q All right. Ms. Walton, would you please turn to
16 Complainant's Exhibit 18 and identify this correspondence?

17 A This is a letter dated February 15th to Mr. Shaw
18 from me.

19 Q And what were you generally trying to say in that
20 letter?

21 A I was just following up with Mr. Shaw on his
22 leave status and what the administration's expectation of
23 him was at this point.

24 Q And what was the expectation?

25 A That he come in and meet with Ms. White and me.

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1 Q I ask that you refer to the third and fourth
2 paragraphs of this letter and briefly summarize what you're
3 telling Mr. Shaw.

4 A I was telling Mr. Shaw that it was necessary for
5 him to come in for a meeting and that his healthcare
6 provider had not stated that he was too ill to come in to a
7 meeting. He could not work, but there was no documentation
8 that said he could not come to a meeting.

9 Q Now, between February 15th, 2013, and the end of
10 the 2012-13 school year on June 30th, did Mr. Shaw ever
11 comply with your request for such a writing?

12 A He did not.

13 Q Please turn to Complainant's Exhibit 19 and
14 identify it.

15 A This is an email from Mr. Shaw on February 20th
16 to me.

17 Q And just generally tell the Board what claims Mr.
18 Shaw made in that email.

19 A Mr. Shaw is stating that he does not understand
20 why his beginning date of FMLA was listed as November 9th,
21 not January 9th. He also stated that his calculations
22 showed that his FMLA should actually end on April 4th, not
23 on the 11th. And then he also stated that he would come in
24 to a meeting with me if, and only if, I would clear the
25 individuals that he wanted in the meeting with us to

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1 attend that meeting, including Ms. Gibbo, his office
2 manager/secretary.

3 Q I ask that you turn to Complainant's Exhibit 20
4 and identify this letter for the Board.

5 A This is a letter dated March 5th to Mr. Shaw from
6 me.

7 Q And apparently you are responding to certain
8 claims. Are any of those claims that Mr. Shaw made to you
9 in his email correct?

10 A No, none.

11 Q Ms. Walton, I'd like for you to focus on your
12 response to Mr. Shaw's claim about his leave on page two of
13 the letter. Would you please tell the Board that -- for
14 2012-13, exactly how many days was Mr. Shaw on paid
15 administrative leave?

16 A Seventeen days.

17 Q And all the other workdays when Mr. Shaw was out
18 between November 9th, 2012, to June 30th, 2013, to what
19 type of leave were they attributed?

20 A Personal or family sick leave.

21 Q Did he have any vacation leave that he was able
22 to use?

23 A He did. He'd accrued vacation days, yes.

24 Q And did he qualify and use unpaid FMLA leave?

25 A He did.

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1 Q Ms. Walton, are there any federal or state laws
2 applicable to sick leave in public sector employees?

3 A Yes, the state law provides that public employees
4 can accrue up to 90 days for sick leave, and then there are
5 regulations and rights granted to employees under the
6 Family and Medical Leave Act.

7 Q Please turn to Complainant's Exhibit 21 and
8 identify this document for the record.

9 A This is a fax from Robert Lolik to our benefits
10 coordinator.

11 Q And what was Mr. Lolik saying in that, generally?

12 A He was saying that his first certification of
13 health as a healthcare provider was not clear and the dates
14 were incorrect, so this was a corrected one.

15 Q I ask that you turn to Complainant's Exhibit 22
16 and identify these two documents.

17 A This is an email with an attached correspondence
18 to Mr. Shaw from me dated April 4th, 2013.

19 Q And briefly explain the contents of your letter.

20 A I am telling Mr. Shaw that the date that his --
21 that Mr. Lolik requested on his original certification was
22 the date that we were going to use for his inception of
23 family medical leave, and also his request for an
24 additional extension did not -- he did not qualify.

25 Q Why didn't he qualify for the three extra weeks

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1 of FMLA leave that Mr. Shaw wanted?

2 A Because the addition is only for military family
3 members, or spouses, taking care of ill or incapacitated
4 relatives, and he did not --

5 Q Please --

6 A -- qualify.

7 Q All right. Please turn to Complainant's Exhibit
8 23 and identify this document.

9 A This is a letter to Mr. Shaw from me dated March
10 19th.

11 Q And what were the major points that you were
12 trying to get across to Mr. Shaw in this letter?

13 A Again, I said that we'd received the updated
14 request from Mr. Lolik and informed Mr. Shaw that we were
15 going to go with the original date of November 9th as the
16 beginning of his FMLA, and I also let him know that, if he
17 was going to still remain out, he needed to provide a
18 physician's signed statement to me by March 28th.

19 Q And what type of statement was it?

20 A Physician's statement.

21 Q Would you turn to Complainant's Exhibit 24?

22 A (Witness complies.)

23 Q What is it?

24 A It is a memo dated April 14th to our benefits
25 coordinator from Robert Lolik, social worker, stating that

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1 Mr. Shaw was still in treatment and that he could not
2 provide a termination date or discharge date for services
3 at this time.

4 Q Please turn to Complainant's Exhibit 25 and
5 identify these documents.

6 A This is an email with a letter attached dated
7 April 17th from me to Mr. Shaw.

8 Q And will you succinctly state what you told him?

9 A I said the excuse that he'd provided to us was
10 not a physician's statement and that he needed to provide a
11 physician's statement to me on or before April 22nd, 2013.

12 Q And what policy did you reference?

13 A HRS 16.

14 Q Will you kindly turn to Complainant's Exhibit 26
15 and identify this?

16 A This is an email from Mr. Shaw on April 18th to
17 me, stating that he was very confused. He did not
18 understand why the person who had originally submitted his
19 FMLA papers was not considered as sufficient.

20 Q Please turn to Complainant's Exhibit 27 and
21 identify this writing.

22 A This is a memo from -- to Mr. Shaw from me dated
23 April 18th.

24 Q Ms. Walton, please read the third paragraph
25 aloud.

1 A "I am uncertain why you believe it is acceptable
2 conduct for you to challenge, repeatedly, reasonable
3 requests from the district office and/or demand that the
4 district administration accept or comply with what you
5 decide that you want to do rather than what is expected of
6 all other employees. In short, please understand that your
7 continued refusal to comply with district policy will not
8 further be tolerated. My hope is that you will adhere
9 exactly with the directions of March 19th and April 17th in
10 terms of a physician's statement verifying the nature of
11 your illness and the approximate duration of the same and
12 have him or her submit it in writing to my attention on or
13 before the extended deadline of April the 22nd."

14 Q Would you turn to Complainant's Exhibit 28. What
15 is it?

16 A This is an email from Mr. Shaw to me dated April
17 19th.

18 Q And what did he say in his email?

19 A He thanked me for my clarification of letting him
20 know the difference between a physician's statement and the
21 original person who provided an excuse for him.

22 Q And who is that original person again?

23 A Mr. Lolik.

24 Q And what was his position?

25 A Social worker.

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1 Q Turn to Complainant's Exhibit 29 and identify
2 this writing.

3 A This is a medical excuse from --

4 CHAIRMAN EVANS: Excuse me.

5 WITNESS: -- a nurse pract --

6 MS. FAWLEY: Excuse me. Number 29 is
7 apparently missing from his notebook. Could you, Mr.
8 Williams, give them copies of those pages?

9 MR. WILLIAMS: (Complies.)

10 BY MS. FAWLEY:

11 Q What is Exhibit 29?

12 A It is an excuse to -- a medical excuse for Mr.
13 Shaw from a nurse practitioner.

14 Q What is Complainant's Exhibit Number 30?

15 A It is a memo from me to Mr. Shaw on April 23rd.

16 Q Ms. Walton, please read the second paragraph
17 aloud.

18 A "Once again, you have unwilling -- you have been
19 unwilling to comply with a simple, clear directive,
20 initially posed on March 19th, 2013, and reiterated again
21 on April 17th, 2013, and on April 18th, 2013, for a
22 physician's statement verifying the nature of your illness
23 and the approximate duration of the same. Instead of
24 deciding that you are purposely being insubordinate, for
25 the final time, I ask that you submit the required doctor's

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1 statement. This must be done on or before the close of
2 business day on April 29th."

3 Q And I believe this is the last exhibit that I
4 want you to introduce, Ms. Walton. Will you please turn to
5 Complainant's Exhibit 31 and identify those two documents?

6 A This is an email from Mr. Shaw to me on Monday,
7 April 29th, and he has attached to the email a physician's
8 statement.

9 Q So it took from March 19th, 2013, to April 29th,
10 2013, for Mr. Shaw to turn in the required physician's
11 statement?

12 A That's correct.

13 Q Did Mr. Shaw and you ever write or talk to one
14 another after April 29th?

15 A We did not.

16 Q Ms. Walton, you're aware that Superintendent
17 Jeffrey Moss has recommended that Mr. Shaw be dismissed
18 from employment. Based on your interactions with Mr. Shaw
19 and the inquiries into his conduct in which you were
20 involved, do you believe he should continue to be an
21 employee of this school system?

22 A I do not.

23 Q Why is that?

24 A Because as an administrator in the building, the
25 tone is set from the top. You have to ensure that everyone

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1 in your building and the confines thereof have a safe and
2 healthy working environment, both physically and mentally.
3 You have to take care of your staff so they can take care
4 of your students, and staff can take care of parents, and I
5 just -- I don't believe Mr. Shaw has exhibited that in his
6 dealings with me.

7 MS. FAWLEY: Thank you, Ms. Walton. You
8 have very patiently answered my questions and
9 identified a number of documents. I don't know
10 whether the Board wishes for Ms. Zeidan or Mr. Bush to
11 proceed with cross-examination, but please answer any
12 questions that they may have.

13 CHAIRMAN EVANS: We would like to take a
14 brief 10-minute break and come back, and we will
15 continue with any questions from Mr. Shaw's attorneys.

16 (Brief recess taken.)

17 MS. ZEIDAN: Mr. Chairman of the Board, at
18 this time, we would like to introduce Shaw's Exhibits
19 Number 1 through 31.

20 CHAIRMAN EVANS: Please go ahead, Ms.
21 Zeidan, if you're ready.

22 MS. ZEIDAN: Thank you.

23 CROSS-EXAMINATION

24 BY MS. ZEIDAN:

25 Q Ms. Walton, when this case came about, how long

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1 were you over HR?

2 A I'm not understanding your question. How long
3 was I over it or --

4 Q As of November 8th, 2012, how long were you the
5 director of HR?

6 A I was acting director starting October 1st, 2012.

7 Q October 1st?

8 A Yes.

9 Q Have you had any other roles in the human
10 resources department, prior to October 1st?

11 A I have.

12 Q And what were those?

13 A Seven years as director of certified staff and
14 teacher quality.

15 Q And you spent 26 years as a classroom school
16 teacher? Was that your testimony?

17 A That's correct.

18 Q Okay. And you never worked as a principal; is
19 that correct?

20 A That is also correct.

21 Q Okay. So you can articulate a principal's job
22 responsibilities and duties, but you don't actually know
23 exactly what it takes; is that correct?

24 A That is not correct.

25 Q But you've never been a principal; is that right?

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1 A That is correct.

2 Q Okay. And the only thing that you can really
3 attest to is their job duties and responsibilities -- is
4 that correct -- as HR?

5 A I can attest to that, yes.

6 Q Okay. All right. I want to go back to the day
7 that you say you met with Teacher A. Is that correct, that
8 you met with a Teacher A at McCracken?

9 A That's correct.

10 Q And what day do you recall meeting with that
11 teacher?

12 A The 6th, I believe.

13 Q All right. I think you informed the Board
14 through your testimony that Teacher A emailed you or you --
15 how did you get acquainted with Teacher A?

16 A Two months before through an email.

17 Q Okay. And do you have that email that Teacher A
18 sent you?

19 A I do not.

20 Q Okay. And Teacher A told you that Shaw told her
21 that you were working on this or that the district had some
22 involvement; is that correct?

23 A That's correct.

24 Q And what evidence do you have of that?

25 A I don't have any evidence, other than what

1 Teacher A told me.

2 Q Other than what she told you?

3 A That's correct.

4 Q No email --

5 A No.

6 Q -- from Teacher A to Shaw?

7 A No.

8 Q Okay. All right. On November 7th, you talked
9 about a leadership meeting in which you saw Shaw at the
10 district office; is that correct?

11 A That's correct.

12 Q All right. And you met with Shaw; right?

13 A I did.

14 Q Okay. And you let him go; is that correct?

15 A That is correct.

16 Q All right. Ms. Walton, the next day, you
17 testified that you went to McCracken --

18 A Yes.

19 Q -- with Jackie Rosswurm; is that correct?

20 A That's correct.

21 Q All right. I want to turn your attention to
22 Exhibit 1 that you testified in the complainant's book, the
23 other book, Ms. Walton. Now, Ms. Walton, these are
24 statements that you had Mr. Shaw give concerning what?

25 A I'm not sure I understand your question.

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1 Q Why did you have Mr. Shaw write these statements?

2 A Dr. Rosswurm requested that Mr. Shaw write these
3 statements.

4 Q Okay. And how many times did you have Shaw
5 rewrite the statement?

6 A Dr. Rosswurm asked Mr. Shaw to rewrite the
7 statements.

8 Q Okay. How many times?

9 A Three times.

10 Q Okay. Three times. And what was your concern
11 about those -- about why -- why were you there that day?

12 A I was there as an HR support for the
13 superintendent.

14 Q To do what? What was the mission?

15 A To do whatever I was directed to do by the
16 superintendent.

17 Q And what was that?

18 A One directive was to sit and wait for Mr. Shaw to
19 complete his statement. That was a directive.

20 Q What was -- why were you and Jackie Rosswurm
21 going to McCracken that day?

22 A To meet with Mr. Shaw.

23 Q About what?

24 A About issues that she'd had previous concerns
25 about, his whereabouts the day before, the incident with

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1 the student the day before, his not having -- having Ms.
2 Gibbo in his office, and his not being visible in the
3 building.

4 Q Okay. You say Mr. Shaw wasn't visible in the
5 building. He was there every time you went; is that
6 correct?

7 A I don't know that he was.

8 Q He was there on --

9 A I didn't go all the time, looking for him,
10 specifically.

11 Q Okay. November 6th, when you went looking for
12 him after you met with Teacher A, he was there; is that
13 correct?

14 A That is correct.

15 Q And November 8th, when you went to -- with Jackie
16 Rosswurm to discuss this with him, he was there; is that
17 correct?

18 A That is correct.

19 Q Okay. Ms. Walton, I want to talk about one of
20 the reasons that you went -- well, first of all, these
21 statements that you had Mr. Shaw give, were these
22 statements given before or after he was placed on
23 administrative leave?

24 A I do not recall if they were before or after.

25 Q All right. I want to talk a little bit about why

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1 you were there on November 8th, and you keep bringing up
2 the secretary situation. What's the issue with Shaw
3 working closely with his secretary?

4 A I don't think it's an issue of him working
5 closely with her.

6 Q Okay. Then what was the issue?

7 A The issue was her office and where it was
8 actually located.

9 Q Okay. And where was her office?

10 A I couldn't answer that.

11 Q Okay. Did you ever go -- as HR, did you ever go
12 to Denise Gibbo's office?

13 A I did not. I had no reason to.

14 Q Okay. So you have no evidence where her office
15 really was?

16 A No, I don't.

17 Q Okay. But yet you went there to question him
18 about it?

19 A I did not. Dr. Rosswurm did.

20 Q Okay. You led an HR investigation into McCracken
21 Middle School, did you not?

22 A That's correct.

23 Q Okay. And you went there to get statements; is
24 that correct?

25 A Correct.

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1 Q And you got statements from, I think -- under
2 Exhibit 3, you got statements from Dawn Sumner, Sonia
3 Merrick, and Sherie Bush Sturgis?

4 A Correct.

5 Q And I think you testified that you asked them for
6 the truth as to what they were doing; is that correct?

7 A Correct.

8 Q Okay. I want to draw your attention to Sonia
9 Merrick's statement. What is the date on this statement,
10 Ms. Walton?

11 A November 20th, 2012.

12 Q Okay. And why were you at McCracken November
13 20th, 2012?

14 A To investigate mishandling of funds.

15 Q Okay. And how did the mishandling of funds get
16 to your attention?

17 A Through Barbara Williams, the bookkeeper.

18 Q And Barbara Williams called you because Sonia
19 Merrick walked out of the school with \$300; did she not?

20 A I'm not sure why she called me. She just said
21 there were fund-raising issues at McCracken. She didn't
22 say she'd walked out of the building.

23 Q Alice Walton, did you direct Sonia Merrick to
24 bring back some money and deposit it through the bookkeeper
25 on November 20th --

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1 A I did.

2 Q -- 2012?

3 A I did.

4 Q You did?

5 A Yes.

6 Q And you actually had to be called because she
7 wouldn't listen to Barbara Williams; is that correct?

8 A That is correct.

9 Q Okay. All right. So that's why you went down to
10 McCracken?

11 A Not originally, no.

12 Q Okay. Well, why were you there, originally?

13 A The email from Ms. Williams that said, "We have
14 money issues at McCracken."

15 Q And all this just happened to take place on
16 November 20th?

17 A To my knowledge, yes.

18 Q Okay. So you were in the building when Sonia
19 Merrick decided not to give the money to Barbara Williams?

20 A I was, yes.

21 Q Okay. All right. And did you meet with Barbara
22 -- with Sonia Merrick before or after she and Ms. Williams
23 had this discussion about the money?

24 A I don't know when she and Ms. Williams had the
25 discussion about the money. I met with her that afternoon,

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1 so --

2 Q Okay. And when did Ms. Williams call you and
3 say, "Sonia Merrick is refusing to give me \$300"?

4 A She didn't call me to tell me that. I got an
5 email from her that morning, saying that there were fund --
6 funding issues. She might have said it to me later on
7 during the day. I'm not certain. She did not email me to
8 that effect.

9 Q Then how did you find out about it?

10 A Well, Ms. Williams told me about it.

11 Q Okay.

12 A In the building.

13 Q Okay. And what time of day was that?

14 A It was in the afternoon. It was after school was
15 over.

16 Q Okay. And you were there since the morning?

17 A I was there pretty much the half -- yes, about
18 half of the day. Yes.

19 Q Okay. All right. In the statement, you asked
20 them to give you the truth as to what they were doing?
21 That's what you just testified to?

22 A That is correct.

23 Q All right. And Sonia in this statement didn't
24 tell you that she walked out of the school with \$300, did
25 she?

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1 A She did not.

2 Q And she didn't tell you that Barbara Williams --
3 she and Barbara Williams got into it over this \$300, did
4 she?

5 A She did not.

6 Q She didn't put that in her statement. She
7 didn't say that, a couple weeks prior, she took up money
8 for T-shirts and gave that money to an athletic director at
9 the school, did she?

10 A She did not.

11 Q And, in fact, you didn't even find out about that
12 until the depositions, the deposition of Sonia Merrick; is
13 that correct?

14 A That is correct.

15 Q Sonia didn't tell you in this statement that she
16 cashed over \$360 in checks, did she?

17 A No.

18 Q And Sonia didn't tell you that she had personnel
19 issues with Barbara (sic), did she?

20 A She did not.

21 Q And she didn't tell you that she tried everything
22 she could to stay away from Barbara Williams, did she?

23 A She did not.

24 Q No, but she told you that Phillip Shaw and Denise
25 Gibbo were the reasons that she was avoiding financial

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1 policies; is that correct?

2 A That is correct.

3 Q All right. Out of curiosity, Ms. Walton, how
4 many times did you get them to write their statements?

5 A Once.

6 Q Okay. And these statements, they were never
7 given to the finance department, were they?

8 A No, they were not.

9 Q Okay. Even though they dealt with financial
10 issues?

11 A They were not given to the financial department.

12 Q All right. And did you go through those
13 statements?

14 A When you're saying "go through," do you mean
15 read?

16 Q Yes.

17 A Yes.

18 Q Okay. All right. And did you notice any
19 inconsistencies with the -- excuse me, any inconsistencies
20 within those statements?

21 A No, I did not.

22 Q Okay. All right. One moment. Now, Ms. Walton,
23 Barbara Williams, the bookkeeper, also gave you a
24 statement, did she not?

25 A She did.

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1 Q Okay. And I believe that is in the respondent's
2 notebook under Exhibit 38. It's in the black one, Ms.
3 Walton.

4 A Oh. Sorry.

5 Q That's okay. Now, Ms. Walton, you testified that
6 you read all of the statements, and you went through them;
7 is that right?

8 A That's correct.

9 Q All right. All right. Did you ever ask Sonia
10 Williams -- Sonia Merrick why she left items that Ms.
11 Williams had made mention to you -- why she did not include
12 that in her statement?

13 A No, I did not.

14 Q Okay. And Ms. Merrick, in her statement, she
15 told you that she was giving money to Barbara Williams, did
16 she not?

17 A She did.

18 Q Okay. And when did she say she started giving
19 money?

20 A I -- I don't recall.

21 Q All right. If we can flip to Sonia Merrick's
22 statement, it's under 3 in your book. If I can direct your
23 attention to the fourth paragraph, can you read that out
24 loud for me, please?

25 A "I always felt that this method was not right and

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1 would not ask Ms. Gibbo for receipts or statements of how
2 much money was in our account and was told once, 'I have a
3 lot of things to do. I can't be running to the bank all
4 the time.' At that point, I began giving whatever money I
5 raised to Ms. Williams to cover costs for the school
6 store."

7 Q All right. You can stop right there. When did
8 Ms. Williams say that she began receiving money from Sonia
9 Merrick in her statement?

10 A Where are --

11 Q I believe it's under 38, Ms. Walton.

12 A Are you referring to the October -- the October
13 25th date?

14 Q I'm on the last page, where it says, "On November
15 13th."

16 A Okay.

17 Q Can you read that sentence out for me, please?

18 A "On November 13th, 2012, Sonia Merrick gave me
19 \$146 to deposit into the student council club."

20 Q And will you read the second sentence for me,
21 please?

22 A "I asked her why she was giving me money at this
23 time."

24 Q So Barbara Williams asked Sonia Merrick, "Why are
25 you giving me money now?" Did you ever question Sonia and

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1 Barbara about the inconsistencies in these statements?

2 A I did not, no.

3 Q Okay. Your job was there just to get statements?
4 That was your role; right? Just to go in there and just
5 get the statements?

6 A That was one of my roles, yes.

7 Q Okay. And what was the other role?

8 A To talk with staff members to ascertain what was
9 actually going on in the building --

10 Q All right. And --

11 A -- as it relates to money.

12 Q -- to the level that the -- what was actually
13 going on was inconsistent, what was your role?

14 A To find out what the inconsistencies were.

15 Q Um-hum. And what did you find out in this case
16 as it relates to Sonia and Barbara's statements?

17 A That the dates did not correspond.

18 Q And what did you do about it?

19 A I did not do anything.

20 Q You didn't recommend either one of those's
21 terminations, did you?

22 A No, I did not.

23 Q All right. Thank you. I want to get to the day
24 of November 8th, and just to be clear, it's your testimony
25 that you were there when the lockbox was opened?

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1 A Yes.

2 Q Okay. So you did open the lockbox?

3 A Yes.

4 Q Okay. Now, who told you about the lockbox?

5 A The data specialist.

6 Q Okay. And did you get a statement from the data
7 specialist?

8 A No, I did not.

9 Q And why not?

10 A Because she told me about the lockbox, and we
11 went to look for the lockbox to see if it was actually
12 there.

13 Q Um-hum. She also told you that somebody, namely
14 Denise Gibbo, was interested in the lockbox; is that
15 correct?

16 A That's correct.

17 Q And why wouldn't you get a statement from her --
18 from her, attesting to that fact?

19 A I -- I could not answer that.

20 Q Okay. At this point, you're HR; right?

21 A Yes.

22 Q And this is a personnel matter; right?

23 A Yes.

24 Q And you just didn't get a statement?

25 A No, I did not get a statement.

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1 Q Okay. What time did you discover the lockbox?

2 A We were in the office at 7:45. It had to be 8:30
3 or 9:00, maybe. I'm not sure.

4 Q Okay. And you discovered the lockbox after Shaw
5 was placed on leave; is that correct?

6 A That's correct.

7 Q And who had access to Shaw's office after he was
8 placed on leave?

9 A Only Dr. Rosswurm.

10 Q How do you know?

11 A Because the locks were changed.

12 Q What time were the locks changed?

13 A On November 8th, probably around 4:00-ish in the
14 afternoon.

15 Q Okay. What time was Shaw removed?

16 A In the morning.

17 Q You walked him out. What time did you walk Shaw
18 out?

19 A I did not walk him out.

20 Q You walked with him.

21 A I did.

22 Q Um-hum. And what time did you get in your car
23 that morning and drive away from McCracken?

24 A Between 8:30 and 9:30, I would say.

25 Q All right. So, from 8:30-ish to 4:00, when the

1 locks were changed, who had access to Shaw's office?

2 A Anyone who had had a key to his office.

3 Q And how do you know they had to have a key?

4 A Because the office door was locked, so --

5 Q Did you lock the door?

6 A Yes, I did.

7 Q Okay. And who would've had a key?

8 A I'm not sure.

9 Q You don't know who had a key?

10 A No, I don't know who had a key to Mr. Shaw's
11 office. It could've been his APs. I'm not sure.

12 Q Okay. All right. How many people are in HE
13 McCracken Middle School?

14 A Approximately 85.

15 Q Eighty-five people are in the school?

16 A Approximately. Are you talking about teachers
17 or --

18 Q I'm talking about everybody. I'm talking about
19 how many people are in that school.

20 A Between 1,000 and 1,200.

21 Q And you can't say who had access to Shaw's
22 office, definitively, can you?

23 A No, I can't.

24 Q All right. Ms. Walton, if I may turn your
25 attention to Exhibit 2 in that book, and it is a letter

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1 that you sent to Mr. Shaw; is that correct?

2 A Correct.

3 Q And in this letter, you specifically tell Shaw,
4 "You are not to return to McCracken Middle School," didn't
5 you?

6 A That's correct.

7 Q All right. And that's a directive? You're
8 telling him not to do something; is that correct?

9 A That's correct.

10 Q All right. And you go on to say that, "I ask
11 that you remain available by telephone," and what's the
12 last sentence of the third -- of the second paragraph?

13 A "Please let me know immediately if this contact
14 number is incorrect."

15 Q All right. So that's a directive? You're
16 telling him to let you know immediately if that number is
17 incorrect; is that right?

18 A That's correct.

19 Q All right. I want to go down to the third
20 paragraph. Can you read that out to me, please?

21 A "Finally, in your best interest, I strongly
22 advise you not to have direct or indirect contact with any
23 of your faculty and staff members, students, and/or their
24 parents while on paid administrative leave."

25 Q All right. And you advised him; is that correct?

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1 A That's correct.

2 Q All right. What's in his best interest? What's
3 that? How do you know what his best interest is?

4 A I cannot answer that.

5 Q Well, you put it in the -- in the letter. This
6 is your letter; right?

7 A (No response.)

8 Q So what's his best interest?

9 A Regarding this matter, his best interest would be
10 not to have contact with faculty.

11 Q Okay. Why would that -- why would that be his
12 best interest?

13 A Because it was an active investigation beginning
14 to start.

15 Q And who was -- who is to say what his best
16 interest would be?

17 A (No response.)

18 Q Are you his legal counsel?

19 A No.

20 Q Okay. If I may, I want to turn your attention to
21 the -- let me see. Well, you testified that on December
22 21st, 2012, Shaw was reassigned as the director of Right
23 Choices; is that correct?

24 A Correct.

25 Q All right. And despite all of your suspicions,

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1 Shaw was still reassigned as a director of a program here
2 at Beaufort County schools?

3 A That's correct.

4 Q All right. Now, Shaw did not show up January
5 2nd, 2013, did he?

6 A No, he did not.

7 Q All right. And what I didn't hear you testify
8 before is, did you mail this letter to Shaw? Was this
9 letter mailed to him, the letter that was directing him to
10 come on January 2nd?

11 A What letter is that? Where is that?

12 Q One moment. (Pause.) How would Shaw have known
13 to report to the -- to Right Choices on January 2nd?

14 A It was placed in a letter to him.

15 Q Okay. And how was that letter sent to him? How
16 was that letter given to him?

17 A I believe that letter came from Dr. Rosswurm.

18 Q Okay. And how would that letter have been given
19 to him?

20 A It would've been mailed to him, as well as
21 emailed to him.

22 Q All right. Were you assigned the task of
23 determining whether or not Shaw received that email or that
24 letter or correspondence?

25 A And when would I have been assigned that?

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1 Q Did you ever go to the post office to inquire
2 about whether or not that had been delivered?

3 A No, I did not.

4 Q Okay. One moment, please. (Pause.) So you
5 don't know if he got the letter or not; is that correct?

6 A No, I don't know if he got the letter or not. I
7 mailed it to his home address.

8 Q And it's your testimony that the United States
9 Postal Service never told you, gave you a letter, saying
10 that they didn't -- they weren't able to confirm delivery
11 of that?

12 A They did not.

13 Q Okay. I want to talk about this FMLA piece, Ms.
14 Walton, because this seems to be a big controversy. Can I
15 have you turn to Number 16 in that book?

16 A (Witness complies.)

17 Q Do you recall when this FMLA paperwork was
18 submitted to the school district?

19 A No, I do not recall.

20 Q Okay. It's dated January 22nd. Is it safe to
21 assume you received it somewhere around that time?

22 A Yes.

23 Q Okay. And you didn't discuss any concerns
24 challenging Mr. Lolik as a physician until March 19th,
25 2013; is that correct?

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1 A That is correct.

2 Q All right. Why did it take you until March?

3 A Because I did not ask for the FMLA form to be
4 certified as a physician -- him to be certified. I asked
5 for a physician's excuse for his continued leave.

6 Q All right. And why the difference now? Why does
7 it matter now?

8 A Because the law states that a certification of
9 healthcare provider can be provided from someone other than
10 a physician.

11 Q Okay. You said that it can be provided from
12 someone other than a physician?

13 A That is correct.

14 Q Is that what Mr. Shaw gave you?

15 A For his certification of healthcare provider for
16 the actual leave, yes, that's what he gave me.

17 Q And on April 18th, 2013, Shaw sent you an email
18 indicating -- well, let's turn to that email. It's Number
19 26. Can you read that email for the record, Ms. Walton?

20 A "I am in receipt of your email and am very
21 confused. I don't understand why I would not request the
22 updated letter to be sent from the individual who
23 originally submitted all of my FMLA paperwork and whom
24 district has been requesting updates from.

25 "Please clarify why you are now stating that I am

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1 insubordinate when I am simply following the instructions
2 that I've been given by you since January.

3 "If you are now requesting that you want me to go
4 back to my doctor so that she can send you a confirmation
5 that I am being treated by Doctor -- by Robert Lolik, I
6 will be more than happy to adhere to that directive.

7 "I await your response in that there is usually a
8 substantial wait time for an appointment with my doctor and
9 I would want to schedule it as quickly as possible.

10 "In the interim, I have confirmation from Robert
11 Lolik that your most recently requested update was sent in
12 a timely manner."

13 Q Okay. And, now, you responded with a
14 correspondence dated April 18th; is that correct? The same
15 day?

16 A That's correct.

17 Q Okay. And, then, Shaw then responded to you on
18 the 19th, and can you read the first line of that?

19 A "Thank you for your clarification. This may be
20 information that you thought had been explained to me prior
21 to yesterday but, in fact, never was."

22 Q So he thanked you for clarifying what you needed;
23 is that right?

24 A Correct.

25 Q He had also told you that getting the doctor's

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1 appointment isn't as easy as walking in; is that correct?

2 A Correct.

3 Q Okay. And ultimately, on April 29th, he did
4 provide you an excuse from a physician, from an MD; is that
5 correct?

6 A That's correct.

7 Q Okay. Ms. Walton, you've discussed several, I
8 guess, things or issues that personnel and Dr. Rosswurm
9 were concerned about as it related to Mr. Shaw, his
10 visibility in the building, his use of the secretary. What
11 were some of those other things that you discussed?

12 A Not normal work hours.

13 Q And as you testified earlier, he was at the
14 building on the two occasions that you went; is that
15 correct?

16 A On the two days that I went in there, yes, he
17 was.

18 Q And how often would you go to McCracken?

19 A It would depend. There was no regular schedule
20 for me to go to McCracken.

21 Q How many times that you had been between August,
22 when school started, and November 7th or 8th, when Shaw was
23 removed?

24 A I couldn't answer that, specifically.

25 Q All right. Did you go weekly?

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1 A I couldn't answer that, specifically.
2 Q You don't know if you'd go there weekly?
3 A Between August and November?
4 Q Yeah. Do you go to McCracken weekly?
5 A Between those specific dates?
6 Q Um-hum.
7 A Is that what you're asking me?
8 Q (Counsel nods head; no verbal response.)
9 A I might have. I'm not sure.
10 Q Okay. And how do you know that he wasn't visible
11 at the school?
12 A Those directives came from Dr. Rosswurm and
13 Superintendent Truesdale, not from me.
14 Q Okay. And, well, you're personnel. I assume you
15 got these complaints. You'd discuss them with Dr.
16 Rosswurm. You went there to discuss them with Phillip.
17 How did you guys know he wasn't visible during school
18 hours?
19 A Again, that is not my -- that's not my directive,
20 or that's not my -- that came from Dr. Truesdale and Dr.
21 Rosswurm.
22 Q Okay. And I under --
23 A Because they were direct supervisors of Mr. Shaw,
24 not me.
25 Q And I understand you weren't his direct

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1 supervisor.

2 A Um-hum.

3 Q What I'm asking you was, how did you guys know --
4 because you admitted that you went down there to talk with
5 him about it. What evidence did y'all have that he wasn't
6 visible during school hours?

7 A Teacher complaints, I would say --

8 Q All right.

9 A -- that did not come to me, but went to Dr.
10 Rosswurm.

11 Q That went directly to Dr. Rosswurm?

12 A Yes.

13 Q Okay. Did you ever -- did McCracken have
14 surveillance cameras?

15 A I'm sure they do, yes, as do all schools.

16 Q All schools in Beaufort have surveillance
17 cameras?

18 A 'Yes.

19 Q Did you ever review the surveillance tapes to see
20 if Shaw was missing?

21 A No, I did not.

22 Q Okay. Concerns about his secretary, where did
23 those come from?

24 A Dr. Rosswurm and Dr. Truesdale.

25 Q All right. And I understand that, and you aided

1 them in this investigation, so what evidence did y'all
2 have?

3 A She was not -- she was visible in the office, in
4 Mr. Shaw's office. Her purported office never looked like
5 it was used in -- when I saw it.

6 Q All right. And you used the word "purported,"
7 and it was never used when you saw it. All right. What
8 defines a used office?

9 A A computer that's up and running, papers on the
10 desk, current posters or notes.

11 Q All right. And that's your definition --

12 A Yes.

13 Q -- of a used office; right?

14 A That's my definition, yes.

15 Q Okay. Did y'all ever use surveillance tapes as
16 it relates to Phillip Shaw and Denise Gibbo?

17 A I did not, no.

18 Q Okay. And everything that you had was purported;
19 is that correct?

20 A From my standpoint, yes.

21 Q Okay. If you would, Ms. Walton, in our exhibit
22 book, would you please turn to, I believe it's, 14?

23 A (Witness complies.)

24 Q Now, as director of HR, you would've had all the
25 personnel files; is that correct?

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1 A Yes, I would have.

2 Q Okay. If you'd flip the page, Ms. Walton, can
3 you tell me what this is?

4 A It's a principal evaluation form.

5 Q All right. And tell me what these are used for.

6 A These are used by the superintendent to evaluate
7 principals.

8 Q To evaluate principals?

9 A Yes.

10 Q Is that correct?

11 A That is correct.

12 Q And this -- is this kept in the principal's
13 personnel file?

14 A It is.

15 Q All right. I want to go through this with you.
16 I believe it's the third page of this document. The
17 standard one is what?

18 A Vision.

19 Q All right. And define vision. It says what?

20 A "A school principal is an educational leader who
21 fosters success of all students by facilitating the
22 development, communication, implementation, and evaluation
23 of a shared vision of learning that reflects excellence and
24 equity."

25 Q All right. And what did Dr. Truesdale rate

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1 Phillip Shaw as it pertains to standard one vision?

2 A Proficient.

3 Q All right. I believe, if you'll go to the sixth
4 page of this document, and can you define that standard for
5 me?

6 A Will you identify the one? Because it's not --
7 the pages are not numbered.

8 Q Flip that one. Is that -- it's the one that says
9 standard two at the top, Ms. Walton.

10 MR. DUFF: The page number is in the lower
11 right, isn't it?

12 MS. ZEIDAN: I don't believe this document
13 is numbered.

14 WITNESS: It's not numbered, no.

15 BY MS. ZEIDAN:

16 Q You know it's not?

17 A (Witness shakes head; no verbal response.)

18 Q But if you'd just flip it to six, is that the --
19 the page should be "standard two, instructional leadership"
20 for the record. Do you have the page, Ms. Walton?

21 A I do have the page.

22 Q Okay. Thank you. Can you read that standard for
23 me, please?

24 A Instructional leadership.

25 Q All right.

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1 A "The school principal is an educational leader
2 who fosters the success of all students by leading the
3 development and alignment of the organizational,
4 instructional, and assessment strategies that enhance
5 teaching and learning."

6 Q All right. And what did Dr. Truesdale rate Mr.
7 Shaw?

8 A Proficient.

9 Q Will you please flip the page for me?

10 A (Witness complies.)

11 Q And I apologize. Let me see what you have, Ms.
12 Walton, after standard two.

13 A (Witness complies.)

14 Q All right. Will you flip that page for me?
15 Sometimes, when we make these, the -- I'm looking for
16 "standard three, effective management." Is that it?

17 A That's -- yes.

18 Q Okay. Thank you. As I stated, that standard is
19 standard three, effective management. Can you read the
20 definition of that?

21 A "A school principal is an educational leader who
22 fosters the success of all students by managing the school
23 organization, its operations, and resources for a safe,
24 efficient, and effective learning environment."

25 Q All right. And Dr. Truesdale admitted that he

1 needed improvement in this area; is that correct?

2 A That's what's marked, yes.

3 Q Okay. All right. Will you change the page and
4 -- turn the page, excuse me. What I'm looking for is
5 standard number four.

6 A Okay.

7 Q All right. And standard four is climate; is that
8 correct?

9 A That's correct.

10 Q All right. Can you define what climate is?

11 A "A school principal is an educational leader who
12 fosters the success of all students by advocating,
13 nurturing, and sustaining a positive school climate."

14 Q All right. And what did Dr. Truesdale rate Mr.
15 Shaw as it relates to climate?

16 A Proficient.

17 Q And if you'll turn the page, what I'm looking for
18 is standard number five.

19 A Okay.

20 Q Can you tell me what standard number five is?

21 A School/community relations.

22 Q And can you define to me what that standard
23 means?

24 A "A school principal is an educational leader who
25 fosters the success of all students by collaborating

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1 effectively with stakeholders."

2 Q All right. And what did Dr. Truesdale rate Mr.
3 Shaw?

4 A Proficient.

5 Q Would you please flip the page, and what I'm
6 looking for is standard number six.

7 A Um-hum.

8 Q Okay. And can you tell me what standard number
9 six is?

10 A "A school principal is an educational leader who
11 fosters the success of all students by demonstrating
12 integrity, fairness, and ethical behavior."

13 Q And can you tell me what Dr. Truesdale rated Mr.
14 Shaw in this area?

15 A Proficient.

16 Q Will you please turn the page, and what I'm
17 looking for is standard number seven.

18 A Okay.

19 Q And can you tell me what that standard is?

20 A "A school principal is an educational leader who
21 fosters the success of all students by interacting
22 effectively with stakeholders and addressing their needs
23 and concerns."

24 Q And can you tell me what Dr. Truesdale rated Mr.
25 Shaw in this area?

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1 A Exemplary.

2 Q Thank you. Will you please turn the page, and
3 what I'm looking for is standard number eight.

4 A Okay.

5 Q And can you tell me what standard number eight
6 is?

7 A "A school principal is an educational leader who
8 fosters the success of all students by collaborating with
9 school and district staff to plan and implement
10 professional development activities that promote the
11 achievement of school and district goals."

12 Q All right. And this is under staff development;
13 is that correct?

14 A That's correct.

15 Q All right. And what did Dr. Truesdale rate Mr.
16 Shaw in this area?

17 A Proficient.

18 Q Thank you. Can you please turn the page? And
19 what I'm looking for is standard number nine.

20 A Okay.

21 Q All right. And what is this standard?

22 A "A school principal is an educational leader who
23 fosters the success of all students by using available
24 resources and opportunities for professional growth."

25 Q And you defined it. What is, actually, the

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1 standard? Is it principal's --

2 A Principal's professional development.

3 Q All right. Principal's professional development.

4 And what did Dr. Truesdale rate Mr. Shaw in this area?

5 A Proficient.

6 Q All right. Thank you. The next page should be
7 the principal evaluation form. Is that what you have?

8 A Yes, "Principal Summative Evaluation Form."

9 Q That's correct.

10 A Yes.

11 Q Can you tell me the signature of the evaluator on
12 that form?

13 A Valerie Truesdale.

14 Q All right. And what is that dated?

15 A August 28th, 2012.

16 Q All right. If you would, Ms. Walton, please flip
17 in that book to Exhibit Number 15, and is this a letter
18 that would have been in Mr. Shaw's personnel file?

19 A Yes, it should've been.

20 Q All right. And this letter is commending him for
21 exceeding expectations with nine of thirteen academic
22 objectives met; is that correct?

23 A That is correct.

24 Q And this is from Valerie Truesdale; is that
25 correct?

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1 A That's correct.

2 Q And who was Valerie Truesdale?

3 A She was then superintendent.

4 Q All right. And what's the date on this letter?

5 A September 5th, 2012.

6 Q Okay. And can you read the last paragraph of
7 this letter for me, please?

8 A "I appreciate your time, energy, and talents
9 focused on children. Please know that I value you and your
10 professionalism as a colleague and team member. I am
11 intensely proud of you and the leadership you bring to our
12 children and staff."

13 Q And, now, this was a letter from Dr. Truesdale
14 dated September 5th, 2012?

15 A Correct.

16 Q Okay. One moment, please. And let's -- then,
17 two months later, Shaw was removed. Well, about two months
18 later, he was removed as principal from McCracken Middle
19 School; is that correct?

20 A That's correct.

21 MS. ZEIDAN: All right. At this time, I
22 have no further questions for Ms. Walton, but I would
23 like to be able to call her back, if need be. She is
24 on our witness list.

25 CHAIRMAN EVANS: That's fine.

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1 MS. ZEIDAN: Thank you.

2 CHAIRMAN EVANS: Do you have any cross, Ms.
3 Fawley?

4 MS. FAWLEY: I have some --

5 CHAIRMAN EVANS: Or redirect?

6 MS. FAWLEY: -- redirect, yes, please.

7 MR. DUFF: Well, let me just say that
8 recalling is going to be viewed with disfavor. You
9 should ask all your questions now. I know that
10 something might come up, but in general, you need to
11 ask all your questions when this -- when each witness
12 is called, regardless of whose case it's in.

13 MS. ZEIDAN: Yes. Thank you.

14 MR. WILLIAMS: Mr. Duff, briefly on that, we
15 wanted to be heard on that issue just because it might
16 impact the issue about the witnesses being
17 sequestered. My understanding was, once a witness
18 testified, then they would be free to remain in the
19 hearing. Obviously, if there's a recall issue, that
20 will impact that. So we wanted to get some
21 clarification on that issue.

22 CHAIRMAN EVANS: If there's any thought by
23 either counsel of recalling somebody, then we will
24 expect that they will be sequestered or asked to
25 report to sequestering. So somebody's going to need

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1 to indicate to us when we're finished with a witness
2 if they plan to recall somebody. If they are, we will
3 ask that witness to please sequester themselves.

4 MR. DUFF: Let me add that there needs to be
5 a real compelling reason to recall, as opposed to
6 asking all your questions right now.

7 MS. ZEIDAN: Yes. We understand.

8 MS. FAWLEY: Ms. Walton, just a few -- just
9 a few questions on redirect.

10 REDIRECT EXAMINATION

11 BY MS. FAWLEY:

12 Q Under the FMLA, isn't it true that the definition
13 of healthcare provider is much more generous than what
14 district policy HRS 16, staff leaves and absences,
15 requires?

16 A That is correct.

17 Q And what does staff leaves and absences HRS 16
18 that you asked Mr. Shaw to provide you require?

19 A It requires a physician's statement, stating the
20 nature of his illness.

21 Q And in HRS-16, does that policy permit the
22 administration to require a physician's statement when the
23 district has concerns with the taking of sick leave by an
24 employee?

25 A That is correct.

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Witness: A. Walton
Redirect by Fawley

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1 Q Ms. Walton, was Mr. Shaw at his school on the
2 afternoon of November the 7th, after leadership?

3 A No, he was not.

4 Q And what time did he tell you that he arrived?

5 A Five o'clock.

6 Q And do you consider five o'clock or thereafter
7 regular business hours for a school principal?

8 A No.

9 Q I'd like for you to refer to Plaintiff's Exhibit
10 Number -- Number 14, which is Mr. Shaw's evaluation for the
11 2011-12 school year, and if you would turn to standard
12 three, effective management --

13 A Okay.

14 Q -- where "improvement needed" is noted, would you
15 read the statement at the bottom that Dr. Truesdale wrote?

16 A "Phillip must become visible and must lead more
17 effectively with faculty, staff, and parents."

18 Q And would you please turn to standard number
19 five, school and community relations, and if you would look
20 at the top where the marking is, is that proficient or
21 proficient-minus?

22 A I guess you could say proficient-minus.

23 Q And then we will come to that on the back of the
24 summary. Would you read it -- read Dr. Truesdale's comment
25 on the bottom of that page?

1 A "Responsiveness to parents is essential.
2 Customer service focus is needed."

3 Q If you will turn to standard number eight,
4 please, staff development, and at the top, is that a
5 checkmark or a checkmark-minus?

6 A Checkmark-minus.

7 Q And would you please read the statement at the
8 bottom of that page?

9 A "Development of the team, building professional
10 learning community is an essential focus this year."

11 Q And if you would turn to standard nine, please,
12 principal's professional development, is that a check or a
13 check-minus at the top of the page?

14 A A check-minus.

15 Q And what does the supporting data at the bottom
16 of the page say?

17 A "Phil needs to model professional development and
18 data analysis."

19 Q And if you would turn now to Mr. Shaw's Exhibit
20 Number 15, the letter of September 5th?

21 A Yes.

22 Q And if you would go to the second paragraph in
23 the middle, would you please read the two sentences,
24 starting with "This year"?

25 A "This year, we expect you to increase visibility,

1 improvement management of the school, and increase
2 customer-focused service."

