AMENDED INITIAL BRIEF OF APPELLANT

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SC Court of Appeals

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

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APPELLATE CASE NO. 2016-000955

John Alden Bauer III — Appellant

v

Beaufort County School District — Respondent

AMENDED INITIAL BRIEF OF APPELLANT

John Alden Bauer III, pro se, appeals the order of the Honorable Marvin H. Dukes III, dated and signed March 29, 2016, but not entered. On April 25, 2016, the Honorable Marvin H. Dukes III, signed a new copy of the same order, that remained dated March 29, 2016, but entered and filed on April 25, 2016. Appellant received *email* notice of entry of this order on April 25, 2016. Deadline for Initial Brief was extended.

August 12, 2016

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(A) Table of Contents and Cases

Contents

Cover Page _ _ _ _ _ _ _ _ 1

Respondent _ _ _ _ _ _ _ _ 2

(A) Table of Contents _ _ _ _ _ _ _ 3

Cases _ _ _ _ _ _ _ _ 3

Constitutional Issue

Other Laws and Rules

(B) Statement of Issues on Appeal _ _ _ _ _ _ _ 4

(C) Statement of the Case __ _ _ _ _ _ _ 6

(D) Argument _ _ _ _ _ _ _ _ 8

(E) Conclusion _ _ _ _ _ _ _ 39

Cases

Constitutional Issue

South Carolina Constitution Section 22, 24 (1970 (56) 2684; 1971 (57) 315) Pages 5, 9, 10, 11, 19, 20, 21, 26

Other laws, Cases, and Rules

Brown v. James. Opinion 4674. THE STATE OF SOUTH CAROLINA, In The Court of Appeals. Pages 9, 10, 17, 19, 26, 38

Family Educational Rights and Privacy Act ("FERPA") Page 15, 39.

Fields-Lary v. Charleston County School District. 2014-CP-10-1480

Gonzales v. McEuen, 435 F. Supp. 460 (C.D. Cal. 1977) U.S. District Court for the Central District of California - 435 F. Supp. 460 (C.D. Cal. 1977) March 2, 1977. Pages 12, 26.

Hall v. Board of Trustees School District No. 2, 330 S.C. 402, 409. Page 34

Hodges v. Rainey, 341 S.C. 79, 85, 454 S.E.2d 578, 582 (2000) (cited in Fields-Lary)

Kizer v. Dorchester County Vocational Education Board of Trustees, 287 S.C. 545, 340 S.E.2d 144 (1986) Page 34

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938), page 20

Middleton v. Charleston County Case No. 13-CP-10-7094, THE STATE OF SOUTH CAROLINA, In The Court of Appeals. Pages 8, 29, 30, 35

Moody vs. Dairyland Ins. Co., 354 S.C. 28, 30-31, 579 S.E.2d 527, 529 (Ct. App. 2003) (cited in Fields-Lary)

South Carolina Teacher Employment and Dismissal Act ("TEDA") Act 59-25-430 through 59-25-480. Pages 4, 5, 6, 9, 16, 17, 21, 22, 26, 27, 29, 31, 33, 34, 38.

Curtis Shell v. Richland County School District, 608 S.E.2d 428 (S.C. 2005) Page 34.

Singleton v. Wulff, 428 U.S. 106 (1976) No. 74-1393. Page 19.

(B) Statement of Issues on Appeal

1. Errors in the Order of the Court of Common Pleas

2. District imposed 10 months of delays from June 21, 2014 to April 30, 2015.

3. No Charges Issued by Board, or anyone.

4. No district witness claimed unfitness and, in fact, they praised the teaching of the Appellant.

5. False Evidence Knowingly Admitted.

6. Why not Testify? The Case Was Won.

7. Additional Violations by District.

(C) Statement of the Case

1. February 5, 2014. John Alden Bauer, III was placed on Paid Administrative Leave.

2. February 5, 2014. Principal McAden was ordered to preserve evidence.

3. February 18, 2014. Childs and Halligan, attorneys receive document(s) from this case indicating that they have been retained.