3 Q And read the next sentence, please?

4 A "Continuing to grow with the faculty as you
5 introduce ideas and lead change will be a challenge."

6 MS. FAWLEY: Thank you, Ms. Walton. I don't
7 have any further questions for you.

8 MS. ZEIDAN: I just have three things on
9 follow-up.

10 RECROSS-EXAMINATION

11 BY MS. ZEIDAN:

12 Q Ms. Walton, despite the critiques that Ms. Fawley
13 just pointed out and you read out, Dr. Truesdale gave
14 Phillip Shaw glowing remarks, did she not, in her letter of
15 September 5th?

16 A I can't answer that question.

17 Q All right. Well, let's read it. I believe it's
18 Exhibit Number 15 in my book.

19 A Yes.

20 Q All right. And she says, "We commended you for
21 exceeding expectations with nine of thirteen academic
22 objectives met," did she not?

23 A She did say that.

24 Q And she lists some things that she expects him to
25 increase, did she not?

Witness: A. Walton
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Recross by Zeidan

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1 A She did.

2 Q All right. And at the end of that letter, she
3 says, "I am immensely proud of you and the leadership you
4 bring to our children and staff," did she not?

5 A She did.

6 Q Okay. And this letter is dated September 5th,
7 2012?

8 A Correct.

9 Q All right. And y'all gave him less than two
10 months to complete all those objectives, the things that
11 they needed assistance -- he needed assistance on?

12 A When you say "y'all," who are you referring to?

13 Q When was he removed? When was Shaw removed?

14 A Removed as -- from the building?

15 Q Yes. When was he placed on leave?

16 A He was placed on leave November -- in November.

17 Q November 8th; correct?

18 A Correct.

19 MS. ZEIDAN: All right. No further
20 questions.

21 MS. FAWLEY: And one final question, sir.

22 FURTHER REDIRECT EXAMINATION

23 BY MS. FAWLEY:

24 Q Ms. Walton, was Mr. Shaw recommended by Dr. Moss
25 for removal or dismissal from this school district because

Witness: A. Walton
Recross by Zeidan
Redirect by Fawley

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1 he didn't fulfill the assistance plan that he was given, or
2 under his evaluation, or was he recommended for termination
3 for misconduct?

4 A He was recommended for termination for
5 misconduct.

6 MS. FAWLEY: Thank you.

7 MS. ZEIDAN: No further questions.

8 CHAIRMAN EVANS: Any other questions of this
9 witness? Does anybody plan to bring her back for
10 further statements?

11 MS. ZEIDAN: This witness, yes, we may need
12 to bring her back a for further statement.

13 CHAIRMAN EVANS: Yeah. Ms. Walton, I would
14 direct you you need to be sequestered until you're
15 possibly called back.

16 MR. WILLIAMS: The administration calls Dr.
17 Jackie Rosswurm, if y'all are ready for our next
18 witness?

19 CHAIRMAN EVANS: We are.

20 (Brief recess held.)

21 MR. WILLIAMS: Please state your full name
22 for the record.

23 WITNESS: Jacqueline Merrell Rosswurm.

24 CHAIRMAN EVANS: Has she been sworn?

25 ///

///

Witness: A. Walton
Further
Redirect by Fawley

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1 (JACQUELINE ROSSWURM, called as a witness,
2 having been first duly sworn, was examined and testified as
3 follows:)

4 DIRECT EXAMINATION

5 BY MR. WILLIAMS:

6 Q Now please state your full name for the record.

7 A It's still Jacqueline Merrell Rosswurm.

8 Q And Dr. Rosswurm, you're currently retired; is
9 that correct?

10 A I am.

11 Q Prior to your retirement, what position did you
12 hold with the Beaufort County School District?

13 A Prior to retiring, I was the acting
14 superintendent.

15 Q And how long did you serve as acting
16 superintendent?

17 A From October 1st of 2012 until I retired as of
18 July 1st, 2013.

19 Q And how many total years did you work in
20 education?

21 A Forty-four.

22 Q Of those 44 years, how much of that time was
23 spent with the Beaufort County School District?

24 A Approximately 12 years.

25 Q All right. Can you tell the Board the positions

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1 that you held with the district?

2 A Yes. During my time here in Beaufort County, I
3 was a teacher, a teacher of the year at one of the schools
4 where I taught. I was a principal here, and I also served
5 as the human resource services officer, then the chief
6 administrative and human resource services officer, and,
7 finally, the acting superintendent.

8 Q And what educational degrees do you hold?

9 A I have a bachelor's degree in education from
10 Central Michigan University, a master's degree in education
11 from Long Island University, a master's degree in education
12 administration from the University of South Carolina, an ed
13 specialist degree in education from the University of South
14 Carolina, and a doctorate in education administration also
15 from the University of South Carolina.

16 Q And you know Mr. Shaw, Phillip Shaw; is that
17 correct?

18 A I do.

19 Q And how did you meet Mr. Shaw?

20 A When I served as the human resource services
21 officer in my first few weeks of coming into the district,
22 I visited all the schools, and I believe that was the time
23 that I met Mr. Shaw.

24 Q All right. And in your role as human resources
25 -- human resource services officer -- I want to make sure I

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1 say that properly -- did you ever have to discuss or
2 address any concerns with Mr. Shaw, and if so, what were
3 those issues?

4 A Well, first of all I would say that the
5 principals were supervised directly by the superintendent,
6 but in my role as human resource services officer, I would
7 often be with the superintendent at the time that those
8 issues were being addressed, and the issues were around
9 follow-through, visibility within his school, serving as an
10 educational leader in his school, and following directives
11 that were given by the superintendent.

12 Q Okay. And who was the superintendent at that
13 time?

14 A Dr. Valerie Truesdale.

15 Q And would you have participated in discussions
16 involving yourself, Dr. Truesdale, and Mr. Shaw?

17 A Yes, I did.

18 Q And please tell the Board the nature of those
19 discussions that you and Dr. Truesdale had with Mr. Shaw.

20 A I can remember a couple of times, specifically.
21 We went to meet with Mr. Shaw -- "we," being Dr. Truesdale
22 and myself -- and what she voiced to Mr. Shaw were concerns
23 that she had around the fact that there had been an
24 administrative -- an academic audit done on the school and
25 that, to that point, that information had not been shared

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1 with the staff, and she felt that was critical in terms of
2 following through.

3 Also, she was very concerned, as the educational
4 leader, that he was not visible in his school, that he was
5 not out in classrooms, and she wanted that to be happening.
6 She also voiced a concern that had been shared with her
7 about the fact that he was often behind closed doors and
8 that his office manager's office had been relocated into
9 his office. She also was concerned that he had given full
10 access, to his office manager, to his email accounts, and
11 she asked him to stop that.

12 Q All right. Moving forward to November 7th of
13 2012, did you attempt to meet with Mr. Shaw on that day?

14 A Yes, Alice Walton and I attempted to do that.

15 Q All right. And please tell the Board the reasons
16 that you and Ms. Walton wanted to meet with Mr. Shaw on
17 November 7th.

18 A Ms. Walton had been at McCracken the previous
19 week, I believe, and a couple of issues had come up, one
20 dealing with the fact -- she'd actually gone there to meet
21 with, I believe, two of the certified staff about an issue
22 that they were having, and when she went to the meeting,
23 she was told by them that the district office was to be
24 handling this, and they wanted to know what was happening
25 with our handling of it. Ms. Walton knew nothing about the

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1 situation. That was one of her concerns, and also during
2 her visit there, she noted that the office manager was
3 still working out of the principal's office.

4 And so she came back to meet with me, and we
5 agreed that on the 7th, which was the morning of a
6 leadership meeting, a principals' meeting here in the
7 district office, that we would touch base with Mr. Shaw and
8 ask him to meet with us after that meeting, and I believe
9 Ms. Walton was going to meet with him separately also about
10 another incidence.

11 Q Okay. How did you attempt to set up the meeting
12 with Mr. Shaw on November 7th? What did you specifically
13 do?

14 A Ms. Walton and I agreed that we would both touch
15 base with Mr. Shaw when he came in, in the morning, and
16 confirm that we wanted to meet with him as soon as that
17 meeting was over.

18 Q All right. And did you do that?

19 A Yes, we did.

20 Q All right. Do you know if any other steps were
21 taken to secure this meeting between Ms. Walton and you and
22 Mr. Shaw?

23 A Well, I know that when I was finished with my
24 portion of the meeting and I went to Ms. Walton's office,
25 and Mr. Shaw had just left, that we asked Angie Lopatka,

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1 the program specialist in HR, to please try and get Mr.
2 Shaw on the phone. And I do know, because we were sitting
3 in Alice's office, which was right outside of Angie's
4 office, that Angie, in fact, called him and said, "Mr.
5 Shaw, this is Angie Lopatka. Alice and Jackie are ready to
6 meet with you." And then, when she got off the phone, she
7 said, "He's still on Mink Point Boulevard, so he's going to
8 turn around and come back and meet with you."

9 Q All right. And did Mr. Shaw return to meet with
10 you?

11 A We did not meet with Mr. Shaw that day.

12 Q And do you know if any other attempts were -- you
13 talked about the --

14 A Um-hum.

15 Q -- conversation with Ms. Lopatka. Were any other
16 attempts made to reach Mr. Shaw that afternoon?

17 A When he didn't come back in a reasonable amount
18 of time, we asked Angie to call him again. And she told us
19 after that call that his phone had gone right to voice mail
20 but that she had left a message indicating that we were
21 still meeting to wait with him, yes.

22 Q Did you take any action as a result of your not
23 being able to meet with Mr. Shaw on November 7th?

24 A When the day ended and we had not met with him,
25 Alice and I decided that we would go to school the

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1 following morning, go to McCracken on our way in to work,
2 to meet with Mr. Shaw.

3 Q All right. And were you able to meet with Mr.
4 Shaw on November 8th, then?

5 A Yes, we did meet with Mr. Shaw.

6 Q And what did you and Ms. Walton discuss with Mr.
7 Shaw on November 8th?

8 A Well, we discussed the two issues that we had
9 tried to discuss the day before, but we also tried to
10 understand what happened the day before when he never
11 showed to meet with us. Those were the three issues that
12 we discussed.

13 Q All right. Do you recall Mr. Shaw's response to
14 your concerns?

15 A Well, in terms of the return to the district
16 office and meeting with us, he said that he had returned to
17 the district office. And I said, "But you didn't meet with
18 us." And he said he didn't know who was asking him to
19 return to the district office, and I said to him that
20 doesn't make any sense because I had heard Angie say to
21 him, "Mr. Shaw, this is Angie. Dr. Rosswurm and Alice are
22 ready to meet with you." So I thought that was very clear.

23 And then, when we began to talk about, "So what
24 did you do?" he said, well, he came back to the office, the
25 district office, and went to see somebody else that he

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1 thought maybe had wanted to meet with him. And when we
2 asked why, he said, well, since he didn't know who wanted
3 to meet with him, he would try that person. That person
4 was not in the office, so he -- if, in fact, he came back,
5 he never met with anyone that we're aware of.

6 Q Did you make any decisions regarding Mr. Shaw's
7 employment at that time on November 8th?

8 A We did. Once we finished that part of the
9 discussion, we began to talk about the issues that had been
10 raised that we were actually there to meet with him about,
11 and specifically got into talking about the location of his
12 office manager's workspace. Now, this is the third time
13 that I was aware that this discussion had taken place, and
14 he hemmed and hawed and couldn't give us a straight answer
15 and then finally said, "Well, I'll make sure that she gets
16 moved."

17 We went back to talking about where he had been.
18 We were not getting anywhere in this conversation, and at
19 that point, I said to Mr. Shaw, "You've had the opportunity
20 to move your office manager. We tried to meet with you
21 yesterday. There's nothing clear about what happened
22 yesterday. So I believe that it's important for us to
23 place you on administrative leave so that we can understand
24 how the management of this school is occurring."

25 Q At the time that you placed Mr. Shaw on

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1 administrative leave, were you contemplating how long the
2 administrative leave would last?

3 A I think we actually said we thought it would be a
4 couple days because what we really wanted to do was go in
5 and find out where the office manager's space was, where
6 was she working, and make sure that we knew that that had
7 been taken care of, and we would then talk about what else
8 we needed to do. We thought it would be a couple days.

9 Q And were you involved in having Mr. Shaw provide
10 written statements on November 8th?

11 A Yes. In our discussion, I said to Mr. Shaw, "I'd
12 really like you to write a statement about what occurred
13 yesterday afternoon." We actually ended up having him
14 write three statements. The first was in no way complete.
15 The second was about an incident that had nothing to do
16 with what we were talking about. And I believe, in the
17 final, third written statement, we got the basic facts of
18 what had occurred that day.

19 Q Other than placing Mr. Shaw on November -- on
20 administrative leave on November 8th, did you take any
21 other action that day specific to McCracken?

22 A Yes. I went down to see Joe Warfield, one of the
23 assistant principals, and let him know that Mr. Shaw was
24 going to be out for a couple of days and asked him to serve
25 in that administrative role in Mr. Shaw's absence, and I

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1 also asked Mr. Warfield to please obtain the keys to Mr.
2 Shaw's office that I believed the office manager had.

3 Q And could you tell the Board the reason for
4 requesting the keys to Mr. Shaw's office?

5 A Well, our major concern was to understand how the
6 management and the operation was taking place at the
7 school. We wanted to secure his office, and so we needed
8 to make sure that we had the keys.

9 Q And do you know if you were able to get all the
10 keys for Mr. Shaw's office?

11 A Mr. Warfield called me later that day and told me
12 that he was unable to get the keys from Ms. Gibbo because
13 she had left the building, I believe, shortly after Mr.
14 Shaw had left, and so he was unable to get the keys from
15 the office manager.

16 Q Did you do anything in response to your call with
17 Mr. Warfield when he shared with you that he had been
18 unable to get Ms. Gibbo's keys?

19 A Yes.

20 Q What did you do?

21 A What I did was, I called Chris Poe, the
22 facilities officer, and I spoke also to Phyllis White, and
23 I asked that the locks to the doors going into the
24 principal's office be changed.

25 Q All right. Did you speak with anyone else

1 regarding McCracken on November 8th?

2 A Actually, later that day into the evening, I
3 received a call from Ms. White, telling me that she had
4 received a call from maintenance, and the office manager
5 was asking to get into the principal's office, that she
6 could not get in, and what Ms. White was asking me was
7 whether or not she should allow maintenance to open that
8 door. I asked her not to do that, and so that was the end
9 of my conversation with Ms. White.

10 Then, at about 9:30, I received a call from the
11 office manager, asking that I give permission to the -- to
12 maintenance or that I would come and open the principal's
13 office for her.

14 Q All right. Did she tell you why she needed to
15 get in the principal's office?

16 A She said she needed to get in because her keys
17 were in there, and I said, "Well, I don't understand that,
18 because you left the building earlier in the day, so you
19 must have had your key. So I'm not sure why you need the
20 keys." She also said that there might be some medication
21 there. So I told her that I was coming to the school the
22 following morning and that I would be glad to let her into
23 the office to get whatever she needed, and her response to
24 me was that she would not be at school the next morning
25 because this entire thing was making her sick.

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1 Q All right. So the next morning would have been
2 November 9th?

3 A That is correct.

4 Q Is that right?

5 A Yes.

6 Q Did you report to McCracken on November 9th?

7 A Yes, I actually called Ms. Walton later that
8 night and asked her to accompany me to McCracken the
9 following morning. I wanted to make sure that the doors to
10 the principal's office were secured and that, in fact, the
11 district master key did unlock those doors but no other
12 keys unlocked it.

13 Q All right. What happened when you got -- did you
14 go to McCracken on November 9th?

15 A We did.

16 Q And what happened when you got there?

17 A We met there in the morning. We both went to the
18 office. We checked -- there are two doors that go into
19 that office. We checked both of them. They were locked.
20 The key that I had, the master district key, unlocked them.
21 So we unlocked them, locked them back, just checked that,
22 and proceeded out of the office area, and then we were
23 asked to meet with the data specialist at the school.

24 Q All right. And what happened? Did you wind up
25 meeting with the data specialist?

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1 A We did meet with her.

2 Q And what happened as a result of that meeting?

3 A She sat down and -- I didn't know the data
4 specialist, and she sat down and said she wanted to talk
5 with us. We said okay; "us," being Ms. Walton and myself.
6 She said, "But I'd like to have the conversation outside."
7 So we went out the back door of McCracken and stood
8 outside, and she said, "I received a very strange phone
9 call last night." We said okay, and she said, "It was from
10 the office manager."

11 Okay. And I asked her what time the call was.
12 She said it was after 10:00, and she said that the office
13 manager had a very strange request of her. And we asked
14 her what the request was, and she said, "She said to me
15 that Mr. Warfield is sometimes not very responsible with
16 his keys, and he often leaves them lying on his desk in his
17 office." And she wanted the office -- the data specialist
18 to go by Mr. Warfield's office, and if she could get his
19 key sometime when he was not there, would she please go and
20 unlock one of the doors into the principal's office because
21 she, the office manager, planned to come in over the
22 weekend to get some things out of the office in what she
23 described to the data specialist as a lockbox that was in
24 the principal's office.

25 Q Did you do anything after you had this

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1 conversation with the data specialist?

2 A Ms. Walton and I returned to the principal's
3 office to see if we could locate this lockbox that she had
4 referenced.

5 Q All right. And were you able to do that?

6 A Yes, it was located under the desk of the
7 principal.

8 Q And what did Ms. Walton and you do once you
9 located the lockbox?

10 A We located the box. I took the handle to see if
11 it was locked, and, in fact, it was locked. So I pulled
12 open the drawer of the principal's desk, and right in the
13 top drawer was a lanyard with a large bunch of keys.

14 The lock in the locked safe, I'm going to call
15 it, is a "skate key" lock. It's one of those round keys.
16 And so I looked to see if there was that sort of a key on
17 this ring of keys, and there was. So I took the key, stuck
18 it into the lock, turned it, opened the box to see that we
19 could open it, closed it, and locked it back up, and I
20 immediately called Chris Barrow.

21 Q All right. And what was your purpose in calling
22 Mr. Barrow?

23 A I asked -- first of all, I asked Chris where he
24 was, if he was in the district, and he said he actually was
25 in the Bluffton area, and I asked him to please come to

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1 McCracken because I had something that I wanted him to do
2 for us.

3 Q And what did you actually ask Chris Barrow to do
4 at McCracken?

5 A I asked him to take the safe. I wanted him to
6 take it, to bring it back to the district office, and I
7 asked him to please inventory what was in the box.

8 Q Did Mr. Barrow -- you are familiar with Mr.
9 Barrow's work with the district; is that right?

10 A Yes. In my time working here, he and I worked
11 very closely together on many situations.

12 Q Did Mr. Barrow regularly prepare reports as part
13 of his duties with the school district?

14 A Yes. Pretty much in any situation where he was
15 doing something in depth, we received a written report
16 about it.

17 Q Did Mr. Barrow prepare written reports as it
18 relates to his involvement in Mr. Shaw's -- any matters
19 involving Mr. Shaw?

20 A Yes, he did.

21 Q And did you -- have you reviewed those written
22 reports?

23 A I have reviewed them, yes.

24 MR. WILLIAMS: With the Board's indulgence,
25 this addresses the affidavit issue we discussed,

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1 preliminarily, before. Just for the record, I have
2 given a copy of Mr. Barrow's affidavit to counsel for
3 Mr. Shaw. I want to mark this for identification and
4 then ask the witness about it.

5 MR. BUSH: Your Honor, again, we're going to
6 renew that motion regarding the documentation,
7 Chairman. This is the same affidavit we had raised in
8 the motion in limine before this hearing started.
9 We'd like to address it now on the record, officially,
10 bring it back, and outline our concerns about this.

11 CHAIRMAN EVANS: Please go ahead and --

12 MR. BUSH: All right.

13 CHAIRMAN EVANS: -- review your concerns
14 before we move ahead.

15 MR. BUSH: Chairman, this document is
16 alleged to be prepared in the course of business.
17 There's been nobody here to authenticate this document
18 as coming from Mr. Barrow.

19 In addition, this case has been swirling
20 around for about a year. These documents were
21 recently provided. Mr. Barrow was not provided at any
22 deposition, and for him to -- for someone to come in
23 and say this is Mr. Barrow's documentation at this
24 late point in this hearing, I think, is unfair to our
25 client. He doesn't have the opportunity -- he didn't

1 get the opportunity to cross Mr. Barrow about this,
2 and there's no one here who can attest to what his
3 interpretation of this document means.

4 And so, while she can testify about what she
5 knows, she cannot authenticate this document coming
6 from Mr. Barrow, nor testify about any subjective
7 statements he may have made in this document, and so
8 we renew our motion in limine based on that ground and
9 ask that this document not be allowed to come in. She
10 can testify about what she did, but she can't testify
11 about what Mr. Joe -- Chris Barrow did.

12 MR. WILLIAMS: If I can reiterate --

13 CHAIRMAN EVANS: Mr. Williams?

14 MR. WILLIAMS: -- my two responses to that
15 would be, first, it is my understanding from the
16 rulings of the -- of the Board earlier, and I agree
17 with this, is the essence of his objection is sort of
18 a hearsay objection. And I think it's already been
19 acknowledged and understood that, in a teacher
20 employment -- employment dismissal case, hearsay is
21 allowed. That would be point one.

22 Point two would be, this would be considered
23 a business record based on that the questioning that I
24 have asked Dr. Rosswurm. She acknowledged that these
25 reports were regularly prepared by Mr. Barrow, and Mr.

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1 Barrow, actually, in the affidavit -- affidavit
2 itself, acknowledges that he routinely prepared these
3 reports. So we would say, even if they were saying it
4 was some sort of hearsay, we believe that there would
5 be an exception to the hearsay rule that would allow
6 the document to be admitted. So, based on those
7 reasons, we are offering Mr. Barrow's affidavit.

8 And to the point about Mr. Barrow not being
9 here, we made attempts to get Mr. Barrow. He's
10 relocated to New York and is outside the ability for
11 us to serve him, and so we had an affidavit prepared,
12 which he signed and had notarized.

13 So we think, under all these circumstances,
14 this document should be admitted into evidence.

15 CHAIRMAN EVANS: I think Mr. Duff has a
16 couple of questions for you.

17 MR. DUFF: For the record, I have received
18 -- as counsel to the Board, before the hearing
19 convened today, I received submissions from counsel
20 for the parties, including a copy of the affidavit,
21 and attached to the affidavit is the report itself;
22 correct?

23 MR. WILLIAMS: That is correct.

24 MR. DUFF: And what you're seeking to admit
25 is the affidavit with the attached report?

1 MR. WILLIAMS: That is correct.

2 MR. DUFF: All right. Now, I thought I
3 understood that one of the objections was that --
4 well, let me back up. Was some form of this report
5 exchanged earlier, when you exchanged exhibits?

6 MR. WILLIAMS: Yes, and I can offer some
7 further explanation on that, and they can, obviously,
8 give their standpoint. We think --

9 MR. DUFF: Well, let me -- let me ask --

10 MR. WILLIAMS: Okay.

11 MR. DUFF: -- is it the respondent's
12 position that the version of the report that you got
13 when you exchanged evidence is different from the one
14 that's attached to the affidavit?

15 MR. BUSH: Yes, but it's been modified.
16 That's one of the arguments. That's one of the
17 arguments, is that that's not the same document. Two,
18 it was provided well after the discovery process in
19 this case. And, three, it adds nothing to this case
20 whatsoever. So that's undue burden on my client.

21 Mr. Barrow's in New York City. He's not out
22 of the county. We had a year to prepare for this
23 case. We could've gotten him on the phone. There are
24 whole bunch of provisions that we could have made. To
25 come up a day or two before this hearing and say,

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1 "I've got an affidavit to substantiate a document that
2 we provided, which is different from the original ones
3 we tried to provide in discovery," is just unfair to
4 my client.

5 And for somebody else -- and we understand
6 the rules of evidence and hearsay. That's not a
7 routine document kept in the normal course of
8 business, not here, not this document. I mean, you
9 can't go back and get someone to sign an affidavit,
10 saying you keep this in the routine course, and say it
11 falls in. There's a foundation that needs to be laid.

12 Although this is a board, we're dealing with
13 someone's livelihood, and to just take -- because you
14 don't give him a fair opportunity, you could get 100
15 witnesses and get them to write statements. He will
16 never have the opportunity to cross-examine them.

17 MR. DUFF: My first question is, how are the
18 two versions -- are they significantly different or
19 just different in a few minor details?

20 MR. WILLIAMS: I would say they're different
21 in that the original one that we submitted to them was
22 admitted. We didn't realize at the time it was sort
23 of a preliminary document. So, as Mr. Barrow did his
24 investigation and got additional statements from these
25 folks, additional witnesses, he would then supplement

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1 his report.

2 Once we were unable to get Mr. Barrow to
3 testify as a witness, couldn't make arrangements for
4 him to give a video deposition or anything like that,
5 I actually sent him the original report that I had
6 provided to counsel, thinking that that was his full
7 report. Once Mr. Barrow received the report from me,
8 he told me, "That is not my full report. There are
9 some additional pages missing." I was able to contact
10 the district, determine the additional pages, submit
11 them to Mr. Barrow, and once he signed it and
12 submitted it to me, I then sent it to counsel for Mr.
13 Shaw.

14 MR. DUFF: Well, I've -- I've reviewed the
15 report, and it seems to me that it was primarily a
16 listing of the contents of the -- of the box; right?
17 Is that correct?

18 MR. WILLIAMS: That's substantially a part
19 of it, yes, sir.

20 MR. DUFF: Okay. Is the only evidence of
21 the content of the box coming in through the report,
22 or have others also looked in the box who are going to
23 testify about what was in it?

24 MR. WILLIAMS: Others have looked into the
25 box who could testify as to what was in it. That is

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1 true. But, again, to the -- to his hearsay piece, I
2 can tell you, we've been involved in these kind of
3 hearings where you had unsworn statements from
4 students, parents, et cetera. So to say that a sworn
5 affidavit from a law enforcement officer can't be
6 introduced, we think, given the evidentiary standards,
7 standards that are present in this type of hearing,
8 we would disagree with that, that position.

9 MR. DUFF: So one thing you're saying is
10 that, in addition to a listing of the contents of the
11 box, there's other material in the report that is
12 beyond the listing of the contents?

13 MR. WILLIAMS: Correct. For example, there
14 are times when an individual, Mr. Shaw or the office
15 manager, would contact Mr. Barrow, and he would note
16 in his report, "Received a contact from this person,
17 and this is what my response was." So that's
18 contained as part of his -- his ongoing report.

19 MR. DUFF: The additional witness who you've
20 listed is to respond to the report, if it comes in?

21 MR. BUSH: Well, I'd like to address that
22 one at a time. One thing is, we were dealing with it
23 on Tuesday, and the case is heard Friday, and we're
24 dealing with a document that's nine pages long.
25 That's more than just a modification. Joe Barrow

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1 (sic) is in New York City, and we had ample time to --
2 I mean, Chris Barrow is in New York City. We had
3 ample time. If they couldn't get to him, we could've
4 flew to New York. But to come up on the eve of and
5 add nine pages?

6 I mean, in all fairness, to admit that, then
7 this hearing ought to be continued so we can go out
8 and cross-examine Chris. But to come up three days
9 before, two days before this, and modify a document by
10 nine pages is well beyond hearsay. It's just undue
11 and unfair. And I know the rules before this Board are
12 somewhat lax, but we're dealing with someone's
13 livelihood here. If we allow this document, counsel
14 can bring three or four more documents from people we
15 knew nothing about 'til this week and say, "Oh, it
16 should come in." No opportunity cross-examine them.
17 They're not here. They're not here. So we can't ask
18 them, "Did you mean this by this statement?" We can't
19 do that.

20 MR. WILLIAMS: And again --

21 MR. BUSH: And this document really adds
22 nothing more than what this witness is going to attest
23 to. Nothing more. Everything else is subjective, and
24 the rule doesn't call for that. It's not admissible.
25 In addition to that, there's nobody that can lay a

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1 foundation that Chris even prepared this document, so
2 there's no authentication of this document.

3 MR. DUFF: A further question, the affidavit
4 from Christopher Barrow, he states in his affidavit
5 that the version of the report that you now want to
6 admit was, in fact, his final, complete report that he
7 prepared contemporaneously with his investigation?

8 MR. WILLIAMS: Correct. And, in fact,
9 that's how I even came to know that the report I had,
10 that I had previously shared with counsel, was not his
11 full report, because when I sent the incomplete
12 report, he was not going to sign it until he -- until
13 he got the additional documents. We then did some
14 research and determined that there were, in fact,
15 additional documents.

16 MR. BUSH: May I --

17 MR. DUFF: Sure.

18 MR. BUSH: May I make a note on the record?
19 Well, let's lay a foundation on who prepared this
20 affidavit. Let's do that on the record.

21 MR. WILLIAMS: And I don't have any problem
22 doing that, if the Board would like to hear how that
23 whole thing came about.

24 MR. BUSH: This document, was this document
25 prepared by Chris Barrow? This document?

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1 MR. WILLIAMS: This document was completed
2 by Chris Barrow.

3 MR. BUSH: No, I --

4 MR. WILLIAMS: But, again, I don't think
5 it's proper --

6 CHAIRMAN EVANS: Well, look, we --

7 MR. WILLIAMS: -- for you and I to go back
8 and forth. But I will certainly respond to any -- if
9 the Board wants to hear it, I will certainly respond.

10 MR. DUFF: We all -- I mean, if Chris Barrow
11 signed it, then it's his affidavit, no matter who
12 wrote it up. I mean, we all know how these things
13 work. Does the Board want to, as a board, talk about
14 this any further as a group, or should the Chair and I
15 make a ruling and see if there's a simple way to do
16 it?

17 (WHEREUPON, the Board silently conversed.)

18 CHAIRMAN EVANS: My ruling is that, for the
19 moment, we exclude this report from Mr. Barrow and
20 then we proceed, and if we need to refer to it or come
21 back to it again, we'll leave that door open.

22 MR. WILLIAMS: Okay.

23 BY MR. WILLIAMS:

24 Q And it may take a minute to get back to where we
25 were. I know that took -- that took a while. I think we

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1 were talking about the circumstances that led to your
2 getting Mr. Barrow involved in removing the lockbox.

3 A Yes.

4 Q And what steps did you take after Mr. Barrow had
5 removed the lockbox?

6 A I asked him to inventory the box, and I also
7 asked Phyllis White to begin a review of financial policies
8 at McCracken.

9 Q All right. Now, tell me the connection between
10 Mr. Barrow reviewing the lock -- the contents of the
11 lockbox and your asking Phyllis White to do some type of
12 financial inquiry at McCracken.

13 A I asked Mr. Barrow to inventory the box because,
14 when we opened the box, although we didn't examine it,
15 there was money visible, and when we closed the box, the
16 reason we asked Mr. Barrow to inventory it is because we
17 wanted to understand exactly what was in there. I know as
18 a school administrator that cash was not to be kept
19 overnight above a certain amount, and we needed to
20 understand what the situation was with that.

21 Q Okay. Did you ever meet with the staff at
22 McCracken after November 9th?

23 A I think, actually, I met with them twice.

24 Q Okay. And what do you recall about those
25 meetings with the staff?

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1 A I met -- I met with them -- well, "I" -- we.
2 "We," Alice, I believe, Jim Foster, and myself all went to
3 meet with them. And we went twice, because we knew that
4 there were going to be articles in the paper about things
5 that were coming out about this incident, the incidences
6 with Mr. Shaw, and I felt very strongly that it was
7 critical for the staff to hear from the district
8 administration in terms of those situations.

9 The other thing that I did in those meetings was
10 to make sure to actually share with them my district cell
11 phone number. Although it's a published number, I said to
12 them, I believe, both times that if they had any further
13 questions or comments and they wanted to speak to me,
14 directly, that that would be the best way for them to get
15 in touch with me.

16 Q Did you ever meet with Mr. Shaw after November
17 8th?

18 A I did not meet with Mr. Shaw until December 17th.

19 Q Okay. And please share with the Board the
20 discussions you had with Mr. Shaw on December 17th.

21 A At that point, Ms. White and Ms. Walton had met
22 with Mr. Shaw and had shared some information with me
23 concerning what they had found and learned from their
24 meetings with him. And at this point, I felt that it was
25 critical for me to discuss those with him and to lay out

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1 some options, moving forward, in terms of his employment
2 and placement with us.

3 Q Okay. And do you recall the specific options
4 that you laid out?

5 A Yes.

6 Q And what were those?

7 A I said to Mr. Shaw that we could reassign him as
8 a teacher within the school district for the remainder of
9 the year, that we could assign him as an assistant
10 principal in a separate building outside of the school he
11 was presently in. If he chose to resign, we could -- at
12 some point during the year, then, we would look at the
13 leave that he had and figure out how we would utilize that
14 in -- in line with his resignation.

15 Q All right. Did you tell Mr. Shaw when he needed
16 to get back with you to give you his input on those
17 options?

18 A This was a Monday. We met with him Monday
19 morning, and shortly after I kind of laid those things out,
20 he said, "Well, I need to -- I need to talk to some other
21 people about this. I need to" -- I think he mentioned an
22 attorney. And I said to him, "We need you to come back the
23 next day and meet with us, so that -- go, make your
24 decisions, come back, and let's sit down and talk about
25 what you've decided."

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1 Q All right. And did you hear from Mr. Shaw the
2 next day?

3 A I did not.

4 Q Did you ultimately reach a conclusion regarding
5 Mr. Shaw's employment with the district in December of
6 2012?

7 A Yes.

8 Q And what was your decision?

9 A At the end of that week, having not met with Mr.
10 Shaw and having reviewed the materials that Ms. White and
11 Ms. Walton had shared with us, although Ms. White's review
12 of policies was not yet complete, I determined that what we
13 would do is to reassign Mr. Shaw, and that he would become
14 the director of Right Choices, and that we would place him
15 on an improvement plan so that the issues that had come
16 forward, at that point, we would hopefully be able to bring
17 some improvement in terms of his management.

18 Q Okay. Would you please turn to Exhibit Number 33
19 in the black binder and identify that document for the
20 Board?

21 A What was the number again, sir?

22 Q Thirty-three.

23 A This is a copy of the letter that I sent to Mr.
24 Shaw on December 21st that summarizes the fact that we had
25 met, that we were hoping to meet with him again later that

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1 week, that we had not, and it summarizes the information
2 that was shared with me -- hold on a minute. It summarizes
3 the information that was shared with me by Ms. White and
4 Ms. Walton.

5 By the way, there is also an error in this
6 letter. If you look at the third paragraph, the one at the
7 bottom of the page, it says that Ms. Walton and Ms. White
8 met with Mr. Shaw on the 29th of November and then on the
9 14th of December. They actually met with him on the 28th
10 of December. He was to return on the 29th. He did not,
11 and they finally were able to meet with him on the 14th.

12 Q Does this --

13 A So this letter --

14 Q Did that letter give the basis for your decision
15 to reassign Mr. Shaw?

16 A It did. It walks through the points that were
17 raised by Ms. Walton and Ms. White, the fact that he has --
18 was not following directives from his supervisors, that he
19 was insubordinate in not meeting with Ms. Walton and myself
20 on the 7th, that he knowingly had violated district
21 financial procedures by telling the student council
22 sponsors to give cash to the office manager, not to the
23 bookkeeper.

24 There was also a checking account that,
25 apparently, the office manager had taken over but that had

1 not been reported to the district, and when there were
2 questions asked about that, he was very unclear and gave
3 two different sets of answers about that.

4 He had violated the rights of one of his guidance
5 counselors by speaking to the media about what his concerns
6 were in terms of the shortcomings of that job performance,
7 and he actually had legally jeopardized not only himself,
8 but the district, in that discussion.

9 That he was not following the procedures laid out
10 in his administrative leave in that Ms. Walton and Ms.
11 White found it most difficult to ever get in touch with
12 him, directly. That he also was continuing, or had -- we
13 found that he had continued throughout -- that he was not
14 visible in his school, and that there were many things that
15 just were not the way they should be in terms of
16 procedures. And although what they had shared with me
17 could have warranted his termination, I had opted to place
18 him at Right Choices.

19 Q All right. And share with the Board why you
20 offered to place him at Right Choices as opposed to
21 terminating him as of December 21st, or recommending his
22 termination as of December 21st.

23 A Ms. White's report was yet to be completed, and I
24 thought that was critical in this decision. Also, there
25 had never been an improvement plan in which Mr. Shaw had

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1 participated, and I felt that it was critical to give him
2 that opportunity. And by placing him at Right Choices, it
3 would give him the opportunity to work through that
4 improvement plan, and also for us to be able to get a final
5 report from Ms. White.

6 Q Okay. Did Mr. Shaw ever report to his assignment
7 as Right Choices?

8 A He did not.

9 Q And did you take any steps to address his failure
10 to report?

11 A I attempted to contact him. I left him a voice
12 mail. I texted him, and I believe that I also put in
13 writing to him the fact that he had not appeared.

14 Q All right. Will you please turn to Exhibit 34
15 and identify that document for the Board?

16 A This is a copy of a letter that I sent to Mr.
17 Shaw on January 2nd, when he did not report to work that
18 day.

19 Q And did Mr. Shaw ever provide you with a reason
20 as to why he didn't report?

21 A There was a follow-up -- not prior to this, but,
22 yes, there was a follow-up notification from Mr. Shaw.

23 Q All right. Did you respond to his notification?

24 A I did, because his -- as I remember, it was an
25 email, and it was not just having to do with the fact that

1 he had not appeared, but there were many things in the
2 email, and so I thought it necessary to follow up with
3 that.

4 Q All right. Please turn to Exhibit Number 35 and
5 identify that document for the Board.

6 A This is a copy of the letter that I sent to Mr.
7 Shaw on January 4th as a follow-up to his email on January
8 3rd.

9 Q And what issues did you address in your January
10 4th letter, if you could briefly share those with the
11 Board?

12 A Well, he said, first of all, that he'd not gotten
13 the letter that I'd sent to him, which I didn't understand,
14 and -- however, the email that we got also came from a
15 different email address than we had been given to
16 communicate with him. So, in responding to this, I sent
17 this letter along with that initial December 21st letter to
18 Mr. Shaw via email.

19 His email said to me, "As you know, I am out
20 sick." Well, I did not know he was out sick. He had not
21 contacted me in any way. I know that he had left a message
22 for Ms. Walton, and he had said he was out due to a
23 personal illness. But he had been out, I believe, if I'm
24 not mistaken, five of those previous eight workdays, and so
25 what we were asking him to do here is to -- again, to give

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1 us a physician's notice in terms of that.

2 He also said that he had made a decision about
3 the options that I had given him. I clarified for him that
4 we met on the 17th. We had agreed to meet on the 18th. I
5 had attempted to contact him that week when he didn't come
6 to meet with me on the 18th. He had also contacted -- I
7 believe, on the 20th, he had contacted my office and said
8 he'd be in on the 21st, but we never saw him. And so what
9 I was telling him in this letter was that I had already
10 made the decision, that he was going to be reassigned as
11 the director of Right Choices, and as I said, I included a
12 copy of that letter with this, and that was all emailed to
13 him.

14 He said in the email on January 3rd that he had
15 been put on leave because I had a serious concern for the
16 safety of the children at McCracken, and that was not our
17 reasoning for placing him on leave. And so I reiterated
18 the fact that he was placed on leave because of concerns
19 about his whereabouts during school hours, and for veracity
20 about the same, and his failure to comply with
21 administrative directives.

22 Also, he said that he had attempted to speak with
23 me regarding personnel issues at McCracken, and they had
24 not been addressed. And I let him know that, first of all,
25 that wasn't true, and, secondly, because he was now no

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1 longer the principal at HE McCracken, if he wished to share
2 information with me, that was fine, but we were not going
3 to discuss personnel matters at McCracken.

4 He was also concerned that, throughout his
5 meetings, that he had not been allowed to have a witness
6 with him, when, in fact, I do not believe he ever asked to
7 have a personal friend or his wife with him, and so we
8 shared with him the fact that he had the right to do that.

9 He also made a statement in this email which was
10 a serious concern, and he said he -- that he felt that this
11 lack of witness -- and I'm going to read this -- "created a
12 serious question in the veracity of the information being
13 reported." I read that to mean that he was saying that he
14 was questioning Ms. Walton, Ms. White, Dr. Rhoads, in terms
15 of their veracity, and I took very strong objections to
16 that. I then asked him to please get a doctor's note to us
17 concerning that.

18 Q And did Mr. Shaw mention anything in his
19 correspondence to you about meeting with you and having an
20 attorney present?

21 A Yes, he did.

22 Q And what was your response to that?

23 A And I said to him that I'd be happy to meet with
24 him with his attorney. If he would forward to us the
25 information concerning that contact, then I would have our

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1 legal counsel get in touch with his attorney, and we would
2 set up a meeting.

3 Q All right. Did you get any information from Mr.
4 Shaw in a timely manner on that issue?

5 A No, I did not.

6 Q When did you retire from the district, Dr.
7 Rosswurm?

8 A As of July 1st, 2013.

9 Q Okay. Were you ever able to meet with Mr. Shaw
10 after receiving Phyllis White's financial report?

11 A No, I did not meet with Mr. Shaw.

12 Q And why were -- why did you not meet with Mr.
13 Shaw?

14 A Mr. Shaw was on a series of different sorts of
15 leaves. He was on FMLA and taking personal leave, and I
16 did not meet with him.

17 Q In light of your involvement with Mr. Shaw's
18 personnel matter, you were -- you're obviously aware that
19 there's been a recommendation that Mr. Shaw be terminated.

20 A I am.

21 Q Do you support that recommendation?

22 A I do.

23 Q Please tell the Board why.

24 A We placed Mr. Shaw on administrative leave
25 because of some concerns that we had about his visibility

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1 at the school, his whereabouts, his veracity, and his lack
2 of following district directives from the administration.
3 When the full report came back from Ms. White, we found
4 that there were many other issues related to the management
5 at HE McCracken Middle School and believed that the
6 recommendation for termination by Dr. Moss is appropriate.

7 MR. WILLIAMS: Please answer any questions
8 either Ms. Zeidan or Mr. Bush may have for you.

9 WITNESS: Okay.

10 CHAIRMAN EVANS: We are going to take a
11 break for lunch, and it will last from now until 1:05,
12 and we will follow up with cross after the lunch
13 break. Thank you.

14 (Brief recess taken.)

15 CHAIRMAN EVANS: If we're all set, I'd like
16 to resume with the cross of Dr. Rosswurm, please.

17 CROSS-EXAMINATION

18 BY MS. ZEIDAN:

19 Q Good afternoon, Dr. Rosswurm.

20 A Good afternoon.

21 Q Dr. Rosswurm, did you open the safe?

22 A I unlocked the safe, opened the safe, closed the
23 safe, locked it back up.

24 Q Dr. Rosswurm, you and I have met before, haven't
25 we?

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1 A We did.

2 Q Okay. And we met during your deposition on
3 October 16th, 2013, didn't we?

4 A That is correct.

5 Q Okay. And do you recall giving that deposition?

6 A I do.

7 Q And did you testify truthfully during that
8 deposition?

9 A Absolutely, I did.

10 MS. ZEIDAN: Okay. (Tenders sealed
11 transcript to Chairman Evans.) Would you please open
12 this deposition? Thank you.

13 BY MS. ZEIDAN:

14 Q Dr. Rosswurm, will you turn to page 103 of that
15 deposition?

16 A I am on page 103.

17 Q All right. And how this is going work is, the
18 question -- I'm going to ask the question, and you're going
19 to read your answers; okay?

20 A Yes, ma'am.

21 Q Starting with line 9, "Okay. Did you open the
22 safe?"

23 A "I pulled" -- it says, "I pulled his top drawer
24 out. I went like -- first, I tried to lift it, just to see
25 if it was heavy. It was heavy."

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1 Q "The safe?"

2 A "The safe."

3 Q "Okay."

4 A "And I took the handle just to see if it was
5 locked. It was locked. So I opened his top drawer, and
6 there was a whole set of keys, a whole bunch of keys in
7 there. The safe -- I looked at the safe. It had a, what
8 I'm going to call, 'skate key,' a kind of different kind of
9 key. It's a round key. A cylinder key? I don't know what
10 it's called. A skate key."

11 Q "Uh-huh."

12 A "I looked on the ring of keys. There was one of
13 those keys on there. So I took the key to see if it fit
14 the lock. I turned it. It unlocked it, or turned. I
15 turned it back and left it."

16 Q "Okay. So you never opened the box?"

17 A "No, I did not."

18 Q Dr. Rosswurm, it's your testimony here today that
19 you did open that box, didn't you?

20 A I opened it, yes, ma'am.

21 Q All right. Did you ever see any contents in that
22 lockbox?

23 A I didn't examine them. When I opened them, I
24 looked at the box.

25 Q Okay. And will you please turn to page 110 of

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1 that deposition?

2 A Okay.

3 Q Starting at line 16, I'm going to ask the
4 question, and you just respond. "Did you ever see any
5 contents of the lockbox?"

6 A "I did not."

7 Q Well, Dr. Rosswurm, you testified today that you
8 did see the contents.

9 A When I opened the box, I saw things in there. I
10 did not examine them.

11 Q Okay. So when were you telling the truth, Dr.
12 Rosswurm?

13 A I have told the truth both times, ma'am.

14 Q How?

15 A I have told the truth in the fact that I looked
16 at the contents. I did not examine them.

17 Q But the truth is, you didn't tell the truth. You
18 told me you never -- you did not -- I said, "Did you ever
19 see the contents of the lockbox?" And you said, "I did
20 not." Now, that's the truth, isn't it?

21 A I didn't examine them.

22 Q The truth is, in your deposition, you said you
23 did not?

24 A I did not --

25 Q Now --

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1 A -- examine the --

2 Q. -- in front of the --

3 MR. WILLIAMS: I'm going --

4 MS. ZEIDAN: -- Board of Trustees today --

5 MR. WILLIAMS: -- to object. She obviously
6 has the right to cross-examine, but she's not allowing
7 the witness to answer the questions, and she's also
8 badgering the witness. So I'm objecting on behalf of
9 the administration.

10 CHAIRMAN EVANS: Yeah, please let her give
11 complete answers. Okay, Ms. Zeidan?

12 MS. ZEIDAN: Thank you.

13 BY MS. ZEIDAN:

14 Q It's your testimony today that you did see the
15 contents; is that correct?

16 A I saw what was at the top of the box, yes, ma'am.

17 Q Okay. So when were you telling the truth?

18 A I've told the truth, ma'am.

19 Q When? Here today, in front of the Board of
20 Trustees, or back during your deposition?

21 A Both times, I've told the truth.

22 Q Okay. Well, what about opening the safe? I
23 specifically asked you, "Did you ever open the safe?" and
24 you said --

25 MR. WILLIAMS: I object again. She's

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1 already responded to that. It's been asked and
2 answered several times.

3 CHAIRMAN EVANS: Yeah, I think your point
4 has been made. You asked that question a moment ago,
5 if I recall properly, and she responded to it.

6 MS. ZEIDAN: Thank you.

7 BY MS. ZEIDAN:

8 Q So, Dr. Rosswurm, when are you telling the truth?

9 MR. WILLIAMS: Same objection.

10 MS. ZEIDAN: Well, she didn't respond to
11 that.

12 MR. WILLIAMS: She said --

13 MS. ZEIDAN: She said both times.

14 MR. WILLIAMS: She's responded

15 MS. ZEIDAN: I don't --

16 MR. WILLIAMS: She's responded.

17 MS. ZEIDAN: -- know how you can tell --

18 MR. WILLIAMS: She's responded several
19 times, Mr. Chair --

20 MS. ZEIDAN: -- two inconsistent statements
21 at the same time.

22 MR. WILLIAMS: -- at least three times.

23 CHAIRMAN EVANS: What I heard is, you've
24 asked her to -- when was she telling the truth, and
25 she's told you, "Both times."

1 MS. ZEIDAN: Okay. All right. So let's
2 move ahead.

3 BY MS. ZEIDAN:

4 Q Dr. Rosswurm, I want to take you back to November
5 7th, that meeting that you wanted to have with Mr. Shaw.

6 A Yes.

7 Q Had Mr. Shaw ever stood you up for a meeting
8 before?

9 A Not that I'm aware of.

10 Q Okay. And on November 7th, Mr. Shaw met with
11 Alice Walton, didn't he?

12 A I believe he did, yes.

13 Q Okay. And once you came to Alice's office and
14 noticed he wasn't there, did you ask Alice where he went?

15 A I did.

16 Q And what did she tell you?

17 A She said he had just left.

18 Q Okay. And you've talked about making attempts,
19 having a staff member make attempts, to contact him. Did
20 you ever email Phillip?

21 A No, I didn't email him.

22 Q Did you ever call Phillip?

23 A No, I did not. I directed Angie Lopatka to do
24 so, and she did.

25 Q Okay. And after that became unfruitful, at any

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1 point, did you document the fact that Phillip did not
2 return back to the district office?

3 A Did I document it?

4 Q Um-hum. Did you send him an email that day,
5 saying, "Phillip, where were you?"

6 A No, I did not.

7 Q Did you ever write him a letter, saying,
8 "Phillip, where were you on November 7th?"

9 A No, I did not.

10 Q All right. Phillip told you that he came back to
11 the district office on November 7th, didn't he?

12 A Yes, he did.

13 Q And did you ever check any surveillance to make
14 sure that that was true?

15 A No, I did not.

16 Q Okay. And so, if he told you he was there, you
17 can't counter that, can you?

18 A I know that we asked Mr. Shaw to come back and
19 meet with us, and I know he did not meet with us.

20 Q He didn't meet with you, but you didn't follow up
21 on that, and that's nowhere in writing; is that correct?

22 A I did follow up with him the next day.

23 Q But not on November 7th?

24 A No, I did not.

25 Q Okay.

1 A Personally. But I know that Ms. Lopatka called
2 him, spoke with him, called again, and left a voice mail
3 for him.

4 Q But you didn't?

5 A No, I did not. I already said that.

6 Q Okay. Thank you. You went to the school on
7 November 8th to discuss issues with management of the
8 school with Mr. Shaw; is that correct?

9 A Yes.

10 Q Okay. Now, tell me, where is documentation, at
11 any point, that you had any concern about the management of
12 McCracken?

13 A That's what we were meeting with him about.

14 Q Um-hum. But where's the documentation? Where is
15 the letters that you sent Phillip, or email that you sent
16 Phillip, saying, "Phillip, I have concerns about your
17 visibility, your veracity, and your whereabouts"? Where
18 are those?

19 A There is not documentation because that was our
20 purpose in meeting with him.

21 Q How long have you been in administration, Dr.
22 Rosswurm?

23 A Twenty-two years.

24 Q Okay. Thank you. I want to talk about this
25 Teacher A. Alice shared some concerns with you about

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1 Teacher A; is that correct?

2 A Yes.

3 Q Okay. And you saw to it to follow up on those
4 concerns; is that correct?

5 A Actually, Ms. Walton was following up on those
6 concerns.

7 Q All right. You didn't testify previously that
8 that's one of the things you wanted to talk to Mr. Shaw
9 about?

10 A Not about the concerns with that teacher, but
11 what was being communicated by Mr. Shaw to the staff about
12 that matter.

13 Q And how do you know what was being communicated
14 by Mr. Shaw to that staff?

15 A Because I spoke to Ms. Walton.

16 Q Okay. Do you have any emails from Mr. Shaw to
17 that staff?

18 A No.

19 Q Do you have any letters from Mr. Shaw to that
20 staff member?

21 A I do not.

22 Q Okay. Thank you. The truth is, Dr. Rosswurm,
23 you had your mind made up to move -- to remove Mr. Shaw
24 when you stepped in that building on November 8th, didn't
25 you?

1 A That is absolutely incorrect.

2 Q All right. Well, tell me what documentation
3 exists by you to Mr. Shaw detailing any type of issue that
4 you had with Mr. Shaw.

5 A We were going to meet with Mr. Shaw concerning
6 the issues that we have discussed before this group.

7 Q Okay.

8 A There was no documentation at that point. That
9 is correct.

10 Q So, the day that you decide you want to bring
11 them up to him, you're going to remove him?

12 A That is ultimately what happened, but it had to
13 do with --

14 Q Okay.

15 A Might I finish my answer?

16 Q Um-hum.

17 A I'd like you to be listening.

18 Q I am. You asked me if you could finish your
19 answer.

20 A There was no documentation because we had asked
21 Mr. Shaw to meet with us on the 7th because he had not. We
22 were following up with him on the 8th. They were issues
23 that we planned to address face to face.

24 Q Dr. Rosswurm, I'd like to call your attention to
25 the letter dated December 21st, and I believe that's Number

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1 33 in your book, and opposing counsel can correct me if I'm
2 wrong. Is it 33?

3 CHAIRMAN EVANS: Excuse me. Is that in your
4 book or --

5 MS. ZEIDAN: I'm sorry. In the black book.

6 CHAIRMAN EVANS: Thank you. Thirty-three?

7 MS. ZEIDAN: Yes.

8 WITNESS: Yes?

9 BY MS. ZEIDAN:

10 Q I want you to turn to the second page.

11 A Yes.

12 Q Now, will you --

13 A I'm on that page.

14 Q These are a list of what, this one through six?
15 What is this?

16 A If you look at the bottom of the first page, you
17 will see that these are a list of points brought forward by
18 Ms. Walton and Ms. White, having met with Mr. Shaw and also
19 in speaking to others.

20 Q Okay. And who signed this, this letter?

21 A I did.

22 Q Okay. I want to go by the -- through these one
23 by one. Can you read the first -- at the top of that page,
24 the first paragraph?

25 A Numbered number one?

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1 Q Yes.

2 A "You failed to follow the reasonable directives
3 of your supervisors; i.e., being at work on time and
4 remaining at work during normal hours for principals, being
5 visible in the McCracken classrooms and routinely available
6 to teachers and staff, and adjusting the role of the office
7 manager to that of her job description, and moving her
8 office out of your office, literally and figuratively."

9 Q What evidence do you have that Shaw was not
10 coming to work on time?

11 A That was part of the information that was
12 gathered by Ms. Walton and Ms. White in their reviews.

13 Q And what documentation is that?

14 A You'll note that it said "in talking to Mr. Shaw
15 and in meeting with other people."

16 Q Who are "other people"?

17 A I believe, the members of the McCracken staff.

18 Q Okay. Dr. Rosswurm, what members of the
19 McCracken staff? This is a letter to Mr. Shaw, scolding
20 him, and what I want to know is, what direct evidence did
21 you have when you put that in the letter that he wasn't
22 coming to work on time?

23 A This is not a letter to scold Mr. Shaw. This is
24 a letter to outline the findings that Ms. Walton and Ms.
25 White had from their meetings with him and talking with

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1 staff members.

2 Q And I understand that's their findings, but what
3 I'm asking you is, where is the evidence to substantiate
4 those findings?

5 A I would have to go back to Ms. Walton and Ms.
6 White for that.

7 Q But you drafted this letter, and you included
8 them; is that correct?

9 A I did include them, because they were part of the
10 information shared with me.

11 Q And you admitted at the bottom that although
12 those findings warranted his immediate termination -- so
13 that means you had to review them; is that correct?

14 A Yes.

15 Q Okay. So tell me again. What evidence do you
16 have that he wasn't at work on time?

17 A I don't have any evidence before me.

18 Q Okay. And what evidence do you have that he was
19 not remaining at work during normal hours for principals?

20 A It was collected as part of their review.

21 Q All right. And let's talk about that review.
22 Who -- who gave you that information?

23 A Ms. Walton and Ms. White.

24 Q And where did they get it from?

25 A Again I will repeat to you, in meetings with Mr.

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1 Shaw and with meetings of other people.

2 Q All right. And what I'm asking you is, what
3 other people? You've got these findings in here. I want
4 to know exactly what evidence you had to say that these
5 findings warrant his immediate termination.

6 A And I would say to you again that that's
7 information that Ms. Walton and Ms. White would have
8 gathered.

9 Q So you don't have it?

10 A I do not --

11 Q All right.

12 A -- have it before me, no.

13 Q What information do you have -- what information
14 do you have that he was not being visible in McCracken
15 classrooms?

16 A That had been discussed with him, repeatedly.

17 Q Okay. By whom?

18 A The former superintendent. I was part of
19 meetings where that was discussed with him.

20 Q All right. And what documentation do you have
21 that, as of November 8th -- or November 7th, since he was
22 removed on November 8th, that he wasn't being visible in
23 the classrooms?

24 A When we talked with him, he said that he needed
25 to be more visible.

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1 Q What evidence do you have that he was not being
2 visible in the classroom?

3 A I have whatever information Ms. Walton and Ms.
4 White have shared with me.

5 Q Which is?

6 A I just said to you, they have met with him and
7 other folks.

8 Q And you can't tell me who the other folks are
9 today?

10 A I cannot.

11 Q Okay. Routinely -- being routinely available to
12 teachers and staff and adjusting the role of the office
13 manager to that of her job description. Let's just stop
14 right there. What evidence do you have that he didn't
15 adjust the role of his office manager?

16 A I can tell you, specifically, when Ms. Walton
17 returned to the district office after her meeting that
18 previous week, she reported to me that his office manager
19 was still working out of his office.

20 Q Working out of his office? That's what she told
21 you?

22 A Um-hum.

23 Q And what did you do to investigate that?

24 A Ms. Walton is serving as the human resource
25 services officer. When she makes a statement to me

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1 concerning that, I believe it to be a true statement.

2 Q Okay. And what evidence do you have that she
3 wasn't just working with Shaw on something? How do you
4 know that she was working out of his office, as stated in
5 here?

6 A Because that is what Ms. Walton told me.

7 Q Thank you. Number two, "You demonstrated
8 insubordination by failing to report back to the district
9 office on November 7th, 2012, after you left the leadership
10 team meeting, which ended at noon, to discuss the job
11 performance concerns just described after being directed to
12 do so, and instead of returning to McCracken, you decided
13 to get gas, eat lunch, and run personal errands. In short,
14 you took the afternoon off, in violation of district leave
15 policy." Is that what you drafted in this letter? Is that
16 accurate?

17 A That is correct.

18 Q All right. What documentation do you have that
19 Phillip Shaw was insubordinate?

20 A Because he didn't report back to the district
21 office and didn't go back to work.

22 Q Did you contact Phillip Shaw on November 7th?

23 A And ask him to meet with me?

24 Q Exactly.

25 A I absolutely did.

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1 Q Okay. When?

2 A The morning of the 7th.

3 Q Well, did you contact Phillip Shaw and say by
4 failing to report back -- did you say, "Phillip Shaw, come
5 back to the district office"?

6 A I had Angie Lopatka, the personnel manager, call
7 him and ask him to do that.

8 Q Did you, Dr. Rosswurm, call Phillip Shaw and say,
9 "Phillip, come back"?

10 A I didn't pick up the phone and call him, no.

11 Q Did you send him a letter or an email, saying --
12 excuse me, an email, "Phillip, where are you?"

13 A I did not.

14 Q Did you send him a text message, "Phillip, where
15 are you?"

16 A I did not.

17 Q Did you ever send --

18 MR. WILLIAMS: I think this has -- we would
19 object on the basis it's been asked and answered.

20 MS. ZEIDAN: I'll move on.

21 CHAIRMAN EVANS: Please do.

22 BY MS. ZEIDAN:

23 Q "You knowingly violated district financial
24 procedures by directing and/or allowing the past and
25 current McCracken student council sponsors to give cash

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1 collected as a part of fund-raising efforts directly to the
2 office manager or to you rather than the McCracken
3 bookkeeper." Let's talk about that, Dr. Rosswurm. What
4 evidence do you have that he did that, that he directed
5 that staff to do that?

6 A I want to make sure that -- that you are clear
7 that, as the acting superintendent, Ms. Alice Walton, as
8 head of human resources, was the person that was overseeing
9 the gathering of materials for this situation, and Phyllis
10 White was working with her. So, in terms of that
11 information, there were statements that were made
12 concerning that, and we had written statements about it.

13 Q Okay. But you didn't have any information?

14 A All of that documentation would be kept in the
15 office of human resources. I did not have the
16 documentation in hand.

17 Q Okay. Well, can you tell me what the
18 documentation was?

19 A I just told you that there were statements
20 written.

21 Q From whom?

22 A From the student council sponsors.

23 Q Who are they?

24 A Sonia Merrick is one of them.

25 Q Okay. And?

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1 A I don't recall the other girl's name.

2 Q Okay. And this is information that you used to
3 say, "This warrants your immediate termination"; is that
4 correct?

5 A I said that -- yes, that it would warrant that.
6 You're right.

7 Q All right. All right. And this is based off
8 just teacher statements; is that correct?

9 A Actually, we knew also -- we had a statement from
10 the bookkeeper, as well.

11 Q So statements that were made; is that correct?

12 A Um-hum.

13 Q Okay. So no evidence, just statements?

14 A No, there was actually evidence that had been
15 gathered.

16 Q Great. Tell me about that.

17 A There were statements from the student council
18 advisor, and in her talking with Ms. Walton and Ms. White,
19 there had not been any documentation giving -- given back
20 in terms of money that she had been giving to the office
21 manager. There was a box of statements that were gathered.
22 There were some accounts of some of the money, but not all
23 of the money.

24 Q Where is the evidence that Shaw directed them to
25 do that?

1 A It came through their statements.

2 Q Okay. I want to continue on three. "Despite
3 knowing that your office manager had assumed
4 responsibilities for a parent-teacher organization account
5 and never reporting the same to the district office so the
6 defunct PTO's monies could be accounted for and placed in a
7 monitored McCracken account, you permitted the office
8 manager to collect cash over at least a year." Dr.
9 Rosswurm, who monitors PTO?

10 A Under finance -- our finance office, that
11 happens.

12 Q Who is in charge of PTO? Who oversees PTO?

13 A Do you mean at the district level? I'm not sure
14 what you're asking me.

15 Q At the school level, who oversees PTO?

16 A The principal is involved in that.

17 Q Okay. I know he's involved. Who oversees PTO?

18 A He -- he should be working directly with the PTO
19 to make sure that they understand the policies and
20 procedures that they need to have in place as a PTO.

21 Q Thank you. Who oversees PTO?

22 A I guess I don't understand your question because
23 I believe I'm answering it.

24 Q Who oversees PTO? Who -- who oversees PTO
25 accounts?

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1 A (No response.)

2 Q PTO operates as a booster, don't they?

3 A PTO operates as a separate organization.

4 Q Thank you. How would Mr. Shaw -- what evidence
5 do you have that Mr. Shaw allowed this money to be
6 collected and placed in this account?

7 A I believe that Mr. Shaw actually told Ms. White
8 and Ms. Walton two different situations concerning the PTO
9 accounts.

10 Q Okay. And so what evidence do you have? Because
11 you've told me two situations prior. What evidence do you
12 have that Mr. Shaw told these people to do this?

13 A As the principal of that school, he should be
14 overseeing all that's going on in his school.

15 Q Let's move to number four. "You violated the
16 privacy rights of a McCracken guidance counselor by talking
17 to the news media about the individual's shortcomings in
18 job performance and conduct, which has placed not only you
19 but the district in legal jeopardy as a result of the
20 media's publishing of your comments about the guidance
21 counselor." Do you recall that article, Dr. Rosswurm?

22 A I do.

23 Q And do you recall that that article stated that
24 some emails were delivered anonymously to the Island
25 Packet?

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1 A I do.

2 Q And did you ever conduct an investigation, an
3 internal investigation, about who delivered those emails to
4 the Island Packet?

5 A To my knowledge, we do not know who did that.

6 Q Did you conduct an investigation about who
7 delivered those emails to the Island Packet?

8 A I believe that we asked that question, and it was
9 answered with they would not let us know who did that.

10 Q Did you conduct any in-house -- did you call
11 forensics in to see who would have forwarded those emails?

12 A I did not.

13 Q Okay. Number five, "You violated, repeatedly,
14 the terms of your administrative leave by failing to remain
15 available by telephone during normal work hours and
16 refusing to call and speak, personally, to Ms. Walton and
17 Ms. White numerous times after voice messages and texts
18 were left directing you to call and/or report to the
19 district office during normal work hours." Who gave you
20 that information?

21 A Ms. Walton and Ms. White.

22 Q Okay. But you don't have any direct knowledge of
23 that, do you?

24 A Actually, on a regular basis, they would report
25 that to me.

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1 Q Okay. He didn't -- but he wasn't supposed to
2 report to you. You don't have any direct knowledge of
3 that, do you?

4 A No. As I said before, that was being handled by
5 the office of human resources.

6 Q Okay. "You were not forthcoming about" -- this
7 is under number six -- "among other things, your
8 whereabouts on Wednesdays to the McCracken administrative
9 leadership team (sic)." What Wednesdays are you referring
10 to?

11 A The majority of Wednesdays.

12 Q All right. And this is the first time that I'm
13 hearing about this. What's going on on the majority of
14 Wednesdays?

15 A I don't know what was going on. I know that Mr.
16 Shaw was often not at work on Wednesdays.

17 Q And how do you know?

18 A Because we were told that by staff members.

19 Q Okay. What staff members?

20 A Several McCracken staff members.

21 Q Where are those statements?

22 A I'd have to get them from Ms. Walton.

23 Q Where is the documentation that you wrote
24 Phillip, saying, "Where are you on Wednesdays?"

25 A We discussed that with him when we met with him

1 on November 8th.

2 Q Where -- but there's no documentation; is that
3 correct?

4 A That is correct.

5 Q All right. "And you failed to report back to
6 school after leadership meetings." Are we just
7 generalizing -- after every leadership meeting, he would
8 fail to go back -- or are we referring to the specific
9 November 7th incident?

10 A Since it says "meetings," we are not just
11 referring to the November 7th meeting.

12 Q All right. And so how do you know that he failed
13 to report back to school after leadership meetings?

14 A Because we were told that.

15 Q Okay. And where are those statements?

16 A We don't have those, a written statement.

17 Q Okay. And where are letters to you or any type
18 of correspondence from you asking Phillip, "Where are you
19 after leadership meetings?"

20 A That was part of our discussion on November 8th.

21 Q There's no documentation; correct?

22 A I do not have documentation.

23 Q "Knowledge of an unauthorized bank account."
24 What evidence do you have that Phillip Shaw knew about this
25 unauthorized bank account?

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1 A If you'll read further, it says, "Even providing
2 conflicting stories about the account."

3 Q Correct. What information, what evidence do you
4 have, that he knew about the account?

5 A That information was shared with Ms. Walton and
6 Ms. White. These points came from Ms. Walton and Ms.
7 White.

8 Q Did Shaw ever write a statement about the bank
9 account?

10 A I believe he did not.

11 Q Okay. And why wouldn't Shaw be requested to
12 write a statement about the account?

13 A I believe that when he came back and finally met
14 with them on the 14th that that's when they received the
15 conflicting information.

16 Q You believe. Do you know that?

17 A I know that.

18 Q Okay. So how do you know that he had knowledge
19 of the unauthorized bank account?

20 A I believe that in his -- in what he stated to
21 them, he said that.

22 Q Okay. And that's not documented anywhere? He
23 didn't write a statement?

24 A I'm not aware that he wrote a statement.

25 Q Okay.

1 A But I believe that they probably took minutes in
2 the meetings that they had with him.

3 Q And who would keep those minutes?

4 A They would be notes that they would have.

5 Q But those notes aren't --

6 A Let me correct myself and not say minutes, but
7 notes that they would have.

8 Q Personal notes?

9 A Probably, yes.

10 Q So a lot of people wrote statements in this
11 matter with Phillip Shaw, but Phillip Shaw wasn't one of
12 those people?

13 A Not that I'm aware of in this particular case.

14 Q Okay. "Directives to two McCracken teachers to
15 give student council monies directly to either yourself or
16 the office manager and not to the bookkeeper as required by
17 district financial policy (sic)." What evidence do you
18 have that Phillip Shaw ever told a student council sponsor
19 to give him money?

20 A The statements from those sponsors and the
21 bookkeeper.

22 Q And what sponsors are you referring to?

23 A The sponsors that were mentioned before and the
24 bookkeeper, Ms. Williams.

25 Q So they -- but they said that Phillip Shaw --

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1 they actually gave Phillip Shaw money?

2 A They said that they were directed by Mr. Shaw to
3 give it to the office manager.

4 Q And I'm asking you, did they say that they were
5 directed to give him money?

6 A That they were to give it to one of the two of
7 them, yes.

8 Q But you put in here, "Directives to two McCracken
9 teachers to give student council monies directly to either
10 yourself or" -- so I'm asking you, what evidence do you
11 have that he directed these teachers to give money to him?

12 A As I just said to you, it came from the
13 statements of those sponsors.

14 Q All right. Let's look at those statements. In
15 the black book, I think, they're under Number 3. Have you
16 ever reviewed these statements, Dr. Rosswurm?

17 A I have.

18 Q Okay. All right. Let's start with Dawn. Please
19 show me in Dawn's statement where it says she gave Mr. Shaw
20 money.

21 A Might I have a minute to review this?

22 Q You certainly can.

23 A Thank you. (Peruses document.) It looks to me
24 like it came specifically to Ms. Gibbo.

25 Q Okay. So, in Dawn Sumner's statement, there's no

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1 evidence -- she didn't say she gave money to Phillip Shaw;
2 is that correct?

3 A (No response.)

4 Q We can move on to Sonia Merrick. Please show me,
5 Dr. Rosswurm, in Sonia Merrick's statement where it says
6 she gave money to Phillip Shaw.

7 A No, she actually was told by Mr. Shaw to turn the
8 money in to Ms. Gibbo.

9 Q Okay. I'm asking you, please tell me in Sonia
10 Merrick's statement where it says she was directed to give
11 money to Mr. Shaw.

12 A And the answer to that question that I just gave
13 you was that I was -- he was told -- she was told by Mr.
14 Shaw to give the money to Ms. Gibbo.

15 Q And the answer is, is that it's not in here; is
16 that correct?

17 MR. WILLIAMS: Again, I'm going to object.

18 She's asked the question twice, and it's been answered
19 twice.

20 MS. ZEIDAN: I'll move on.

21 CHAIRMAN EVANS: I agree. Yeah, sustained.

22 Okay.

23 BY MS. ZEIDAN:

24 Q We can go to Sherie Bush Sturgis' statement.
25 It's also in the packet with --

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1 A All right.

2 Q -- the three, I believe. Can you show me in
3 Sherie's statement where it says she was directed to give
4 money to Mr. Shaw?

5 A This does not say that.

6 Q All right. So where did you get the evidence
7 from, as purported in bullet number six, that he was
8 directed -- he directed teachers to give money to him?

9 A It's not stated in those statements.

10 Q So where do you get the evidence from? You just
11 told me that you got evidence from teachers and Alice and
12 Phyllis. So where -- where is that evidence?

13 A Again, I would need to direct you back to Ms.
14 Walton.

15 Q You put this in your letter, and you didn't have
16 the evidence?

17 A That is in my letter, and it came from Ms. Alice
18 -- Ms. Walton and Ms. White.

19 Q What steps did you take to verify what Alice and
20 Phyllis told you?

21 A We had a discussion concerning the Phillip Shaw
22 matter. They shared with me their summary of that
23 discussion, and these points came forth from that.

24 Q And so these points came from them, and so, if
25 they're inaccurate, should Alice and Phyllis be fired?

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1 A (No response.)

2 Q We can move on. I'm sorry. Did you want to
3 answer that?

4 A No.

5 Q Okay. You decided, in spite of all of this, to
6 reassign Phillip to a position in the district; is that
7 correct?

8 A That is correct.

9 Q All right. Ms. Rosswurm, I would now like to
10 call your attention to a letter dated January 4th, 2013,
11 and I am not sure. Maybe opposing counsel can help me.
12 What evidence number is this?

13 MR. DUFF: Thirty-five.

14 WITNESS: I have it.

15 MS. ZEIDAN: I believe it's 35, for the
16 Board.

17 WITNESS: Yes.

18 BY MS. ZEIDAN:

19 Q Okay. And I believe it was your testimony
20 earlier that you wrote this to, basically, discuss some of
21 the concerns that Phillip had in the email?

22 A It was --

23 Q Is that right?

24 A -- to follow up on that email that was sent, yes.

25 Q All right. So you felt it necessary to document

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1 your feelings regarding -- regarding comments Phillip made
2 in an email, but you didn't find it necessary to document
3 any suggestions or violations of management policy?

4 A I was following up on the statements that he
5 made, and I was addressing them.

6 Q Okay.

7 A I wasn't addressing my -- or stating my feelings,
8 which I think is what you said to me.

9 Q And I'm glad you used the word "addressing." So
10 this letter is addressing Phillip Shaw's comments?

11 A It's addressing the points in his January 3rd
12 email, yes.

13 Q Where are any letters or email, correspondence,
14 text messages, anything from you addressing concerns you
15 had about his management, from October 1st to November 7th,
16 2013?

17 A I'm sorry?

18 Q I'll repeat for the record. Where are any
19 documents, emails, letters, text messages, anything
20 documenting or addressing any concerns you had about
21 Phillip Shaw from October 1st, when you became
22 superintendent, to November 8th, when you placed him on
23 administrative leave?

24 A There are none.

25 Q Thank you. I want to go back to November 8th,

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1 2011 -- excuse me, 2012. One of the issues that you had
2 with Mr. Shaw -- and I think you've testified that you
3 don't have any documentation about this -- was his use of
4 his secretary; is that correct?

5 A My concern wasn't about his use of his secretary.
6 It had to do with the fact that she was housed in his
7 office and had been asked twice to place her elsewhere.

8 Q A lot has been said about Ms. Gibbo being housed
9 out of his office, and I want to ask you, what evidence do
10 you have that she was housed out of his office?

11 A It was communicated. I sat through two meetings,
12 and I listened to the superintendent share that with Mr.
13 Shaw.

14 Q Okay. And after you became superintendent
15 October 1st, did you review any surveillance tapes at
16 McCracken?

17 A I did not.

18 Q Did you go, personally, down there and wait and
19 see if Mr. Shaw had Denise in his office?

20 A I did not.

21 Q Okay. And in fact, on November 8th, when you
22 went to McCracken, you actually stepped foot in an office
23 Denise told you was hers; is that correct?

24 A I did step foot in an office that Denise Gibbo
25 told me was her office.

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1 Q And that --

2 A That's correct.

3 Q And that office had a desk; is that correct?

4 A It did.

5 Q And it had some chairs; is that correct?

6 A It did.

7 Q And it had a computer; isn't that correct?

8 A I believe it did.

9 Q Um-hum. And you testified that you didn't think
10 it was an office because you didn't see any papers; is that
11 correct?

12 A I did.

13 Q But you don't have any evidence that Denise was
14 working out of Mr. Shaw's office, exclusively, do you?

15 A I do not.

16 Q I want to go to November 9th. This is after
17 you've placed Shaw on administrative leave. I believe it
18 was your testimony that a data specialist told you about a
19 conversation she had with Denise that ultimately led to the
20 discovery of the lockbox, or the portable safe; is that
21 correct?

22 A That is correct.

23 Q And with you -- who was present during that
24 conversation?

25 A Alice Walton and the data specialist.

1 Q Where is the data specialist's statement?

2 A There is no statement.

3 Q And once you found out about this lockbox, did
4 you call the school resource officer?

5 A Yes.

6 Q Oh, you did. Okay. And when?

7 A Excuse me, not the school resource officer. I
8 spoke incorrectly.

9 Q Okay. You took it upon yourself, you and Alice,
10 to go in Shaw's office; is that correct?

11 A We went in the principal's office, yes.

12 Q And you went in, just the two of you; correct?

13 A That is correct.

14 Q Who unlocked the office?

15 A I did.

16 Q So you had a key?

17 A I did.

18 Q And after you opened the lockbox, or didn't open
19 the lockbox -- I'm not sure which one you're testifying to
20 now -- you called Chris Barrow; is that correct?

21 A I did.

22 Q Did you ever write a statement about what you
23 found or about November 9th?

24 A I did not.

25 Q Okay. I think you testified earlier that your

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1 whole purpose for even going to the school on November 8th
2 was to follow up on his visibility, his veracity of the
3 same, and his lack of following directions; is that
4 correct?

5 A That is correct.

6 Q Okay. In June of 2012, Phillip addressed you
7 with some, approximately, nine complaints from teachers
8 regarding a staff member at McCracken; is that correct?

9 A He talked to me about a staff member at
10 McCracken. That is correct.

11 Q And he gave you nine statements, didn't he?

12 A He did.

13 Q Okay. In my book, if you'll flip to Exhibit
14 Number 1, this is an email from you, asking to meet with
15 Phillip the following Monday at 7:30 in the morning; is
16 that correct?

17 A That is correct.

18 Q All right. If you'll flip to Exhibit Number 2,
19 Phillip responds, "That would be fantastic"; isn't that
20 correct?

21 A Yes, he does.

22 Q And then he proceeds to tell you about various
23 concerns about this employee at McCracken; is that correct?

24 A Yes.

25 Q All right. If you'll flip to Exhibit Number 3,

1 this is a letter from Mr. Shaw to you, highlighting
2 concerns about an employee at McCracken, dated June 12th,
3 2012, is it not?

4 A It is.

5 Q All right. If you'll flip to Number 4, this is
6 an email that Shaw gave you from a teacher, highlighting
7 his concerns about that employee at McCracken; isn't that
8 correct?

9 A Yes, it is.

10 Q If you'll flip to Number 5, this is an email from
11 another employee in which she is highlighting her concerns
12 about that employee at McCracken; is that correct?

13 A It is correct.

14 Q If you'll flip to Number 6, this is an email from
15 yet another teacher at McCracken that's highlighting her
16 concerns about that same employee at McCracken; is that
17 correct?

18 A It is.

19 Q If you'll turn to Number 7, this is an email from
20 yet another employee at McCracken that was given to you,
21 highlighting those same concerns about a certain employee
22 at McCracken Middle School; is that correct?

23 A That is correct.

24 Q If you'll turn to Exhibit 8, this is again
25 another teacher complaint about that same staff member at

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1 McCracken Middle School; correct?

2 A That is correct.

3 Q And in this, she writes, "I'm feeling harassed
4 and bullied"; is that correct?

5 A That is what it says.

6 Q If you'll flip to Number 9, this is a letter that
7 a teacher gave Mr. Shaw and which Mr. Shaw gave to you
8 about concerns about that same staff member at McCracken;
9 correct?

10 A It is.

11 Q If you'll flip to Number 10, this is a letter a
12 staff member at McCracken actually sent to you on June
13 13th, 2012; correct?

14 A Yes, it is.

15 Q And this is -- if you'll flip to Number 11, this
16 is an email from Shaw, saying, "Good evening. Attached
17 you'll find some of the emails I gave you on Monday in
18 addition to other supporting documents," and he was -- he
19 is referring to those statements, is he not?

20 A He is. I believe so.

21 Q Because the subject of that email states the
22 employee's name and the documents; correct?

23 A That is correct.

24 Q Dr. Rosswurm, please tell me what you did to
25 follow up on those nine complaints.

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1 A When I met with Mr. Shaw that day, we discussed
2 what he had done to that point concerning the employee. He
3 said he had not met with her, and he agreed that the first
4 thing he needed to do, even though he was giving me those
5 documents, was to meet with her and address the situation.

6 Q You never followed up with Shaw about that, did
7 you?

8 A We discussed it again much later. I didn't
9 follow up that next day or week.

10 Q Did you ever write Mr. Shaw and say, "Hey, I've
11 got teachers sending me letters, saying, 'I'm being bullied
12 and harassed.' What have you done about it?"

13 A No, I didn't, because it was for him to have a
14 meeting with her.

15 Q All right. Now, I know, with Teacher A, you guys
16 were concerned because she thought the district was going
17 to handle her concerns, and she thought that through Shaw;
18 is that correct?

19 A Are you referring to the situation in November?

20 Q I'm referring to Teacher A's meeting with Alice,
21 and Alice coming back to you and referring to you that she
22 was upset because Shaw told Teacher A that district office
23 was handling something.

24 A That is correct, yes.

25 Q Okay. Staff members from McCracken personally

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1 sent you a letter, and you didn't do anything about this
2 employee situation at McCracken, did you?

3 A Mr. Shaw and I had agreed that he would be
4 meeting with the employee.

5 Q You didn't meet with her, did you?

6 A No, I did not.

7 Q You didn't send a letter to Shaw, saying, "Meet
8 with her," did you?

9 A No, I did not.

10 Q You didn't send a letter to Shaw, saying, "Please
11 update me about the meeting with that employee," did you?

12 A No, I did not.

13 Q You never launched an investigation into those
14 employee complaints, did you?

15 A That's because Mr. Shaw never talked to me about
16 any follow-up that he'd had.

17 Q After Mr. Shaw left on November 8th, after he was
18 placed on admin leave, you never followed up on those
19 complaints, did you?

20 A No, I did not.

21 Q But you launched an investigation and removed him
22 because of statements and hearsay about where his
23 secretary's office was?

24 A I wouldn't -- wouldn't agree that it was hearsay.

25 Q But you didn't have any evidence?

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1 A Mr. Shaw told me that she needed to be moved.

2 Q Mr. Shaw told you that?

3 A We --

4 Q When did Mr. Shaw tell you that?

5 A On the 8th of November, when we met and I
6 addressed it with him, he said, "I'll take care of it now."

7 Q Okay. Mr. Shaw said, "I'll take care of it now"?
8 Is that what he said?

9 A Yes.

10 Q Okay. He didn't say she needed to be moved? He
11 said, "I'll take care of it now"?

12 A We were in the discussion about where Ms. Gibbo
13 was working, and he said to me that he would take care of
14 getting her moved.

15 Q Okay. Did you take care of the investigation
16 about that McCracken employee?

17 A No, Mr. Shaw was to follow up on it.

18 Q And after Mr. Shaw left, tell -- what did you do?

19 A I did not follow up on it.

20 Q Okay. You removed Shaw because you were wanting
21 to inquire about the management of the school at McCracken;
22 is that correct?

23 A Yes.

24 Q Where's the results from those -- from that
25 investigation?

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1 A It came forth from Ms. Walton and Ms. White in
2 their meetings with Mr. Shaw and the meetings that they had
3 with other members of the staff.

4 Q Okay. And so where are your findings?

5 A My findings come from them.

6 Q Okay. And are those the findings that we went
7 over in that December letter?

8 A Yes, they would be.

9 Q Okay. One moment, please. (Pause.) All right.
10 And just to clarify what you just said, that December --
11 and I'm referencing the December 21st letter to Mr. Shaw.

12 A Yes.

13 Q That letter and your recommendation and your
14 words "warrant immediate termination" are based off three
15 employees, who you know violated district policy, and Alice
16 Walton and Phyllis White; correct?

17 A Say that again?

18 Q That letter, your subsequent words, "These --
19 this warrants your immediate termination," and your
20 recommendation to permanently remove Shaw from McCracken
21 came off three employees that the district knew and had
22 evidence violated the financial policies, as well as Alice
23 and Phyllis?

24 A My recommendation was not to permanently remove
25 Mr. Shaw from McCracken. I reassigned him to Right

1 Choices, and I put him on an improvement plan.

2 Q Dr. Rosswurm, you never intended for Shaw to go
3 back to McCracken, did you?

4 A Please don't put words in my mouth.

5 Q I'm asking you. Did you?

6 A I had no idea what would happen. We needed to
7 reassign him. We needed to get him on an improvement plan,
8 and we needed to see what would happen.

9 Q I'm glad you brought up the improvement plan.
10 Please tell me, when after you became the superintendent
11 did you ever put Shaw on an improvement plan?

12 A We were prepared to put Mr. Shaw on an
13 improvement plan in his placement as the director of Right
14 Choices. If you'll look at the documentation, you will see
15 that. Mr. Shaw never came to work at Right Choices and,
16 therefore, was not placed on an improvement plan.

17 Q Thank you for that information. When were you
18 wanting to put Shaw on an improvement plan as the principal
19 of McCracken?

20 A I wasn't going to put him on an improvement plan
21 as the principal of McCracken. He was going on an
22 improvement plan as the director of Right Choices.

23 Q One moment. So you weren't going to put him on
24 an improvement plan at McCracken, even though you had
25 concerns about his management?

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1 A Between the time that we met with Mr. Shaw and
2 placed him on administrative leave on November 8th and when
3 I finally met with him on December 17th, the areas of
4 concern for Mr. Shaw had changed, drastically, and, no, he
5 was not going to remain at McCracken at that point.

6 Q Okay. But you had concerns from the time you
7 became the acting superintendent to the time that you
8 removed him. You testified to that: his visibility,
9 veracity about the same, and his inability to follow
10 directions?

11 A Correct.

12 Q When were you going to place him on an
13 improvement plan for that?

14 A He probably would've been placed on that
15 improvement plan if, in fact, one day after being placed on
16 administrative leave that a whole 'nother set of issues did
17 not come forward.

18 Q And you said "probably"; is that correct? You
19 just testified a moment ago you weren't going to do it. So
20 he probably would've been?

21 A I don't know the answer to that.

22 MS. ZEIDAN: All right. I have no further
23 questions for Ms. Rosswurm.

24 WITNESS: Thank you.

25 MR. DUFF: Thank you.

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1 CHAIRMAN EVANS: Thank you. Redirect, Mr.
2 Williams?

3 MR. WILLIAMS: Just a few, if you don't
4 mind.

5 REDIRECT EXAMINATION

6 BY MR. WILLIAMS:

7 Q You testified earlier, or I thought I understood
8 you to testify earlier, that you initially thought Mr.
9 Shaw's administrative leave would not last very long. Do
10 you recall that?

11 A That is correct. We thought a couple of days.

12 Q All right. What changed to extend it?

13 A The finding of a locked safe in his office; the
14 finding that, in that locked safe, there was over \$600 in
15 cash; realizing and learning from staff members that he had
16 directed sponsors of the student council to turn cash in to
17 the office manager; the fact that we realized -- although
18 we didn't have at the point that he was to report to Right
19 Choices a full report, but the fact that there were many
20 financial policies at the school that were not being
21 followed.

22 Q All right. When you were acting superintendent,
23 did you typically delegate the investigation of
24 administrative matters to members of your staff?

25 A Yes, that is overseen by the office of human

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1 resources. So, in this case, it would be Alice Walton.

2 Q All right. There were a lot of questions to you
3 about your December 21st letter --

4 A Um-hum.

5 Q -- reassigning Mr. Shaw? Do you recall that?

6 A Yes.

7 Q Did you consider any of Mr. Shaw's conduct that
8 you were personally aware of when you were writing that
9 December 21st letter?

10 A Certainly the things that I was aware of, having
11 been also the head of human resources and under the then-
12 superintendent, Dr. Valerie Truesdale.

13 Q Okay. How about his conduct on November 7th, the
14 not meeting with you and Ms. Walton?

15 A Yes.

16 Q Did you consider that?

17 A Absolutely, I did.

18 Q Did you consider the responses he provided to you
19 on November 8th?

20 A We considered the actual lack of any kind of full
21 responses on November 8th.

22 Q There were some questions asked about -- asked of
23 you about some documents that were sent to you by Mr. Shaw
24 regarding staff members' concern at McCracken?

25 A Um-hum.

1 Q Do you recall those questions?

2 A Yes.

3 Q Just so it's clear, what did you tell Mr. Shaw in
4 terms of responding to those concerns?

5 A When I met with Mr. Shaw, he shared with me those
6 documents, and I said to Mr. Shaw, "So the first step in
7 this would be for the principal to meet with the person
8 involved." He said, yes, that was his responsibility, and
9 he would do that, and he would follow up in terms of those
10 emails, as well.

11 Q All right. Did Mr. Shaw ever tell you, "Dr.
12 Rosswurm, I've met with the employee. I've followed up
13 with these concerns, and now I want you to do something"?

14 A He specifically told me that he had not met with
15 the employee.

16 MR. WILLIAMS: All right. That's all the
17 questions I have.

18 CHAIRMAN EVANS: All right. Have you got
19 anything else?

20 MR. DUFF: Within the scope of redirect?

21 RECROSS-EXAMINATION

22 BY MS. ZEIDAN:

23 Q And just to be clear, after Shaw was removed, you
24 did not follow up on any of those complaints? Was that
25 your testimony earlier?

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1 A That is correct.

2 Q And you brought up something about Valerie
3 Truesdale and the -- the interaction you two had with Mr.
4 Shaw. You helped evaluate Mr. Shaw; is that correct?

5 A The evaluation of the superintendent -- of the
6 principals is done by the superintendent.

7 Q But you assisted with that, didn't you?

8 A I would say very cursorily.

9 MS. ZEIDAN: All right. Thank you.

10 MR. WILLIAMS: I don't have any questions.
11 I would like to, I guess, have a discussion. There
12 was an earlier witness who there was a mention of her
13 possibly being recalled, and so I wanted to have that
14 discussion about Dr. Rosswurm, just so we're clear on
15 whether or not she needs to remain sequestered or
16 whether or not she's excused at this point.

17 CHAIRMAN EVANS: Do you have any further
18 questions, Mr. Williams, of Dr. Rosswurm?

19 MR. WILLIAMS: I don't have any questions.
20 I would -- depending on -- you know, we had the
21 evidentiary issue about Mr. Barrow's report, and I
22 understand the Board has decided not to take it at
23 this time. I understand part of the basis for that
24 being the issue where the other side was not provided
25 with that in advance, and the only thing I would add

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1 to that that relates to Dr. Rosswurm is, the part of
2 the report that inventoried the lockbox was shared
3 with the other side well in advance of the discovery
4 dead -- or given as part of the discovery deadline.
5 And so the only issue I would possibly recall Dr.
6 Rosswurm on, depending on how things go forward, is
7 just establishing that the inventory piece which was
8 shared with counsel was prepared by Chris Barrow as
9 part of his investigative duties, and he gave her that
10 report, if that makes sense.

11 So I'm not trying to get into any -- their
12 -- their concerns with the new information that was
13 given to them after the discovery deadline. I'm
14 trying to separate that from the actual inventory of
15 the lockbox, which was provided to them in advance of
16 the deadline.

17 MR. DUFF: So you, then, would want her
18 sequestered if you might recall her?

19 MR. WILLIAMS: Well, I guess that's what I'm
20 saying, in short, but simply if that issue needs to be
21 raised in the future.

22 MR. DUFF: If there is any possibility you
23 might recall her, she needs to be sequestered.

24 MR. WILLIAMS: Well, let me confer with co-
25 counsel for a second.

1 CHAIRMAN EVANS: I will ask you all, do you
2 have any needs to recall Dr. Rosswurm?

3 MR. BUSH: We don't have any need to recall
4 her.

5 CHAIRMAN EVANS: Okay.

6 MR. WILLIAMS: We'll excuse her.

7 CHAIRMAN EVANS: Thank you. You're excused,
8 Dr. Rosswurm.

9 WITNESS: Thank you.

10 MR. WILLIAMS: The administration calls
11 Barbara Williams.

12 (Brief recess held.)

13 CHAIRMAN EVANS: Okay. Would you swear her
14 in, please?

15 (BARBARA WILLIAMS, called as a witness,
16 having been first duly sworn, was examined and testified as
17 follows:)

18 DIRECT EXAMINATION

19 BY MR. WILLIAMS:

20 Q Please state your full name for the record.

21 A Albertha Barbara Williams.

22 Q And Ms. Williams, you don't appear to be old
23 enough for this to be the case, but it's my understanding
24 you're retired?

25 A Fully retired.

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Direct by Williams

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1 Q Wow. And when did you retire?

2 A June 30th, 2013.

3 Q If you could get a little bit closer to the
4 microphone, prior to your retirement, where were you
5 employed?

6 A At McCracken Middle School.

7 Q And how long did you work at McCracken?

8 A Twenty-four years.

9 Q All right. Can you tell the Board the various
10 positions you held while you worked at McCracken?

11 A Receptionist, attendance clerk, secretary, and
12 bookkeeper.

13 Q And what was your last position at McCracken?

14 A I worked as bookkeeper for 14 years.

15 Q Did you receive any education or training in the
16 areas of bookkeeping or accounting?

17 A I attended Brooklyn College for a couple years
18 and New York City College, and also the training at the
19 district level with the finance department.

20 Q All right. And just briefly, if you can
21 summarize for the Board, what types of duties did you
22 perform as the bookkeeper at McCracken?

23 A I was held accountable for all the monies that
24 were collected for student activities, deposited all the
25 money in various accounts. I'd purchase all the

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1 instructional school supplies and supplies that the
2 teachers needed for their classrooms. I kept up with the
3 budget, the budget reports and the payment requests, dealt
4 with all the invoices, received all the items purchased for
5 teachers. I also dealt with student activities account,
6 imprest checking account, reconciliation of bank statements
7 concerning student activities. I also kept up with the
8 school P card, which is the credit card, and made certain
9 that all purchases were done according to the finance rules
10 and regulations. I also reported and got everything
11 approved of and signed by our principal and kept him aware
12 of everything that was going on concerning finance in our
13 school.

14 Q All right. And when you were bookkeeper, do you
15 know how teachers were generally informed of how financial
16 matters were to be handled at McCracken?

17 A I used to sit in on, or at least be on the
18 agenda, at the beginning of the school year for teachers,
19 their first meeting back to school. And I would have a
20 small section of the agenda, and I would discuss
21 bookkeeping rules and regulations concerning purchasing and
22 receiving packages, checking packing slips off and make
23 certain that it was returned to me, so that I could pay for
24 the invoices of items that were purchased. I also -- I
25 would let teachers know concerning bookkeeping policies.

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1 However, in the last two years, I was not in
2 those meetings. I was told by Mr. Shaw that I didn't need
3 to attend and that he would go over certain finances for
4 the teachers, but I also had pages inserted in the
5 teacher's handbook that sort of pretty much stipulated
6 things that they could do and items that we should be
7 purchasing from instructional or regular money, and also
8 forms that state what could be used for student activities
9 money. However, on one of the pages, I put in bold
10 letters, underlined, "Anything to do with money, come see
11 the school bookkeeper," myself, and we could discuss the
12 process.