4. April 14, 2014. Appellant signed new contract contingent on outcome of this case.

5. May 21, 2014. George McMaster wrote Litigation Hold Letter to Preserve Evidence, as final act as pro bono consultant (McMaster was closing his law practice).

6. May 21, 2014. Appellant was now fully pro se.

7. May 29, 2014. Superintendent Moss sent an *email* to Appellant detailing four (4) "bases" for his recommendation for termination, the *only* communication, ever, of any potential charges or accusations. (The first 2 bases became the "charges" on third day of hearing)

8. June 5, 2014. Board accepts Superintendent's recommendation for terminating Appellant. No hearing had been held, nor had any "causes" from board been issued.

9. June 16, 2014. Superintendent confirms termination. Termination officially documented on July 1, 2014.

10. June 21, 2014. Appellant appeals Board action and issues FOIA Request. No response, a misdemeanor.

11. July 1, 2014. Official Termination Documented. (Documents withheld from appellant until June 14, 2016)

12. July 7, 2014. Appellant Petitions Board for Reinstatement based on violation of 15 day requirement for hearing. No Response.

13. August. Board ratifies termination. (Day unknown. Minutes later deleted)

14. September 2, 2014. Board ratification of termination is published on web.

15. October 21. Appellant again petitions Board for hearing. No response.

16. Depositions are held beginning on December 16, 2014 and continuing into February, 2015.

17. April 30-May 2. 2015. Beaufort County Board of Education Hearing.

18. May 19, 2015. Board Order signed.

19. May 29, 2015. Appellant appeals to the Court of Common Pleas

20. July 8, 2015. Attorneys of Record for Superintendent/District/Board Fired. Duff White and Turner retained.

21. August 19, 2015. Hearing in Court of Common Pleas. Considered Motion to Dismiss and to change named Respondent.

22. October 19, 2015. Motion for Summary Judgement Filed

23. January 19, 2016. Hearing in Court of Common Pleas. Considered Motion to Disqualify and Motion for Summary Judgment. Denied.

24. March 1, 2016. Hearing in Court of Common Pleas. Considered three Motions to Compel--Security Camera footage, Caller ID, Forensic Analysis of challenged letter. All denied.

25. March 4, 2016. Final Hearing in Court of Common Pleas.

26. March 16, 2016. Proposed Order submitted by Counsel for Respondent.

27. c. March 21, 2016. Appellant submitted response to proposed order and alleges substantial factual error(s) in the Proposed Order.

28. March 29, 2016. The Honorable Marvin H. Dukes III, signed the Final Order. Not entered.

29. April 25, 2016. The Honorable Marvin H. Dukes III, again signed the Final Order, dated March 29, 2016, filed the Order, and sent a copy via email to Appellant.

30. April 27, 2016. Hard copy of Final Order received by Appellant.

31. May 5, 2016. Appellant filed Notice of Appeal with the Clerk of Court. (Court of Appeals)

(D) **Argument**

ERRORS IN COURT OF COMMON PLEAS ORDER dated March 29, 2016.

1. The proposed Order had been written by David Duff, Counsel for Respondent. It contained multiple errors and Appellant submitted a 32 page document with suggested corrections. (R.p___) No corrections were made except for misspelling.

   This brief will deal with only one such error.