13 Q All right. There is a black notebook in front of
14 you.

15 A Um-hum.

16 Q There are two, but if you look in the black one,
17 if you could turn to tab 37 and identify that document for
18 the Board?

19 A Teacher's handbook for accounting procedures.

20 Q Okay. And who prepared that handbook?

21 A I took most of these pages out of the
22 bookkeeper's manual that was given to me from the district
23 finance department. We would go over these items when we
24 had bookkeepers' meeting at the beginning of the school
25 year.

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1 Q And how were teachers made aware of that
2 handbook? Where was it kept, so to speak?

3 A The teachers were given a teacher's handbook at
4 the beginning of the school year, and there were different
5 sections, and there was a section, which this was put in as
6 the bookkeeper, guidelines to purchasing and collecting
7 money, fund-raisers, travel voucher, and request for
8 purchase of items.

9 Q Okay. Has there always been a student council,
10 or was there always a student council when you were
11 bookkeeper at McCracken?

12 A Yes.

13 Q When you were initially working as the
14 bookkeeper, how were student council funds handled, if you
15 can tell the Board?

16 A Whoever the principal chose to be in charge of
17 student council, that chairperson or sponsor, that person
18 will come and discuss with me whatever they are planning to
19 do. Fund-raiser forms were given out so that they could
20 fill it out and have it approved of by the principal before
21 any fund-raiser took place. If there were any vendors they
22 wanted to purchase items from, we would discuss that. And
23 when the fund-raiser was conducted at the school, money
24 collected would be brought to me to be deposited in the
25 student activities account, and the student council account

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1 was just one account, one of many accounts in the student
2 activities fund.

3 Q Okay. Did the process you just described -- did
4 that change at any point, in terms of student council funds
5 and your involvement?

6 A Yes, it changed two years ago, 2010-2011.

7 Q All right. Tell the Board what changed.

8 A Sonia Merrick was the student council sponsor,
9 chairperson. Sonia Merrick and -- worked along with Dawn
10 Sumner. I noticed that money was being collected. Fund-
11 raisers were being done in our school. I saw fliers on the
12 wall, stating a dance or a candy sale, et cetera. I saw a
13 money box on the front counter and around the school. The
14 concession stand was being opened, and items were being
15 sold, but no money was then brought to me to be deposited
16 and --

17 Q Did that cause you concern?

18 A Yes, and I made this aware by speaking to Mr.
19 Shaw about it and letting him know that money was being
20 collected in the school and wasn't being brought to me to
21 be deposited in any account. I knew that the money was
22 being collected by the student council people, and I just
23 never received it.

24 Q Is there any doubt in your mind that you told Mr.
25 Shaw that student council funds were being collected and

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1 they were not being provided to you?

2 A I told Mr. Shaw, periodically. I also told the
3 finance department, people that I work with closely,
4 periodically. And when I say "periodically," I would go
5 into Mr. Shaw's office -- many times, the secretary was
6 present -- letting him know that money was being collected
7 in the school, and it wasn't being brought to me to go --
8 to be deposited. And whenever we had bookkeepers' meeting,
9 I did mention it to our finance department that was
10 conducting the meetings.

11 Q What was Mr. Shaw's response when you brought
12 your concerns to his attention?

13 A He said that he would speak with Ms. Merrick and
14 he would take care of the matter.

15 Q All right. And did things change, or did they
16 continue?

17 A They continued, and I continued to voice my
18 opinion to him and let him know that this was against
19 bookkeeping policies. It was against the policies of the
20 district office concerning finance. I wasn't sure exactly
21 what they were doing with the money, but I realized that
22 some of the things I was asked to -- used to be asked to
23 do, setting up a light breakfast for different meetings and
24 so forth, I was not being asked to do, and I noticed that
25 student council was doing certain things for the school in

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1 that manner.

2 Boxes were being sent to the school with Sonia
3 Merrick's name on it for fund-raising, and I let Mr. Shaw
4 know that items are being ordered that I'm -- items are
5 being shipped that I did not order, and I was not
6 comfortable signing for boxes that I didn't order. So the
7 first time a box was shipped, I believe it was candy for a
8 candy sale, and I called Ms. Merrick to let her know that a
9 box was sent to the school. I did not order it, and I
10 refused to sign it. So, on that occasion, she came up to
11 my office and signed for the box, and boxes came -- many
12 boxes came after that, but it was just -- they were just
13 going through a different route, Mr. Shaw --

14 Q What --

15 A -- and Ms. Merrick.

16 Q What was Mr. Shaw's response when you raised the
17 concern about the boxes that were coming in?

18 A He said that he would speak to Ms. Merrick.

19 Q And you may have said this earlier, but just so
20 we're clear, was anyone ever present in Mr. Shaw's office
21 when you spoke to him?

22 A Ms. Gibbo was always in his office.

23 Q Did you ever know the two of them to be in his
24 office alone?

25 A Excuse me?

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1 Q Did you ever know Mr. Shaw and Ms. Gibbo to be in
2 his office alone when nobody else was in the office?

3 A Yes, they were always in the office.

4 Q Were they ever in the office alone with the door
5 closed?

6 A Yes.

7 Q Are you certain of that?

8 A Yes.

9 Q Let me ask it this way. How do you know that?
10 I'm not challenging you. I'm just asking the question.

11 A I worked at McCracken Middle School, and for
12 hours, the door would be closed as well as locked, and
13 there were many times I would wait for the door to open so
14 that I could get certain documents or paperwork signed by
15 Mr. Shaw. There were many hours I'd have to wait and wait
16 to get signatures on certain things.

17 We had a process, and that process stopped
18 working after a while. I used to put my folder with
19 purchase -- items to be purchased or other reports that I
20 needed to get to the district office in the secretary's
21 box. She would then give him the folder to sign off on and
22 place it in my box. That process stopped working. It was
23 just taking too long for me to get all the folders back, so
24 I would wait by the door, or either wait in my office with
25 my door open, waiting for his door to open so that I could

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1 get in there to get my paperwork signed.

2 Q Okay. And how would you know that Ms. Gibbo had
3 been in the office with him?

4 A She was usually in that office. She didn't --
5 she wasn't in any other office that was her office.

6 Q Okay. And you're talking about Mr. Shaw's
7 office?

8 A Yes.

9 Q Did you ever have a concern regarding the school
10 checking account that you shared with Mr. Shaw?

11 A Yes. In May 2012, I received a check from a
12 teacher who was with the student council, Dawn Sumner.
13 Sonia Merrick said that she would give me a check.
14 However, she was on maternity leave, so she had allowed
15 Dawn Sumner to present a check to me for a field trip. Ms.
16 Sumner brought the check to me. It was for \$1,288.

17 I was very upset. I looked at the check, and I
18 knew it was for a field trip with the student council
19 department. However, the check looked just like the checks
20 that I use for the imprest checking account. I looked at
21 it closely because it just had HE McCracken Middle School,
22 and my first concern was that a teacher had given me a
23 check for \$1,288 for a field trip, and that's not how I
24 receive money for a field trip. It's usually cash and a
25 lot of checks, basically, from parents. So I knew that

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1 this teacher or student council had access -- access to a
2 checking account, and it had nothing to do with our school,
3 other than the fact that it had HE McCracken Middle School
4 on the check. I know that PTO used to give me a check
5 every so often, but we didn't have an active PTO in two
6 years. So I couldn't figure out where this check came
7 from, and it just didn't settle well.

8 Well, I immediately took the check -- not
9 immediately. I had to wait for the door to open, and then
10 I -- when the door opened, I did take the check in to Mr.
11 Shaw's office. Ms. Gibbo was sitting where she usually
12 sits, and I walked closer to Mr. Shaw, to the lefthand side
13 of his desk, and showed him the check. I said to him, "I
14 just received this check from a teacher, and we have
15 teachers that have access to a checking account, and this
16 just isn't right." I said, "I know it's for a field trip,
17 and I don't understand what's going on, other than that Ms.
18 Merrick and this group, they're collecting money. They're
19 not bringing the money to deposit in the school activity
20 account. However, they have access to a checking account."

21 Q What was Mr. Shaw's response to your concern
22 about that checking account?

23 A He didn't say much. He just held his head down
24 and pretty much brushed me off. I said, "Well, I'm just
25 letting you know." So I went back into my office. I coded

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1 the check for a field trip, and I just receipted it in
2 Munis so I could deposit the check that day.

3 Q Now, I thought I heard you say something about
4 that you went in the office, and Mr. Shaw and Ms. Gibbo
5 were in there, and you said something about where she
6 usually sits. What were you talking about there?

7 A Well, I mean, she was in the office, seated where
8 she was usually seated.

9 Q And where was that?

10 A His desk is here (indicating). Mr. Shaw is
11 usually there, and Ms. Gibbo is usually on the very end.

12 Q Okay.

13 A On the opposite side.

14 Q Now, you testified earlier about sharing some
15 concerns with the district finance staff. Do you recall
16 those -- sharing those concerns?

17 A Yes. We would have bookkeeper meetings. Some of
18 our meetings were just going over the different processes
19 that we should be making sure that we keep up with. Some
20 of it was technology training, but when we talked about
21 accounts and student activities, I would always voice my
22 opinion about money and that our school was basically not
23 keeping up with the proper procedure as to receipting
24 money, bringing money to be deposited into student
25 activity. I let them know that I was able to see a lot of

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1 money being collected by a certain group and that it wasn't
2 being turned in to me to be deposited, so I was concerned
3 about money going -- well, I don't know which -- what they
4 were doing with it, but it wasn't being brought to me.

5 Q And did they tell you to do anything, or --

6 A They --

7 Q -- did they ask you any questions?

8 A They asked me if I informed the principal to the
9 fact that money is being collected and it's not being
10 deposited into student activities, and I did answer and
11 told them, "Yes, I've informed the principal many times,"
12 and even with them, every time we had a meeting, I would
13 just let him know that it's still going on, and at one
14 meeting, I did say that I received a check from a teacher,
15 and that's not normal to receive a check of \$1,288 for a
16 field trip from a teacher, and I let them know that a
17 checking account that looks very much like my imprest
18 checking account for the school, but the teachers have
19 access to cash money as well as a checking account. I did
20 let them know, and they said that if I had informed the
21 principal, which I did time and time again, that I had done
22 the right thing by informing the principal of my concern.

23 Q So --

24 A And when I informed the principal, he just said
25 he would take care of the matter. So, I mean, that -- that

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1 was it.

2 Q Okay. Prior to November of 2012, did you ever
3 document your concerns in writing with either how the
4 financial matters were being handled or Mr. Shaw's
5 responses to your concerns?

6 A No, I never put it in writing.

7 Q And why is that?

8 A I was told by the district finance, the people
9 that I work with closely, that if I inform the principal as
10 to what was happening and that it was against district
11 policy, and if he said that he would take care of the
12 matter or he just brushed it off, I've done what I needed
13 to do by informing the principal.

14 Q Okay.

15 A Now, when I would inform Mr. Shaw, he
16 continuously said he would speak to Ms. Merrick or he would
17 take care of the matter.

18 Q Did you ever observe Ms. Merrick or Ms. Sumner
19 going into Mr. Shaw's office --

20 A Many --

21 Q -- with him?

22 A Many times, after dismissal in the afternoon, I
23 noticed that they would go into his office, which was
24 strange to me because there were many times teachers
25 couldn't get into his office, but these two people were

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1 able to go into his office after school. And they would
2 usually be carrying envelopes or a bag or something, and I
3 can't say that money was in it, because I can't see through
4 it, but they were always going in his office way after
5 dismissal, 3:30, something to 4:00, to take -- to go in
6 there, so --

7 Q Was anyone else in the office when they would go
8 in there?

9 A Ms. Gibbo.

10 Q Okay. After Ms. Shaw was -- Mr. Shaw was placed
11 on administrative leave, did you take any action regarding
12 your concerns with financial matters at McCracken?

13 A Yes. I was at the point where money was still
14 being collected. Our principal was placed on
15 administrative leave, and I wasn't getting help from
16 anyone. So I sent a short email to Alice Walton as soon as
17 I got in to work one morning, and I said, "I have a money
18 situation," and I was desperate that morning because I knew
19 I needed help. They had removed the principal from the
20 school, and I just didn't know what was going to go next --
21 or what was going to go on next concerning finance.

22 Q Once Ms. Walton was contacted, were you ever
23 asked to provide a written statement?

24 A Yes.

25 Q And will you please turn to Exhibit Number 38 in

1 the black book and identify that document for the Board?

2 A Yes, this is what I wrote.

3 Q And is that an accurate statement?

4 A Yes.

5 Q Please turn to Complainant's Exhibit Number 39
6 and identify that document for the Board.

7 A Yes, I sent this to Ms. Walton.

8 Q And what was your concern about the document in
9 Exhibit 39?

10 A Because a teacher, Susan Dee, had sent me an
11 email, asking me to purchase some food for her horseshoe
12 crab, and she stated in the email that Mr. Shaw used to
13 give her a prepaid card to buy food for her horseshoe crab,
14 and she said, "This will work. Thanks."

15 This is not how I place orders, with a prepaid
16 card. I don't use cash, and I don't -- I wouldn't be able
17 to purchase a prepaid card. So what I -- I sent this to
18 Alice because it was just more information, letting her
19 know that cash was being used to purchase things in the
20 school, or at least I was being overlooked to purchase
21 items the way it should be purchased.

22 I asked her to please send me a request for
23 purchase on the form that it should be on with the vendor's
24 name and, exactly, a description as to what it is I needed
25 to order for her. And I informed her that I would placing

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1 the order, but it would be placed the way it should be, not
2 a prepaid card.

3 Q Ms. Williams, any doubt in your mind that you
4 shared your concerns about financial matters at McCracken,
5 specifically regarding the student council, with Mr. Shaw
6 on multiple occasions?

7 A Yes, many times. It seems as though, every time
8 I walked down the hall, I would see fliers stating jeans
9 day or candy sale, or different fund-raisers that was going
10 on, and I informed Mr. Shaw. One particular time, I said,
11 "I don't have fund-raiser forms filled out for all these
12 fund-raising events I'm seeing that's taking place in the
13 school," and I said, "It's a practice that we need to get
14 these forms filled out."

15 So what I did was gave him some blank fund-
16 raising forms. Being that Ms. Merrick wasn't coming to me,
17 I gave them to him to have her fill them out and for him to
18 sign and to get back to me. I realized I wasn't getting
19 money, and I just wanted to get the forms filled out.

20 But when the forms were filled out, on the forms,
21 it shows where -- how much money you plan to collect, how
22 much profit you plan to receive, and what the money would
23 be used for. And even when I got forms filled out, none of
24 that was completed, really. So I was trying to do what I
25 knew I should be doing. But, still, many of the fund-

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1 raising forms were not filled out for all the fund-raisers
2 that were being done at the school.

3 MR. WILLIAMS: Thank you, Ms. Williams.

4 Please answer any questions either Ms. Zeidan or Mr.
5 Bush may have for you.

6 CROSS-EXAMINATION

7 BY MS. ZEIDAN:

8 Q Good morning, Ms. Williams -- excuse me, "good
9 morning." Good afternoon, Ms. Williams. How are you?

10 A (No response.)

11 Q Ms. Williams, it seems you spend a lot of time
12 looking at Mr. Shaw's office.

13 A I wasn't looking at his office. I was waiting
14 for the door to open so that I could get some work done.

15 Q Every day?

16 A I didn't say every day.

17 Q Okay. But you testified you spent a lot of time
18 looking at it. Did you ever make any of these concerns
19 known to the district office?

20 A I made my concerns known to Mr. Shaw.

21 Q Okay. But you didn't make any concerns (sic),
22 "Hey, I'm not able to get in with Mr. Shaw. He's too busy.
23 I spend hours, waiting." You never told anybody about this
24 at the district office, did you?

25 A The only time I had to let the district office

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1 know was that I could not complete my tasks by sending them
2 information that needed his signature on it within a time,
3 a certain time period. I would call and let the district
4 person that I needed to send the document to -- let them
5 know that I had completed my task and I was waiting for Mr.
6 Shaw's signature. So I would get the information to them
7 as soon as I could get the signature on the form or report.
8 And that's the only time I called the district office, when
9 there was a deadline that I needed to meet.

10 Q Okay.

11 A There were two occasions -- no, maybe three --
12 when I had my P card report that was due, and if Mr. Shaw
13 was -- if I couldn't get his signature, I would send my
14 report to the district office without his signature,
15 letting them know that I would send another report with his
16 signature on it when I could get it. I just wanted to make
17 sure my paperwork was given to the district office, or they
18 received it, within a timely manner. But to call the
19 district office to say that the door was closed and I
20 couldn't get in there, no, I didn't, not at -- not often.

21 Q All right. And I know you talked to Alice
22 Walton. You never made any concerns to her that maybe
23 Phillip and Denise are spending too much time together?

24 A That wasn't my concern.

25 Q Well --

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1 A Only when I needed to get my work done.

2 Q Okay.

3 A Or copies or documents, files.

4 Q All right. When did you become aware that
5 student council or teachers were getting money in the
6 building and not receipting it through you? Do you recall
7 what year?

8 A 2010-2011.

9 Q Okay. And do you recall what teachers those
10 were?

11 A Sonia Merrick and Dawn Sumner was over student
12 council at that time.

13 Q All right.

14 A I'm not sure which was actually chair and which
15 would assist, but the two of them worked together.

16 Q All right. But you saw them operating the school
17 store, and you knew that they weren't bringing the money to
18 you; is that correct?

19 A I saw them operating the school store and
20 collecting other fund-raising, and money was being
21 collected, and it wasn't brought to me.

22 Q Okay. And was it your testimony that Sonia
23 Merrick was receiving boxes of supplies that you didn't
24 order?

25 A Yes.

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1 Q Eventually, you ended up signing for those boxes,
2 didn't you?

3 A Yes, I did.

4 Q Okay. I want to go to your statement.

5 MS. ZEIDAN: What number is it, Vernie?

6 MR. WILLIAMS: Thirty-eight. Thirty-eight.

7 BY MS. ZEIDAN:

8 Q Ms. Williams, is this statement the first time
9 that you ever put anything in writing?

10 A Yes.

11 Q Okay. In this statement, you reference the date
12 October 25th, 2012. Can you tell me about that?

13 A What paragraph are you on?

14 Q The last paragraph at the bottom.

15 A Okay. Do you want me to read it or just tell you
16 about it?

17 Q Well, tell me about it. What happened --

18 A All right.

19 Q -- on October 25th with Sonia Merrick?

20 A Sonia Merrick brought me \$260 in checks in an
21 envelope. I noticed that the checks were from parents
22 concerning a field trip. When I asked her why she was
23 giving me the checks, she said that was because she had
24 given a teacher, Susan Dee, cash -- \$260 -- and she was
25 bringing the checks to me to be deposited in student

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1 council, in the student council account.

2 I informed her that -- after looking at the
3 checks, I told her that I could not deposit the checks in
4 the student council account because, evidently, the checks
5 were for a field trip that was going on that -- that
6 morning. So I took the checks, and I went to Mr. Shaw to
7 let him know that checks -- I was given checks, \$260 in
8 checks, and yet thle teacher had access to cash from which
9 she gave \$260 to the teacher to take for the field trip.

10 And Mr. Shaw told me it was his fault because he
11 told the teachers to do it. So it just verified the fact
12 that he's aware of teachers -- of this teacher having cash.
13 And when he told me it was his fault, I just -- I just
14 couldn't believe he was saying that, but, evidently, he
15 told the teachers to do what they did.

16 But my thing is, I'm receiving checks for a field
17 trip, and then I also informed him that students shouldn't
18 be going kayaking on a field trip unless there are certain
19 documents in order. A contract needed to be written up,
20 and a certificate of insurance should be on file for that
21 -- from that company for these children to go on -- go
22 kayaking. And he says, "Well, you know, that was my fault,
23 too." And I'm like, you know, "We can get in real trouble
24 if a child is injured and we haven't done the proper
25 paperwork before these children go on field trips."

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1 Well, the field trip was that morning. The
2 checks were given to me that morning, because they were
3 checks, and cash was handed over to the teacher, and the
4 only thing I was asked to do was pay for the transportation
5 when I receive the bus invoice. So it's teachers and
6 Principal Shaw allowing things to go on that just shouldn't
7 be -- are against school policy.

8 Q Okay. So this incident verified to you that
9 Sonia Merrick had access to cash?

10 A Yes.

11 Q And --

12 A And that Mr. Shaw knew she had access to cash,
13 because, evidently, he told her to do whatever they did.

14 Q Okay. And this incident also raised concerns to
15 you because, I think you testified, you can get into a
16 world of trouble based off this kayaking field trip; is
17 that correct?

18 A I said that a contract with the vendor needed to
19 be -- needs to be done and approved by the school district
20 and that a certificate of insurance should have been sent
21 to me from that company so that that would be on file
22 before the trip took place. However, because they were all
23 going to Mr. Shaw about whatever they wanted to do, I did
24 not have time to do any of that.

25 Q Did you document any of this?

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1 A No, I did not. I let Mr. Shaw know.

2 Q And you let him know, verbally?

3 A Verbally.

4 Q And did you document any of this to the district
5 office?

6 A No.

7 Q I want to talk about your next statement on
8 November 13th. Can you read that sentence to me, please,
9 for the record?

10 A You're speaking of the same statement; right?

11 Q Yes, ma'am.

12 A Oh, okay. "Sonia Merrick gave me \$146 to deposit
13 in the student council fund. I asked her why she was
14 giving me money at this time."

15 Q Okay. We can stop there. Based off that
16 statement, can I conclude she never gave you money to
17 deposit before?

18 A No, that's not true.

19 Q Okay. What did she give you before?

20 A She would give me student council money.
21 However, it was basically because I'd ask. She would give
22 me enough money to pay for whatever they couldn't order, or
23 she couldn't order. Items that I ordered for red ribbon --
24 red ribbon week, I think, and I -- I would pay for it.

25 So, after Principal Shaw was placed on

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1 administrative leave, she gave me cash money to deposit
2 into student council. I did ask her why, and she did say
3 that she was bringing it to me because Mr. Shaw told her
4 not to bring it to me before, but now she was bringing it
5 to me because he wasn't there.

6 Q Okay. But before, you said, she did bring you
7 money, but it was only for you to order certain items for
8 her. She wasn't giving you money from the concession stand
9 or the school store on a daily basis, was she?

10 A Not at all.

11 Q Okay. I want to talk about November 20th. Sonia
12 Merrick brought you a check for \$2.00 from a jeans day,
13 didn't she?

14 A Yes. A fund-raiser jean day, yes.

15 Q And you asked her, "Where's the rest of the
16 money?" didn't you?

17 A Yes.

18 Q And she refused to give it to you at that time,
19 didn't she?

20 A She stated that she had collected that -- it was
21 a fund-raiser she had collected to give to Self Help.

22 Q And she wouldn't give you the money, the rest of
23 the money, would she?

24 A Well, she gave me the \$2.00 check, and she kept
25 the rest of the money. And I informed Alice Walton, and

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1 she directed her to bring me the entire amount of the
2 fund-raiser she collected that day.

3 Q Now, tell me about that. So, after Sonia would
4 not give you the money, you called Alice?

5 A No, Ms. Walton was still there that day. That
6 was a day she came over to help us out and speak to the
7 teachers concerning fund-raising and money being collected.

8 Q Had she met with Sonia earlier that day?

9 A Yes, she did.

10 Q And did she go over financial procedures with
11 Sonia earlier that day?

12 A That's what was stated. I wasn't there.

13 Q Okay. And after her meeting with Sonia, Sonia
14 still tried to take \$300 out of the school, didn't she?

15 A As I said, evidently, she's been able to do what
16 it is Mr. Shaw had told her or allowed her to do, and if
17 she presented this fund-raiser to the school, collecting
18 money from the students to give to the Self Help, I guess
19 she expected to do -- to continue on with that. The only
20 reason I was given a check is because it was a check. So,
21 after Ms. Walton spoke to her again, she brought the cash
22 and the coins to me to be deposited.

23 Q So, even after Ms. Walton spoke with her that
24 morning and informed her about your concerns, she still
25 tried to take the money and not deposit it through you?

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1 A Well, like I said, people do what they're used to
2 do -- to doing.

3 Q Okay. You never requested a meeting with Mr.
4 Shaw to inform him about any of this, did you, like, a
5 formal meeting?

6 A A formal meeting, no, but when I walked into his
7 office, I would verbally say to him that money is being
8 collected. It's all over the school. I see money boxes,
9 and I see multiple people handling money, but none of that
10 money was coming to me.

11 Q And based off those concerns, you never requested
12 a meeting with district office, did you?

13 A As I stated before, the three finance people that
14 usually conducted bookkeepers' meeting, I let them know,
15 periodically. Every time we had a meeting, I was telling
16 them that money was still being collected at our school.

17 Q Every time you had a meeting?

18 A Just about, other than technology meetings. A
19 technology meeting is basically -- that's it. I attend --
20 I would call head of student activities.

21 And I remember one morning I called and told
22 them, "I need help because, you know, money is being
23 collected. It's not being brought to me, and student
24 activities funds is less than \$4,000, and, you know, I've
25 never worked as a bookkeeper at McCracken Middle School and

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1 we had less than \$10,000." So I said, "The money is just
2 dwindling." And there were so many accounts in the
3 negative that I had to take it out the athletic departments
4 and different accounts that I shouldn't have, but I had to
5 clean up the negative, and it just wasn't right.

6 Q And despite all of that, you still never put that
7 in writing to the district office?

8 A Well, you know what? The reports that I run, the
9 district office has it. They've seen it. It's all in
10 Munis, and I eventually thought someone would help me out
11 if they saw the reports and the dwindling amount of money.
12 So, in Aug -- in June, I think it was, the end of June or
13 July, I saw where the money was just dwindling, and in
14 August of 2012-2013, I took the student activities report
15 to Mr. Shaw in his office to show him that we were at three
16 thousand seven hundred and something dollars in student
17 activ -- in student activities, all the accounts combined,
18 and I informed Mr. Shaw that that's the least amount of
19 money that we've ever had in student activity accounts.

20 Q Can you put on the record who you told at the
21 Beaufort County School District? Who in the finance
22 department did you make aware of this happening at
23 McCracken?

24 A The people that I worked with, closely. Linda
25 Blackman (ph), Tonya Crosby, and Lori Mock.

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1 Q And so, if they said they didn't have any
2 documentation or they were never aware that you told them
3 any of this, that would be untrue?

4 A I didn't document anything to give to them. That
5 would be true. My telling them verbally in a meeting,
6 that's true.

7 Q Okay.

8 A My calling on the phone and letting our student
9 activities person know, that would be true.

10 Q Ms. Williams, if you would turn to Exhibit 37 in
11 that book, this is a teacher handbook that was distributed
12 to the teachers at McCracken regarding financial policies;
13 correct?

14 A Some of the financial policies.

15 Q Some?

16 A Policies that teachers need to be aware of.

17 Q Okay. And you selected what would go in this
18 book; is that correct?

19 A I selected what the teachers needed to be aware
20 of.

21 Q Okay. And these were given to every teacher?

22 A They were placed in the teacher's handbook. Each
23 teacher was supposed to receive a handbook at the beginning
24 of the school year. I was not the person who gave out the
25 handbooks.

1 Q Okay. Ms. Williams, will you turn to Exhibit
2 Number 41?

3 A (Witness complies.)

4 Q Can you tell me who would have this book besides
5 the district office?

6 A It was given to the bookkeepers.

7 Q It was given to the bookkeepers?

8 A And I believe the principal would have one in his
9 office.

10 Q Do you know that Shaw had one of these?

11 A I believe he would've gotten one when he first
12 became principal.

13 Q Okay. You believe that, but you don't know for
14 sure?

15 A I'm not sure.

16 Q But you know that you had one?

17 A I know I had one, and I know principals
18 previously had one. Mr. Hitch had one in his office.

19 Q Okay. In that teacher handbook in which you
20 selected what the teachers needed to know, what two
21 teachers were continuously violating the policy?

22 A Are you looking at 41, or are we back to the
23 teachers' handbook?

24 Q I'm referring to the teacher handbook that you
25 selected for the teachers at McCracken.

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1 A Well, the teachers we're speaking of is
2 concerning student -- student activities account.

3 Q And what were their names?

4 A Sonia Merrick and Susan Dee. Actually, it was
5 Sonia Merrick and Dawn Sumner.

6 Q And Dawn Sumner?

7 A (Witness nods head; no verbal response.)

8 Q Okay. And specifically how were they violating
9 these policies?

10 A Violating the policies?

11 Q Well, specifically --

12 A They were not filling out the requests for fund-
13 raising projects. They were not bringing the money
14 collected from a fund-raiser project to be deposited in a
15 student accounts -- student activities account.

16 Q Okay. And who would present this information to
17 the teachers?

18 A Years ago, I used to be asked by the principal
19 to --

20 CHAIRMAN EVANS: Excuse me. I think she's
21 testified to this already, that she repeatedly did
22 that, at the beginning of the year --

23 WITNESS: Yes, but --

24 CHAIRMAN EVANS: -- for teachers and then
25 stopped doing it --

1 WITNESS: The last two years.

2 CHAIRMAN EVANS: -- at the beginning of the
3 2010-2011 school year.

4 BY MS. ZEIDAN:

5 Q Ms. Williams, why did you stop presenting to the
6 teachers?

7 A Mr. Shaw told me that I didn't have to go in the
8 teachers' meeting. He would go over key finances and what
9 was in the handbook, and there's one page in there where it
10 states, anything to do with money, come see the school
11 bookkeeper. And when teachers came to me, we would discuss
12 the process, and I dealt with it on a one-to-one basis.

13 Q Okay. So you didn't present it --

14 A Right.

15 Q -- because Shaw told you you didn't have to?

16 A True.

17 Q Okay. Do you recall giving a deposition in this
18 case? Do you recall giving a deposition in this matter on
19 October 11th?

20 A On October 11th?

21 Q Um-hum.

22 A Since I retired, I try not to recall too much.
23 So you'd have to tell me what it is you're asking me
24 because --

25 Q Did you --

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1 A -- I don't know what you mean.

2 Q -- give a deposition in this matter? Did I ask
3 you questions under oath in this matter?

4 A Concerning the teachers' handbook?

5 Q Concerning this hearing, why we're here today?

6 A Oh, yes.

7 Q Okay. (Tenders original deposition transcript.)
8 Ms. Williams, will you please turn to page 19 of that
9 deposition?

10 A (Witness complies.)

11 Q And I'm going to start at line five, and it's the
12 question that I just asked you, and it was in -- the one
13 that the Chairman asked me not to repeat, but it's on line
14 five. "How were the teachers informed of McCracken's
15 financial policy?" And what I want you to do is just read
16 after it says "A".

17 A "Every year, there were teacher's handbooks
18 distributed, and there were a few pages in the handbook
19 concerning bookkeeping policies. In years past, the
20 principal used to always ask me to present some information
21 to the staff concerning bookkeeping policies. That was
22 usually in August, the beginning of the school year, when
23 they conducted their first general teachers' orientation
24 (sic)."

25 Q And I said, "Orientation?"

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1 A Well, their -- the first meeting that teachers --

2 Q I'm sorry. If you'll just --

3 A Oh, oh.

4 Q -- read your response on line 15?

5 A The principals were in charge of that. Nineteen?

6 Q We're going to just keep reading, and that --
7 whenever it's "Q", that's where I'm going to say it. So
8 let's start back at 14, and I said, "Orientation?" and you
9 said --

10 A "Yes. Yes, and the principal was in charge of
11 that."

12 Q "Okay. And you said in 'years past.' Was that
13 something that stopped happening?"

14 A "Well, I haven't done it, and I hadn't done it,
15 in about two or three years."

16 Q "Why haven't you done it?"

17 A There was no response there.

18 Q "Were you asked to do it?"

19 A I wasn't asked to do it in the last year, or at
20 least the last two years.

21 Q Okay. It says, "I wasn't asked to do it last
22 year," and I say, "Okay. Last year?" and you say --

23 A "I just know that I haven't done it in the past
24 two years or three years."

25 Q We're now on page 20.

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1 A Um-hum.

2 Q "And was it because you weren't asked to do it,
3 or did things come up that you couldn't do it?" And you
4 said --

5 A "Well, we were extremely busy. Like I said, the
6 paperwork was in the handbook, so --" that was it. But
7 there was an occasion when Mr. Shaw asked me --

8 Q But now --

9 A -- or told me that he would go over the financial
10 things that was in the handbook, and I didn't have to go in
11 there.

12 Q Okay. But under oath there, you didn't say that
13 Phillip Shaw told you not to do it.

14 A Okay. Well, you know what? It is what it is.

15 Q It is what it is?

16 A It is what it is.

17 Q So which one were you telling the truth?

18 A Mr. Shaw told me I didn't have to go in the
19 meeting.

20 Q And in which should I believe you: today or on
21 August 11th?

22 A It's up to you, ma'am.

23 MS. ZEIDAN: Okay. No further questions.

24 MR. WILLIAMS: I just have a couple things
25 on redirect.

1 CHAIRMAN EVANS: Yes, sir, go ahead.

2 REDIRECT EXAMINATION

3 BY MR. WILLIAMS:

4 Q Ms. Williams, if you can look at that, your
5 deposition transcript, I just want to make a point.

6 A What was the page again?

7 Q This is back on page 19.

8 A Nineteen.

9 Q And on line 22, the question is, "Were you asked
10 to do it?" And what was your response?

11 A "I wasn't asked to do it last year."

12 Q And who would've been the person to ask you to do
13 it?

14 A Mr. Shaw or his secretary. In years past, the
15 secretary would put my name on the agenda to go over the
16 bookkeeping policies.

17 Q But neither one of them asked you to do it?

18 A No.

19 Q Did you think it was your place to document Mr.
20 Shaw?

21 A Mr. Shaw was the principal of the school. I
22 worked under five principals, I believe. I'd never had to
23 document anything on any principal. I was informed by the
24 district office, anything that's not in the bookkeeping
25 policy, I needed to make sure that the principal was aware

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1 of it. After I made the principal aware of it, the finance
2 department told me, "As long as the principal was aware."
3 He's the ultimate finance when it comes -- after me. So I
4 let him know.

5 Q How --

6 A I didn't feel like I needed to document anything.
7 I let finance know, as well, what was going on, that I
8 would not be held accountable for money that wasn't going
9 to me.

10 Q After November 20th of 2012, going forward to the
11 end of the '12-13 school year, did you have any concerns
12 with student council giving you money?

13 A No, because Sonia Merrick started bringing me the
14 money. I asked her why she was bringing me the money, and
15 she said because Mr. Shaw told her not to bring me the
16 money, and now that he's not there, she was bringing me the
17 money. So I deposited it in student council after that.

18 MR. WILLIAMS: That's all I have.

19 RECROSS-EXAMINATION

20 BY MS. ZEIDAN:

21 Q Ms. Williams, it was your job to follow your
22 bookkeeper policy; is that correct?

23 A And that's what I did.

24 MS. ZEIDAN: Okay. Thank you. No further
25 questions.

1 MR. WILLIAMS: All right. Can this witness
2 be excused? We certainly don't intend to recall her.
3 You know, I'm very leery about asking retirees to hang
4 around longer than they have to.

5 WITNESS: Thank you.

6 MS. ZEIDAN: I have no objection.

7 CHAIRMAN EVANS: Thank you very much.

8 MR. WILLIAMS: Thank you, Ms. Williams.

9 CHAIRMAN EVANS: You're excused, Ms.
10 Williams.

11 WITNESS: Thank you.

12 CHAIRMAN EVANS: We are going to take a 10-
13 minute break, so 3:15, please.

14 (Brief recess held.)

15 CHAIRMAN EVANS: Okay. I think we're ready
16 to start. Mr. Williams or Ms. Fawley, do you have
17 another witness?

18 MS. FAWLEY: Yes, Mr. Chairman. The
19 administration calls Sonia Merrick.

20 (SONIA MERRICK, called as a witness, having
21 been first duly sworn, was examined and testified as
22 follows:)

23 DIRECT EXAMINATION

24 BY MS. FAWLEY:

25 Q Would you please state your full name for the

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1 record?

2 A Sonia Merrick.

3 Q And Ms. Merrick, what type of post-secondary
4 education degrees do you hold?

5 A I have a bachelor's in English, and I have a
6 master's degree in teaching.

7 Q And how many years total have you spent as a
8 teacher?

9 A Eight years.

10 Q What position do you currently hold in Beaufort
11 County School System?

12 A I have a ninth grade English position. I teach
13 English. I also teach ProTeam, which is an eighth grade
14 teacher cadet class, sponsored by Sarah.

15 Q And at what school?

16 A At McCracken.

17 Q And is anyone else in your immediate family
18 employed in Beaufort County?

19 A My husband, Howard Merrick. He's also a teacher.
20 He teaches social studies.

21 Q And how many years have you specifically worked
22 at McCracken?

23 A I've been teaching there for six years.

24 Q Would you share with the Board how you came to
25 work at McCracken?

1 A I was in Florida, and my husband and I decided
2 that we wanted to move closer to his family. His family is
3 from Bluffton, and so we wanted to move closer to be near
4 his family so we could settle, have children. So we both
5 applied to the district. And I got hired at both Hilton
6 Head Middle and at Bluff -- at McCracken Middle, and I
7 chose to work at McCracken because I really liked Mr. Shaw.
8 I felt like he was supportive, positive, and that's the
9 kind of person I wanted to work for.

10 Q And besides your work as a classroom teacher and
11 as the ProTeam leader, have you taken on any other
12 responsibilities at the school?

13 A Student council. I facilitated ELT, and I was
14 the department head for English for three years.

15 Q And have you held any special honors while a
16 teacher in Beaufort County?

17 A I got teacher of the year in 2011, 2011-12.

18 Q This afternoon, I'd like for you to focus on your
19 role as student council sponsor. Would you briefly share
20 with the Board what student council is about at McCracken?

21 A Student council is about raising morale for the
22 school, bringing school spirit, activities for the students
23 to participate in. So we do a lot of activities where the
24 kids get involved. They actually decide what they want to
25 do. So they'd come to me and tell me they want a dance or

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1 they want a jean day, or they have some sort of
2 organization they want to raise money for, and so I'd
3 facilitate that for them.

4 Q And in what school year did you first become
5 involved in student council?

6 A That was 2010, so after I'd been at McCracken for
7 about two years.

8 Q And were you the sole sponsor in 2010-11?

9 A Ms. Sumner was the original sponsor. She was
10 looking to get her master's degree. So she wanted somebody
11 to help her, because it was a large responsibility to take
12 over that by herself, so I came on to help her with that.

13 Q And would you share with the Board just a few
14 examples of the types of fund-raisers that were held at
15 McCracken while you've been student council sponsor?

16 A Like I said, we did dances. We had basketball
17 tournaments, dodgeball tournaments, jean days. Let me
18 think. We've done walkathons, canned food drives. We've
19 done Pennies for Patients, and we also opened a school
20 store.

21 Q And in what year did you open a school store?

22 A Two thousand and -- well, the school year of
23 2010-2011. Yeah.

24 Q All right.

25 A I think '11.

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1 Q And was that while Ms. Sumner was the chair, or
2 was it the following school year, when you were the --

3 A It was the following year. So she had -- she had
4 not taken over any more -- she was not part of it anymore,
5 but she was helping me if I needed some support.

6 Q So, to be correct, that would be the 2011-12
7 school year?

8 A That makes more sense, yes, than '12.

9 Q All right. And had y'all ever had a school store
10 at McCracken before 2011-12?

11 A Yes, it was originally run by boosters, the
12 athletic department, and then they just weren't running it
13 anymore, and the kids were all upset because they really
14 liked having snacks after school. So that was one of the
15 things that the students came to my council advisors about
16 and said, you know, "We really want a school store." So
17 the kids came to me and said, "Could we run it? Could we
18 make it, like, our little store, our own little business
19 and -- you know, as a fund-raiser for the school, for
20 activities?" And so we took it over.

21 Q And what exactly was sold in the school store,
22 and when was it opened?

23 A Originally, we opened it in the morning and in
24 the afternoon, and we had muffins and different kinds of
25 snacks. In the afternoon, we had candies and Cokes. Then,

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1 after a while, we were told not to have it open in the
2 morning because we found out that it conflicts with the
3 cafeteria, and we shouldn't be selling when the cafeteria
4 is selling food. So we closed it down and just stuck with
5 the afternoon.

6 Q And how did you all get assigned to the school
7 store in terms of watching, I guess, the kids as they sold
8 things?

9 A We had a duty roster put together at the
10 beginning of every year that lets the teachers know where
11 they should have duty at the end of the day, or the
12 beginning of the day, and so the administration put that
13 together. So Ms. Sumner and I were assigned to have duty
14 at the front of the school by the school store so we could
15 supervise the students while they ran the school store.

16 Q And in terms of the school store, you mentioned
17 products that you guys sold. How did you obtain your
18 inventory?

19 A I'd go to Sam's Club, and I would buy it.

20 Q And what did you use to purchase --

21 A I --

22 Q -- to pay for these things?

23 A Cash from the sales.

24 Q And did you man the school store, or Ms. Sumner,
25 or did the students actually do so?

1 A The students manned it, and we were there to make
2 sure that the other students didn't disrespect them or take
3 from them. And -- but they -- they ran the whole thing,
4 and we just stood by to make sure that it ran okay and, you
5 know, everything was done fairly.

6 Q And at the end of the day, what happened to the
7 money that was collected from the school store? Who
8 counted it? What did you all do with it?

9 A The students and I would count it together, and
10 then we would bring it to the front office and turn it in
11 to Mr. Shaw's office, where his secretary, Ms. Gibbo, would
12 take it from us, and she was supposed to bring it to PTO,
13 and they were to put it into their account for safekeeping.

14 Q So student council monies ran through the PTO?

15 A That's what I understood, originally, and so I
16 didn't question it. So Ms. Sumner had been doing it in the
17 past that way. She gave it to PTO, and they put it into
18 their account. And then, before her, it was done the same
19 way. So I didn't -- I didn't question why it was done that
20 way. I just went ahead and went along with it.

21 Q All right. And so, in the 2010-11 school year,
22 when you were learning how to be the sponsor with Ms.
23 Sumner, fund-raisers were held because there was no school
24 store; correct?

25 A That's correct.

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1 Q And where did you -- who counted the money after
2 a fund-raiser when Ms. Sumner and you were the sponsors of
3 student council together? Who --

4 A The -- okay.

5 Q Um-hum. I'm sorry. Go ahead.

6 A You finish.

7 Q Who counted the money?

8 A We counted it together.

9 Q And what --

10 A We never wanted to count it by ourselves.

11 Q And what did the two of you do with the money?

12 A We would turn it in to the front office. We
13 would turn it in to Ms. Gibbo.

14 Q And did -- in that year 2010-11, when it was Ms.
15 Sumner and you, do you recall ever receiving a receipt for
16 the money that you turned in from student council --

17 A No.

18 Q -- from Ms. Gibbo?

19 A (Witness shakes head; no verbal response.)

20 Q Do you know what Ms. Gibbo did with cash that you
21 turned in?

22 A Originally, I understood that she was to bring it
23 to the PTO meetings and give it to the PTO president to put
24 in with their account.

25 Q But when you turned it in to Ms. Gibbo, did she

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1 immediately leave to go to the bank, or what happened to
2 your money?

3 A No, I would watch her put it into the file
4 cabinet in Mr. Shaw's office.

5 Q And if you needed to purchase things -- because I
6 think you said you -- you testified earlier that student
7 council raised money for particular things, if you needed
8 to purchase something on behalf of student council, where
9 did you go to get the money?

10 A I would go to Mr. Shaw's office and get it back
11 from Ms. Gibbo.

12 Q Was Mr. Shaw ever in Ms. Gibbo's office when you
13 either took money from student council that y'all had
14 raised or when you asked for money back to spend it on
15 things for student council? Was Mr. Shaw there?

16 A I'm sorry. Whose office?

17 Q Mr. Shaw's office. When you went -- you have
18 testified that you took the money to Mr. Shaw's office and
19 gave it to Ms. Gibbo. Was he ever there when you delivered
20 money?

21 A There was times that he was, and there's times
22 that he wasn't. Sometimes when he was there, he would see
23 that I had a package of money, and he would say, "I have to
24 go somewhere. I need to go to the bathroom. I have to
25 leave." One time, I asked him -- I didn't realize that he

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1 didn't handle the money or take the money. I tried to give
2 it to him, and he said, "I don't deal with that. You need
3 to give that to Ms. Gibbo."

4 Q And then, when he told you that, what did you do?

5 A "Okay." I always did what he told me to do. So
6 I gave it then to Ms. Gibbo.

7 Q All right. When you took money to Ms. Gibbo in
8 Mr. Shaw's office, did you just take a roll of bills and a
9 bag of change, or how did you deliver the money?

10 A We put them in envelopes. We sealed them. We
11 put the amount on the envelope, and we wrote "student
12 council" on it.

13 Q Did you ever make any inquiries from Ms. Gibbo
14 about receipts for that money?

15 A I did several times, and she just told me she
16 didn't have time for that. So I just quit asking her after
17 a while. I just assumed that wasn't the protocol. I'd
18 never raised money before I came to McCracken, so I didn't
19 know if this was or wasn't the proper way to do things. So
20 I just went along with the process that was already set in
21 place before I got into that role.

22 Q All right. Did you happen to ever ask Ms. Gibbo
23 or Mr. Shaw about bank deposits?

24 A At one point when I had given Ms. Gibbo the
25 money, I noticed when she opened the drawer, the bottom

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1 drawer of the filing cabinet in Mr. Shaw's office, that
2 there were several of the envelopes still sitting in there
3 from, like, weeks prior. And I asked her, "Why isn't this
4 in the bank account yet?" And she said to me that, "I
5 don't have time to go to the bank every time you give me
6 money." And it was at that point that I found -- I
7 figured, "Well, this is odd. Why is this just sitting in
8 his office, and why aren't you depositing it if it's
9 supposed to go to PTO?" And I kind of questioned her about
10 that, but she just dismissed me, shortly, and went on, so I
11 left.

12 Q Did you ever personally keep student council
13 money in your classroom overnight?

14 A Oh, no. No, I did not want to keep money on me
15 at all. If I could never get into Mr. Shaw's office
16 because the door was closed, I would leave it with the
17 front secretaries and get it back from them the next day to
18 see if I could bring it in there the next -- the next day.
19 But I didn't ever want to bring it down there to my room.
20 I couldn't -- I didn't even feel comfortable leaving my
21 cell phone or my purse in my own classroom. I usually keep
22 those in my own car. So I didn't want to bring money that
23 we had raised down there.

24 Q I'm going to focus now just on the 2011-12 school
25 year for a moment. I know that you told the Board that, in

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1 2011-12, there was a school store. Did you ever begin
2 giving any monies raised from the school store to anyone
3 other than Ms. Gibbo, and if so, to whom?

4 A In what time frame are we talking about?

5 Q In 2011-12, when, I think, the school store was
6 open. Is that the year?

7 A Yes. I'm just trying to think. We -- money went
8 to -- at one point, we got shirts with the money. At one
9 point, we -- I think the -- we raised the money for the
10 football team. They got -- they needed shirts. The
11 wrestling coach at one point needed money for something,
12 and the cash went to him for that.

13 Q All right. I think I must have been inartful in
14 my question. What I'm asking is, you've told the Board
15 that you took school store money down to Ms. Gibbo. At any
16 point during 2011-12, did you stop taking money from the
17 school store to Ms. Gibbo and giving it to anyone else, or
18 it always went for that entire school year to Ms. Gibbo?

19 A Oh. Well, in February of 2012, I was eight
20 months pregnant, and it was getting very difficult for me
21 to go to Sam's Club and cart lots of snacks and cases of
22 Coke to the school. So I inquired of Mr. Shaw if I could
23 get Coca-Cola to deliver the Cokes to the school, and when
24 I had looked into that, the only way I could pay for that
25 was with a check, but I couldn't get a check from the

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1 account we had.

2 So I went to him, asking him how I'd go about
3 paying for this, and he said, "Well, then you should -- you
4 should give money to Barbara for -- Ms. Williams for your
5 order and order through Coke, have it delivered, and just
6 continue with what else you've been doing."

7 Q All right. In 2012-13, Ms. Merrick, was there a
8 school store? The last year that Mr. Shaw was your
9 principal?

10 A No. No, in August of that year, like I said, I
11 had returned from my maternity leave, because I had the
12 baby in April, and I just decided it was just too much to
13 continue with -- with the store and doing all that.

14 Q All right. So, if you all still needed to raise
15 money for school activities through student council to
16 sponsor things if the students wanted to have help -- help
17 sponsor, how did y'all raise money in 2012-13?

18 A We had a jeans day once a month. We decided if
19 we had a jeans day regularly, once a month, it would
20 secure, you know, income for us.

21 Q And would you tell the Board what a jeans day is?

22 A A jeans day? Okay. A jeans day is when the kids
23 can come in to school and not wear the dress code. They
24 can wear jeans and a collared shirt instead of their
25 dress-code clothing.

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1 Q And what was the typical charge?

2 A We charged them a dollar in advance. So, at
3 lunch, my student council kids would come and set up a
4 little table, a little cash box, and collect a dollar from
5 each of them; and then, the day of, we'd charge two. So
6 we'd bring in maybe three to five hundred dollars.

7 Q And do you recall a jeans day in September 2012,
8 and if so, do you recall where the money went?

9 A In September, the money was to go to buying them
10 all shirts. The beginning of the year, they always want
11 student council shirts to kind of belong. So I ordered
12 shirts for all of them and had them made from one of the
13 teachers in the school, and she printed them and ordered
14 them for us. The rest of the money went to Ms. Williams.

15 Q All right. And in October, was -- October 2012,
16 was there a jeans day, and if so, what purpose was it for?

17 A There's a -- there's a teacher in the school
18 whose son had just come -- he'd just been diagnosed with
19 leukemia, and so we decided to raise money for him. It was
20 called Love for Leo. So we raised \$300 for him. Actually,
21 we raised \$400 for him, but one of the teachers had come to
22 me needing cash for a field trip, and so I'd given her the
23 money instead. So it ended up being just \$300 for Love for
24 Leo.

25 Q And who was the teacher who came to you to get

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1 some cash in exchange for checks?

2 A Ms. Dee.

3 Q All right. How about November 2012? Did y'all
4 have a jeans day?

5 A In November, we had a jeans day for raising
6 canned goods for Bluffton Self Help. So, instead of paying
7 the dollar, they could bring in a couple cans. But the day
8 of, a lot of the kids found it easier to just bring in a
9 couple dollars. So we ended up collecting about \$140 or
10 so, and we had already earmarked that money for Bluffton
11 Self Help. We had already committed that whatever we
12 raised that day would go to them.

13 Q And so what did you do with the canned goods and
14 the cash that was raised, the \$140 or so?

15 A Because I had spoke to the social worker prior to
16 this, she was anticipating this whole thing. She had
17 arranged everything with Bluffton Self Help that she was
18 going to come and bring all this, the cans and whatever
19 money we raised, to them. So, at the end of the fund-
20 raiser, I had loaded -- actually, not me, but all the
21 student council kids. We loaded the car up, the social
22 workers' car, and gave her the envelope so that she could
23 go to Bluffton Self Help.

24 Q Earlier, you testified about a duty roster and a
25 beginning-of-the-year book, or something. Was that the

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1 teacher handbook or a binder? What was it, where the duty
2 roster was located?

3 A The beginning of every year, we're given this
4 green binder, and in this green binder is, like, all the
5 duties and responsibilities and stuff like that that we're
6 responsible for as teachers. So in this green binder was
7 the duty roster.

8 Q And how thick is that binder?

9 A I don't recall. I don't have a binder anymore,
10 so I can't recall, but it -- I think it was thick, probably
11 about five inches, four or five inches thick. It was full
12 of papers.

13 Q And did anyone ever go over the contents of the
14 green binder with the faculty and staff?

15 A Yes, the first day of school -- so when we return
16 in August -- the administration would flip through this
17 binder real quick with us and, you know, explain to us the
18 processes, the procedures of the school, the mission and
19 vision of our school, what our goals are, any kind of
20 responsibilities or things that we're responsible for, as
21 well as the duty roster, yes.

22 Q And from the first year when you were a teacher
23 at McCracken through, I guess this is, year five or six,
24 do you recall anyone ever speaking about the school
25 finances from that green binder?

1 A The first three years I was there, Ms. Williams
2 would stand up. She would say that, "All money goes
3 through me," and she'd speak real quick and brief and sit
4 back down. And the last two years, I don't recall her
5 doing that at all.

6 Q Ms. Merrick, are teachers supposed to read
7 everything in that green binder?

8 A We're really supposed to, but being the first day
9 back to school, a lot of us didn't. I admit I didn't. It
10 was -- you know, I skimmed through it. I used it as a
11 reference. If it was something I needed, like planning a
12 field trip or something, I'd flip through it and get to
13 whatever part I needed, but it wasn't something that we all
14 read thoroughly. You know, I'm guilty of that, as are a
15 few others I know, so I -- I apologize. I didn't read it.

16 Q How did you come to learn about the district's
17 required process for the collection and disbursement of
18 student activity funds in 2012-13?

19 A On November 20th, Alice Walton visited our school
20 and called me down from my classroom. I have never been
21 called down to the office, reprimanded for anything, ever.
22 So getting called down from Ms. Walton was terrifying, and
23 that was the first time that I had ever been told that I
24 had been following the procedures incorrectly handling
25 finances.

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1 Q I'd like for you to look at that black notebook
2 in front of you. Would you please turn to what's been
3 marked as Complainant's Exhibit Number 40 and identify that
4 document for the Board?

5 A (Witness complies.)

6 Q What is the document, please?

7 A It's a written statement that Ms. Walton asked me
8 to write after her and I had sat down and we spoke.

9 Q And did Ms. Walton edit your writing at all, your
10 statement?

11 A No, that's exactly what I wrote.

12 Q And in Complainant's Exhibit 40, I believe you
13 mention Ms. Williams, the bookkeeper. What is your
14 professional opinion of Ms. Williams as the bookkeeper?

15 A She knows a lot about bookkeeping. It wasn't --
16 it wasn't until after I had found out I was doing the
17 policies wrong that she gradually sat me down and explained
18 that there are fund-raising forms. There is a process in
19 which to turn in money, in which to order things. But
20 before that, it was -- it was kind of difficult to approach
21 her and ask her questions. So, a lot of the times, I
22 wouldn't even ask. It was kind of difficult. You could
23 tell she was frustrated, and approaching her was not easy.

24 Q After November 20th, 2012, how has student
25 council run their fund-raisers and deposited their money?

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1 A Oh, it's by the book now. Oh, it's by the book
2 now. There's no question about that.

3 Q After Ms. Walton met with you on November 20th,
4 did anyone else from the district office speak with you
5 about how you -- how you took care of student council funds
6 in 2010-11 and '11-12.

7 Q Just before Christmas, Ms. White calls me down to
8 district, tells me that I need to come. Well, Ms. Walton
9 calls me to tell me that I need to meet with Ms. White.
10 So, during class, I had to leave. So a sub was called for
11 me, to cover for me, so I could come down and explain my
12 involvement with finances.

13 Q And besides giving Ms. Walton that written
14 statement on November 20th, did you give her anything else
15 that day?

16 A If you're referring to the bagful of receipts, I
17 had actually brought it -- I actually gave it to Ms. Walton
18 the 20th of November. Mr. Shaw always told me to keep
19 receipts for everything that I purchased, so I had done so.
20 So I kept it all in a cloth bag. I'm not very organized
21 when it comes to finances. I'm a teacher. I have, you
22 know, about six classes, and student council, the side
23 things that I do. So, you know, I just kept the receipts,
24 kept them in this bag and figured if I needed them, they
25 were there.

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1 So I gave them all to Ms. Walton the day that she
2 came to visit me, so that bag was brought up the day I went
3 to see Ms. White, and she showed me she had it. She'd gone
4 through it and organized it, and it was really nice,
5 because it looked awful when I gave it to her.

6 Q And at that meeting with Ms. White and Ms.
7 Walton, did Ms. White advise you that you had done things
8 improperly?

9 A Yes. Yes, I had been depositing money
10 incorrectly. I had been fund-raising incorrectly. I had
11 been purchasing incorrectly, all of which I had no idea.
12 I'd never been reprimanded by my principal for it. I have
13 never been told that it was wrong. So, for the whole time
14 that I had been student council, I had no idea it was
15 wrong, and I had found out that everything I had been doing
16 was incorrect.

17 Q Ms. Merrick, have you been disciplined by the
18 school district as a result of the manner in which you took
19 in and deposited money for student council prior to
20 November 20th?

21 A Like I said, I'd never been in trouble before, so
22 being called down to district by Ms. Walton to see the --
23 see Ms. White, and then meeting with Ms. Walton another
24 time, to me, I felt, was punishment. I thought I was being
25 punished right there.

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1 Q Thinking back on what you know now about the
2 appropriate accounting for student council or student
3 activity funds versus the way you'd been handling student
4 council funds prior to that, do you think you might
5 should've brought the concern to anyone's attention?

6 A You mean prior -- when you say "prior" --

7 Q Prior to -- when you said earlier you felt a
8 little uncomfortable when you realized the monies that you
9 were turning in to Ms. Gibbo were staying in that drawer,
10 did you think maybe you should have reported that situation
11 or gone to anybody?

12 A I was afraid to upset Ms. Gibbo. I was afraid to
13 upset Mr. Shaw, and he liked keeping things within the
14 building. He always told us that, if you have any concerns
15 with anything in the building, you deal -- you know, deal
16 with them personally. Deal with them yourself.

17 But I felt there was just a -- it was hard to
18 approach Mr. Shaw about Ms. Gibbo because teachers who had
19 approached Mr. Shaw about Ms. Gibbo usually were not
20 favored anymore. I felt that I was truly in good graces
21 with Mr. Shaw because he gave me so many leadership
22 positions that a lot of teachers didn't have the -- you
23 know, they weren't able to have, like I said, as department
24 chair and as student council advisor, ELT. So I felt that,
25 if I had come forward to him about Ms. Gibbo, that I would

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1 not be in good graces with him anymore, and I didn't want
2 that, and I didn't want to upset him, so I just kind of
3 kept it to myself.

4 Q Ms. Merrick, did you ever see Mr. Shaw and Ms.
5 Gibbo or do you know whether they were ever behind closed
6 doors in Mr. Shaw's office?

7 A Whenever I knocked to turn in money, she would be
8 the one who opened the door when they were in there.

9 Q And did Ms. Gibbo have an official office at
10 McCracken in 2011-12 and '12-13?

11 A She had an office that she would never be in.
12 She always sat at the edge of Mr. Shaw's desk with her
13 laptop. We would always joke that she had a pretend office
14 to the side of his office. It was interesting that there
15 was an internal door that could connect the two of them
16 together, but she would never be in there. Maybe once or
17 twice, I'd see her in there on her cell phone, but for the
18 most part, she was always, always, always in his office.

19 Q Ms. Merrick, how often did Mr. Shaw observe in
20 your classroom and watch you teach during 2011-12?

21 A Mr. Shaw had never come to observe me teach. The
22 first and only time he's ever observed me teach was when I
23 first started in 2005 at McCracken, when I was going
24 through ADEPT, and then, since then, he had never come to
25 observe me. I'd see him in the halls through the window.

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1 He'd look in, but not come in.

2 Q And during those same time frames, that 2011-12
3 school year and 2012-13 through November, how often did you
4 see Mr. Shaw out and about in the building of McCracken?

5 A The '11-12 school year, we hardly saw him at all.
6 We saw him at bus duty in the afternoon. But throughout
7 the day, we were told that he was in meetings.

8 One time, I really needed to see Mr. Shaw about
9 ELT, because like I said, I coordinated ELT, and there's a
10 lot of decisions that I just didn't feel that I was privy
11 to make on my own because it concerned this extended
12 learning week. And I had asked Ms. Gibbo if I could see
13 him, and she said that he's in a meeting, and I said,
14 "Well, it's really important. I'll sit and wait." And
15 this is during -- this is right after school at 2:30. She
16 said, "No, he's in a meeting." And I repeated, "Well,
17 then, is he in the building? I'll wait." And she said,
18 "Well, he's in a meeting," and she snapped at me and said
19 that, "Ms. Merrick, if I say he's in a meeting, he's in a
20 meeting."

21 And so I didn't really get an answer as to
22 whether he was in the building or not in the building, or
23 if I should wait or not wait. So there was a lot of times
24 like that. We just didn't know where he was. But in
25 2012-13, I saw him all the time in the hall.

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1 Q And what is your professional opinion of Mr.
2 Shaw?

3 A I used to really like him. He was -- I felt like
4 he really was strong in hiring. I really liked his
5 philosophy about allowing professionals to do their jobs,
6 that he puts people in the right positions and delegates
7 responsibilities to them so that they can do what they've
8 been trained to do. So I felt that he was really good at
9 that.

10 When he first interviewed me, I'll never forget
11 that he told me that he was the chief of support, and so I
12 really believed that, and I really liked that about him. I
13 really trusted him.

14 MS. FAWLEY: Thank you. I'd like for you
15 now to answer any questions that Mr. Shaw's attorneys,
16 either Mr. Bush or Ms. Zeidan, have for you.

17 CROSS-EXAMINATION

18 BY MS. ZEIDAN:

19 Q Good afternoon, Ms. Merrick.

20 A Good afternoon.

21 Q Ms. Merrick, how long have you been teaching at
22 McCracken?

23 A Six years.

24 Q And when did you begin?

25 A In 2005. No, sorry, 2008, because 2005 is when I

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1 started teaching.

2 Q Okay. And you testified you chose McCracken
3 because you actually liked Mr. Shaw; is that correct?

4 A That is correct.

5 Q And you've been at McCracken continuously ever
6 since 2008?

7 A That is correct.

8 Q Okay. And it's your testimony that you were
9 never informed of the proper financial policies and
10 procedures at McCracken?

11 A I was informed, but I was never taught.

12 Q All right. Will you turn to Exhibit Number 37 in
13 that book?

14 A (Witness complies.)

15 Q You received that book, didn't you?

16 A Yes.

17 Q And you didn't read that book, did you?

18 A I skimmed through it.

19 Q But you didn't read that book, did you?

20 A I skimmed through it.

21 Q And you didn't read it for understanding?

22 A I skimmed through it.

23 Q But you didn't understand it?

24 A I understood what was in it, yes.

25 Q And you just skimmed it?

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1 A I skimmed it.

2 MS. FAWLEY: Objection, Mr. Chairman. The
3 witness has answered that question, repeatedly.

4 MS. ZEIDAN: I'm moving on.

5 CHAIRMAN EVANS: Okay. Great.

6 BY MS. ZEIDAN:

7 Q And you informed me during your deposition that
8 learning about financial procedures wasn't high on your
9 priority list; is that correct?

10 A Right. I'm a teacher, and I have six classes,
11 thirty in each class. I teach English, which is a core
12 subject, and that is my main priority. Student council is
13 something that I volunteered to help out with, that I
14 enjoyed, because I love working with students.

15 Q All right. A moment ago, you testified about
16 your relationship with Barbara Williams; is that correct?

17 A Yes.

18 Q And you testified kind of fondly of Barbara, and
19 you admitted that y'all had some problems?

20 A Yes.

21 Q Tell me what kind of problems you had with
22 Barbara Williams.

23 A Barbara at first was very abrupt, hard to
24 approach. So asking her questions was kind of difficult at
25 first. So you wouldn't just -- you know, it was hard to go

1 up to her and ask her, "How do you do this? How do you do
2 that?" when you have somebody who's just very
3 unapproachable.

4 Q You found her very short, very abrasive, and hard
5 to talk to, didn't you?

6 A At times, yes. I just attributed that to her
7 having a hard day, felt it was just -- that was her
8 personality. I didn't take it personally.

9 Q You didn't?

10 A I didn't take it personally.

11 Q Okay. One second, please. You actually
12 preferred going to Denise over Barbara, didn't you?

13 A At first, when Denise was nice.

14 Q No, you actually preferred going to her because
15 you didn't want to deal with Barbara; isn't that correct?

16 A That was not why I took the money to Denise. I
17 was told to take the money to Denise.

18 Q And I understand that. My question to you was,
19 you actually preferred taking the money to Denise so you
20 wouldn't have to deal with Barbara; is that correct?

21 A Yeah. Yes.

22 Q You wanted to deal with Barbara as little as
23 possible; isn't that correct?

24 A A lot of people did. She was harsh and very by
25 the book, and a lot of people had trouble with being

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1 reminded of how to follow the procedures, because she was
2 very aggressive.

3 Q So you were reminded on how to follow the
4 procedures?

5 A No, I didn't go to Barbara.

6 Q But -- so why didn't you want to go to her? You
7 said a lot of people didn't want to be bothered with the
8 reminder of having to follow the procedures. Why didn't
9 you want to go to Barbara?

10 A Because of the experiences I had with her prior
11 to that. I just felt that it -- I was going to stick with
12 the protocol that I had that had been put in place for
13 student council.

14 Q The protocol you preferred?

15 A It was fine.

16 Q I didn't --

17 A I wasn't told it was wrong.

18 Q Barbara, I want to turn -- I mean, excuse me,
19 Sonia, I want to turn to your statement. And this is a
20 statement, I think you testified, that's exactly what you
21 wrote; is that correct?

22 A Yes.

23 Q Who did you give this statement to?

24 A Ms. Walton.

25 Q Do you recall the circumstances of why you had to

1 meet with Ms. Walton?

2 A I was called down to the office, originally,
3 because I was being questioned about my procedures that I
4 had followed for collecting money, finances.

5 Q Ms. Walton directed you to bring \$300 back and
6 deposit it through the bookkeeper that day, didn't she?

7 A I didn't have \$300 that day.

8 Q You didn't?

9 A (Witness shakes head; no verbal response.)

10 Q How much did you have?

11 A A hundred and forty.

12 Q Okay. And she directed you to bring that money
13 back and deposit it through the bookkeeper; is that
14 correct?

15 A After I'd written the statement.

16 Q Okay. Let's talk about this statement. I want
17 to talk about the third paragraph. "I always felt that
18 this method was not right and would ask Ms. Gibbo for
19 receipts or statements of how much money was in our account
20 and was once told, 'I have a lot of things to do. I can't
21 be running to the bank all the time.'" You felt this
22 method wasn't right. What did you do to find out what was
23 the right method?

24 A If you look at the sentence above it, I said that
25 -- given an envelope of cash in the same time -- same form

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1 as I'd turned it in to give to the teacher who needed it by
2 Ms. Gibbo. I always felt that this method was not right.
3 So that whole method of giving cash to Ms. Gibbo I felt was
4 not right.

5 Q Okay. And my question to you was, what did you
6 do to find out the right method?

7 A I talked to Ms. Sumner, and she said, "That's the
8 way we've been doing it."

9 Q And you preferred this method? Is that what you
10 testified to?

11 A Originally.

12 Q The next sentence, "At that point, I began giving
13 whatever money I raised to Ms. Williams to cover the cost
14 for the school store." At what point?

15 A In February 2012.

16 Q Okay. And in February 2012, did you start giving
17 Ms. Williams your deposits for the school store?

18 A Not all of it. I used the other half -- I used
19 some of it to give to her to buy Coke, to order the Coca-
20 Cola, and the other half I still was going to Sam's Club to
21 order the stuff for the school store.

22 Q So you didn't give her any money in March of 2012
23 to deposit, or in the spring of 2012 to deposit, into your
24 account?

25 A In March I had, yes.

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1 Q To deposit into your account?

2 A To deposit into the student council account to
3 cover the cost for Coca-Cola.

4 Q Okay. Sonia, do you recall giving a deposition
5 in this case?

6 A Yes.

7 Q Okay. Just one moment, please. (Tenders
8 original transcript.) If I could just beg the Board's
9 indulgence one moment, please. (Pause.) All right.
10 Sonia, was it your testimony a moment ago that you just
11 gave her stuff to cover costs for the school store?

12 A Yes.

13 Q You just gave her money to deposit for the costs
14 of the school store?

15 A (No response.)

16 Q Will you please turn to page 32, and I'm going to
17 start at 32, page 5 (sic). "When did you start giving
18 deposits to Barbara?" And if you'll just continue reading
19 where it says "A"?

20 A "I started in the spring of 2012, just before I
21 went out on maternity leave."

22 Q "Dawn, are you being truthful?"

23 A Keep reading? "I'm not Dawn."

24 Q "Excuse me. Sonia, are you being truthful?"

25 A "I did give her all the money at that point."

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1 Q I believe it says "I didn't."

2 A Oh. Sorry. "I didn't give her all the money at
3 that point. I gave her part of it, and the other part, I
4 still continued to give to Denise, actually."

5 Q "Why?"

6 A "Because I didn't want to make it look like I was
7 changing the system. I didn't want to make it -- make
8 anybody upset or look like I was trying to make things
9 different or change. So I thought, if I just started
10 giving half of what we made to Barbara and keep
11 consistently doing what I was doing, I wouldn't be
12 upsetting anybody or making anybody notice that I'm doing
13 anything different."

14 Q "Um-hum. When you say part of the money you were
15 giving to Barbara, explain how you would break it down.
16 How did you determine how much to give to Barbara and how
17 much to give to Denise?"

18 A "Well, I had the school store. So, half of the
19 week, I would go -- like, Monday, Tuesday, Wednesday -- to
20 Barbara; and then toward the end of the week, Thursday,
21 Friday, or something like that, I would give whatever I had
22 to Denise. So I wouldn't go see Denise that often."

23 Q "Um-hum. And this started the spring of 2012?"

24 A "Yes."

25 Q "And you're 100 percent sure of that?"

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1 A "Yes."

2 Q Okay. And then please turn to page 58. I'm
3 sorry. I'm sorry, Sonia, 36, line 24. "All right. And
4 what would you give this money to Barbara for? Would it be
5 for specific items to order, or would it just be to deposit
6 into your account?"

7 A And I said, "It was deposited into our account.
8 Also, to cover any costs we had for a contract we had with
9 Coca-Cola at the time -- so that we could order, as well,
10 from Coca-Cola" (sic).

11 Q And so you weren't giving her money specifically
12 just to deposit into your account, or were you?

13 A Specifically to cover the cost of Coca-Cola.

14 Q All right. But you testified earlier in that
15 deposition that you were giving her deposits from Monday,
16 Tuesday, and Wednesday so you wouldn't have to see Denise?

17 A Yes.

18 Q So which one was it?

19 A It was what I said.

20 Q Which is?

21 A That I gave Barbara some money to cover the cost
22 of Coca-Cola.

23 Q And then how much was the cost from Coca-Cola?

24 A It depended. It changed every week, depending on
25 how much we still had or didn't have. I can't recall,

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1 exactly.

2 Q So the money that you gave Barbara was just
3 specifically to cover the cost from Coca-Cola?

4 A Yes. Mr. Shaw told me to do it that way.

5 Q And so you weren't giving her deposits, like you
6 said on page fifty -- 36?

7 A Giving Barbara deposits?

8 Q You -- just to go into the account.

9 A To cover Coca-Cola, yes.

10 Q Okay. Just to cover expenses. So you knew that,
11 at some point, you should have been giving Barbara Williams
12 money to deposit?

13 A When I went to Mr. Shaw in February of 2012, we
14 were at a job fair together, and I had asked him, "What do
15 I need to do with the school store, because it's getting
16 too much for me to go to Sam's Club all the time and haul
17 cases of soda. I'm not supposed to be carrying these
18 things." Mind you, I was eight months pregnant, and so I
19 said to him that, "Coca-Cola already comes to our school
20 for the vending machine that's in our building for
21 teachers." I said that, "Could we get Coca-Cola to just
22 bring in whatever we need for the school store?" And I
23 said, "How would I go about doing that?" And he advised me
24 that, "Just give Barbara what you need to cover the costs
25 for Coca-Cola." So I just did what he told me to do.

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1 Q And who -- when did you find out that that wasn't
2 the appropriate procedure?

3 A November 20th, when Alice Walton told me that
4 that wasn't the way to do things.

5 Q All right. And do you recall testifying that, in
6 August of 2012, you went to Denise Gibbo and got all your
7 money back and took it to Barbara?

8 A Yes.

9 Q Okay. So -- and when did you deposit that money
10 with Barbara?

11 A In August, the end of -- around that time. I
12 don't know, exactly. August, I guess. If I went in August
13 to get it from Denise, then I wanted to give it to Barbara
14 and Denise in August.

15 Q And I want you to testify to the Board and tell
16 them, why did you go get that money from Denise in August
17 of 2012?

18 A Because I had suspected earlier, before I went on
19 maternity leave -- well, not suspected, but I had seen that
20 the money was being kept in that drawer in that office, so
21 -- and then I had went out, because I had the baby the end
22 of April and I had been gone all through the summer.

23 So I had went back to find out if it's still in
24 there, and if it is, then it needs to come out, because
25 over the summer, I just felt that if it's -- the money

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1 should not have been there the whole time. And it was the
2 same money that we had already packaged before I had left
3 to go on maternity leave back in April. So, at that point,
4 I just felt that if -- that's when it needs -- it needs to
5 start going to Barbara.

6 Q And you're testifying right now that you began
7 taking it to her in August 2012?

8 A Yes.

9 Q So, if Barbara says you didn't bring her any
10 money to deposit until November 2012, she's lying?

11 A If -- there are statements proving -- and then
12 receipts that are in that bag, proving that I brought money
13 to her before November.

14 Q No, no. I know you brought money before November
15 to cover costs for the school store. I'm talking about
16 specific deposits for you to put into the student council
17 account. When did you start taking the money for Barbara
18 to specifically put in the account?

19 A Like I said earlier, in February, I started
20 giving it to her to specifically put in that account.

21 Q Okay. For costs. I'm saying, when did you start
22 putting the deposit? You just testified it was August
23 2012; correct?

24 A I took the money that was in Mr. Shaw's office
25 and put it in -- I gave it to Denise in August, yes.

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1 Q You gave it to Denise in August?

2 A Excuse me. To Barbara.

3 Q You gave it to her in August, and that was to go
4 into your student council account; correct?

5 A It was supposed to go. Now, where it went, I
6 don't know which account. She said there were many
7 activities -- student activities accounts.

8 Q Okay. But you gave it to her, and if Barbara
9 says you didn't give her anything until November, then
10 she's not telling the truth?

11 A I gave her money after I took it out of Mr.
12 Shaw's office. Where she put it, what account, where it's
13 been accounted for, I'm not sure.

14 Q And I understand that, but what I'm asking you
15 is, so, if she says that you didn't bring any --

16 MS. FAWLEY: Mr. Chairman --

17 CHAIRMAN EVANS: I think you're --

18 MS. FAWLEY: -- it's been asked and
19 answered.

20 CHAIRMAN EVANS: It's been asked, and I
21 don't know how she would conclude what Ms. Williams
22 did with the money. She's saying that she gave it to
23 her.

24 MS. ZEIDAN: Thank you.

25 ///

///

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1 BY MS. ZEIDAN:

2 Q Back to your statement, Ms. Sumner. How did you
3 decide what should go in this statement to Alice?

4 A That's not my name.

5 Q I mean, excuse me, Ms. Merrick. How did you
6 decide what to put in this statement?

7 A Are you talking about the exhibit on tab -- the
8 statement I wrote?

9 Q The statement you're looking at.

10 A I wrote what I could recall from the conversation
11 I had with Ms. Walton when she came to our school.

12 Q Okay. And what did she request that you write?

13 A She didn't request that I write anything. She
14 just said, "Write what you feel that we discussed, whatever
15 you can recall from what we discussed, in the statement."

16 Q Okay. And your statement discusses Mr. Shaw and
17 Denise Gibbo; is that correct?

18 A Yes.

19 Q And your statement does discuss your disdain for
20 Barbara Williams, doesn't it?

21 A No.

22 Q Okay. It didn't discuss how you found your
23 professional relationship with Barbara hard and difficult?

24 A No.

25 Q Your statement doesn't discuss that money was

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1 also left with other secretaries in the front office, does
2 it?

3 A No.

4 Q Your statement doesn't mention that you didn't
5 read or understand the financial handbook provided to you,
6 does it?

7 A No.

8 Q And your statement doesn't mention that you
9 cashed over \$250 in checks for Susan Dee, does it?

10 A No.

11 Q It also doesn't mention that you were ordering
12 merchandise to be delivered by McCracken and had been
13 confronted by Barbara Williams not to do this, does it?

14 A She never confronted me, not to do this.

15 Q Okay. She never told you not to order
16 merchandise?

17 A No.

18 Q Okay. And it doesn't mention that on November
19 20th, 2012, Alice Walton herself had to call you back to
20 bring what you say was a hundred and something dollars back
21 to the school and deposit it with Barbara? It doesn't
22 mention that in here, does it?

23 A No.

24 Q And it also doesn't mention in your statement
25 that, in September of 2012, you conducted a fund-raiser and

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1 specifically gave all of that money --

2 CHAIRMAN EVANS: Ms. Zeidan --

3 MS. ZEIDAN: -- to an athletic director --

4 CHAIRMAN EVANS: Ms. Zeidan, I'm trying to
5 understand the relevance of this. Ms. Merrick's not
6 on trial for any of this. She --

7 MS. ZEIDAN: And if I may, the relevance of
8 this is, her statement was used to determine a lot of
9 things that were held against Mr. Shaw, and what we're
10 going to show is that Sonia Merrick chose what she
11 wanted to put in this statement. She chose not to
12 tell all of the story, only certain things. Her
13 entire statement is about Shaw and Denise. It's not
14 about the -- everything that she should have put in
15 this statement. She picked and chose, and that's what
16 we're trying to show. And this statement was held
17 against Shaw and was used in his termination letter.

18 CHAIRMAN EVANS: But are you contending that
19 the things that she did say about Mr. Shaw and Ms.
20 Gibbo are false?

21 MS. ZEIDAN: I'd leave that up for the Board
22 to decide. What I'm pointing out is that she picked
23 and chose, and selectively chose, what she wanted to
24 tell about her involvement with student council. She
25 told everything about Phil and Denise, but she sure

1 left out about five things that I just asked her
2 about. And I just have one more question.

3 CHAIRMAN EVANS: Yes, but Ms. Merrick's not
4 on -- on trial here.

5 MS. ZEIDAN: I understand that.

6 CHAIRMAN EVANS: Okay.

7 BY MS. ZEIDAN:

8 Q Okay. And Sonia, lastly, you didn't tell them
9 about a fund-raiser that you had conducted in September of
10 2012 and had given all of the money to an athletic director
11 for T-shirts, for her to make T-shirts, did you?

12 A For my students to have student council T-shirts,
13 yeah.

14 Q Okay. But you told her everything you could
15 remember about Shaw and Denise?

16 A Because I was asked to write about what I could
17 recall about my fund-raising procedures and what
18 involvement I had with Mr. Shaw and Ms. Denise -- Ms.
19 Gibbo.

20 MS. ZEIDAN: One moment. (Pause.) Ms.
21 Merrick, I have no further questions for you.

22 CHAIRMAN EVANS: Go ahead, Ms. Fawley.

23 MS. FAWLEY: Ms. Merrick, I have no further
24 questions, and, Mr. Chairman, I would like to ask if
25 this witness could be excused?

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1 CHAIRMAN EVANS: Anybody need to call her
2 back?

3 MS. ZEIDAN: No.

4 CHAIRMAN EVANS: You're excused, Ms.
5 Merrick. Thank you.

6 MS. FAWLEY: Thank you. The administration
7 would like to call Susan Dee.

8 (Brief recess taken.)

9 CHAIRMAN EVANS: Hello, Ms. Dee.

10 MS. DEE: Hello.

11 CHAIRMAN EVANS: We need to have the -- have
12 you sworn in, please.

13 (SUSAN DEE, called as a witness, having been
14 first duly sworn, was examined and testified as follows:)

15 DIRECT EXAMINATION

16 BY MS. FAWLEY:

17 Q Would you please state your full name for the
18 record?

19 A Susan J. Dee.

20 Q And Ms. Dee, what type of college degrees do you
21 hold?

22 A I have a bachelor of science in biology and a
23 master's of science in education.

24 Q And what position do you currently hold in
25 Beaufort County?

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1 A I am an environmental science teacher for eighth
2 graders and a biology teacher for ninth graders.

3 Q And at what school?

4 A At HE McCracken.

5 Q How many years have you been employed by Beaufort
6 County Schools?

7 A Nine.

8 Q And have you ever held any other duties beyond
9 your teaching duties while at the school?

10 A Yes, I was ESOL department chair, and I taught
11 shelter science instruction. I was science department
12 chair for two years. I was robotics coach, and I am
13 current science fair coordinator for McCracken and the
14 district representative for Sea Island Science Regional
15 Fairs.

16 Q And have you ever held any special honors while
17 employed with this district?

18 A Yes. In 2008-2009, I was McCracken teacher of
19 the year, and I was also at that time one of the five
20 district finalists.

21 Q And who has been your principals while you've
22 been at McCracken?

23 A Richard Hitch hired me, and Dr. Slowiczek,
24 Kathleen Slowiczek, was my principal the first year, and
25 Mr. Phillip Shaw was it for the remaining years.

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1 Q What is your professional opinion of Mr. Shaw as
2 a principal?

3 A Mr. Shaw was what we would call an "invisible
4 principal." He had a style where he was -- well, he was
5 never seen, and his door was always closed. But he had a
6 style where he would set up people as department chairs and
7 as team leaders, and the leaders ran -- would do their
8 duties, and everything was quite successful.

9 Q For just a few moments, would you briefly
10 describe to the Board a program called Kids in Kayaks that,
11 I think, McCracken had had?

12 A Yes. Kids in Kayaks is a kayaking program where
13 you do experiential education on the May River or on any
14 other ecosystem that has a saltwater tidal marsh. It was
15 originally run by Friends of the Rivers. You would set up
16 a program, and all of the monies would be -- Kids in Kayaks
17 would be supported by Friends of the Rivers to supplement
18 any additional monies we needed to pay for students who
19 could not afford to do the program. We made sure everybody
20 had the opportunity to go.

21 Q Prior to 2012-13 school year, would you explain
22 how any fees associated with Kids in Kayaks was collected,
23 then deposited, and then paid out?

24 A Yes. Since I was director of Kids in Kayaks, I
25 would -- that was one of my volunteer things. I would

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1 collect the monies from the students with checks payable to
2 Kids in Kayaks for cash. I would deposit the monies into
3 the Kids in Kayaks account, because I had signature on the
4 card with Mr. Dave Harter, and then any bills that came in
5 would be -- would be paid by the Kids in Kayaks account.
6 The accounts were often short of money through the school
7 collection, so we would -- the Kids in Kayaks account would
8 supplement the money for the trips.

9 Q And did anything change in terms of the Kids in
10 Kayaks program in the school year 2012-13?

11 A Yes. Kids in Kayaks was disbanded, and Friends
12 of the Rivers -- well, Friends of the Rivers was disbanded.
13 Excuse me. Kids in Kayaks was taken over by Port Royal
14 Sound -- Port Royal Sound Foundation, which is a new
15 nonprofit group. They didn't have any monies and didn't
16 have any procedures for distributing or supporting Kids in
17 Kayaks. So, that year when I ran the kayak program, in
18 October, I collected the money, checks made out to HE
19 McCracken, cash, and ran it through Barbara Williams, the
20 bookkeeper, to -- to run the program.

21 Q On the day before the Kids in Kayaks -- or on the
22 day of the Kids in Kayaks program, did anything occur in
23 terms of funding that process or activity that caused you
24 some consternation?

25 A Yes. I was short monies for the -- for the trip.

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1 I went to Barbara and said could I have a little -- it was
2 a little extra money to pay the bus fees, because there was
3 also a bus fee involved, and she said yes.

4 Then I also did not have any cash or any money to
5 pay the guide a tip, and that was the protocols. You'd pay
6 the guy the tip the day of the trip. So I had been given
7 five other checks from kids to go on the trip that day, the
8 next day, and I had -- so I had \$100 in checks in my hand.
9 I went to Barbara and said, "Can you turn this into cash
10 for me now?" And she said, "No, I can't." So I went to --
11 she said, "Talk to Mr. Shaw."

12 I went to Mr. Shaw, and I said, "Can I get cash
13 for this?" And he said, "Sonia Merrick has collected cash.
14 Give her the five checks for \$100, and she'll give you
15 cash, since it's made out to McCracken."

16 Q And did you do that?

17 A I did that, yes.

18 Q Ms. Dee, when you gave Ms. Merrick those five
19 checks made out to McCracken Middle School and got cash for
20 tip money for those kayak guides, were you aware that what
21 you were doing was in violation of the student activities
22 funds protocol?

23 A I was not at that time.

24 Q And when and how did you learn what the
25 appropriate protocol is for Beaufort County?

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1 A After -- when Mr. Warfield took over and I ran
2 the next kayak trip, and I talked to Barbara, and I really
3 -- that's when.

4 Q Ms. Dee, when Mr. Shaw was your principal, were
5 you ever the recipient of a gift card or cash from the
6 administration or student council?

7 A Yes. In the fall of 2012, Mr. Shaw was very --
8 more present, and he would come into my room every morning,
9 or very often, with, "What do you need? What can I help
10 you with? What do you need to be successful?"

11 I had -- I have many animals in my classroom that
12 I have to feed, and the expense of them was becoming
13 overwhelming to me. So I said, "Well, I could use some
14 money to buy food for my animals." So, the next day, the
15 PetSmart card was in my mailbox, and I thought it was
16 great.

17 Q The principal's secretary/office manager at
18 McCracken in 2010-11, '11-12, and for part of 2013, was
19 who?

20 A Denise Gibbo.

21 Q And how would you describe Ms. Gibbo in her role
22 as Mr. Shaw's secretary and office manager?

23 A She was very brisk, rude, and just not very nice,
24 and I'm -- she would be very concerned with doing -- when
25 you're talking to her, doing --

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1 MS. ZEIDAN: Objection.

2 WITNESS: -- something else.

3 MS. ZEIDAN: I don't know why Denise Gibbo
4 is relevant to this case; her character.

5 MS. FAWLEY: Ms. Dee, would you answer this
6 question instead?

7 CHAIRMAN EVANS: That's sustained.

8 BY MS. FAWLEY:

9 Q May I ask you this question --

10 A Sure.

11 Q -- instead? Do you know if Mr. Shaw was ever
12 alone with Ms. Gibbo in his office with the door closed?

13 A Yes. It was a standard thing. The door was
14 always closed, and people always talked about it. I know,
15 because I would knock on the door, and she would open the
16 door, and he was in the office.

17 Q Did she have an official office at McCracken?

18 A I believe it was set up right next to or
19 adjoining Mr. Shaw's.

20 Q And did you see her in that office?

21 A I never saw her sitting in her office.

22 Q Were you ever alone with Mr. Shaw behind a closed
23 door while a teacher at McCracken?

24 A Yes, I was. At our closing -- closeout for the
25 year, we were all meeting with the principal the last day

1 before we'd check out for the summer, and at that time, it
2 was just me and Mr. Shaw in his office, discussing things.
3 Usually, before that, a lot of the time, Ms. Gibbo was
4 present, but I was there alone, and I brought up a lot of
5 my concerns right to him and said, "I feel very
6 uncomfortable here. I don't like what's happening in this
7 school. I -- in public, I have to defend why the principal
8 is always behind the doors, and I always defend. I always
9 say it's rumors. Please stop." I just didn't like being
10 in that atmosphere.

11 Q And when was this?

12 A This was June '12 -- the June 2012 checkout, I
13 believe, or May, whatever the end of the school year was.

14 Q Was that the only time you ever brought a concern
15 about McCracken to Mr. Shaw's attention?

16 A No. In December 2010, I asked -- I was part of
17 making what's called McCracken teacher forum, which is a
18 group of teachers, former teachers of the year and anybody
19 else who wanted to join it, and it's kind of like a group
20 that will bring concerns of the faculty that are school
21 based, site based, to the administration.

22 At that time, one of the four things on our
23 agenda for that day was the closed-door policy. Teachers
24 felt very uncomfortable. They couldn't -- they didn't know
25 how to get the principal to meet with them, and every time

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1 they'd walk by the office, the door was closed. So we sat
2 down together. It was a very positive situation. We
3 wanted to come up with solutions on how to solve it. My
4 solution was, take the door off the hinges. That's not
5 what the solution ended up to be.

6 We were told, number one, the door was -- if you
7 needed to have a meeting with Mr. Shaw, please call and
8 email Ms. Gibbo. Solution -- the second part was, the door
9 is always closed to reduce -- and I mean the outside door,
10 in that hallway, to reduce traffic going past the
11 principal's office, because it was very distracting to get
12 things done. And the third thing of that was that the --
13 if the door's closed, you do not knock on it. It's because
14 an important meeting is taking place. So we didn't really
15 get anything solved.

16 Q Did you ever share your concerns about McCracken
17 with anyone else other than Mr. Shaw?

18 A After my meeting with Mr. Shaw in 2012, I did
19 write a letter to Dr. Truesdale, saying something was
20 broken at McCracken. I didn't feel -- I didn't like it. I
21 didn't want to work here anymore.

22 Q And did she ever get back to you?

23 A She said, "We're addressing it."

24 Q Mr. Shaw has been away from McCracken since
25 November 2012. Since that time, you've had an interim

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1 principal, and now a new principal?

2 A Um-hum.

3 Q How are things at McCracken?

4 MS. ZEIDAN: Objection. Relevance.

5 CHAIRMAN EVANS: Sustained.

6 MS. FAWLEY: Then I have no more further
7 questions for you, Ms. Dee. If you would, this is Mr.
8 Bush, and this is Ms. Zeidan, who represent Mr. Shaw.
9 One of them may be asking you some questions.

10 WITNESS: Okay.

11 CROSS-EXAMINATION

12 BY MS. ZEIDAN:

13 Q Good afternoon, Ms. Dee.

14 A Hi.

15 Q Ms. Dee, it was your testimony that you wrote Dr.
16 Truesdale about concerns you had with Phillip, specifically
17 the closed doors and not seeing him; is that correct?

18 A It was also about we didn't have any faculty
19 meetings. I believe I stated that. And not that we love
20 faculty meetings, but it is nice, every now and then, to
21 see people that you're working with.

22 Q Okay. And it was also your testimony that by the
23 fall of 2012, things had gotten better, and you were able
24 to see Mr. Shaw a lot more often?

25 A Yes.

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1 Q And what were the three questions that he would
2 ask you every morning?

3 A How are you, what do you need, what can I do for
4 you.

5 Q And this was the fall of 2012?

6 A Yes, it was.

7 Q All right. You've been at the school for nine
8 years; is that correct?

9 A That is correct.

10 Q And how many field trips have you taken in nine
11 years?

12 A Probably six a year. I take a lot. I do a lot
13 of experiential education with students on the local
14 ecosystem.

15 Q In the -- okay. Six a year. You never deposited
16 any money through Barbara Williams for field trips?

17 A Yes, I did.

18 Q Okay. So what made this particular Kids in
19 Kayaks -- you said you weren't informed of the proper
20 procedure. How was that different?

21 A Well, before that, because -- it was different
22 because I was paying the bills for Kids in Kayaks, and I
23 was the director of Kids in Kayaks also.

24 Q So, prior to this, you had kids make the checks
25 directly out to Kids in Kayaks?

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1 A For that trip. That was the only -- the other
2 trips, everything went through Barbara.

3 Q All right. Are you familiar with the student
4 handbook?

5 A Yes, I am.

6 Q The financial policy procedure --

7 A The student handbook?

8 Q For financial policies and procedures.

9 A For financial policies and procedures, in the
10 student handbook?

11 Q Employee handbook. Excuse me.

12 A Oh. Yes, I am. I am now, actually.

13 Q So, prior to today, you didn't know anything
14 about it? Well, excuse me --

15 A No, I mean --

16 Q -- prior to that point, you didn't know anything
17 about it?

18 A I knew there was a handbook with procedures in
19 it.

20 Q Did you read that handbook?

21 A I do not believe I did, no.

22 Q In nine years?

23 A No. I followed my procedure of my superiors.

24 Q Okay. Tell me, you take six field trips a year;
25 is that correct?

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1 A About.

2 Q All right. All those other field trips you take,
3 how do the student write the checks out?

4 A To HE McCracken.

5 Q Okay. So you knew that that was the proper
6 policy?

7 A Because it was for buses, and that was how the
8 buses were paid. All my other field trips, there was no
9 cost. It was free.

10 Q All right.

11 A So I didn't have to worry about paying another
12 vendor.

13 Q Will you please turn to Exhibit Number 37 in that
14 book?

15 A Thirty-seven? Is this right?

16 Q Yes.

17 A Teacher -- yep.

18 Q And you said that you did receive this handbook?
19 You just didn't read it?

20 A Let me look at it. I've seen request for
21 purchase order. I've seen travel request reimbursements.
22 Those look familiar to me. I -- field trip papers -- field
23 trip paperwork is not anywhere in here.

24 Q Well, I'm just asking you about that handbook.

25 A I don't think I've ever seen donations, grant,

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1 outgoing money. Nope. Sorry. I don't think I've ever
2 seen that. I have seen these last two pages.