2. From the Order, page 19, (Underlinings by Appellant): *"Bauer maintains that he actually was terminated without the opportunity for a hearing, in violation of §§ 59-25-460 and 470, and contrary to the South Carolina Court of Appeals holding in Brown v. James, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010).[1] Initially, this issue was not supported by Bauer at the School Board's hearing by evidence or argument and was not preserved for appeal because the School Board did not rule on it. Secondly, Bauer's contention is without merit because his employment with the District clearly was not terminated until the Board unanimously voted to uphold the Superintendent's recommendation on May 2, 2015.* (R.p___)

3. The absurd claim that Bauer did not argue the issue is demonstrably false. It was repeatedly argued, and witnesses for the district testified to it, including the superintendent and the Human Resources Officer, Alice Walton. (R.p) Examples

- Walton, page 351 l15; BH, (R.p.___)

"You were asked on February 5th, 2015, if Mr. Bauer was terminated by the Board without a hearing, and your answer is -- was, "That is correct."

- Page 350 line 2 of Hearing (exhibit A-59, R. p.___) Walton Q. "...And if a teacher is terminated without a hearing, does that violate Brown versus James?

  A. I'm not familiar with Brown versus James. (R.p____)

- Appellant, *"Did you state when I (*appellant*) was terminated that the bases for my termination were based on this May 29th (2014) email, that the charges were in this?*

  A No, you were terminated for two charges, neglect of duty and insubordination.

  (R.p____) BH page 530 line 13

- *Q "Concerning Mr. Bauer's termination on June 5th,*

A (Moss) *The termination was embedded in two actions, neglect of duty and insubordination. Page 545, line 15*

4. The contention that Appellant was terminated without a hearing is undisputed as proved by the district's own documents and witnesses. The *"School Board did not rule on it"* because it was not debatable. The minutes of June 5, 2014 (District document (R.p____) say that Appellant was terminated, the superintendent confirmed

the termination on June 16, 2014, and the district officially documented the termination in the Human Resources Office, dated July 1, 2014. (R.p.____)

5. **DELAY**

From Board Hearing, April 30, 2015. Page 38 line 21
Appellant: *"When the district learned that I had* not agreed to an extension, why not have the hearing soon, or within 15 days, or a month, or at least a discussion of....dates? I was acting pro se, and yet based on the imposed delay, a motion to reinstate was submitted by me to the School Board on July the 7th, 2014. I did not receive a response.....by October 21st, I was frustrated with no responses and again petitioned the School Board. This petition asked to restart the 15-day calendar."

The requests were ignored and additional delays were imposed.

6. Timeline concerning delays:

June 5, 2014. Appellant terminated without a hearing. (R.p.____)

June 16, 2014. Superintendent emails, *"You are current (sic) no longer an employee...."* (R.p.____)

June 21, 2014. Appellant appeals the termination. Fifteen day calendar for hearing begins. (Attorneys for district had been hired and had 5 months to prepare)

July 1, 2014. Official Termination Documentation executed by district. (Documents withheld from appellant until June 14, 2016) (R. p.)

April 30-May 2. Board Hearing. No evidence either way was presented regarding a delay, except for Appellant statement above, and no charges were ever presented before the hearing.

7. From Order, pages 4-5, Fields-Lary v. Charleston County School Board. Case No.: 2014-CP-10-1480. October 22, 2014.

"The General Assembly established the mode of procedure to be used in the dismissal of public school teachers in Title 59, Chapter 25, Article 5 of the Code of Laws. *See* *S.C. Code Ann. §§ 59-25-410 through 59-25-860. These statutes provide continuing contract teachers certain specific rights, including:*

> *1. Written notice of reasons for dismissal from the School Board (§ 59-25-460);*
>
> *2. The right to a hearing (§ 59-25-460); and*
>
> *3. Procedural Due Process, including the right to be heard within 15 days (§ 59-25-470)."*

See #1. No written notice of reasons (charges) ever came from the School Board. Not only was the hearing not scheduled (#3 above) within 15 days of the request, dated June 21, 2014, but the final termination paper work was completed on day nine (9) of the 15 day requirement for a hearing, proving that there was no intention of scheduling the requested, and required, hearing during the following six days, or ever.

8. A battery of experienced attorneys were already on this case in February 2014 (emails from Human Resources Officer Walton) and this gave them 5 months to

prepare. How is it that a pro se PE teacher is willing to go forward and abide by the law, but not the professionals?