3 Q Those are the only two pages you've ever seen, in
4 nine years?

5 A Yes.

6 Q Okay. And just to clarify, are you saying you've
7 never received this?

8 A Well, I'm getting a big booklet. The book's this
9 big (indicating). I took it, and I put it on my shelf.

10 Q And that's all you did with it?

11 A Um-hum.

12 MS. ZEIDAN: No further questions. Thank
13 you, Ms. Dee.

14 CHAIRMAN EVANS: Any redirect?

15 MS. FAWLEY: No redirect, Mr. Chairman. I'd
16 like to ask if this witness may be excused?

17 CHAIRMAN EVANS: You're excused, Ms. Dee.

18 MS. DEE: Okay. Thank you.

19 MS. FAWLEY: Mr. Chairman, our next witness
20 will be fairly lengthy, and I'm looking at the clock.
21 I'm uncertain what time you're --

22 CHAIRMAN EVANS: Well, let's get it started.

23 MS. FAWLEY: All right, if you'd like.

24 CHAIRMAN EVANS: Let's see if we can get as
25 much in today as possible.

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1 MS. FAWLEY: Our next witness will be
2 Phyllis White.

3 (WHEREUPON, a brief recess was held, and
4 PHYLLIS WHITE, called as a witness, having
5 been first duly sworn, was examined and testified as
6 follows:)

7 DIRECT EXAMINATION

8 BY MR. WILLIAMS:

9 Q Please state your name for the record.

10 A Phyllis White.

11 Q And Ms. White, what position do you hold in the
12 Beaufort County School District?

13 A I'm the chief operational services officer.

14 Q How long have you served in that position?

15 A Since 2007.

16 Q And just briefly -- you probably heard the
17 discussion about time -- can you tell the Board the various
18 positions you've held in the district and what your
19 experience has been with the district?

20 A I started with the district in 2000 -- 2000, as
21 the accounting manager, and then I was promoted to the
22 executive director of finance; and at the retirement of the
23 CFO, I assumed the position of the CFO in 2005, and then
24 assumed the duties of the chief operational services
25 officer in 2007.

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1 Q And what educational degrees do you hold?

2 A I have a bachelor of science in accounting and
3 business administration, and I also am a certified public
4 accountant --

5 Q What --

6 A -- in the state of South Carolina.

7 Q In your current position, what are your general
8 duties and responsibilities?

9 A Supervise finance, which includes procurement and
10 the audit section; facilities, which is maintenance,
11 custodial, grounds, construction; food service; and
12 technology, the non-instructional side.

13 Q All right. And do you have any role in the
14 training of staff in the district as far as the handling of
15 financial matters?

16 A I do not have a direct role. I supervise the
17 staff who train the bookkeepers and other members of the
18 district.

19 Q And how --

20 A Including principals.

21 Q And you said including principals?

22 A Yes, sir.

23 Q How often does your staff provide financial
24 training to principals and bookkeepers from the district?

25 A Bookkeepers are -- all of them are at a minimum

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1 of one time per year. Most of the time, it's more
2 frequently. For example, bookkeepers, we have an annual
3 training that's usually during the summer institute, and we
4 have, then, periodic training, where they will come into
5 the district office to train. And then they have
6 one-on-one training, in the event a bookkeeper needs
7 additional help.

8 The principals' training, we have a summer
9 leadership retreat and provide training there, and then
10 ongoing at leadership meetings, which are held monthly. If
11 there is any type of additional information that we need to
12 provide them, any updates, we do so at that time.

13 Q Are all principals in the district trained as far
14 as the handling of financial matters?

15 A They are provided with information during that
16 summer leadership retreat. A binder, similar to this
17 (indicating), is given out, and there's the policies and
18 procedures in there. So it's given to them in writing, and
19 it's also verbally provided to them. And when we have new
20 principals, they're provided with the information, the
21 documentation.

22 Q And does the district have written policies
23 regarding financial matters?

24 A Yes, we do.

25 Q Would you please turn to Exhibit Number 41 the

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1 black binder in front of you and identify that document for
2 the Board?

3 A This is the school district student activities
4 policy and procedure manual, which is prepared by my
5 office.

6 Q And what years does the manual that is Exhibit
7 Number 41 cover?

8 A It covers 2006 through 2012. We revised it as of
9 June 30th, 2013.

10 Q And is that manual that's in Exhibit 41 -- is
11 that manual reviewed with principals in the district?

12 A This manual is provided, too, on our website, and
13 it's also referenced in our training to the principals. We
14 don't necessarily provide this full copy, but we do provide
15 excerpts that are pertinent to the principals.

16 Q Moving to the 2012-13 school year, were you
17 involved in the handling of a financial matter at McCracken
18 Middle School?

19 A Yes, sir.

20 Q Tell me -- tell the Board how you came to be
21 involved in handling that.

22 A I was approached by Dr. Rosswurm, who was the
23 acting superintendent at the time, and she relayed to me
24 that there was an incident at McCracken, where -- that
25 involved money that was located, and wanted my assistance

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1 to do some type of review or investigation.

2 Q All right. And did you conduct a review of the
3 financial practices at McCracken?

4 A I did.

5 Q And did you ultimately prepare a written report
6 regarding your review?

7 A I did.

8 Q Would you please identify -- turn to
9 Complainant's Exhibit Number 42 and identify that document
10 for the Board?

11 A This is a summary of internal review of financial
12 policies and procedures for McCracken Middle School that I
13 prepared on December 21st, 2012.

14 Q And what specific actions did you take as far as
15 your financial review?

16 A I'm sorry. When you say what specific actions --

17 Q Once you were asked by Dr. Rosswurm to conduct
18 this review, tell the Board what you actually did in terms
19 of carrying out that review.

20 A Thank you. On page one, you can see the steps
21 that I took in preparation. Obviously, I'm familiar with
22 the policies and procedures. I reviewed the contents of
23 the lockbox that was removed from Mr. Shaw's office. When
24 I say "the contents," it was copies of what was found
25 within that lockbox. I did not have the original

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1 documents. I reviewed the investigation report that was
2 compiled by Mr. Barrow.

3 I also analyzed the student activities accounts
4 and the financial software, and the reason I did that is
5 because the funds that were in question were part of
6 student activities. I also did a site visit where I met
7 with two of the staff members, which was Mr. Warfield, the
8 assistant principal, and Ms. Williams, who was the
9 bookkeeper at the time, and interviewed both of them. I
10 reviewed the evidence on the bank accounts that were
11 obtained through the Bluffton Police Department. Those
12 records were obtained by the police department from Ms.
13 Denise Gibbo, and it was related to an unauthorized account
14 that we had discovered.

15 There were also student council financial records
16 that we had obtained. I had obtained them through Ms.
17 Walton from -- and she had gotten them from Ms. Merrick. I
18 interviewed Ms. Dawn Sumner and Ms. Sonia Merrick, and also
19 Mr. Shaw on two occasions. I chose the two teachers
20 because they were the student council sponsors, and I had
21 been informed by Mr. Warfield and Ms. Williams -- I
22 remember that it was one of those two. I don't remember,
23 specifically, which one, but it was -- I learned of those
24 when I went to the school, that those were the two
25 sponsors, previous sponsor and current sponsor, of the

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1 student council.

2 Q You referred in your testimony a second ago to
3 contacting or reviewing information from the Bluffton
4 Police Department; is that correct?

5 A Yes.

6 Q And can you tell the Board why law enforcement
7 was involved in this matter?

8 A When we -- and I say "we," when -- during the
9 interview with Mr. Shaw on November 28th, we had discovered
10 a bank statement from a bank account that listed HE
11 McCracken Middle School. There are only one -- there's one
12 account that's allowed by the schools to have, and that
13 would be an imprest account. The rest of the bank accounts
14 are always at the district level. So there's -- it
15 appeared that it was an unauthorized bank account, because
16 it had the name McCracken and it was not the imprest
17 account.

18 So, when we interviewed Mr. Shaw, we asked him if
19 he was familiar with this account, and he said no. And we
20 asked him to -- if he could find out the information on
21 this account, and if he didn't find out the information on
22 the account, we were going to have to go to the police,
23 because we were -- we were not authorized by the bank to
24 obtain any information on the account. The concern was
25 that there -- again, by all visible means, this was

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1 unauthorized by the district, and we needed to make sure
2 that it was not being used in any type of harmful way to
3 the school or the district.

4 We did not receive a response within 24 hours by
5 Mr. Shaw, which was our request. Therefore, we reported it
6 to the police, because the bank said the only way they
7 would release the information is if they got a subpoena
8 from the bank -- from the police, which is what, exactly,
9 we did. We had a police report filed.

10 Q And are you aware if there was a written police
11 report or --

12 A Yes, sir.

13 Q -- police reports?

14 A Yes.

15 Q Would you please turn to Exhibit Number 43 and
16 identify those documents for the Board?

17 A This is a copy of the police report that was
18 filed by Mr. Barrow.

19 Q All right. Returning to Exhibit Number 42, which
20 is your review, would you please tell the Board what your
21 findings were as a result of your financial review at
22 McCracken?

23 A We had multiple policy violations, and on page
24 two, I have a list of the -- of the policy violations. The
25 first violation was relating to cash receipts. Cash

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1 receipts were -- or cash was being accepted but not
2 receipted through our -- through the bookkeeper, nor
3 through any type of -- a receipt wasn't even being
4 produced. And that was in violation of section 1.B.3,
5 which is page 12 of the school district's policy and
6 procedures manual, which says that middle school and high
7 school teachers are not permitted to collect monies from
8 students.

9 The second violation was, reimbursement for
10 expenses were made from undeposited cash receipts. That's
11 in violation of section 1.B.6, page 15, and section 1.C,
12 page 20. Under no circumstances should purchases be made
13 from un-eposited cash receipts.

14 The third violation of the policy was, cash in
15 excess of \$600 was kept in the school overnight. There are
16 several references in our policy. It's a violation of
17 section 1.B.6, page 16, section 1.B.8, page 19, that under
18 no circumstances should funds over \$25.00 be kept
19 overnight.

20 Violation number four, internal controls relating
21 to cash receipts were violated. Again, this references the
22 fact that no receipts were being provided, and that
23 violates section 1.B.8, page 19.

24 Disbursements were made outside of the
25 concentration account and imprest accounts. That was

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1 violation number five in section 1.C, page 20.

2 On page three, it continues with violation number
3 six. Payments for goods and services were made in cash.
4 That violated section 1.B.6, page 15, and section 1.C.2,
5 page 20.

6 Violation number seven, documentation and
7 authorization for reimbursements were nonexistent, and it's
8 section 1.C.4, page 22. The principal was not -- there was
9 no evidence that there was authorization by the principal
10 for reimbursement.

11 Violation number eight was use of an unauthorized
12 checking account for student activity purposes. Section
13 1.E, page 31. This relates directly to the bank --
14 unauthorized bank account. These were student activity
15 funds that should not be put into an account outside of the
16 school district. All of those amounts, the dollars
17 collected from the students, should have gone through the
18 district bookkeeper, the bookkeeper at the school, and the
19 district office for deposit.

20 Violation number nine, fund-raising by a school
21 club was not recorded in compliance with the -- with the
22 manual. That was section 2.C.1. All school-wide fund-
23 raising must -- should be recorded in the proper accounts.
24 Student council funds are part of student activities.

25 The last violation, violation ten, gifts to

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1 teachers were provided using student activity funds. That
2 is in violation of section 2.E.3, page 60, that you cannot
3 be using student activity money to purchase or to provide
4 gifts to students, and there was evidence in the receipts
5 that gift cards were being purchased.

6 Q Okay. Did you take any actions at the district
7 level as a result of your review at McCracken?

8 A We did. The actions we have taken are at the
9 bottom of page four. During my interviews with Ms.
10 Williams, she stated that she had brought some of her
11 concerns to the attention of my staff members. I had no
12 direct information that that had occurred, but I wanted to
13 make sure that we addressed the issues that she had
14 brought up.

15 And so, with that in mind, I spoke to the
16 financial services officer, who supervises -- has direct
17 supervision over the finance department, and informed her
18 that any reports by bookkeepers or any other members of the
19 district, including community members at a school,
20 regarding a non-compliant activity should be considered a
21 red flag and be investigated immediately. With that, she
22 also notified her staff, held a meeting, and gave them the
23 same information, that this should be treated as a red flag
24 and investigated. And then there was specific counseling
25 provided to -- we have an employee with direct supervision

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1 of the student activities who handles the bank accounts for
2 that.

3 Since there -- it was very obvious that there
4 were not -- the policies and procedures were not being
5 followed at McCracken Middle, Ms. Walton and I went out on
6 the 29th and spoke to Mr. Warfield, who at that point was
7 then the acting principal, the interim principal, and
8 explained to him that he would be held accountable to make
9 sure that the policies and procedures would be followed at
10 the school. And we -- we addressed three specific things,
11 and that was, one, that all monies need to be routed
12 through the bookkeeper; that all fund-raising needs to be
13 approved in advance; and that under no circumstances should
14 be cash -- should cash be used to make purchases. Mr.
15 Warfield understood that he was responsible, and he sent
16 out an email to his staff, immediately, with those items
17 identified, and he also explained it at staff meetings.

18 Q And who did you ultimately conclude was
19 responsible for the financial policy violations at
20 McCracken?

21 A The principal, Mr. Shaw.

22 Q And why? Why did you reach that conclusion?

23 A Part of good internal controls is to have one
24 person responsible, and the one person responsible needs to
25 have the authority to make sure that policies and procedures

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1 are being followed, the person responsible for that
2 building. Any principal of any building is responsible for
3 the activities that occur at the school, and so Mr. Shaw
4 was responsible to make sure, for good internal controls,
5 that policies and procedures were being followed, and he --
6 it was evident that that had not occurred.

7 Q After your review, did you make any
8 recommendations to Dr. Rosswurm regarding Mr. Shaw's
9 employment?

10 A Yes. Ms. Walton -- Ms. Walton and I recommended
11 his termination.

12 Q And why was that your recommendation?

13 A For misconduct; specifically, violation of
14 policies.

15 MR. WILLIAMS: That's all the questions I
16 have for you at this time.

17 CHAIRMAN EVANS: I think we're going to call
18 a halt right now and do cross on Monday, and I would
19 remind Board members, please do not discuss with one
20 another any of the testimony we have received today,
21 or please do not discuss this with any third parties.
22 Without anything else, I think we're adjourned for the
23 day.

24 (WHEREUPON, this hearing was adjourned on
25 Friday, November 1, 2013, at approximately 4:50 p.m.,

1 and reconvened on Monday, November 4, 2013, in the
2 same location, commencing at approximately 8:34 a.m.)

3 CHAIRMAN EVANS: Just a reminder, a couple
4 of opening comments. We are continuing the hearing of
5 Jeffrey C. Moss, Petitioner, versus Phillip C. Shaw,
6 Respondent. As Board chair and presiding officer for
7 this hearing, it is my duty, subject to any
8 determination by the Board majority, to take whatever
9 action is necessary to ensure an equitable, orderly,
10 and expeditious hearing. This hearing will be
11 conducted as informally as possible.

12 Rules of evidence appropriate for an
13 administrative proceeding will be followed. If either
14 party wishes to object to the admissibility of any
15 evidence, she/he should do so at the appropriate time,
16 stating the reason for the objection. I will make all
17 rulings on any objections that are made during this
18 hearing in consultation with Mr. Duff, if needed, and
19 again subject to a vote by the majority of the Board
20 of Trustees. Only evidence relevant to the issue will
21 be heard by the Board. The Board also reserves the
22 right to limit or exclude testimony from witnesses
23 that is redundant or cumulative in nature to the
24 testimony received from other witnesses.

25 Counsel for the administration will present

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1 -- before the hearing is closed, each party will be
2 allowed to present a brief summary statement, after
3 which time the Board will excuse itself to deliberate
4 in executive session. Following the deliberation, the
5 Board will return to open session to make -- to take
6 action on the matter.

7 Are there any questions or other matters to
8 come before the board before we return to the hearing?

9 MR. WILLIAMS: None from the administration.

10 MR. BUSH: None, sir.

11 CHAIRMAN EVANS: Okay. Thank you. I think
12 we're at the point to begin the cross-examination of
13 Ms. White.

14 CROSS-EXAMINATION

15 BY MR. BUSH:

16 Q Good morning, ma'am.

17 A Good morning.

18 Q Picking up from where you left off Friday, I
19 believe you said, in this case, you were instructed to do
20 an internal review; is that correct?

21 A Correct.

22 Q And your review -- and your review was based on
23 policies and procedures; correct?

24 A Correct.

25 Q That were outlined in what you referred to as the

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1 student activity policies and procedures manual?

2 MS. BUSH: Would you speak in the mic,
3 please?

4 BY MR. BUSH:

5 Q Those policies and procedures came from something
6 you identified as the student activities polices and
7 procedures manual; correct?

8 A That's correct.

9 Q And in that manual, it indicates -- well, I
10 believe, you testified that all school bookkeepers are
11 trained annually on the policies and procedures; correct?

12 A That's correct.

13 Q And the principals are only provided information
14 on the financial policies and procedures; correct?

15 A No, sir, that's -- that's not what I had said.
16 They receive training in the summer at the senior -- at the
17 leadership retreat, and I can recall one in particular at
18 Pritchardville Elementary, where they're provided a
19 notebook that contains the policies, and we go through and
20 highlight some of the policies. And they're also brought
21 up during the regular leadership meetings throughout the
22 year.

23 Q Okay. And it is important for student activities
24 money -- in this case, for the purposes of this case,
25 student activity monies must be accounted for separately

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1 from district operating funds; correct?

2 A Correct.

3 Q And so the financial procedures in question in
4 this case were directly related to what were identified as
5 the student council club; correct?

6 A Correct.

7 Q And the problem -- I think one of the problems
8 you identified was that student council club was supposed
9 to have deposited all of their money through the school
10 bookkeeper; isn't that correct?

11 A That's correct.

12 Q And as it pertains to the disbursement, they
13 should've been handled through the district-managed
14 account; is that correct?

15 A The -- all the deposits and checks should run
16 through the district-managed account.

17 Q Okay.

18 A Through the bookkeeper.

19 Q So that's correct?

20 A Correct.

21 Q Now, during -- when you went out to do your
22 internal review, you relied on some information; correct?

23 A I gathered information. I don't -- I'm not sure
24 what your question is.

25 Q You relied --

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1 A When you say --

2 Q You relied on information to make a decision;
3 correct?

4 A On a variety of evidence I relied on to make a
5 decision.

6 Q Okay. Well, let's just look at the information
7 you provided in the letter; okay?

8 A Okay.

9 Q You reviewed the contents of a lockbox; correct?

10 A Copies of the contents, yes, sir.

11 CHAIRMAN EVANS: Mr. Bush, what item are you
12 on, sir?

13 MR. BUSH: I'm not on anything yet, sir.

14 CHAIRMAN EVANS: I thought you were
15 reviewing a letter that she --

16 MR. BUSH: I'm not reviewing that yet, sir.

17 CHAIRMAN EVANS: -- put out in this. Okay.

18 MR. BUSH: I'm asking --

19 CHAIRMAN EVANS: I'm sorry, then.

20 MR. BUSH: Thank you.

21 BY MR. BUSH:

22 Q Now, I'm sorry. You said you relied on contents
23 of the lockbox?

24 A I reviewed the contents -- copies of the contents
25 of the lockbox. I wanted to make sure that you didn't

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1 think I had the originals.

2 Q Okay. You reviewed and investigated reports from
3 Mr. Chris Barrow?

4 A Correct.

5 Q You analyzed the student activity accounts and
6 financial software?

7 A Correct.

8 Q And what's the name of that financial software?

9 A Munis.

10 Q Munis?

11 A Munis.

12 Q Okay. And the information that was placed in
13 Munis was done by the bookkeeper?

14 A Transactions are recorded through -- receipts go
15 through the bookkeeper, and they're automatically reported.
16 And at the district level, when the receipts are put in,
17 manually entered, then we here at the district office go on
18 line to the bank to make sure that they coincide.

19 Q I'm sorry. The information is placed in Munis by
20 the bookkeeper?

21 A Yes.

22 Q Okay. And in this case, the bookkeeper was a
23 lady by the name of Barbara Williams?

24 A Correct.

25 Q Correct?

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1 A Correct.

2 Q Now, you made a site visit to HE McCracken Middle
3 School as a result of this case; correct?

4 A I did.

5 Q And you interviewed the bookkeeper?

6 A Yes.

7 Q Who was Barbara Williams at the time; correct?

8 A Correct.

9 Q And you reviewed information from bank statement
10 in this case?

11 A Yes.

12 Q Okay. And you reviewed information provided by
13 Bluffton Police Department?

14 A Yes.

15 Q Okay. You reviewed the student council financial
16 reports?

17 A Yes.

18 Q And you interviewed a teacher by the name of Dawn
19 Summer (sic)?

20 A Correct.

21 Q You interviewed another teacher by the name of
22 Sonia Merrick?

23 A Correct.

24 Q And you interviewed Mr. Phillip Shaw?

25 A Correct. On two occasions.

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1 Q Now, at this point, since the first thing you
2 reviewed was the contents of this lockbox, and there's been
3 much ado about that lockbox in this case, let's talk about
4 the contents of the lockbox, the things that were in there;
5 okay?

6 A (No response.)

7 Q Now, you at some point inquired about the
8 lockbox; correct?

9 A Our first meeting with -- or my first meeting
10 with Mr. Shaw, which was on November 20th.

11 Q And he told you that the lockbox belonged to a
12 lady by the name of Denise Gibbo; correct?

13 A Correct.

14 Q And he made it clear that it was not his lockbox;
15 correct?

16 A Correct.

17 Q And every time you met with Mr. Shaw, he told you
18 the lockbox did not belong to him; correct?

19 A Correct.

20 Q I believe your review indicated that there was
21 about \$600 in that lockbox?

22 A Yes, sir.

23 Q You don't know who the lock -- who the \$600
24 belonged to; correct?

25 A That's correct.

1 Q And you never found out who the \$600 belongs to;
2 correct?

3 A That's correct.

4 Q So the \$600 could have belonged to Denise Gibbo;
5 correct?

6 A It could belong to anyone.

7 Q Now, Mr. Shaw wasn't charged with any crime that
8 involved fraudulent activities in this case; correct?

9 A That's correct.

10 Q In fact, the Bluffton Police Department, in their
11 supplemental incident report, they told you that; right?
12 It didn't involve any criminal activity; right?

13 A As it related to that bank account, that is
14 correct.

15 Q Okay. Let's look under -- in my -- in the white
16 book, tab 47 -- I'm sorry, tab 17. I apologize. Once you
17 get to tab 17, if you'd flip over four pages. Excuse me.
18 At the top of the page, it should say "Incident Report
19 Supplemental." Do you see that?

20 A Yes.

21 Q Would you start reading at the second paragraph?
22 Flip back to the page you were on.

23 A Am I --

24 Q Yes, ma'am.

25 A -- on page one of the supplemental?

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1 Q Page two.

2 A Okay.

3 Q Start reading at the second paragraph, where it
4 says "Based."

5 A "Based upon the documentation provided to me by
6 Denise Gibbo, statement made by Gibbo, and statements made
7 by Williams, Sumner and Merrick, I concluded that this was
8 an account that was set up for student council at the HE
9 McCracken Middle School. There was no fraudulent activity
10 found involving Denise Gibbo or any other employee with the
11 Beaufort County School District. I request this case be
12 closed as there was no criminal activity that occurred."

13 Q And that's dated December the 12th, 2012;
14 correct?

15 A I don't see a date. I'm sorry.

16 Q Okay. I apologize.

17 A The date on this report is December 4th.

18 Q Okay. I apologize. It's dated December 4th,
19 2012?

20 A Yes, sir.

21 Q Okay. Now, you stated earlier that you also
22 relied on a report from Chris Barrow; correct?

23 A I reviewed the report.

24 Q Okay. Could you flip back two pages under tab
25 17? All right. If you start from the first page, flip

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1 over two pages; one, two. The third page will be the
2 Bluffton Police Department incident report. Do you see
3 that?

4 A I do.

5 Q And do you see the second paragraph?

6 A The one that starts with "Barrow?"

7 Q Yes. Could you read that?

8 A "Barrow stated that he was currently
9 investigating an reports (sic) of policy violations with
10 the principal from HE McCracken Middle School, Principal
11 Shaw, and his secretary, Denise Gibbo. Barrow stated that,
12 while he was going through Shaw's office, he did not notice
13 anything to appear suspicious in nature. Barrow stated
14 that on November 27th, 2012, Annette Ballard provided the
15 school district with a bank statement from SCBT. Ballard
16 informed the school district that Denise Gibbo had left the
17 bank statement on her desk. Barrow stated that the bank
18 account on the statement was in the name of HE McCracken
19 Middle School. However, the address on the account was not
20 the same address of the school. Barrow stated that he
21 believes the address may be an employee of the school."

22 Q And at the bottom of that page, the date -- it's
23 dated November the 30th, 2012; correct?

24 A Correct.

25 Q And you analyzed the student activity account;

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1 correct?

2 A Correct.

3 Q And that was -- that was from staff members who
4 managed that account, the student activity accounts? Who
5 managed it?

6 A For HE McCracken --

7 Q Yes.

8 A -- it would be the bookkeeper.

9 Q So that would've been the lady by the name of
10 Barbara Williams?

11 A Correct.

12 Q Okay. And so it was her responsibility to manage
13 the student activity accounts; correct?

14 A Her job responsibilities were to receipt and
15 disburse funds from the account and to review the accounts
16 with the principal.

17 Q Okay. So she was managing it?

18 A Yes, sir.

19 Q Okay. You interviewed a man by the name of Joe
20 Warfield?

21 A Yes, sir.

22 Q Correct?

23 A Correct.

24 Q And Joe Warfield was the assistant principal at
25 HE McCracken at the time; correct?

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1 A Correct.

2 Q And Joe told you that he had -- or he was, at
3 some point in time, reimbursed with cash?

4 A No. No, sir, he was provided cash to take to buy
5 gift cards for teachers.

6 Q Okay. And Joe Warfield told you who provided the
7 cash to him; correct?

8 A He did.

9 Q And the name of that person that provided the
10 cash was who?

11 A Denise Gibbo.

12 Q Okay. It wasn't Mr. Shaw; correct?

13 A That's correct.

14 Q And he said Denise Gibbo was the only person that
15 -- that gave him cash; correct?

16 A I don't know if it was the only person. That was
17 the -- that specific incident he told me about was Denise
18 Gibbo.

19 Q So the incident that he told you -- he only told
20 you about one incident; correct?

21 A That's correct.

22 Q Okay. And you reviewed some bank statements;
23 correct?

24 A I did.

25 Q You also reviewed the account information from

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1 the South Carolina Bank and Trust; correct?

2 A I did. Not all of it, but what was provided.

3 Q Well, based on the information that was provided
4 to you, you found out that that account had ben open since
5 1999; isn't that correct?

6 A I found out it had been open from 1999 through
7 the police report.

8 Q You found out it was open since 1999; correct?

9 A Yes, that's correct.

10 Q Okay. And that investigation also revealed that
11 that account had been assigned to the PTO; isn't that
12 correct?

13 A State that again, please? The question?

14 Q You found out that the account belonged to the
15 PTO; correct?

16 A I was told that it belonged to the PTO.

17 Q Well, you found out?

18 A Found out.

19 Q Because you didn't know before you went out there
20 to do your investigation who the account belonged to;
21 correct?

22 A That is correct.

23 Q Okay.

24 A But it didn't -- was not identified on the
25 account that it was a PTO account.

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1 Q I understand. Now, I believe, when you went out
2 there, you didn't believe it belonged to PTO; correct?

3 A That is because they did not have an active PTO.

4 Q Okay. You can -- you can respond to the question
5 first, and then you can explain next.

6 A I did, I thought. I'm sorry.

7 Q My question was a little bit simpler. It was
8 just that you didn't believe it belonged to the PTO.

9 A That's correct. I did not.

10 Q Okay. And that's why, when you wrote your letter
11 -- I believe that's under tab 42 in the black book --

12 A All right.

13 Q Turn to page three. That's why you kept
14 referring to it as the "so-called" PTO account; correct?

15 A Correct.

16 Q Okay. But you now know it belonged to the PTO;
17 correct?

18 A The only way I know it belongs to the PTO is
19 because people told me it did. It is not identified in any
20 fashion as a PTO account.

21 Q Let me ask that question again. You now know it
22 belongs to the PTO?

23 A I --

24 Q Correct?

25 A -- assume it does.

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1 Q Okay. And you -- well, you could've assumed that
2 -- you could have assumed that since December.

3 A I'm not sure I understand.

4 Q You could have assumed that since December of
5 2012, when you received the police report; correct?

6 A I still do not have proof that it is a PTO
7 account.

8 Q Okay. Well, let's say this. Mr. Shaw -- Denise
9 Gibbo identified it as a PTO account to you; correct?

10 A I did not speak to Ms. Gibbo.

11 Q Okay. Mr. Shaw identified that as a PTO account
12 to you?

13 A He did not. He said he did not recognize that
14 account.

15 Q Okay.

16 A And he did tell me that there was not an active
17 PTO at the school.

18 Q Okay. We'll get there. Now, you reviewed the
19 student council financial reports?

20 A I did.

21 Q All right. And you made a determination that --
22 or you concluded, I should say, that violations had
23 occurred; correct?

24 A Correct.

25 Q And we're just talking about financial

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1 violations; correct?

2 A Policies and procedures violations.

3 Q Yes. Okay. Based on financing; right?

4 A Cor -- yes.

5 Q Okay. Now, I want to just narrow these questions
6 in; okay? I don't want you to tell me why they did it. I
7 want you to tell me who did it; okay? And we're going to
8 go through your report; okay?

9 A (Witness nods head; no verbal response.)

10 Q All right.

11 A Yes.

12 Q So, according to your internal review, there was
13 a violation committed by a teacher by the name of Dawn
14 Summers (sic)?

15 A I'm sorry. I don't see where you -- there's a
16 violation --

17 Q Yes.

18 A -- by a teacher?

19 Q Well, you said you found violations in your
20 report here.

21 A I did.

22 Q Correct?

23 A Correct.

24 Q All right. So that means somebody violated the
25 policies and procedures; correct? That's what you found:

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1 violations?

2 A Correct.

3 Q Okay. Now what I'm asking you, you found that a
4 teacher by the name of Dawn Summers (sic) had violated the
5 policies and procedures; correct?

6 A She was not depositing through the bookkeeper,
7 so, yes, that's a violation.

8 Q That's a yes?

9 A Yes.

10 Q Okay. Then you found that a lady by the name of
11 Sonia Merrick violated the policies and procedures;
12 correct?

13 A Correct.

14 Q Okay. And then you found that an assistant
15 principal by the name of Joe Warfield violated the policies
16 and procedures; correct?

17 A Correct.

18 Q And, in fact, Sonia Merrick admitted to you on
19 several occasions that she violated policies and
20 procedures; correct?

21 A She admitted that she did not deposit the funds
22 with the bookkeeper. I cannot say that she admitted she'd
23 violated policies and procedures.

24 Q Okay. Well, her acts are not -- her act is a
25 violation of the policies and procedures?

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1 A That --

2 Q Correct?

3 A -- is correct.

4 Q Okay.

5 A She did not state she did.

6 Q Oh, no. She told you what she did, and you
7 concluded --

8 A That is --

9 Q -- that Sonia Merrick's acts were violations of
10 policies and procedures; correct?

11 A That is correct.

12 Q All right. And based on what Dawn Summers (sic)
13 told you she was doing, you concluded that she had violated
14 the policies and procedures at --

15 A That --

16 Q -- McCracken?

17 A -- is correct.

18 Q Okay. And then, based on what the assistant
19 principal, Joe Warfield, told you, you concluded that he
20 violated policies and procedures; correct?

21 A That is correct.

22 Q And then, at some time, you visited -- or you
23 interviewed Mr. Phillip Shaw; correct?

24 A Correct.

25 Q Now, you interviewed him while he was on

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1 administrative leave; correct?

2 A Correct.

3 Q During that time when he was on administrative --
4 administrative leave, he wasn't allowed to go back to the
5 school; correct?

6 A That's right. He's not -- when he's on leave,
7 he's not allowed to go back to the school.

8 Q And he didn't have his school computer with him;
9 correct?

10 A I don't know that.

11 Q You don't know that?

12 A I don't.

13 Q Okay. Now, when you interviewed Mr. Shaw, he
14 answered your questions, didn't he?

15 A No, sir, not all of the questions.

16 Q Let's see. I think one of your most important
17 questions that you asked him was, who did the lockbox
18 belong to; correct?

19 A He answered that, yes.

20 Q Because he told you that that belonged to Denise
21 Gibbo; correct?

22 A He did.

23 Q Okay. You asked him did he have a key; correct?

24 A I did.

25 Q And he told you he should, or probably; correct?

1 A That's correct.

2 Q You asked did he have an active PTO; correct?

3 A I did.

4 Q He said it's not active? He said no?

5 A He said he didn't have an active PTO.

6 Q He said no? His response to you was no; correct?

7 A That's correct.

8 Q He didn't say, "We don't have a functioning PTO"?

9 He said, "We don't have an active PTO"; correct? Because
10 that was your question to him, wasn't it?

11 A He did not -- yes, we can -- we can disagree on
12 terms, functioning or active. There were not any officers,
13 so the PTO could not function.

14 Q But your question to him was, "Do you have an
15 active PTO?" Correct?

16 A I -- yes. I don't remember the question, what
17 word I used, but he did -- we talked about it, and he said
18 that he didn't have any officers, and so --

19 Q Well, look at what you --

20 A -- it was not active.

21 Q Ms., we have your deposition. I'm going to hand
22 you a copy of your -- of your deposition, and I want you to
23 turn to page 82.

24 A Okay. (Transcript tendered to Witness.) Page
25 eighty --

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1 Q Eighty-two, ma'am. You remember giving a
2 deposition in this case; correct?

3 A I do.

4 Q Okay. Now, if you turn to page 82, line 13,
5 could you read that?

6 A "...there's a -- do you have an active PTO? He
7 said no."

8 Q Okay. And then, if you flip back to page 81,
9 would you go down to line 20? Could you read that?

10 A "...this was a PTO bank account? Did you have an
11 active PTO?"

12 Q Okay. So the question you asked was,
13 specifically, "Do you have an active PTO?" Correct?
14 That's your question, based on what you read?

15 A It is.

16 Q Correct?

17 A (Witness nods head; no verbal response.)

18 Q Okay.

19 A But there was more to the conversation than what
20 is transcribed here. I would -- I was asked, "What
21 questions did you ask Mr. Shaw?" in general, and those
22 were it. I didn't mention all of the conversation that
23 surrounded that.

24 Q You mean you were under oath, and we were talking
25 about this case, and there was stuff that you didn't

1 mention in your deposition about this case? That's what
2 you're saying today?

3 A No, sir.

4 Q Okay.

5 A That's not what I'm saying. I'm saying --

6 Q Well --

7 A -- I was asked --

8 MR. WILLIAMS: She -- she has the right to
9 explain her answers and finish her -- her response.

10 MR. BUSH: Yeah, I'm not -- I'm --

11 MR. WILLIAMS: Okay. I thought you were
12 about to ask another question.

13 MR. BUSH: No, sir.

14 WITNESS: I was asked what type of questions
15 -- I mean, we can go through here and read the
16 deposition, but from what I recall, I was asked what
17 were the questions --

18 BY MR. BUSH:

19 Q Ma'am, could you tell me, since you --

20 MR. WILLIAMS: Again --

21 MR. BUSH: No, I want to make sure.

22 MR. WILLIAMS: -- she hasn't finished her
23 answer.

24 MR. BUSH: She's reading it from the
25 deposition.

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1 WITNESS: Page 81.

2 BY MR. BUSH:

3 Q Okay. Read the question from 81 that you were
4 asked, and I think it's on line 8.

5 A (Peruses page.) No -- well, that's not what I'm
6 looking for. I'm looking for when I was asked what
7 occurred at the meeting with Mr. Shaw, and I was asked what
8 -- what kind of questions we asked Mr. Shaw.

9 Q You're talking about at your deposition, ma'am?

10 A Yes, sir.

11 Q Okay. It's in front of you.

12 A I don't see it. The line that you're pointing to
13 is not a question.

14 Q Well, read my --

15 A It's an answer.

16 Q Read line 81 (sic).

17 A Line 8?

18 Q I mean, read line 6 on page 81. I apologize.

19 A "Tell me about the meeting with Mr. Shaw on..."

20 Q Okay.

21 A And so I told her -- I didn't say every word.

22 Q Now, you stated earlier that you were asked "in
23 general." Did she use the word "in general" during that
24 deposition when she asked that question?

25 A No.

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Cross by Bush

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1 Q Okay.

2 A She asked -- no.

3 Q Thank you. Thank you.

4 CHAIRMAN EVANS: We have a witness that's
5 walked in. I believe he needs to be sequestered. Ms.
6 Cushingberry, could you show him to the room? Thank
7 you. It's being done. Never mind.

8 BY MR. BUSH:

9 Q Now, during your meeting with Mr. Shaw, you asked
10 him, "Did you tell any of the teachers to take cash to Ms.
11 Gibbo?" Correct?

12 A That's correct.

13 Q And he told you no; isn't that correct?

14 A That's correct.

15 Q And based on his answers, you still felt he was
16 not forthcoming; correct?

17 A I don't believe that he answered the questions to
18 our satisfaction. If you were at the school -- this is my
19 opinion -- you would have known the answers to the
20 questions we asked him.

21 Q Okay. So that meant you did not feel he was
22 forthcoming; correct?

23 A That's correct.

24 Q Okay. And that was based on his answers, the
25 answers that he gave you, you felt he wasn't forthcoming;

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1 correct?

2 A Correct.

3 Q Let's see. He said he didn't have an active PTO.
4 He said he probably had a key to the safe, the safe didn't
5 belong to him, and he didn't tell anyone to take cash to
6 Ms. Gibbo?

7 A That's right.

8 Q Okay. Now, in your report, you found 10 policy
9 violations.

10 A Yes, I did.

11 Q Let's start with the first one. I want you to
12 read for the members of the Board what the first violation
13 was.

14 A Violation one, cash receipts were being accepted
15 and not receipted through the bookkeeper. Section 1.B.3,
16 page 12, middle and high school teachers are not permitted
17 to collect monies from the students. All middle and high
18 school students must be -- high school students must be
19 receipted by the school bookkeeper.

20 Q Okay. Middle and high school teachers are not
21 permitted to collect money from students; correct?

22 A That's correct.

23 Q And when you went out to HE McCracken Middle
24 School, you found teachers who had been collecting money
25 from students; correct?

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1 A Correct.

2 Q Okay. Now, that would have been a lady by the
3 name of Sonia Merrick; correct?

4 A Yes.

5 Q Dawn Sumner?

6 MR. WILLIAMS: I'm going to object. I
7 believe he's already asked -- the line of questioning
8 has already been answered.

9 CHAIRMAN EVANS: I would agree.

10 MR. WILLIAMS: At least on that --

11 CHAIRMAN EVANS: I believe this is
12 redundant.

13 MR. WILLIAMS: -- on that line of
14 questioning.

15 CHAIRMAN EVANS: We covered it just a few
16 minutes ago, that, yes, those people had collected
17 funds from students.

18 MR. BUSH: Sir, what I'm asking at this
19 point in time is -- she's already identified the
20 violators. Now we're going through each violation.
21 She's going to allege that he did these specific
22 things, and it's in evidence. We have to find out how
23 he's addressed -- how he's attached to them. To say
24 she's answered about it, she's said they violated it.
25 Now we're getting into, "You've identified violations.

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1 Now let's talk about them so the Board understands how
2 you are saying he did it." That's the point we're at.
3 I haven't asked those questions, and they haven't been
4 answered.

5 CHAIRMAN EVANS: Then proceed.

6 MR. BUSH: Thank you, sir.

7 CHAIRMAN EVANS: We'll -- we'll listen.

8 MR. BUSH: Thank you.

9 BY MR. BUSH:

10 Q Now, as it pertains to this first violation,
11 again, is there any other individual who took cash,
12 actually took cash from students, other than Sonia and
13 Dawn?

14 A I don't know.

15 Q Okay. But those are the two that you found and
16 identified as a violation; correct?

17 A Yes.

18 Q Okay.

19 A I focused on student council.

20 Q Okay. Now, the information you relied on
21 basically came from those two teachers; correct?

22 A I have firsthand, other information. I don't
23 want -- the way you're phrasing that makes it sound like I
24 only used that information to make my decision, and that is
25 inaccurate.

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Cross by Bush

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1 Q No, ma'am. I just asked did you rely on their
2 information. That's the question.

3 A I used their information to form a -- my
4 findings.

5 Q Okay. Thank you. The second violation, could
6 you read that to the Board?

7 A Reimbursements for expenses were made from
8 undeposited cash receipts. Section 1.B.6, page 15, and
9 section 1.C, page 20; under no circumstances should
10 purchases be made or invoices paid from undeposited cash
11 receipts.

12 Q And the folks that you identified as the
13 violators there was, again, Sonia Merrick and Dawn Sumner;
14 correct?

15 A Correct.

16 Q Okay. And basically, I guess -- let me back up
17 to one. There was no evidence that Phillip Shaw accepted
18 money from students; correct?

19 A I don't know that. I did not see it.

20 Q You didn't find that; correct?

21 A That's correct.

22 Q Okay. Now let's go to two. There was no
23 evidence that Mr. Shaw did the violation you identified in
24 two; correct?

25 A I wouldn't know that. All I saw were receipts

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1 that purchases were made with cash.

2 Q Okay. Let's --

3 A Mr. Shaw could have done those.

4 Q You had no -- you have no proof that Mr. Shaw did
5 it; correct?

6 A I have no proof.

7 Q Okay. Let's go to your third violation. Could
8 you read that to the Board?

9 A Cash in excess of \$600 was kept in the school
10 overnight. Section 1.B.6, page 16, and section 1.B.8, page
11 19; under no circumstances shall funds totaling over \$25.00
12 be left in the school overnight.

13 Q You mean school funds; correct?

14 A Correct.

15 Q Personal money could be left there any time;
16 correct?

17 A I -- yes.

18 Q Okay. Now, you stated earlier Mr. Shaw told you
19 that wasn't his money; correct?

20 A He said it was not his lockbox.

21 Q Okay. And you have no evidence or you found no
22 evidence that money belonged to Mr. Shaw; correct?

23 A That's correct.

24 Q Well, isn't it true that, that \$600, you don't
25 even know if it's school funds; correct?

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1 A If it's at the school, you assume it's school
2 funds.

3 Q You made an assumption that it's school funds,
4 but you have no evidence that it's school funds; correct?

5 A No.

6 Q No, you have no evidence?

7 A We have no evidence that --

8 Q Okay.

9 A -- it's school funds.

10 Q Thank you. Let's look at the next violation you
11 identified.

12 A Internal controls relating to cash receipts were
13 violated. Section 1.B.8, page 19.

14 Q Okay. And the folks you've identified as the
15 violators were a lady by the name of Sonia Merrick;
16 correct?

17 A Yes.

18 Q Dawn Sumner; correct?

19 A Yes.

20 Q And I think you said, in this report, a lady by
21 the name of Denise Gibbo; correct?

22 A Yes. And Mr. Shaw fits into this category
23 because he is in charge of the internal controls --

24 Q Okay.

25 A -- at his school.

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1 Q I'm not -- I'm --

2 A You're asking who violated --

3 Q No, no.

4 A -- internal controls. Mr. Shaw --

5 MR. WILLIAMS: Again, I'm going to object.

6 MR. BUSH: Okay.

7 MR. WILLIAMS: You've asked the question.

8 MR. BUSH: I apologize.

9 MR. WILLIAMS: She is allowed to respond to
10 the question and give an explanation, and she is doing
11 that.

12 MR. BUSH: I apologize.

13 CHAIRMAN EVANS: Agreed.

14 BY MR. BUSH:

15 Q Finish your -- finish your response.

16 A The -- as the building manager, the principal of
17 that school, he is charged with the internal controls of
18 that building, and in this case, it -- he is responsible
19 for all of this because his -- there were violations of
20 internal controls in receiving and disbursement.

21 Q Okay. I understand.

22 A And keeping cash.

23 Q Okay. I understand. We all understand the buck
24 stops at the top. He's the head man, and he's responsible
25 for that school. But I want to focus my questions, as I

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1 said before, on the actual violations you found. We know
2 he's responsible, just like we know the superintendent is
3 responsible for his acts. Let me ask you this question.
4 You didn't have any firsthand proof or knowledge that Mr.
5 Shaw received cash; correct?

6 A Yes.

7 Q Okay. And let's go to your next violation.

8 A Disbursements were made outside of the
9 concentration account and imprest account; section 1.C,
10 page 20.

11 Q And those disbursements were made by a lady named
12 Sonia Merrick; correct?

13 A I don't know.

14 Q You don't know who made the disbursements?

15 A I have receipts that were made with cash. I
16 mean, when I say "receipts," I'm talking about going to
17 Walmart, going to Starbucks, buying gift cards. There's no
18 one's names on those receipts. I can only assume -- I
19 don't have proof -- that it was Sonia Merrick and Ms.
20 Sumner.

21 Q Okay. You don't have Mr. Shaw's name on those
22 receipts; correct?

23 A That's correct.

24 Q Okay.

25 A No one's name is on them.

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1 Q Okay. In fact, you don't even know where the
2 receipts came from. They just were found in a bag;
3 correct?

4 A They were handed over to Ms. Walton from the
5 student council reps.

6 Q Who were they?

7 A Ms. Merrick handed it -- the bag over.

8 Q Okay.

9 A They were from several years.

10 Q Okay. Let's move into the next violation that
11 you identify. That would be seven.

12 A Not six?

13 Q I apologize. Six.

14 A Payments for goods and services were made in
15 cash, section 1.B.6, page 15, and section 1.C.2, page 20.

16 Q Again, the violators of that offence was a lady
17 by the name of Sonia Merrick; correct?

18 A I just -- I -- the previous question, I said I
19 don't have any proof she made the purchases. It was a span
20 of years. Anyone could have made those purchases. I can
21 assume she made the purchases.

22 Q Well --

23 A Some of them.

24 Q -- just like you could assume that no school
25 funds were spent on those receipts; correct?

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1 A I think I have evidence that they were school
2 funds. They were student funds, because they told me that
3 they collected the cash from the students and used it to
4 buy all of those things that the receipts represented.

5 Q When you say "they," you mean a lady by the name
6 of Sonia Merrick and Dawn Sumner told you they did that?

7 A They did.

8 Q Okay.

9 A They --

10 Q Okay.

11 A They did.

12 Q So that's not an assumption. They told you they
13 did that.

14 A Yes.

15 Q Okay. Let's move on.

16 A Documentation -- oh, I'm sorry.

17 Q No, go ahead. I understand. Let's move on to
18 seven.

19 A Documentation and authorization for
20 reimbursements were nonexistent, section 1.C.4, page 22.

21 Q Again, the violators for this were a lady by the
22 name of -- was a lady by the name of Sonia Merrick and Dawn
23 Sumner; correct?

24 A And Shaw would fit into this also --

25 Q Okay.

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1 A -- because he was not approving any of the
2 purchases.

3 Q Exactly. And I'd like for you to read what it
4 says as noted in item 6. Could you just read that?
5 Reimbursements?

6 A "As noted in item 6 above, reimbursements were
7 made without any authorization from the principal or any
8 supporting documentation for the expense other than the
9 receipt."

10 Q You're stating that they had no authorization
11 from Mr. Shaw to obtain them; correct?

12 A That is correct.

13 Q And you don't even have any knowledge whether or
14 not Mr. Shaw knew they were obtaining that merchandise;
15 correct? You have no personal, firsthand knowledge;
16 correct?

17 A That is correct.

18 Q Okay.

19 A But it would be evident, if you were in a school
20 environment, to see that purchases were being made that you
21 had not authorized.

22 Q Okay. Could you read the next violation you
23 identified?

24 A Use of an unauthorized checking account for
25 student activity purposes.

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1 CHAIRMAN EVANS: I don't -- I don't think we
2 need to read this whole thing. Most of this has been
3 discussed already. Would you ask her questions?

4 MR. BUSH: Sure.

5 BY MR. BUSH:

6 Q Under your eighth violation, the violators again,
7 were a lady by the name of Sonia Merrick and Dawn Sumner;
8 correct?

9 A And Ms. Gibbo.

10 Q And Ms. Gibbo.

11 A And Mr. Shaw.

12 Q Okay. Well --

13 A There could be others.

14 Q There could be? There could be?

15 A (Witness nods head; no verbal response.)

16 Q Okay. Now, let's talk about how you relate Mr.
17 Shaw to this.

18 A Mister -- Mister --

19 Q No. I was going to --

20 A Oh. Go ahead. Ask.

21 Q Yeah.

22 A I'm sorry.

23 Q That's based on a statement that the bookkeeper
24 made to you; correct?

25 A No, sir.

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1 Q Well, you're -- okay. Let's just look at the
2 last line under your eight, the last sentence, where it
3 says, "It was at this time." Could you read it out loud?

4 A Oh, I'm sorry. "It was at this time the
5 bookkeeper became aware of this account and brought it to
6 the attentions of the principal. No action was taken."

7 Q Okay. That's based on the bookkeeper saying she
8 did that; correct?

9 A Correct.

10 Q Okay. Now, the bookkeeper didn't send you any
11 memos; correct?

12 A That's correct.

13 Q She didn't send your office any emails; correct?

14 A Not that I'm aware of.

15 Q Okay. Well, this case has been going on for a
16 year, and you were deposed. You were asked did you have
17 any knowledge, and you said, no, you weren't aware of any;
18 correct?

19 A Aware of any --

20 Q Any notices from the bookkeeper --

21 A Oh.

22 Q -- to your office.

23 A That's correct.

24 Q Okay.

25 A I actually --

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Cross by Bush

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1 Q And you found that you didn't find any memos from
2 the bookkeeper to Mr. Shaw about this incident; correct?

3 A That's right.

4 Q All of that is hearsay; correct?

5 A That is --

6 Q Okay.

7 A That is correct.

8 Q Okay. Now, the ninth violation that you identify
9 in your letter deals with fund-raising by the social club;
10 is that correct?

11 A Well, student council.

12 Q By the student council. I'm sorry. Is that
13 correct?

14 A Yes.

15 Q Okay. And the student council, again, was run --
16 ran by the people that you identified as violators up until
17 this point, and it would've been Sonia Merrick and Dawn
18 Summers (sic); correct?

19 A That's correct.

20 Q Sumner. Okay. Now, at some point, you asked Mr.
21 Shaw about fund-raising by school -- school club; correct?

22 A Correct.

23 Q And he gave you a response to that; correct?

24 A He did.

25 Q And he told you that he made sure teachers filled

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1 out all the proper documents as it pertained to fund-
2 raising at HE McCracken; correct?

3 A He did say that.

4 Q Okay. And you never spoke to Denise Gibbo about
5 any of those actions; correct?

6 A I never spoke to Denise Gibbo.

7 Q Period?

8 A Period.

9 Q In this entire investigation?

10 A That is correct.

11 Q Okay.

12 A She was on sick leave. I was not able to talk to
13 her.

14 Q Sure. And that would've been inappropriate for
15 you to do that --

16 A That is true.

17 Q -- when somebody's out on sick leave; correct?

18 A That is correct.

19 Q Okay. In fact, other than the names that we've
20 called this entire morning -- and we've been talking about
21 Sonia Merrick, Denise Gibbo, Mr. Warfield, Dawn Sumner --
22 you didn't interview any other teachers in the school about
23 violations; correct?

24 A I did not.

25 Q Okay. Now, policy and -- the policies and

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1 procedures manual that you're referring to, doesn't that
2 apply to everyone?

3 A It -- it does.

4 Q It applies to everybody that works in the school
5 district; correct?

6 A It does.

7 Q Okay.

8 A It is the responsibility of the -- again, the
9 building manager and the principal to make sure that his
10 staff is aware of the policies and procedures.

11 Q Okay.

12 A We do not train his staff. He trains his staff,
13 or she trains, if it's a female principal.

14 Q Well, you weren't personally at Mr. Shaw's school
15 at the beginning of the school year; correct?

16 A Pardon me?

17 Q You weren't going out to his school at the
18 beginning of the school year to see if he was -- if he was
19 training staff; correct?

20 A No, that is part of his responsibilities as a
21 principal, when you're hiring on, is that you are in charge
22 of your staff and making sure that they're adequately
23 trained and they're well informed of policies.

24 Q So you said, no, you weren't?

25 A I was not.

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1 Q Okay. So you can't attest to what Mr. Shaw
2 actually did in his school; correct?

3 A No.

4 Q Thank you. Okay. Now, other than the testimony
5 you received from the people that you've already identified
6 who had violated these policies and procedures, you don't
7 have any other evidence to prove that Mr. Shaw directed his
8 staff to violate policies; correct?

9 A That's correct.

10 Q All right. You don't have any emails?

11 A No.

12 Q Okay. You don't have any written correspondence?

13 A Correct.

14 Q Now, isn't it true that, based on your entire
15 investigation, what you chose to do is take the staff's
16 statements, whatever they told you, at face value; correct?

17 A I used what the staff said as part of my
18 investigation. I did not rely on just that.

19 Q No, I'm just asking did you take their -- you
20 took their evidence at face value; correct?

21 A Yes, as part of --

22 Q Okay. Yet you chose not to take Mr. Shaw's
23 statement at face value; correct?

24 A I took his statements at face values.

25 Q No, you said he was less than forthcoming;

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Cross by Bush

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1 correct?

2 A I said he didn't -- you could call it
3 forthcoming.

4 Q Well, that's --

5 A He did not answer the questions to our
6 satisfaction.

7 Q No, I think you called it "forthcoming," didn't
8 you?

9 A Well, we have a debate in my deposition about
10 whether or not it's called "forthcoming."

11 Q Okay. It was you that used the word
12 "forthcoming."

13 A I --

14 Q Correct?

15 A I -- you did, and if you want to call it
16 forthcoming, I didn't believe he was forthcoming. You
17 cannot have a safe or a vault in your office and not know
18 why it's there and what's in it.

19 Q Okay.

20 A I don't think that's forthcoming.

21 Q Okay. I'm sorry. I thought, at the beginning of
22 this, you were talking about -- was your position the chief
23 operational service officer?

24 A Yes.

25 Q That's what your position was in November 2012

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1 when you went out to investigate Mr. Shaw's school?

2 A That is correct.

3 Q And that's still --

4 A That's my title.

5 Q And that's still your title?

6 A That is correct.

7 Q Okay. Just clarify something for me. That title
8 and your investigation in this case were dealing with
9 financial issues; correct?

10 A Yes.

11 Q Yet, on Friday, before you concluded your -- your
12 testimony, you recommended termination for Mr. Shaw;
13 correct?

14 A Yes.

15 Q Termination is a personnel issue; correct?

16 A Yes.

17 Q And throughout your entire deposition, you stated
18 that you deal with finance, and there's a personnel
19 department; correct?

20 A Yes.

21 Q And you have nothing to do with personnel;
22 correct?

23 A That's correct.

24 MR. BUSH: Okay. I have no further
25 questions for you at this time.

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Cross by Bush

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1 CHAIRMAN EVANS: Any redirect?

2 MR. WILLIAMS: Just briefly.

3 REDIRECT EXAMINATION

4 BY MR. WILLIAMS:

5 Q Ms. White, there was some discussion about active
6 versus functioning.

7 A Yes.

8 Q In your opinion, is there a difference between an
9 active and a functioning PTO?

10 A It's one and the same. I mean, if it's not
11 active, it's not functioning. If you don't have any
12 officers -- you can call it "active." You can call it
13 "functioning." It wasn't in a -- it wasn't in existence.
14 I don't know how other -- another way to say it. There
15 were no seated officers and no PTO meetings, so it was an
16 inactive, non-functioning PTO.

17 Q There was also some questions about who you
18 interviewed, the teachers -- the specific teachers you
19 interviewed. How did you select the teachers to interview?

20 A I selected them by speaking with Mr. Warfield and
21 Ms. Williams, and the -- the concern was really around the
22 student council. So that's why I selected those two
23 teachers, because it was evident that there was some
24 possible violations around student council funds.

25 Q All right. There were also questions about the

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1 money found in the lockbox. Did you receive any
2 information indicating that there was additional cash being
3 kept in the school --

4 A Yes.

5 Q -- other than the \$600 in the lockbox?

6 A Yes.

7 Q And what information did you receive about that?

8 A Ms. Merrick told us during the interview that she
9 would take cash in envelopes to Ms. Gibbo, and they would
10 be placed in a filing cabinet in Mr. Shaw's office.

11 Q Was that school money?

12 A Yes. It was student money.

13 Q All right.

14 A Not school, but student money.

15 Q And what was your ultimate conclusion about who's
16 responsible for managing finances in the building?

17 A The principal.

18 MR. WILLIAMS: That's all I have.

19 CHAIRMAN EVANS: Go ahead.

20 MR. BUSH: Yes, sir.

21 RECROSS-EXAMINATION

22 BY MR. BUSH:

23 Q It was Ms. Merrick that told you she took money
24 to Denise Gibbo?

25 A Yes.

Witness: P. White
Redirect by Williams
Recross by Bush

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1 Q She never told you she took money to Phillip
2 Shaw; correct?

3 A That's correct. Um-hum.

4 Q And, in fact, you never found any money in any of
5 those cabinets in the school; correct?

6 A I did not go in his office.

7 Q Oh. Wasn't Denise Gibbo on the PTO committee?

8 A I don't know that. She was -- she had the PTO
9 account at her house.

10 Q Well, you testified earlier that there were no
11 officers. Didn't you testify a minute ago that there were
12 no officers?

13 A That -- that's correct.

14 Q Okay. But Denise Gibbo had an office with the
15 PTO?

16 A I -- I don't know that.

17 MR. BUSH: Oh, okay. No further questions
18 for this witness.

19 MR. WILLIAMS: We don't have any other
20 questions. We would ask that she be excused.

21 CHAIRMAN EVANS: Do you have any need to
22 call her back?

23 MR. BUSH: We don't need to.

24 CHAIRMAN EVANS: Thank you, Ms. White.
25 You're excused. Next witness?

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Recross by Bush

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1 MS. FAWLEY: The administration would like
2 to call Superintendent Jeffrey Moss.

3 (JEFFERY C. MOSS, called as a witness,
4 having been first duly sworn, was examined and testified as
5 follows:)

6 DIRECT EXAMINATION

7 BY MS. FAWLEY:

8 Q Please state your full name for the record.

9 A Jeffrey Charles Moss.

10 Q And what position, Dr. Moss, do you hold in
11 Beaufort?

12 A I'm the superintendent of schools.

13 Q And how long have you served in this position?

14 A Since July 1st of this year.

15 Q How many total years in education have you spent
16 and in what various positions?

17 A Over 30 years in education, started as a
18 classroom teacher, then coordinator of different and
19 various programs, director, assistant superintendent,
20 associate superintendent, and this is concluding my
21 fourteenth year as a superintendent of schools.

22 Q And what educational degrees do you hold?

23 A I have a bachelor of science degree in accounting
24 from Pembroke State University, now the UNCP system; also,
25 a master's from North Carolina A&T, and a doctorate in

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1 educational leadership from South Carolina State.

2 Q Do you know Phillip Shaw?

3 A I've met Mr. Shaw.

4 Q And how have you met him?

5 A I requested that Mr. Shaw come and meet with me
6 in July, two different -- on two different occasions, to
7 discuss his employment status.

8 Q And prior to meeting with Mr. Shaw, did you
9 review any materials or documents or other things in your
10 control?

11 A I did. I reviewed his personnel file, the
12 superintendent's file, the investigation file, all
13 documents that are located in and around this building. I
14 also reviewed newspaper articles that have been written
15 since his placement on administrative leave, and then there
16 were also two emails that were sent to me prior to my
17 arrival in May, one from Mr. Shaw and one from Denise
18 Gibbo.

19 Q And did you review the contents of a lockbox or
20 portable safe that was found in Mr. Shaw's office?

21 A I did.

22 Q Would you please turn in the black notebook to
23 what has been marked as Complainant's Exhibit 44 and
24 identify this writing for the record?

25 A This is a document from the superintendent's file

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1 on Mr. Shaw.

2 Q And who wrote what was in Complainant's Exhibit
3 44, exactly what is there?

4 A This was a letter from the previous school
5 superintendent, Valerie Truesdale, to Mr. Shaw, copied to
6 Dr. Rosswurm, and it's listed as a confidential letter for
7 Phillip Shaw only. It outlines a variety of issues and
8 concerns about management and administrative issues that
9 she expected Mr. Shaw to address during that school year.
10 There were items A through J listed. She also identified
11 that the school district was there to help support him in
12 his matter to improve.

13 Q And what is the date of her letter, please?

14 A August 17th, 2012.

15 Q Dr. Moss, as part of the materials you reviewed
16 in this case, I believe you said you reviewed the
17 investigative report. Did that include Mr. Barrow's
18 report?

19 A It did.

20 Q And you also testified that you looked at the
21 lockbox. Mr. Williams, would you please assist me? Is
22 that the lockbox that you looked into?

23 A It appears to be from the outside. I'd have to
24 look inside to tell you.

25 Q And is the lockbox currently open?

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1 A No.

2 Q All right. Do you happen to have the key?

3 A I do.

4 MS. FAWLEY: Mr. Chairman, I request
5 permission to let the superintendent open the lockbox.

6 MR. BUSH: Your Honor, we're going to --
7 we're going to object to him testifying about a
8 lockbox that came from him as there has been no chain
9 of custody established in this case. He came in well
10 after the situation.

11 The relevance, we've already talked about
12 the lockbox and the contents thereof. This is just
13 bolstering, and it has nothing -- we've already heard
14 testimony about a lockbox, and we've already heard
15 about it in an abundance of testimony. So we can't
16 see how this is relevant when the testimony has
17 already established that the lock -- the lockbox
18 belonged to a lady by the name of Denise Gibbo. How
19 is that relevant to this case?

20 MR. WILLIAMS: If I --

21 CHAIRMAN EVANS: Go ahead.

22 MR. WILLIAMS: Given all the discussion
23 we've had about the lockbox and given the fact it was
24 in Mr. Shaw's office, I can't see how it's not
25 relevant to our discussion. Certainly, the

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1 superintendent is entitled to testify as to all the
2 things he reviewed and which ultimately led to his
3 recommendation that Mr. Shaw be terminated. So
4 anything that he reviewed as part of that
5 recommendation is absolutely relevant.

6 CHAIRMAN EVANS: Two things that I'd like to
7 get some background on. One is chain of custody;
8 okay? And the second deals with the fact that I don't
9 think we have ever established who owns the box. We
10 only know that it was located in the office.

11 MS. FAWLEY: We noted -- I'll answer your
12 second question first. It was located in Mr. Shaw's
13 office underneath his desk. So that is where the box
14 was and is -- or was, until it was removed. The box
15 was removed by Christopher Barrow. It was in his
16 report that Dr. Moss can testify to that he came --
17 and you heard testimony from Alice Walton and from
18 Jackie Rosswurm that Mr. Barrow came, got the lockbox,
19 brought it back to the district office, and secured
20 it. That secure location is in a locked room -- I
21 think it's called a "safe room" -- in your district
22 office and has been left there.

23 CHAIRMAN EVANS: Has there been any -- it
24 appears to us that people have looked at that. Has
25 there been a chain of custody on who has opened it, on

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1 the dates, and stuff?

2 MS. FAWLEY: Absolutely. Christopher
3 Barrow's report indicates that he opened the lockbox
4 and inventoried it. After that, no one went into that
5 lockbox because the key was held by a secretary in HR.
6 She had no desire or need to go in the lockbox. All
7 those files in that vault, I guess it's called, are
8 secure. And I'm assuming -- well, I can ask Dr. Moss
9 from whom did he get the key to the lockbox to review
10 it.

11 MR. BUSH: Your Honor, that -- the chain has
12 to go further back. Without Chris Barrow here to
13 testify as to what he did with the lockbox, that box
14 can't come in. It's inadmissible. The chain is
15 broken.

16 MR. WILLIAMS: But the chain only needs to
17 be reasonable, though. We've already established that
18 the strict rules of evidence don't apply; a reasonable
19 chain of evidence with this kind of thing, which is
20 not something we're talking about that can be easily
21 destroyed. We're talking about a lockbox, and, again,
22 not something that's a perishable item.

23 MR. BUSH: What we've heard, Chairman, from
24 the beginning of this case, we've heard now that Alice
25 Walton opened the box. We've heard that Dr. Rosswurm

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1 opened the box. We've heard that a man by the name of
2 Chris Barrow opened the box. We've heard that
3 photographs were taken, and we've heard testimony from
4 Ms. White that she looked at and saw the contents
5 based on photographs, which we haven't even identified
6 who took those photographs. That is at least four
7 individuals that dealt with the contents from this
8 box. I don't think you can establish a chain of
9 custody, and he can testify about whatever he made his
10 decision on without opening the box. That's
11 irrelevant at this point in this case.

12 MR. WILLIAMS: Again, not to belabor the
13 point, it's not irrelevant if it's something that he
14 reviewed as part of what ultimately led to his
15 recommendation. Anything that he considered is
16 relevant information.

17 CHAIRMAN EVANS: Before anything else, can
18 you tell us if part of Dr. Moss's testimony is going
19 to be that he reviewed the box in Mr. Shaw's presence?

20 MS. FAWLEY: No.

21 CHAIRMAN EVANS: Okay. That did not occur?

22 MS. FAWLEY: No.

23 CHAIRMAN EVANS: Okay. My belief is that
24 there's been sufficient chain of command here -- or
25 chain of custody here, and that it's relevant. The

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1 Board will have to give some weight to the testimony,
2 because I'm sure I foresee that someone is going to be
3 challenged; although, let me ask the Board what their
4 feeling is in regards to a review of the contents of
5 the box. Mr. Rivers?

6 MR. RIVERS: I want to make sure that --
7 maybe I missed it, but, initially, Mr. Barrow was
8 there when the box was initially opened?

9 MS. FAWLEY: Dr. Rossum's and Ms. Walton's
10 testimony was, when the box -- when they opened the
11 box in Mr. Shaw's office and opened the lid, they saw
12 files and cash, and they immediately closed the lid
13 and relocked it and called Mr. Barrow, and he was
14 there within 15 minutes, was their testimony.

15 MR. RIVERS: He was close by, but he wasn't
16 there when they opened the box?

17 MS. FAWLEY: That's correct, Mr. Rivers.

18 MR. RIVERS: Okay. Thank you.

19 CHAIRMAN EVANS: Anyone else? Does any -- I
20 guess my question has to be, does anyone disagree with
21 my ruling?

22 MS. BUSH: Can you restate your ruling?

23 CHAIRMAN EVANS: To admit it. Any -- I
24 mean, does anybody have a problem? I think we're
25 going to go ahead and --

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1 MR. BUSH: Your Honor, I'm going to renew my
2 motion for the record to establish that there has been
3 no proper chain of custody. In addition to that, I
4 want to also establish that that's imputing ownership
5 of a piece of property. In this case, it's been
6 established that Denise Gibbo has acknowledged that
7 that's her box, and all of the testimony indicated
8 that. So, to now say it was in a location and,
9 therefore, it belongs to the principal, we're going to
10 argue that it imputes knowledge of ownership onto our
11 client.

12 CHAIRMAN EVANS: We're not -- we're not
13 questioning ownership, and I would question whether
14 Ms. Gibbo has told us that she owns the box. We
15 haven't heard from Ms. Gibbo yet.

16 MR. BUSH: Well, I think all of the
17 testimony has established that Ms. Gibbo was the owner
18 of it. That's the only testimony you've had in this
19 case about who owned the box. It always said Ms.
20 Gibbo -- the box belonged to Ms. Gibbo. Through
21 depositions, you've heard testimony. You've heard
22 cross-examination. Every witnesses said that, as it
23 pertains to the box, they were informed that the box
24 belonged to Ms. Gibbo, including the last witness that
25 was just on the stand.

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1 And in addition to that -- and in addition
2 to that, we asked for discovery in this case. That
3 was never provided. My client never had an
4 opportunity, nor his attorneys, to look in that box
5 throughout this entire trial. So to springboard that
6 on us in the midst of a trial is in violation of
7 discovery rules, the ones that were laid out by this
8 Board.

9 MS. FAWLEY: Mr. Chairman?

10 CHAIRMAN EVANS: Go ahead.

11 MS. FAWLEY: The contents of that lockbox
12 was given to Mr. Shaw's attorney -- attorneys well in
13 advance. We didn't think we needed to go out and buy
14 another lockbox and give them the lockbox. They could
15 have asked to come and look at the lockbox at any
16 point, but the contents of that lockbox, as
17 inventoried by Christopher Barrow, that list was
18 provided to Mr. Shaw's attorneys as part of the
19 discovery process.

20 CHAIRMAN EVANS: I've ruled, and I believe
21 the Board has supported my ruling, that the -- that
22 the lockbox should be admitted. The Board will have
23 to give what weight to the evidence that they want to
24 as they listen to it. I'm sorry, Mr. Campbell?

25 MR. CAMPBELL: And my question is, is Ms.

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1 Gibbo going to testify? Is she a witness?

2 MR. BUSH: She is on the witness list.

3 Whether she'll testify depends on how the school
4 board's case goes. She is here. She's been
5 sequestered, Friday.

6 MR. CAMPBELL: Okay. Thank you.

7 CHAIRMAN EVANS: It's admitted. Let's go
8 on.

9 MS. FAWLEY: Mr. Moss -- Dr. Moss --

10 CHAIRMAN EVANS: We note your objection.

11 BY MS. FAWLEY:

12 Q Would you please open the lockbox?

13 A (Witness attempts to comply.) Maybe.

14 Q It may be a moot point.

15 A (Lockbox opens.)

16 Q And, Dr. Moss, you said that you had reviewed Mr.
17 Barrow's --

18 A Can I stand up?

19 Q You may. You said you had reviewed Mr. Barrow's
20 report prior to opening the lockbox. Did you find the
21 contents of the lockbox to be similar to what Mr. Barrow
22 inventoried?

23 A I did.

24 Q And in the lockbox, you found what items,
25 basically?

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1 A There are principal evaluations. There are other
2 documents that a principal would have on their desk or in
3 their files. There's also personal information in here. I
4 found, in the report and in the box, bank statements from
5 Mr. Shaw on Mr. Shaw's personal banking account, a tape
6 recorder that has his voice where he would possibly
7 conference with a teacher or make notes, all leading me to
8 believe that it was his information. The money that's been
9 discussed is very consistent with how students would hand
10 in money, meaning dollar bills, and that those items are in
11 here. I need to pull some of this stuff out so I can talk
12 about it. The files, the tape recorder, the files that
13 also have pictures of employees, as though he may have been
14 doing an investigation of sorts, which, again, are
15 principal materials. These all lead me to believe that
16 they're principal documents.

17 Q Did you find copies of Ms. Gibbo's bank
18 statements, personal bank statements, in that lockbox?

19 A I did not.

20 Q Thank you. You may put the money back in the
21 box.

22 A Also in the money is an HE McCracken school sheet
23 that leads me to believe that this is student money and not
24 any other money.

25 Q And you may close the box. Thank you.

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1 A (Witness complies.)

2 Q Dr. Moss, you testified earlier that you
3 personally met with Mr. Shaw on two occasions since
4 becoming superintendent in Beaufort; is that correct?

5 A That's true.

6 Q And on what two dates did you meet with Mr. Shaw?

7 A I believe it was July 16th and 18th.

8 Q And at the first conference of July 16th, what
9 was your purpose in meeting with Mr. Shaw?

10 A To go through all of the information that I had
11 reviewed from the personnel files and from the documents
12 and the -- the lockbox; to try to gauge how much
13 information he knew and did not act, or how much
14 information he ignored and didn't act; and to evaluate, in
15 my opinion, the qualities a person needs to have to be a
16 principal at any campus where I'm the superintendent, and
17 whether or not he exhibits the correct decision-making
18 ability to operate a functioning and efficient school, and
19 if he has the best interests of the students and staff in
20 all the decisions he makes, and the manner in which he
21 operates each and every day within that building.

22 The community comes into play, obviously.
23 Parents come into play, obviously. But our number one
24 concern are the students that walk through that building
25 each and every day in the district. Are we fulfilling the

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1 mission and vision of our district, and are the principals
2 that we hire capable and competent enough to exhibit the
3 behavior we want, we expect, every person that represents
4 Beaufort County schools to exhibit?

5 Q And at the conclusion of the July 16th
6 conference, what did you do?

7 A Reflected back on his responses and informed Mr.
8 Shaw that we would meet again, and he could at that time,
9 if there -- if I had additional questions, I would ask
10 them. If he had additional questions, he could ask me. I
11 reminded him again that he was on administrative leave,
12 because he had violated that administrative leave. He
13 acknowledged he knew what administrative leave was. He
14 tried to skirt the issue of violation, but it's -- I'm very
15 clear in my mind that it was violated, which is very
16 serious to me. It leads to an impression of how confident
17 or how forthright he would be in administering the policies
18 of the school system. And then he told me he had some
19 issues with his mother, and he thought he would be able to
20 work those out before our next meeting.

21 Q And you did meet with him a second time; correct?

22 A We met on the 18th to go over any new information
23 or anything he would want to add to our conversations from
24 our meeting on the 16th, as well as me informing Mr. Shaw
25 where I was in the decision-making on what I'd gathered on

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1 the information that he had provided, verbally.

2 Q I'd like for you to turn to the last exhibit in
3 the black notebook, Complainant's Exhibit Number 45, and
4 identify this writing.

5 A This is my letter to Mr. Shaw dated July 18th,
6 2013, outlining my decision.

7 Q I ask that you refer to the second paragraph of
8 the first page of Complainant's Exhibit 45 and summarize
9 for the Board your rationale in support of your
10 recommendation that Mr. Shaw be dismissed.

11 A In my opinion, he has violated board policy. He
12 has violated the directives given to him by the district.
13 He violated confidential -- confidentiality matters, and he
14 violated the rules and processes associated with being on
15 administrative leave, and it was going to be my
16 recommendation to the board of education to terminate his
17 employment with Beaufort County schools.

18 Q And if you would concentrate on that first reason
19 that you mentioned, violations of financial policies and
20 procedures, how many specific violations did you find in
21 terms of the financial area?

22 A I believe there are approximately 10.

23 Q And what specific administrative leave violations
24 did you find?

25 A It was -- I feel that he did contact the

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1 newspaper because he is quoted in the newspaper. It says,
2 "Phillip Shaw said." It has been my experience since being
3 in this county that the paper does not say "Superintendent
4 Moss said" unless Superintendent Moss said it. I've not
5 been misquoted. I might not like the quotes that are in
6 there, but I've not been misquoted.

7 I also know that he contacted me in May, prior to
8 my arrival here as superintendent, to try to set up a
9 meeting to discuss this situation while he's on
10 administrative leave, knowing that I was the named
11 superintendent. During our conversation on the 16th, it
12 was evident to me that he had had conversations with Ms.
13 Gibbo, even though he said that -- his story changed,
14 frequently, from beginning to end, which causes me great
15 concern. And in the end, he finally said, "Well, I think
16 my wife talked to Ms. Gibbo." I don't believe that was the
17 case. Even if that was the case, that's still Mr. Shaw
18 speaking to his wife, who's speaking to Ms. Gibbo, and so
19 that, to me, still violates the intent of administrative
20 leave, even though I believe he was probably speaking
21 directly to her, because his story changed that frequently
22 as we -- as we discussed that, among many other issues.

23 Q And what particular findings did you make as to
24 Mr. Shaw's violation of an employee's privacy rights?

25 A I think he -- if the paper reported accurately,

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1 and it's been my understanding so far that they report
2 accurately on what they're told, he discussed some
3 personnel situations in the paper.

4 Q And would you please share, briefly, your
5 concerns with Mr. Shaw and his taking of medical leave in
6 accord with district policy?

7 A One of the things I did not understand was, all
8 of the information I was reading where they were asking Mr.
9 Shaw to come back to discuss issues pertaining to his
10 employment status and all of the reasons he was giving not
11 to come back or not to have those meetings, and most of
12 them were his sickness, or he was claiming his sickness or
13 sickness of his mother. But when you're on administrative
14 leave, you can't continue to delay those kind of meetings
15 because you're still on the school system's payroll, and
16 Mr. Shaw was on the school system's payroll, just as though
17 he was in the building. If your supervisor requests to
18 have a meeting with you, your supervisor is making that
19 request, and a violation of that request, in my opinion, is
20 insubordination. So I don't think that using those kinds
21 of excuses justified the means.

22 I also reviewed documentation from Ms. Walton
23 where she repeatedly requested information concerning his
24 medical leave, and whether it was a game the two were
25 playing or the -- or a game that was being played out, it

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1 was like, "I'll give you a little bit of something, but I'm
2 not giving you the whole thing," and it was back and forth,
3 back and forth, which, in my opinion, is not consistent
4 with an administrator that I would like to have running one
5 of our schools.

6 Q And Dr. Moss, in the fourth paragraph of page two
7 of Complainant's Exhibit 45, you mention dishonesty. Would
8 you please explain your concern with Mr. Shaw's actions or
9 communications in terms of dishonesty?

10 A During our conversations on the 16th, as I stated
11 a little earlier, we would start talking about one issue,
12 and then it would change as we continued to talk about it.
13 For instance, his personal bank statement that was in his
14 office and in that lockbox, I do believe that if it's not
15 his box, he understood and knew exactly what was in it.

16 As we continued to talk about that one item, the
17 personal bank statement outlining his credit bureau
18 information, it started out that he had no idea how it
19 ended up in the box, and then it -- by the end it was that
20 Ms. Gibbo had placed it in the box because she frequently
21 took stuff off of his desk and would place it in the box.
22 That, to me, is knowledge. You can't start out in the
23 beginning saying you have no idea what's in something and
24 then, by the end, state, "Well, my secretary would take
25 stuff off of my desk and place it in the box." You -- it

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1 can't be both ways.

2 Q I ask that you now refer to the last paragraph of
3 page two of the letter and explain briefly your
4 reservations with Mr. Shaw's poor administrative judgment,
5 including the apparent lack -- or the apparent delegation
6 of authority to others?

7 A Well, Mr. Bush said this earlier, that everyone
8 understands principals are in charge. The buck stops at
9 the top, I think is actually what he said, and that's true.
10 Principals are responsible for everything on that campus,
11 and if you do not know and you're operating in a clueless
12 kind of environment, that is not a strong administrator.
13 If you know and you do nothing about it, then you're
14 essentially incompetent.

15 Now, there are a lot of levels in between, but to
16 operate a campus, a school campus, for a period of time,
17 and not realize or recognize things that are occurring --
18 as Ms. White said, if disbursements are being made, if
19 money's being collected, if you are a principal that's out
20 and about and seeing and knowing -- know what's occurring
21 on your campus, you know these things, and you have two
22 choices. You can either bring them in line with policies
23 and procedures, or you can turn a blind eye, and what I
24 want are principals that bring them in line with policies
25 and procedures.

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1 Q Is it still your belief that Mr. Shaw ought to be
2 dismissed from employment with Beaufort County?

3 A It is.

4 Q And one last question, please, Dr. Moss. Why do
5 you consider it important that the Board of Education
6 uphold your recommendation that Mr. Shaw's employment with
7 Beaufort County schools be ended?

8 A We serve -- and everyone knows. We serve over
9 20,000 kids. Parents entrust us with those lives. They
10 entrust us to help mold and shape the future of all of
11 those kids, and they're our number one concern. A teacher
12 in the classroom is our most valuable asset. The principal
13 at the school is the next most valuable asset.

14 We have to have quality individuals at both of
15 those levels if we're truly going to do what parents expect
16 us to do, what the community expects us to do, and what
17 we're -- and the charge that we're taking when we're
18 operating a local business. When we assume that role of a
19 parent in our buildings, we want everyone treated as though
20 we would treat our own, and we need competent, effective,
21 responsible principals, sitting in those principals' chairs
22 at the school building, making decisions for the livelihood
23 of our kids. I don't -- I don't think Mr. Shaw exhibits
24 those characteristics.

25 MS. FAWLEY: Thank you, Dr. Moss. If you

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1 would answer any questions Ms. Zeidan or Mr. Bush may
2 have?

3 MR. BUSH: Your Honor --

4 CHAIRMAN EVANS: Yes.

5 MR. BUSH: -- or Mr. Chairman, I have the --
6 I have -- we probably can get the court reporter to
7 assist us with this, but we need to go back to Ms.
8 Rosswurm's -- Rosswurm's deposition, because I think
9 our superintendent said this letter was sent out to
10 Mr. Shaw that he identified under tab number 43 -- 44,
11 I think? Okay.

12 CROSS-EXAMINATION

13 BY MR. BUSH:

14 Q And, now, Mr. Moss, you didn't mail that letter;
15 correct?

16 A No, I did not.

17 Q You have no knowledge about whether that letter
18 was mailed or not; correct?

19 A It appears it was emailed.

20 Q It appears?

21 A (Witness nods head; no verbal response.)

22 MR. BUSH: Okay. We need to pull Dr.
23 Rosswurm's testimony, her deposition statement,
24 because she clearly stated this was a draft and never
25 sent, and I'd like that read into the record.

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1 MR. WILLIAMS: And if we're going to refer
2 to someone -- something that someone testified at a
3 deposition --

4 MR. BUSH: This is her letter.

5 MR. WILLIAMS: -- which is what he is saying
6 -- it's not her letter. It's Dr. Truesdale's letter.
7 Mr. Shaw also testified that he received the letter.
8 So, if we're referring to deposition testimony about
9 what was received or not received, then I think that
10 should be fair game, as well.

11 MR. BUSH: You can open that up when Mr.
12 Shaw gets on the stand, but as it stands right now, he
13 indicated this letter was sent out, and we'd like to
14 just refer back to the statement she made in the
15 deposition about this letter.

16 MR. WILLIAMS: I believe that's an improper
17 use of deposition testimony.

18 MR. BUSH: Okay. Well, you can use
19 someone's deposition to impeach for the record.

20 MR. WILLIAMS: You can use --

21 MR. DUFF: Let's not -- let's --

22 MR. WILLIAMS: You can use his deposition to
23 impeach him. He's trying to use someone else's
24 deposition to impeach him.

25 MR. BUSH: You can do it.

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1 MR. DUFF: As I understand, you're trying to
2 establish an inconsistency in the facts; correct?

3 MR. BUSH: Well, I'm trying to establish
4 that, when you come up here and tell the Board this
5 was sent out to someone and you're dealing with a
6 man's livelihood, you should know that.

7 MR. DUFF: Well, I -- I think --

8 MR. BUSH: And he said this was sent. He
9 found it in the personnel file. That's what his
10 testimony was a minute ago, and he wasn't here, and
11 the people who were said it wasn't.

12 WITNESS: And I do not think that was my
13 testimony.

14 MR. WILLIAMS: Again, I'm not sure this
15 argument is appropriate because it's getting into
16 testimony --

17 MR. BUSH: We can rule on the deposition.
18 We'll take a ruling.

19 MR. DUFF: Can we see exactly --

20 MR. BUSH: Yes.

21 MR. DUFF: -- what in the deposition you
22 believe establishes that Exhibit 44 was never sent?

23 MR. BUSH: Let's get that deposition.

24 MR. WILLIAMS: Can I be allowed to show what
25 in Mr. Shaw's deposition said it was sent --

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1 MR. DUFF: Yeah.

2 MR. WILLIAMS: -- since we're doing this?

3 MR. DUFF: You will be.

4 MR. BUSH: Sure.

5 MR. DUFF: You will be. We'll enter both
6 excerpts from both depositions.

7 MR. WILLIAMS: Thank you.

8 MR. DUFF: Why don't you read it?

9 MR. BUSH: Well, that's why I was going to
10 get the court reporter to get it, and we can have
11 someone read it.

12 MR. DUFF: That's fine. You can -- you can
13 read it into the record, and then they'll be permitted
14 to read the counter to that. You can -- you can read
15 it yourself, Mr. Bush. If you want to read it, Q and
16 A, you can read it.

17 MR. BUSH: Sure.

18 MR. DUFF: Please identify the date of the
19 deposition and who the deponent is.

20 MR. BUSH: Okay. The deponent is Dr. Jackie
21 -- Jacqueline Rosswurm, taken on October 16th, 2013,
22 page 46. If you go down to line 3, it says a document
23 was marked as Exhibit Number 11 for identification to
24 Dr. Rosswurm, which we contest is that letter.
25 "Okay." The question was asked by Ms. Zeidan, "Okay."

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1 I'm going to show you what's currently being marked as
2 Deposition Exhibit Number 11. Do you recognize --
3 have you seen this document before?"

4 "I saw it as a -- I guess I would say, as it
5 presently stands, as a draft. I was not aware that it
6 was ever sent, but I see it as it stands today. I
7 think it's a draft letter."

8 MR. DUFF: Now, is Exhibit 11 to the
9 Rosswurm deposition this very same document that's
10 Exhibit 44 in this hearing?

11 MR. BUSH: Yes, and we have the official
12 copy --

13 MR. DUFF: You agree with that?

14 MR. BUSH: -- we can give to you.

15 MS. FAWLEY: I disagree. There is an email
16 attachment to Exhibit 45.

17 MR. WILLIAMS: Forty-four.

18 MR. BUSH: Can we see that email attachment?

19 MR. DUFF: Is it in 44?

20 MR. WILLIAMS: It's in 44.

21 MR. DUFF: Forty-four?

22 MR. BUSH: It's in 44.

23 MS. FAWLEY: Forty-four. Excuse me.

24 MR. DUFF: All right. Does counsel for the
25 administration agree that the letter dated August 17,

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1 2012, which is a part of Exhibit 44, was Exhibit 11 to
2 the deposition?

3 MR. WILLIAMS: Yes, we do.

4 MR. DUFF: All right. Now, what -- what are
5 you saying is missing?

6 MS. FAWLEY: That, that letter, is not Dr.
7 Rosswurm's letter. It is Dr. Truesdale's letter, and
8 if you'll notice in Exhibit 44, there is an email on
9 top, and something -- and may I ask Dr. Moss a
10 question regarding where he found that letter?
11 Because Mr. Bush characterized it as in her personnel
12 file. I don't believe that's what Dr. Moss testified
13 to.

14 MR. DUFF: Yes, you may, I --

15 MS. FAWLEY: Where did you find Exhibit 44?

16 WITNESS: In the superintendent's file. All
17 superintendents keep files on principals, just as
18 personnel departments keep files on -- on all
19 employees.

20 MR. DUFF: All right.

21 MR. WILLIAMS: Am I allowed to enter into
22 evidence or into the record Mr. Shaw's testimony
23 regarding that letter, or are we still --

24 MR. DUFF: Well, first of all, are you --
25 you're entering that excerpt; is that correct?

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1 MR. BUSH: That's correct.

2 MR. DUFF: All right. That's -- that's
3 Respondent's Exhibit what? What number? Do you want
4 to add it to the end of your book or --

5 MR. BUSH: Yes.

6 MR. DUFF: So this -- that excerpt is now
7 being entered as --

8 MR. BUSH: Thirty-two.

9 MR. DUFF: -- Respondent's Exhibit 32.

10 MR. BUSH: Yes, sir.

11 MR. DUFF: It's the excerpt from the
12 Rosswurm deposition on October the 16th of 2013, and
13 it includes Exhibit 11 to that deposition transcript.
14 Okay. And Mr. Williams, now what do you want entered?

15 MR. WILLIAMS: I would like to enter Mr.
16 Shaw's response to my questions about that same
17 document that was also an exhibit to his deposition.
18 I believe, in his deposition, it was Exhibit Number
19 13.

20 MR. DUFF: All right. Is there agreement
21 that Exhibit 13 to the Shaw deposition is the same
22 document as Exhibit 11 to the Rosswurm deposition?

23 MR. BUSH: Yes, it appears so.

24 MR. DUFF: All right. And Mr. Williams, you
25 want to enter what page, what lines of the Shaw

1 deposition?

2 MR. WILLIAMS: My introduction on the
3 document starts on page 332 on line 9. That's where
4 the document is being marked for identification.

5 CHAIRMAN EVANS: What date, Mr. Williams?

6 MR. WILLIAMS: His deposition took place
7 over two days, so I'm not sure from this. I'm not
8 sure which day it was, but hold on. It was either
9 October 7th or -- I'm not sure when it resumed.

10 CHAIRMAN EVANS: Seventh or 8th, or 6th or
11 7th?

12 MR. WILLIAMS: No, there was -- there was
13 more days. There were several days. It was a
14 several-day break, but it began on October 7th.

15 CHAIRMAN EVANS: All right. We can --

16 MR. WILLIAMS: I see it. It resumed on
17 October 11th. Looking at the entire record, this
18 would actually have occurred on the second day, so
19 this was on October 11th.

20 MR. DUFF: What's the excerpt you wanted to
21 enter?

22 MR. WILLIAMS: The excerpt is my question,
23 "All right. If I can get you to take a look at a copy
24 of what has been marked as Exhibit 13 for the purpose
25 of this deposition, if you could review that?" Mr.

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1 Shaw says, "Sure. (Witness complies.) Um-hum." "Do
2 you recognize that document?" "Yes, sir." "Is that a
3 document that would have been provided to you?" Mr.
4 Shaw's response, "Yes, sir." "And the date on that
5 document is August 17th, 2012. Does that sound like
6 the date about which you would have received that
7 document?" "Sure. Yes, sir." "And do you think it
8 was sent to you by Dr. Truesdale?" "Yeah, she had
9 sent a -- what she described as a pep talk. There's
10 an email. Do you have the email?"

11 Again, that's all in reference to the
12 document that's in question now, the August 17th,
13 2012, letter from Dr. Truesdale to Mr. Shaw.

14 MR. BUSH: Your Honor --

15 MR. DUFF: Hold on.

16 MR. BUSH: -- for the record --

17 MR. DUFF: This, that excerpt, the one that
18 Mr. Williams just quoted from, will now be entered as
19 Petitioner's Exhibit 46.

20 MR. WILLIAMS: Okay.

21 MR. BUSH: I would like, just for the
22 record, so we're clear, to have the rest of that just
23 read in about the email. We're not talking about the
24 letter. We're talking about an email. So I'd like to
25 have that portion read in, and I think we can have the

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1 entire document read in, just for the record.

2 MR. DUFF: The additional lines, you mean?

3 MR. BUSH: Yes, sir.

4 MR. DUFF: You're not going to have Mr. Shaw
5 testify to this?

6 MR. BUSH: Sir, Your Honor, it's the state's
7 case -- I mean, it's the school district's case.

8 MR. DUFF: All right. Go ahead.

9 MR. BUSH: You're asking me about -- I'd
10 like to have that read in.

11 MR. DUFF: All right.

12 MR. BUSH: He goes on to say, "Oh, okay.
13 She had sent me --

14 CHAIRMAN EVANS: Please -- please step to
15 the mic, Mr. Bush.

16 MR. BUSH: Okay. On page 333, at the top,
17 line 3, it says, "And she had sent a -- what she
18 described as a pep talk. There's an email," and he
19 asked, "Do you have the email?" "This is all I have
20 at this point." "Oh, okay. She had sent me an email.
21 She said, 'Hey, you know, I bet you wanted -- I bet
22 you wanted to kill me,' is what she said, 'over our
23 pep talk that we had,' and that was an email that's --
24 that goes along with this." "Okay. When she said, 'I
25 bet you want to kill me,' why would she have said

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1 that?" "I'm not sure. I'm not sure. I mean, we had
2 a good enough relationship where we could talk about
3 anything, I mean, and very candidly, and so --"

4 That -- that's not the email.

5 MR. DUFF: All right. That -- you can save
6 that for --

7 MR. BUSH: Sure.

8 MR. DUFF: -- closing arguments.

9 MR. BUSH: Sure.

10 MR. DUFF: Can we get back to the testimony?

11 MR. WILLIAMS: Okay. Yes.

12 BY MR. BUSH:

13 Q Dr. Moss, you have no personal knowledge about
14 whether that actually went out or not; correct?

15 A No, I do not.

16 Q You have no confirmation email that he received
17 it; correct?

18 A No, I do not.

19 Q Okay. And that -- and that email that your
20 counsel was referring to, it says "confirm"; correct?
21 Doesn't it say "confirm receipt?" Turn under tab 44.

22 A I'm on tab 44.

23 Q Turn to the email that we're talking about. I'm
24 looking at the letter. I'm looking at the email, sir. You
25 said you relied on the email?

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1 A Oh, yes.

2 Q Okay.

3 A At the bottom, it says, "For Phillip Shaw only.
4 Please confirm receipt, Phil."

5 Q Okay. And you don't have that? That's not in
6 the superintendent's personnel --

7 A It was not in --

8 Q -- superintendent's file?

9 A -- Dr. Truesdale's file.

10 Q Okay. Now --

11 A But there probably are record retentions for
12 email, so I imagine technology could pull that out.

13 Q They could have pulled that out?

14 A I said they can now.

15 Q Okay. Well, we've been preparing for this man's
16 case for a year. You didn't bring it here today; correct?

17 A I reviewed what the superintendent had in their
18 file, just as I would've had information in my files as a
19 superintendent.

20 Q All right. Mr. Moss, I don't mind you explaining
21 it, and I think the Chairman will instruct you, you can
22 explain what your answer is, but that wasn't my question;
23 okay? So, if you could answer my question first, you can
24 explain your answer. And that was a simple question. You
25 didn't bring that here today; correct?

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1 A No. I reviewed what was in the file of a
2 previous superintendent, just as a previous superintendent
3 would review what I'd left in my personnel files on
4 principals.

5 Q Okay. Now, let's look at the many things that
6 you outlined in that letter; okay? When you arrived in the
7 district, how long had you been employed when you wrote
8 this letter to Mr. Shaw?

9 A Officially, 18 days.

10 Q Okay. You didn't personally go out and do any
11 type investigation yourself to talk with these people
12 involved; correct?