9. The July 1, 2014 official termination paperwork was inexplicably withheld from Appellant until June 14, 2016, and was not available for the School Board Hearing or for the Appeal to the Court of Common Pleas. (R.p.____)

10. The Order in *Fields* makes it clear that the language of TEDA is mandatory and not given to interpretation.

"It is a well-established legal principle that where the terms of the statute are clear, courts must apply those terms according to their literal meaning without resort to subtle or forced construction to limit or expand the statute's operation. Moody v. Dairyland..." Page 8 of *Fields-Lary*

"Twenty years later, in Brown v. James, the Court of Appeals held that the language of TEDA is unambiguous regarding procedure and that 'the observance of the procedural requirements of the Employment and Dismissal Act is ***mandatory and not a matter of discretion****. Only two years ago our Supreme Court reversed the decision of the Young v. Charleston County School District board for violating teacher rights provided in TEDA."'* Fields-Lary, page 6

11. David Duff, Counsel for the District, in the Court of Common Pleas (R.p.____) on March 4, 2016 said, *"Most of the delay quite frankly, was due to Ms. Martel."* Lauren Martel was hired by Appellant on November 1, 2015, five months into the delays following the Request for a Hearing, and 10 days after Appellant served his fourth Motion/Petition, all four of which were ignored. Why would an attorney (Duff) make such an outrageous accusation against a fellow officer (Martel) of the court?

See Affidavit of Lauren Martel. (R.p.____) Case Law: *"'The plain language of Section 59-25-470 stating that the hearing will be held not less than 10 nor more than 15 days after the hearing is served' is mandatory..."* Shell vs. Richland County School District One 362 S.C. 408, 608 S.E. 2d 428 (2005) quoted in Fields-Lary v. Charleston County School Board. Case No.: 2014-CP-10-1480. October 22, 2014.

12. Appellant signed new contract on April 14, 2014, see next for importance.

ARTICLE 5.
EMPLOYMENT AND DISMISSAL

SECTION 59-25-410. "Notification of employment for ensuing year; notification of assignment."

"...Notices of intent not to renew an employment contract shall be given in writing no later than April fifteenth of each year." also Fields-Lary v. Charleston County School District. 2014-CP-10-1480, pages 6-7.

13. Therefore, the hearing would have been required to be either before April 15 or within 15 days, thereafter, as acknowledged by Respondent's Counsel on his website and which was Quoted verbatim on page 43 of Board Hearing Transcripts, lines 7-15. (R.p.____)

14. Case law iterates the mandatory nature of the law making it clear that no delays are permitted, if either side objects. Below are examples of such case law as cited in Fields-Lary v. Charleston County School District. 2014-CP-10-1480. Pages 6-8.

Moody vs. Dairyland Ins. Co., 354 S.C. 28, 30-31, 579 S.E.2d 527, 529 (Ct. App. 2003)

Hodges v. Rainey, 341 S.C. 79, 85, 454 S.E.2d 578, 582 (2000)

Brown v. James. 389 S.C. 14, 697 S.E.2d 604, 611 (Ct. App. 2010)

15. Whether one wishes to consider this a case of non-renewal, termination, (or suspension after termination!? Yes, that really happened), or any of the above, TEDA is clear on the requirement for a timely hearing, if requested. This is emphasized on page 6 in *Fields-Lary* (R. p.) so that teachers *"have ample time to secure employment prior to the commencement of a new school year."*

16. If the superintendent thought he had reason for suspension under TEDA 59-25-450, he was required to abide by the hearing requirement.

17. There is no legitimate excuse for making no effort to comply with the law. *Middleton* was reversed on the basis of a 4 month delay. Respondent's imposed delay of 10

months is even more egregious. (Middleton v. Charleston County Case No. 13-CP-10-7094, THE STATE OF SOUTH CAROLINA, In The Court of Appeals.)