13 A That's correct.

14 Q Okay. You relied on the information that was
15 given to you from Dr. Rosswurm and Ms. White; correct?

16 A I relied on the investigative file.

17 Q Sure.

18 A And the information that was both in his
19 personnel file and the superintendent's file.

20 Q Okay. That lockbox was here when you got here;
21 correct?

22 A Correct.

23 Q You don't know how many folks had access to it;
24 correct?

25 A That's correct.

1 Q And you don't have any type of chain-of-custody
2 paper where folks were signing off and opening it; correct?

3 A That's correct.

4 Q All right. And you found the key somewhere when
5 you arrived at the school district; correct?

6 A No, they were in the -- in the human resources
7 office.

8 Q But it wasn't in your office?

9 A They were not in my office.

10 Q Okay. And did you go request them, or someone
11 gave them to you?

12 A I requested them.

13 Q Okay. All right. And who works in the human
14 resources office?

15 A The chief human resource officer is Alice Walton.

16 Q Okay. And how many other folks work in there
17 with her?

18 A In the entire department, I believe there's five
19 or six.

20 Q Okay. Was that key under another lock and key
21 when you got access to it?

22 A I requested it of Ms. Walton. I don't know where
23 it was located.

24 Q You don't know?

25 A No.

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1 Q Okay. You testified about what was in the best
2 interests of the students and the community; correct?

3 A That's correct.

4 Q Okay. Now, in this trial, you've heard all of
5 the witnesses. You've heard complaints from your staff;
6 correct?

7 A I've listened to all the testimony.

8 Q Okay. You didn't bring one student down here to
9 testify; correct?

10 A No, because, as adults, we are in charge. We're
11 responsible for what occurs with students on our campuses.

12 Q Okay. You looked at the score at the school in
13 which Mr. Shaw worked at; correct?

14 A Are you referring to the student achievement
15 data?

16 Q Sure.

17 A Yes.

18 Q You looked at all of his scores?

19 A I looked --

20 Q Those sets of numbers?

21 A I looked -- I look at all the student achievement
22 data from all the schools.

23 Q Okay. And in those 18 days, you went out to the
24 school and visited the school?

25 A Yes.

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1 Q Okay. What day did you go out there?

2 A I'd have to go back and look at my calendar, but
3 I visited all of -- all of our schools.

4 Q Okay. And when you got there, all of the
5 evidence pertaining to Mr. Shaw had been removed; correct?

6 A His -- the personnel file was never on that
7 campus. The personnel file resides here. The
8 superintendent's file resides here. The lockbox was here,
9 and the investigative reports were here. I did not go out
10 to McCracken looking for information on that day about Mr.
11 Shaw. I went to McCracken on that day to visit the school,
12 to walk the school, and to talk to individuals on campus --

13 Q I understand.

14 A -- about where we were going.

15 Q I understand that, sir, but that wasn't my
16 question. My question was simple. Was all the evidence
17 removed when you went out there?

18 A That wasn't my purpose, so I have no idea.

19 Q Okay. Thank you. Now, we've gone through the
20 ten financial violations with your staff member that
21 identified them. You heard her testimony; correct?

22 A Ms. White?

23 Q Yes.

24 A Yes.

25 Q Okay. You sat through that. Now, you don't have

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1 any personal knowledge that Phillip Shaw ever dealt with or
2 touched any of that money; correct?

3 A I do not have any personal knowledge, but the
4 principal is responsible for all activities on the campus,
5 including financial.

6 Q Now, you made up your mind that Mr. Shaw was, I
7 think your word is, "dishonest" with you; correct? That's
8 what you called him, a dishonest person; right?

9 A After the meeting and the story continued to
10 change during our conversation.

11 Q You met with him for how long?

12 A Well over an hour. I'm not exactly sure how
13 long.

14 Q You met with him for one hour and determined he
15 was dishonest?

16 A I said I'm not exactly sure how long. The
17 determination was because he would start at one point and
18 end up somewhere else by the end of the story as I asked
19 the question multiple times.

20 Q And so that's what made him dishonest, in your
21 opinion; correct?

22 A In my -- in my opinion, yes.

23 Q Okay. He didn't steal anything; correct?

24 A Not to my knowledge.

25 Q All right. And you don't have any personal

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1 knowledge about any fraudulent activities at the school;
2 correct?

3 A No. No.

4 Q So --

5 A I think that, from all the testimony that I've
6 heard and the questioning from both you and from your
7 associate, it would lead me to believe that there was a
8 large amount of cash that was flowing through that office.
9 That also would cause me some concern.

10 Q It would lead you to believe?

11 A Yes.

12 Q But -- okay.

13 A You've asked me about --

14 Q Let me --

15 A -- what she had testified; correct?

16 Q No.

17 A That wasn't the question?

18 Q You started telling me about that.

19 A All right.

20 Q I didn't ask you about that --

21 A No, it --

22 Q -- Mr. Shaw (sic).

23 A A couple questions ago, you asked me if I'd heard
24 all the testimony.

25 Q Yeah, but that's not the question now. We don't

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1 go back. You can answer and then explain, and then --

2 A That's what I'm doing.

3 Q -- we go forward; okay? Now, let's talk about
4 that lockbox, that box.

5 A Okay.

6 Q Okay. You said -- you know Denise Gibbo was his
7 office manager; correct?

8 A That's what I understand.

9 Q Okay. Did you look through any personnel files?

10 A I did.

11 Q Okay. Did --

12 A It had her listed as secretary/office manager.

13 Q She was listed as the secretary/office manager?

14 A Yes.

15 Q Okay. Now, you said his personal bank statement
16 was in it?

17 A Correct.

18 Q Okay.

19 A And we talked about that during our meeting.

20 Q Okay. And you found some money in there;
21 correct?

22 A Correct.

23 Q All right.

24 A And we discussed that during the meeting.

25 Q And you can't identify who the money came from;

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1 correct?

2 A No, I knew who it came from. There is a sheet in
3 there that has -- that's identified as McCracken school, so
4 that would lead me to believe it's not personal money.

5 Q Because you have a piece of paper that's on it
6 from McCracken school?

7 A We can read what's on the paper, if you'd like.

8 Q Yeah. No, no, no. We don't have to do that. I
9 didn't ask you that. I said you made your determination
10 based on something that said McCracken; correct?

11 A It is consistent with how you would gather money
12 from students.

13 Q Okay. Mr. Shaw didn't gather any money from
14 students; correct?

15 A I have no idea of knowing that (sic).

16 Q You don't know who gathered the money. That's
17 your testimony today; right?

18 A That's correct.

19 Q You don't know where the money came from;
20 correct?

21 A That's correct.

22 Q You don't know who gathered it; correct?

23 A That's correct.

24 Q Okay. But it's consistent with gathering money
25 from students?

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1 A That's correct.

2 Q Okay.

3 A That's right.

4 Q Tell me, what's the difference between student
5 monies and staff monies?

6 A Students typically will turn money in in dollar
7 bills.

8 Q So are adults prohibited from using dollar bills?

9 A No, but I don't know many adults that carry \$600
10 in cash with them in that kind of -- in those kind of
11 denominations.

12 Q Okay. But are they prohibited from carrying
13 that, though?

14 A No.

15 Q Okay.

16 A But in my 30 years, I can tell you it's
17 consistent with how student money would be gathered at a
18 school.

19 Q Okay. Now, the violations that were identified
20 that took place at the school involved staff members;
21 correct? That's what your investigation revealed?

22 A That was Ms. White's testimony.

23 Q Okay. Well --

24 A I believe the principal is responsible for
25 everything on the campus.

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1 Q Okay. Just like you're responsible for
2 everything in the district; right, Mr. Moss?

3 A That's exactly correct.

4 Q Okay. Now, we've already established who's
5 responsible. Now let's talk about who committed the acts;
6 okay? Now, the acts were committed by other employees;
7 correct?

8 A The acts that -- are you talking about --

9 Q Okay.

10 A -- Ms. White's testimony?

11 Q I didn't -- no, I'm talking about your statement,
12 and I didn't want to go through each violation, but we can
13 do it.

14 A Sure.

15 Q Okay. Let's go to the first violation on page
16 two.

17 CHAIRMAN EVANS: Mr. Bush, I think we've
18 been through this at least twice.

19 MR. BUSH: Well, he said he didn't
20 understand what I was talking about, so I wanted to be
21 sure.

22 WITNESS: I think I might be able to explain
23 what I think you're asking, and then, if I'm wrong --

24 BY MR. BUSH:

25 Q No, let me ask it. So --

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1 A And then, if I'm wrong, you can --

2 Q I'll rephrase it --

3 A Okay.

4 Q -- to make sure you understand what I'm asking.

5 A And then I'll explain.

6 Q Okay.

7 A Okay.

8 Q Violation one was committed by a teacher, several
9 teachers; correct?

10 A The -- the violations identified, it appears,
11 were committed by staff members at McCracken under the
12 direction and direct supervision of Mr. Phillip Shaw.

13 Q I've got that. Everything that happened happened
14 underneath Mr. Shaw, but my question was the actual act --

15 A And the decision --

16 Q -- that took place.

17 A The actual -- the actual act was committed by
18 staff members --

19 Q And what are their names?

20 A -- under the direction and direct supervision of
21 Mr. Shaw, who is responsible for what's occurring, and
22 should have known and should have taken action if these
23 were in violation of district policies.

24 Q What are the staff members' names?

25 A The staff members' names that -- I don't know who

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1 all was involved. I can tell you who's been identified
2 during this trial.

3 Q Okay. Who was identified?

4 A You have identified the bookkeeper. You've
5 identified the student council --

6 Q What are their names?

7 A -- advisor. Sonia Merrick.

8 Q Okay.

9 A Ms. Williams, the bookkeeper.

10 Q Okay.

11 A And I'd have to go back to my notes for the third
12 one.

13 Q Would it be a Dawn Summer (sic)?

14 A That sounds familiar.

15 Q Okay. And then, violation two, the same
16 situation, same employees; correct?

17 A I think all of the violations were committed by
18 staff members on the campus.

19 Q Okay.

20 A Those three have been the three that have been
21 named. Whether or not they're the only three involved with
22 all these violations, I could not tell you, but what I can
23 tell you is what I used in my determination for this
24 letter, since we're talking about my letter, which was that
25 Mr. Shaw either knew and did nothing, or did not know, and

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1 both of those are serious concerns for me for a principal
2 of a school.

3 Q Okay. Now, you said Mr. Shaw contacted the
4 newspaper. That was your testimony earlier; correct?

5 A I said I read quotes from the paper. I didn't
6 say he contacted him. I said I read his quotes in the
7 paper.

8 Q You read his quotes?

9 A Yes.

10 Q Well, you do understand newspapers misprint;
11 correct?

12 A Yes, but they don't -- I've not run across one
13 that attributed, whether it's a misquote or something,
14 without actually speaking to the individual.

15 Q Okay. Well, did you confirm -- you didn't
16 confirm that with the newspaper; correct?

17 A I did not.

18 Q Okay.

19 A I base that on the assumption of my thirty-plus
20 years in this business.

21 Q Okay. Now, you were talking about communication
22 back and forth between Ms. Walton and Mr. Shaw about his
23 medical leave; correct?

24 A Correct.

25 Q Now, during the time that those communications

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1 were going back and forth, he was out on medical leave for
2 a portion of the time; correct?

3 A (No response.)

4 Q He told you that; correct? Well, the documents
5 showed he said he was out on medical leave; correct?

6 A Mr. Shaw admitted he was out on administrative
7 leave. Now, whether or not he was utilizing sick leave to
8 continue to be paid is a different topic.

9 Q I didn't ask you --

10 A But --

11 Q -- about sick leave.

12 A But Mr. Shaw acknowledged he was out on
13 administrative leave.

14 Q Okay. You read the communication back and forth
15 between him --

16 A Yes.

17 Q -- and Ms. Walton; right?

18 A Where they were trying to get doctors' notes.

19 Q Okay. All right. And then, at some point, he
20 said his mother was ill, and he was dealing with his mother
21 during that time --

22 A Correct.

23 Q -- in Charleston; correct?

24 A That's what he told me during our meeting.

25 Q Okay. Now, the time that you read the letters

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1 between him and Ms. Walton was when he was dealing with
2 medical leave back and forth. That's what they were
3 talking about; right?

4 A It appeared they were having a conversation on
5 whether or not the leave he was taking was qualified --
6 should qualify for family medical leave.

7 Q Yeah. For a medical issue; right?

8 A Well, family --

9 Q He would've --

10 A Family medical leave is not just a medical issue.

11 Q I'm talking about in this case. I'm not asking
12 you what, generally, it is. I'm asking you in this case.
13 He was giving doctors' statements to her, and they were
14 trying to get that clarified about medical leave; correct?

15 A He was providing healthcare statements. They
16 weren't physician statements, which is -- it appears from
17 the correspondence that is what the request was from Ms.
18 Walton.

19 Q Okay. About a medical issue?

20 A Yes.

21 Q Am I correct?

22 A (Witness nods head; no verbal response.)

23 Q Thank you.

24 A Correct.

25 Q Thank you. That's all I was asking. Now, in 16

1 days, you determined you have all of these problems with
2 Mr. Shaw; correct?

3 A During the 16 days, I reviewed information.
4 During my meetings with Mr. Shaw is when I formed my
5 decision on what my recommendation would be.

6 Q Sure. And it took you 16 days to do that;
7 correct?

8 A Along with a lot of other things that you do as
9 an incoming superintendent.

10 Q I'm asking you about days --

11 A Yes.

12 Q -- Superintendent.

13 A Yeah.

14 Q Days.

15 A You're right.

16 Q How many days did it take you?

17 A It took 16 days --

18 Q Thank you.

19 A -- to review and arrange a meeting where Mr. --
20 for Mr. Shaw to come in.

21 Q Thank you, sir. Now, where is your letter, your
22 notice that you wrote to Mr. Shaw about your concerns
23 before you wrote a termination letter?

24 A He's not worked under my employment.

25 Q Okay. Did you write a notice to him? Did you

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1 give him any written notice? You, in your 16 days here,
2 did you give him any notice?

3 A You give a notice of concerns once an employee
4 works under your direct supervision. He -- he's never
5 worked under my direct supervision.

6 Q So that's a, no, you did not give him a notice;
7 correct?

8 A That's correct.

9 Q Okay. Now -- now, there's been no unprofessional
10 or inappropriate conduct between Mr. Shaw and any students;
11 correct?

12 A Not to my knowledge.

13 Q Okay. Nor to any parents; correct?

14 A I have no idea what -- if -- if a parent would be
15 suspicious.

16 Q You didn't have any -- you don't have anything in
17 the superintendent file back there, do you?

18 A That's correct.

19 Q All right. That's correct, you do, or you don't?

20 A You said I do not?

21 Q Yes.

22 A And I said that's correct.

23 Q Okay. And nothing in there about inappropriate
24 or unprofessional conduct towards staff; correct?

25 A Not to my knowledge, no.

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1 Q Okay. Excuse me one second. (Pause.) Is it --
2 okay. So I want to make sure I'm clear on something. You
3 met with Mr. Shaw on July the 16th; correct?

4 A Yes. And on the 18th.

5 Q Okay. And the meeting on the 16th was for how
6 long again?

7 A I'm not exactly sure of the duration.

8 Q All right. Okay. Do you think --

9 A It -- it was --

10 Q -- it was longer than an hour?

11 A It was lengthy.

12 Q Okay. Do you think it was longer than two hours?

13 A I'm not exactly sure on the duration.

14 Q Okay. All right. And then you met with him on
15 the 18th again?

16 A That's correct.

17 Q And you had another meeting with him for an hour?

18 A No, that was a very brief meeting.

19 Q You fired him as soon as he walked in the door;
20 correct?

21 A Wrong.

22 Q Okay.

23 A That is not correct.

24 Q How long -- how long was he --

25 A When Mister --

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1 Q -- in your office with you?

2 A When Mr. Shaw came into that meeting, I asked him
3 if there was anything else he needed to provide to me or
4 any other statements he wanted to make concerning the
5 issues that we discussed on the 16th, any other pieces of
6 data, any other comments, any other information he could
7 provide that would justify some of the questions I still
8 had in my mind. I went through what those questions in my
9 mind were. He made one statement and said, no, he did not
10 have anything else to add, and that was --

11 Q You terminated him?

12 A It --

13 Q You told him "I'm going to recommend termination"
14 at that point; correct?

15 A Then I presented him with the list of charges.
16 We went through those charges. I again asked him if there
17 was anything else he wanted to add at the end of going
18 through those charges. He said no, and I handed him the
19 letter and told him one would be mailed.

20 Q And that was in that brief meeting; correct?

21 A Excuse me?

22 Q That was the meeting you said was brief?

23 A That's --

24 Q All right.

25 A -- the meeting that was brief.

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1 MR. BUSH: Okay. I have no further
2 questions for this witness.

3 MS. FAWLEY: We have no further questions
4 for this witness.

5 CHAIRMAN EVANS: Thank you, Dr. Moss. Does
6 he need to be retained?

7 MR. MOSS: Well, I -- I stay over here.

8 CHAIRMAN EVANS: Yeah, that's right. Scoot
9 closer. We're going to take a break for --

10 MR. DUFF: If I may, let me ask, are you --
11 have you concluded your case?

12 MR. WILLIAMS: That's our case in chief,
13 yes, sir. Yes.

14 MR. DUFF: Okay.

15 CHAIRMAN EVANS: So, when we -- when we
16 reconvene, we will hear your case, and we will
17 reconvene at ten minutes of 11:00.

18 (Brief recess held.)

19 CHAIRMAN EVANS: Ms. Zeidan, Mr. Bush, go
20 ahead.

21 MS. ZEIDAN: Has the witness been sworn?

22 (SHERIE BUSH STURGIS, called as a witness,
23 having been first duly sworn, was examined and testified as
24 follows:)

25 MS. ZEIDAN: Ladies and gentlemen, at this

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1 time, we will call our first witness, Ms. Sherie Bush
2 Sturgis.

3 DIRECT EXAMINATION

4 BY MS. ZEIDAN:

5 Q Ms. Sturgis, please introduce yourself to the
6 Board of Trustees.

7 A Good morning.

8 CHAIRMAN EVANS: Good morning.

9 WITNESS: My name is Sherie Bush Sturgis.

10 BY MS. ZEIDAN:

11 Q And Ms. Sturgis, what year did you join the
12 Beaufort County School District?

13 A Two thousand four, I started at Whale Branch
14 Middle School, hired by Rosalyn Brown at the time.

15 Q And please tell the Board what position you held
16 at Whale Branch.

17 A I was the behavior management specialist that
18 emphasized -- I used drama to change behavior.

19 Q And how long did you remain in that position?

20 A I was there for one year, and then I moved to --
21 I transferred to McCracken Middle School.

22 Q Do you recall what year that was?

23 A That was the fall of 2005.

24 Q And what position were you hired for at McCracken
25 Middle School?

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1 A I was hired as the drama teacher.

2 Q All right. And tell me about different
3 activities you do as the drama teacher.

4 A Well, we put on plays. I do a play after every
5 semester, and then I do a play at the begin -- at the end
6 of the year. Each class does a one-act play at the end of
7 the semester, and then I have one big musical at the end of
8 the year.

9 Q Ms. Sturgis, do you hold fund-raisers at
10 McCracken?

11 A Yes. I was the first drama teacher ever at
12 McCracken, so we really didn't have a lot of funds, and so
13 I did do fund-raisers to raise money for scripts and props.

14 Q Will you tell the Board what type of fund-raisers
15 you held at McCracken?

16 A Mostly, I'm known as the chocolate -- well, the
17 candy lady now, because, every year, I guess, about eight
18 years now, I think that I've been doing -- selling candy.
19 So, usually in the fall, I'm usually the first one out of
20 the blocks at our school on fund-raisers, and I sell candy.
21 I also have some cookies, but I actually -- I'm really
22 known for the candy at the beginning.

23 Q Will you please explain to the Board the
24 financial procedures for holding a fund-raiser at
25 McCracken?

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1 A Well, the first thing you have to do is, there is
2 a form that's in our -- our handbook that you fill out, and
3 you get it approved by the principal, and then you contact
4 your vendor. And I also have had students to sign
5 permission slips from a -- for parent approval, and then
6 you proceed to go ahead -- once you've got it approved by
7 the principal, you go ahead and do your fund-raiser and
8 collect money from the students. I turned in the money to
9 Ms. Williams, the bookkeeper, and that was pretty much it.
10 I also kept my own little side records so that I could see
11 who was turning in what and be able to give incentives, if
12 necessary, if that was part of the fund-raiser.

13 Q As a teacher, how did you learn about the proper
14 financial policies and procedures at McCracken?

15 A Well, when I first got there -- I think Mr. Hitch
16 hired me, and then, when I got there, Dr. S, which is -- we
17 call her "Dr. S," but I think it's Slovich-sh-sha-sha (ph)
18 or something like that. And she was there, and so, like I
19 said, when I first got there, I didn't have any monies to
20 order plays with. So I went to her and asked her about
21 fund-raising, and she told me to see Barbara. And at the
22 beginning of the school year, they also covered that in --
23 in our handbook, but even after -- let me rephrase that.

24 So, in the beginning of the school year, you get
25 that in your handbook, but when I actually asked her about

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1 fund-raisers, it wasn't at the beginning. It was, like, in
2 September, and so I went to ask the principal, you know, if
3 I could do some fund-raisers, and she told me to go see
4 Barbara, and that's how.

5 Q Tell me about this handbook.

6 A Well, it's a green book, and in the handbook, it
7 has policies and procedures, and sometimes it -- it just
8 has -- if I could just say it's like a bible of information
9 for our school that -- that you -- it just has everything
10 in there that you would need to know.

11 Q And does that include financial policy and
12 procedure information?

13 A Yes, ma'am.

14 Q And do you receive this book every year?

15 A Yes, ma'am.

16 Q And tell me when orientation is typically held.

17 A It's usually the week teachers come back, when
18 we're doing a lot of the different trainings. It's usually
19 held during that week. That's when we get to find out
20 who's in -- what administrators are doing whatever, you
21 know, who are in charge of different areas. It's just --
22 it's the time frame when you're learning all the policies
23 of the school and how the school is going to run.

24 Q And you would get that green book at the
25 beginning of orientation?

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1 A Yes.

2 Q Did Mr. Shaw ever make any directives as it came
3 to money?

4 A Yes. There, during that process, what would
5 happen is, each person would stand up, and there was, I
6 guess, an agenda, and each person that was in charge of an
7 area was given time to go through their part of the book.
8 So let's say, if it was guidance, guidance would stand up
9 and refer to the different areas of the book that we needed
10 to know, and Barbara stood up and went over things, but
11 basically every year, it was really said, "Anything dealing
12 with money, see Barbara."

13 Q Did you know Barbara Williams, the bookkeeper?

14 A Oh, yeah.

15 Q Did you ever work with Barbara Williams, the
16 bookkeeper?

17 A A lot.

18 Q And tell me your opinion of Barbara Williams, the
19 bookkeeper.

20 A She's tough. She's very tough. She is --
21 whatever the paper says, if it says it, if it's in black
22 and white, that's the way Barbara was. It was -- she was
23 cut and dried. It is what it is.

24 Q Was Barbara a very diligent bookkeeper?

25 A Oh, she knew her job, and you couldn't --

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1 couldn't get her to do anything that wasn't in that black
2 and white on that paper. She wasn't going to do it.

3 Q Was there a time that you and Barbara had a
4 disagreement?

5 A Yes. Yes.

6 Q And tell the Board of Trustees about that.

7 A Well, like I said, the drama program was new at
8 the school. So the way -- things that I needed done
9 couldn't be done the way Barbara was doing things, and so
10 it was really difficult for me to get what I needed done
11 because she was that black and white, and I needed her to
12 go in that gray, and she was staying on that black and
13 white. And so we had some problems because I needed -- I
14 needed scripts, and I needed royalties to be paid, and
15 Barbara wasn't familiar with that because there had never
16 been a drama program there for her to have dealt with that,
17 and so we had some issues because I couldn't do my job.

18 And so there was -- we had to actually have a
19 conference with Mr. Shaw about that situation, and -- and
20 we did. And we sat with Mr. Shaw, and Barbara and I
21 discussed it, and we actually after that had a really
22 decent relationship that, I think, before, we just -- we
23 were butting heads because I was just trying to do what I
24 needed to do my job, and she was just doing what she knew
25 as to do her job, so -- and then what we weren't -- we

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1 weren't meeting in the middle to find a resolution.

2 But we did that day, and after that day, we had
3 a really, really good relationship. Still, she was still,
4 you know, cut and dried, and -- but we just kind of
5 understood each other's needs, and -- and even when we had
6 problems later, it was just that we were able to -- we
7 didn't have to have a conference. We were able to just
8 talk about it and -- and work through it, so --

9 Q And so it was your testimony just now that you
10 and Barbara had a problem concerning a financial issue, and
11 Mr. Shaw actually met with you two about it?

12 A Yes.

13 Q Okay. Sherie, I know you testified that you get
14 these orientation books at the beginning of every year. Is
15 there any reason any teacher at McCracken should not know
16 the proper financial procedures?

17 A I can't speak for anybody else. I can only talk
18 for myself, and when -- like I said, that little green book
19 was the bible at our school. It had all the information
20 that we needed to know, and when I didn't know how to do
21 something, I went to the book. And so I -- I don't even
22 want to get into what other people were thinking or why
23 they do what they do. I can just tell you about me, and it
24 was in the book, and even, you know, any year after -- I do
25 fund-raisers every year. Things change, and all I can say

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1 is, I know the book exists. I can go to it and use it as a
2 resource and a reference, and that's what I do.

3 Q Do you read the book, Sherie?

4 A I can't say that I read that book from cover to
5 cover. I would not be telling the truth. However, I can
6 tell you that the parts that I needed to know is the parts
7 that I read. So, if I go on a field trip, I need to know
8 what it is that I need to do, because I take my students on
9 a field trip -- I've been doing it, I guess, for about five
10 years now -- to Carowinds, and there is money involved.
11 There's a bus involved. There's just a whole lot of things
12 involved. And I could tell you, from one year to the next,
13 every year, something changes with that, with that trip,
14 but it's in that book. And so I may go to make the changes
15 with the changes, and when I don't know, I ask.

16 Q How long was Mr. Shaw your principal at
17 McCracken?

18 A Whoa. I don't know. I think he came in two
19 thousand -- I got there in 2005. Maybe in 2006? About six
20 years?

21 Q Okay. And what was your opinion of Mr. Shaw?

22 A Well, Mr. Shaw was -- again, I can only speak for
23 myself. Mr. Shaw was a good principal to me. He was very
24 supportive of -- very, very supportive of me in my
25 classroom, as well as in my personal life, because I had a

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1 lot of things to happen along the way, and I've had to come
2 -- go to him on several occasions, and -- and he was very
3 supportive.

4 Q You mentioned you had to go to him on several
5 occasions. Were you able to reach Mr. Shaw when you needed
6 to?

7 A Yes. When I -- I would knock on the door if the
8 door was closed. When -- if -- if I needed him, I didn't
9 have any problems with finding him. It's -- except I will
10 say on one occasion when I needed a letter that he was
11 difficult to find. Oh. Well, I won't say difficult to
12 find. All I did was shoot him emails. I didn't try to
13 find him. I just shot him some emails, and he didn't
14 respond to me, and I needed something quickly, and so I
15 just went and knocked on his door and got what I needed.

16 Q Okay. Did you ever have any one-on-one meetings
17 with Mr. Shaw?

18 A Yes.

19 Q Was there ever times that you were alone in Mr.
20 Shaw's office with him?

21 A Yes.

22 Q And was the door closed?

23 A Several times, I closed it, because it was my
24 personal opinion -- I mean, my personal -- my personal life
25 that I was talking about, and I didn't want anybody else to

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1 hear it. So I closed the door.

2 Q Have -- have any other administrators in your
3 professional career ever spoken to you in their office with
4 the door closed?

5 A Yeah. Yes. Yes.

6 MS. ZEIDAN: I have no further questions for
7 this witness. Ms. Sturgis, please answer any
8 questions Mr. Vernie Williams or Ms. Shirley Fawley
9 may have.

10 MS. FAWLEY: We have no questions for Ms.
11 Bush-Sturgis.

12 CHAIRMAN EVANS: Thank you. You're excused.

13 MS. BUSH STURGIS: You're welcome.

14 MS. ZEIDAN: Ladies and gentlemen, we will
15 now call Mr. Mark Dievendorf. Is that how you say it?
16 Dievendorf. Excuse me.

17 (Brief recess held.)

18 MS. ZEIDAN: Please swear the witness.

19 (MARK DIEVENDORF, called as a witness,
20 having been first duly sworn, was examined and testified as
21 follows:)

22 DIRECT EXAMINATION

23 BY MS. ZEIDAN:

24 Q Good morning, Mr. Dievendorf. Am I pronouncing
25 that correctly?

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1 A Yes.

2 Q Thank you. Please introduce yourself to the
3 Board of Trustees.

4 A My name is Mark Dievendorf. I'm principal at
5 Bluffton High School.

6 Q Mr. Dievendorf, what year did you join the
7 Beaufort County School District?

8 A My first year here was the 2010-11 school year.

9 Q And what position were you hired for that year?

10 A Principal at Bluffton High School.

11 Q And you've been the principal at Bluffton High
12 ever since?

13 A Yes, ma'am.

14 Q Okay. Mr. Dievendorf, as a principal, how many
15 assistant principals do you have?

16 A I have three assistant principals.

17 Q Okay. And as principal, is it possible to know
18 of everything, every infraction or every incident, that
19 goes on in your building?

20 A No, I -- I don't believe it's possible, but I'd
21 like to expand --

22 Q Go ahead.

23 A -- by saying that we entrust others to keep us
24 informed so that we can be as informed as possible. We
25 trust that communication piece to others to make sure that

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1 the principal's in the loop on every, you know, situation.

2 Q Can you tell the Board some of the people that
3 you entrust to keep you informed about what's going on in
4 your school?

5 A I would say, at some level, every employee in --
6 in the building. Specifically, my administrative team.
7 Most often, probably, my secretary/administrative
8 assistant, all the counselors, the social worker, data
9 specialist, bookkeeper, any administrative assistants,
10 attendance clerk, you know, the classified clerical staff
11 in particular. And then -- and then, specifically, all the
12 teachers as they deal with a variety of situations with
13 parents, students. So I've asked for everyone to keep me
14 in the loop.

15 Q I want to talk with you about how you relate
16 certain information to your staff; namely, financial
17 policies and procedures of Bluffton High.

18 A On a frequent basis in meetings with the entire
19 staff, especially at the beginning of the year with
20 reminders and updates, I communicate with the staff as far
21 as money-handling procedures, working with the bookkeeper
22 on making deposits; the invoice request process to make
23 sure that we're appropriately using our P card, so lots of
24 updates; initial communication of expectations, and then
25 updates on a regular basis.

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1 Q Okay. Please explain to the Board the role of
2 the bookkeeper in your school.

3 A Our bookkeeper handles all of the invoices,
4 bills, deposits, communicates in person with my staff every
5 year in our opening staff meeting when the staff returns,
6 as far as reminders of procedures, expectations. I meet
7 with her several times a week. She comes to me as I'm
8 signing all the requisitions and such. She walks me
9 through each and every one, what it is for, how -- what
10 account it's coming out of, just so I, you know, know what
11 it is I'm signing.

12 Q Okay.

13 A And she shares with me any issues that may arise.
14 A staff member may not have followed the protocols exactly,
15 or something, and so she wants to make sure I'm in the --
16 in the loop so that, if I'm -- anyone from the district
17 office were to call me to ask me, I would -- I would be
18 aware.

19 Q How would you expect the bookkeeper to inform you
20 of any policy infractions that she may find?

21 A I would expect that she would see me immediately
22 and she would see me personally to share with me that
23 information, and then she would document that information,
24 and that way either she, at my direction, or I would
25 communicate it to Phyllis White or other folks here in our

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1 financial office.

2 Q And please tell the Board how your bookkeeper
3 would document these policy infractions. Would it be in
4 the form of an email, a letter, or a memo?

5 A Typically, it would be through email.

6 Q Um-hum.

7 A That way -- to be honest, that way, it's easy for
8 me to forward it to Phyllis White or Ms. Amsler or any of
9 the folks here at the district, and I'm not rewriting the
10 issue, so to speak.

11 Q How long have you known Phillip Shaw?

12 A Since July of 2010.

13 Q As the principal of Bluffton High, have you ever
14 had to work with Phillip Shaw?

15 A Yes, for many reasons. One, when I was new,
16 getting to know everyone; and we're on the -- we share a
17 campus; plus, our unique grade configuration, with the
18 freshmen being at HE McCracken Middle School, but I'm the
19 high school principal. There's a lot of interaction,
20 curricular alignment, professional development, regular
21 communication. We share initiatives. For example,
22 McCracken adopted the writing initiative that we put into
23 place. So we would talk, initially, getting to know each
24 other. Then I proposed that we form, in essence, a
25 partnership, a 6-12 collaboration with Dr. Rhodes, Mr. Shaw

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1 and myself, to build upon programs and procedures, as well
2 as curricular development and our priority 6 through 12 in
3 our cluster.

4 Q Thank you. As a principal, what is your
5 professional opinion of Phillip Shaw?

6 A Phil was of great assistance to me, especially
7 coming on board in a large district, much larger than where
8 I came from; a lot of procedures, protocols, deadlines,
9 important things not to overlook as the new person, you
10 know, in the district. So he would give me a heads up as
11 far as, you know, wanting to make sure you get this in, or
12 make sure you handle that issue in a timely basis, here's
13 what they're looking for, that kind of thing.

14 So we really formed a partnership early on in
15 that regard, and then -- then, as I was putting forth our
16 academic achievement improvement plan and such, there were
17 initiatives that touched what I felt was ninth grade, and I
18 would propose to Mr. Shaw things that would be of great
19 assistance to us at Bluffton High, if he -- if McCracken
20 Middle would, in essence, come on board with some of the
21 initiatives that we were looking to put in place.

22 MS. ZEIDAN: Thank you. I have no further
23 questions for this witness. Thank you, Mr. Dievendorf
24 -- Dievendorf. Excuse me. If you would, please
25 answer any questions Mr. Vernie Williams or Ms.

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1 Shirley Fawley may have.

2 CROSS-EXAMINATION

3 BY MS. FAWLEY:

4 Q Good morning --

5 A Good morning.

6 Q -- Mr. Dievendorf. You indicated in your
7 testimony that you expect your staff to keep you in the
8 loop about things; is that correct?

9 A Yes, ma'am.

10 Q And if your bookkeeper came to you and advised
11 you that a lot of fund-raising was going on in your school
12 by students and that that cash was not being run through
13 the bookkeeper and turned in to the bookkeeper to follow
14 district protocols, what would you do?

15 A I would find out the specifics. I would make
16 sure that anyone and everyone that needed to be aware that
17 we've discovered an issue was aware, probably right up to
18 the superintendent, depending on the seriousness of the
19 protocols that were not being followed. Certainly, Ms.
20 White would be made aware by me, and then I would address
21 each and every specific issue with the individual involved
22 in the building.

23 Q Would you prevent that inappropriate protocol's
24 continuing within your building, or would you put a stop to
25 it?

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1 A I would address them as I was made aware of them
2 immediately.

3 MS. FAWLEY: Thank you. No further
4 questions.

5 MS. ZEIDAN: A quick redirect.

6 REDIRECT EXAMINATION

7 BY MS. ZEIDAN:

8 Q Mr. Dievendorf, what would you -- would you
9 expect -- would you expect your bookkeeper to document
10 these things to you?

11 A Absolutely.

12 Q These infractions?

13 A Yes.

14 Q And would these be some of the -- what Ms. Fawley
15 just testified to, would those be some of the infractions
16 that you would ask her to put in an email to you?

17 A Definitely.

18 Q Okay. Mr. Dievendorf, would you expect your
19 bookkeeper to sign for purchases that she didn't order?

20 A No.

21 MS. ZEIDAN: Thank you. No further
22 questions of this witness.

23 CHAIRMAN EVANS: You're excused, Mr.
24 Dievendorf.

25 MR. DIEVENDORF: Thank you.

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1 CHAIRMAN EVANS: Thank you.

2 MS. ZEIDAN: At this time, we would like to
3 call Mr. Mike Sanz.

4 (Brief recess taken.)

5 CHAIRMAN EVANS: Swear the witness in,
6 please?

7 (MICHAEL SANZ, called as a witness, having
8 been first duly sworn, was examined and testified as
9 follows:)

10 MS. ZEIDAN: Good morning, Mr. Sanz.

11 WITNESS: Good morning.

12 CHAIRMAN EVANS: Just one reminder, please.
13 Just a reminder, as a former Board member, you're
14 expected not to reveal anything from executive
15 session. Thank you.

16 MS. ZEIDAN: And if I may tell the -- Mr.
17 Sanz the codes that we're using as to not divulge
18 confidences?

19 (Discussion held off the record.)

20 DIRECT EXAMINATION

21 BY MS. ZEIDAN:

22 Q Now, Mr. Sanz, I know you need no introduction,
23 but will you please state your name for the record?

24 A My name is Michael Leo Sanz.

25 Q And Mr. Sanz, when did you join the Beaufort

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1 County School District?

2 A I was hired the last week of July, maybe August
3 1st, of 2008.

4 Q In 2008. And what position were you hired for?

5 A Assistant principal at Hilton Head Middle School.

6 Q And how long did you stay in that position?

7 A One year.

8 Q And in 2009, did you stay with the district or
9 leave?

10 A No, what happened was, our principal, Ms.
11 Desimone, left in about March of that year. So the
12 principalship was open, so I applied for the position. I
13 went through the hiring process, at least the first day,
14 did not receive the job, and was told by Dr. Truesdale that
15 I would have to be transferred after that. She came to the
16 school and, in about at two-hour session, told me we can't
17 have three white guys staying in the same building.

18 And so, then a few weeks later, I called Dr.
19 Rosswurm and asked -- this was in July -- and asked,
20 "What's happening?" And she said, "You've got a job, don't
21 you?" And I said, "Yes, I do." She goes, "Just do your
22 job." Then, on Thursday before the teachers arrived on
23 Monday, Dr. Rosswurm came to me and said, "We're assigning
24 you to Robert Smalls as an assistant principal, and so pack
25 your stuff. You're due there tomorrow."

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1 I was there from that Thursday 'til the following
2 Friday. I was called into a meeting with Dr. Rosswurm and
3 my wife at Bluffton High School and was told that I was
4 being moved to Bluffton High School as a teacher, and
5 that's kind of a long process, but, basically, she was
6 saying, "You're no longer the assistant principal. You're
7 going to be a teacher."

8 Q Okay. And what type of teacher -- well, what
9 type of subject did you teach at Bluffton High?

10 A I was asked to teach physical science, ninth
11 grade science. This was on a Friday afternoon. I was told
12 to be in class on Monday. I hadn't been in a classroom in
13 12 years.

14 Q Mr. Sanz, what I want you to do is to describe
15 for the Board of Trustees what the culture of the district
16 is like as it relates to teachers, administrative staff,
17 and the district office officials.

18 A Okay. Well, I'll try and explain in a general
19 kind of --

20 MR. WILLIAMS: I'd like to object to the
21 relevance of that question.

22 MS. ZEIDAN: It goes to motive and bias. We
23 have a right to present a defense, and that's what
24 we're doing.

25 CHAIRMAN EVANS: Motive and bias?

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1 MS. ZEIDAN: Yes.

2 CHAIRMAN EVANS: On whose part?

3 MS. ZEIDAN: Well, the school district has
4 the burden, and so here we are, presenting our
5 defense.

6 CHAIRMAN EVANS: I still don't understand on
7 whose part.

8 MS. ZEIDAN: Well, on the school district.

9 CHAIRMAN EVANS: Specifically who do you --
10 who is he going to establish has been biased or
11 prejudicial?

12 MS. ZEIDAN: What he's going to do is
13 establish that district office officials, namely
14 Jackie Rosswurm, has -- they have motives, and they
15 are biased towards anyone that specifically called
16 them out on different infractions or challenged them,
17 if he will be allowed to testify. I don't want to
18 testify for him, but that's going to be the gist of
19 it. He's going to acquaint the board members with the
20 culture, as he knows it to be, at the Beaufort County
21 School District.

22 MR. WILLIAMS: I'd --

23 MS. ZEIDAN: And as --

24 MR. WILLIAMS: Same objection.

25 MS. ZEIDAN: -- a board member, an

1 administrator and a teacher, I think Mike Sanz has it
2 from all different perspectives.

3 CHAIRMAN EVANS: Let me hear from Mr.
4 Williams.

5 MR. WILLIAMS: Again, I'd object on the
6 relevance. Keep in mind, Ms. Fawley said in her
7 opening remarks this hearing is about Mr. Shaw, and it
8 seems like that opening with a question about the
9 culture of the district is not relevant to Mr. Shaw's
10 proceeding with the Board.

11 MS. ZEIDAN: And if I may, just for the
12 record, the standard here -- and I think Ms. Fawley
13 said it -- is about good and sufficient evidence. And
14 so here we are. Our position is to challenge that,
15 and we are presenting his defense, which includes
16 different motives of the district. The district has
17 the burden of proof, not us.

18 MR. WILLIAMS: The only other thing I would
19 add is, the recommendation was made by Dr. Moss.

20 CHAIRMAN EVANS: Yes, I -- I still --

21 MR. WILLIAMS: So to the extent he's
22 testifying about --

23 CHAIRMAN EVANS: -- don't understand the
24 relevance. If -- if Dr. Rosswurm had made the
25 recommendation, I could possibly understand some

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1 relevance. Dr. Moss made the recommendation for
2 dismissal. I don't understand how Ms. -- or Dr.
3 Rosswurm's involved.

4 MS. ZEIDAN: And if Mike Sanz would be
5 allowed to testify, again, you could use his testimony
6 however which way you decide. The infractions that
7 occurred against Mr. Shaw occurred on Dr. Rosswurm's
8 watch. While Dr. Moss did make the recommendation, I
9 believe he testified that all of these things occurred
10 prior to the time he got here, and he reviewed them.
11 He testified he didn't conduct an independent
12 investigation. So it goes as to motive and bias of
13 the district as to why Phillip Shaw was terminated in
14 this particular -- why he was disciplined and
15 reprimanded, and all of these findings.

16 CHAIRMAN EVANS: We'll give you some
17 latitude here, but we think this is awfully broad to
18 be talking about the culture of the entire district.

19 MS. ZEIDAN: Well --

20 CHAIRMAN EVANS: I mean, you -- let me
21 finish, please.

22 MS. ZEIDAN: Oh, I'm sorry. Go ahead.

23 CHAIRMAN EVANS: If you want to try and
24 establish something in the -- in regards to a specific
25 motive that you think somebody might have had, then

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1 that's fine, and --

2 MS. ZEIDAN: And we will.

3 CHAIRMAN EVANS: And I would remind the
4 witness again that he is prohibited from speaking
5 about any knowledge that he has coming out of
6 executive session.

7 MS. ZEIDAN: Okay. And what we'll do is
8 talk about the culture that Dr. Rosswurm created.
9 We'll narrow that down; okay?

10 BY MS. ZEIDAN:

11 Q All right. All right, Mr. Sanz. My question
12 was, I want you to describe the culture of the district as
13 it was under Dr. Rosswurm's administration and when Dr.
14 Rosswurm was, I believe, the chief of HR, the head of HR.
15 Tell me about that as it relates to teacher and
16 administrator interactions.

17 A Well, I have to use my own personal situation as
18 sort of an example of this, because that's the -- a lot of
19 the other things were hearsay, in terms of things I heard
20 coming into the district. So the situation that I faced
21 is, when I came into the district, I cold-called Dr.
22 Truesdale, and I met with her, and I said, "Here's the
23 situation. They're changing things at where I used to be
24 at Heritage Academy. Are you interested in having me as a
25 principal?" She said, "Absolutely. Love to have you.

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1 "What I'm going to do first is, I'm going to get
2 you in as an assistant principal, and then we'll move from
3 there." I said, "Great." So I was sent over to Hilton
4 Head Middle School.

5 Within the first couple of days, Ms. DeSimone,
6 said, "I'm done here. I'm looking for a job. I'm just not
7 -- this is not cutting it for me," and the other assistant
8 principal, Mr. Creighton, also was pretty fed up. So she
9 assigned me a huge amount of percentage of what an
10 assistant principal would do, and so, as they were leaving
11 every day at 2:30, quarter to 3:00, I was staying 'til 8:00
12 every night.

13 Then I called Sherry one day, and I said, "Hey,
14 you know, I don't mind working late, but how about some
15 balance?" And her response was, "I can't put Creighton in
16 there because, if we do, Rosswurm and Truesdale will be on
17 my case, because he won't do the job." I said, "Okay."

18 So then, when she announced she was leaving, I
19 applied for the principal's position. I did not receive
20 the position, and I made a comment that I thought it was a
21 done deal before I even got out of that room for somebody
22 else. Dr. Truesdale and Dr. Rosswurm asked for an
23 afternoon meeting with me. They spent two hours with me.
24 During that two hours, Dr. Truesdale basically dressed me
25 down about a lack of loyalty, and on and on and on and on,

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1 about all these different things.

2 About two weeks later, Dr. Rosswurm came to see
3 me. She said, "I'm going to let you know right now, if
4 that had been me, I would have fired you on the spot." I
5 said, "What's the basis?" She said, "You were very rude to
6 Dr. Truesdale." I said, "I never raised my voice. I
7 addressed her as Dr. Truesdale." I said, "In all due
8 respect, these are all the things that are happening." She
9 said, "Well, I think you need to get back on her good
10 side."

11 Okay. So I left for a three-week vacation that
12 all assistant principals are allowed, and I came back, and
13 I was very concerned because one of the last --

14 MR. WILLIAMS: Mr. Chairman, I don't want to
15 be rude, but, again, I renew my original objection.
16 This just seems like it's --

17 CHAIRMAN EVANS: I --

18 MR. WILLIAMS: -- more --

19 CHAIRMAN EVANS: I have the same question.
20 It doesn't seem relevant to this case at all. It
21 seems to be a reciting of Mr. Sanz's time with the
22 district.

23 MS. ZEIDAN: It's discussing the culture
24 that Dr. Rosswurm created, and if the witness could
25 testify for the record, like I said, the Board is free

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III, Master In Equity
And Special Circuit Court Judge

C.A. No.: 2013-CP-07-03048

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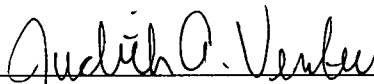
Phillip C. Shaw, ...Respondent,

v.

Jeffrey C. Moss, Ed.D., ...Appellant.

PROOF OF SERVICE

I certify that I have served the Record on Appeal on counsel for Respondent, by depositing a copy of it in a Federal Express overnight box, postage prepaid, on September 1, 2015, addressed to Clifford Bush, III, Esq., The Law Office of Clifford Bush III, LLC, 28 Old Jericho Road, Beaufort, SC 29906.



Judith A. Venters