No Charges Issued By Board

18. From Fields *"These statutes provide continuing contract teachers certain specific rights, including:*

1. Written notice of reasons for dismissal from the School Board (§ 59-25-460);"

SECTION 59-25-460. Notice of dismissal; conduct of hearing.

"No teacher shall be dismissed unless written notice specifying the cause of dismissal is first given the teacher by the District Board of Trustees..."

19. Not only did the Board not issue "reasons" "causes" or "charges", the Board did not even know the "charges". (R.p.____) The district attempted to use a defective email, Exhibit A-225, (R.p.____) from the superintendent as the "charges" (an email incorrectly listing '*one* psychiatrist' and '*insubordination*', which was denied by the key witness). AND the superintendent denied that they were the "charges". Page ____in Hearing. (R.p.____)

Bottom line. No charges were ever issued--by anyone, a violation of TEDA.

20. The result of *"no charges"* led to other violations.

From TEDA 470. *"The complainants shall initiate the introduction of evidence in substantiation of the charges."*

21. The district could not *"initiate the introduction of evidence in substantiation of the charges"* since there were no charges. Everything the district introduced was uncharged, and in fact, undocumented according to policies HRS-14 and HRS-33.

22. Appellant objected to each groundless accusation as "not charged".

One such accusation occupied more than 70 pages of the hearing, and yet the witness found *"nothing amiss"*.

23. How can there be a trial, without charges administered lawfully, and then having counsels for the prosecution and jury attending the deliberations? (R.p.____)

24. Superintendent Moss testified on day 3 of the hearing that he issued two charges *in writing*, (R.p.____) page 524, Lines 11-16 of Board Hearing, but there is no evidence of such a document. The court erroneously did not require any evidence of the two charges ever being issued by anyone. (Violations of TEDA 59-25-460 and 470. Exhibit 5, pages 2-3)

25. *Q* (Appellant) *"Did you state when I was terminated that the bases for my termination were based on this May 29th email, that the charges were in this?"*

A *(Moss) "No, you were terminated for two charges, neglect of duty and insubordination."* (R. p. Board page 530 line 13)

26. Donald O. Clendaniel, the Assistant Principal involved, testified that Appellant was not insubordinate. In fact TEDA does not include 'insubordination' as a cause for dismissal. Hall 330 S.C. 402, 409; Shell 362 S.C. 408 (2005); Kizer 287 SC 545 (1986) (R.p.____)

27. The Board Order clearly mis-stated the fact. (R.p.____)

28. Page 46 line 10. (R.p.____)

    MR. DUFF: *"Mr. Williams, are the charges contained within the exhibits that you intend to introduce?"*

    Mr. Williams: *"Yes, sir, they are."*

    The charges were not in their exhibits, and it led to more chaos, such as......

29. Appellant objected to uncharged accusations, some of which had NOT been revealed during Discovery!! Page 128 lines 4 and 14. (R. p.)

Fitness

30. No witness testified that Appellant was unfit. In fact the school administration all testified to his excellence, and that they were willing to work with him again.

Assistant Principal Donald O. Clendaniel testified:

"Well, he was a good teacher. He seemed to love what he did, love children."

Board Hearing page 126, line 17. (R. p.)

31. **SECTION 59-25-430.** Dismissal of teachers; grounds; opportunity for hearing; suspension pending resolution of charges.

"...Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following: persistent neglect of duty, willful violation 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."

32. The Board Order, allegedly written by David Duff Advice Counsel to the Board and now counsel for Respondent, claimed unfitness based on "insubordination". Assistant Principal Clendaniel who was the administrator involved testified that, *"I've never accused Mr. Bauer of insubordination."* Page 148 line 2 of Board Hearing. (R.p.____)

False Evidence

33. The attorneys and Mr. Duff knowingly allowed a false roll book, or grade book, to be presented. All attorneys had been informed before the hearing that the true grade book had been confiscated and withheld.
34. Appellant anticipated the ploy of the false grade book in his Opening Statement, Board Hearing, page 29, (R.p.____) lines 1-4. *"...some of the evidence that the*

opposing counsel will use is misrepresented. Pay particular attention to what they claim is my class record book." (R. p.)

35. The false grade book, with its empty pages, comprised 81% by volume of the district's exhibits. The true grade book, showing heavy use and which had been withheld for more than two (2) months after the Board Hearing, was sent inadvertently to Dr. John Bauer, of Columbia, along with a set of master keys (!) to the Beaufort County School District Offices. (Also enclosed were 13 un-redacted confidential student files, a violation of the <u>Family Educational Rights and Privacy Act</u> ("FERPA")
36. The principal who had hidden the true grade book also swore that she wrote a letter on her office computer, critical of Appellant, on a day in which she was <u>not in</u> the office. Internal evidence raised suspicions about the authenticity of the letter, also noted during the hearing by a member of the Board. page 262 lines 15-21 of Board Hearing.) (R.p.____) The letter, dated December 10, 1013 (sic) was never delivered. It was presented by attorneys for the district. (R.p.____)
37. Respondent has refused to authenticate the letter, a one minute operation, at no cost. In fact they could simply take a screen shot of the computer showing the creation date and modification date of the letter. Appellant even offered to provide a computer forensic analyst at no cost to respondent.
38. One other document exhibited by the District was finally conceded, during vigorous cross examination, to have been falsely dated! (R.p.____)

Why Not Testify?
The Case Was Won

39. It was obvious that there was considerable sympathy from the Board for Appellant. Appellant counted at least 4 votes seemingly favoring Appellant before the deliberations. Why risk a long brutal cross examination that multiple attorneys had had months to prepare?
40. During breaks Chairman Evans repeatedly told Appellant's father things such as, *"Your son is doing great. The opening statement was brilliant. Everyone is impressed."*
41. Mr. Duff, the Board's Advice attorney at the Hearing, and now Counsel for Respondent, repeatedly urged Appellant to testify near the end of the hearing. That was strange considering that Mr. Duff had emailed Appellant, before the hearing, that since Appellant had not put himself on the witness list, it would be a problem for him to testify. Duff continued that he would probably approve Appellant's testifying, but that he did not know how the other attorneys would react. Therefore, Appellant prepared to present his evidence only through the district's witnesses.

42. Board Hearing, page 553, line 4 (R. p.)

Chairman Evans said, "*...but we will recognize that all these letters are in the booklet you gave us, so we can take them under advisement when we deliberate, there.*"

MR. BAUER: "Sure."

43. And on page 566, line 11 (R. p.)

"...particularly in Mr. Bauer's booklets, that were not introduced, and just in my simple way of categorizing, I mean, I circled documents that were discussed and----"

MS. FAWLEY (for the district): "We're comfortable with that"

44. Appellant, therefore, believed that items in the "booklet" i.e. "notebook", would be considered, along with cross examination evidence, during deliberations.

45. In addition on page 568, line 17 (R. p.)

CHAIRMAN EVANS: And there was a substantial amount of --

MR. BAUER: Yes.

CHAIRMAN EVANS: -- evidence put into the record under cross-examination.

MR. BAUER: Exactly.

MR. RIVERS: Okay.

CHAIRMAN EVANS: Okay.

MR. BAUER: Thank you.

46. Appellant believes that he would have won the vote if Mr. Duff had not attended the deliberations. Duff's attending the deliberations was a violation of *Gonzales v. McEuen*, 435 F. Supp. 460 (C.D. Cal. 1977) U.S. District Court for the Central District of California - 435 F. Supp. 460 (C.D. Cal. 1977)

47. Mr. McEuen was "*advisor to the Board*" and attended deliberations for 45 minutes. Here is what the court ruled:

"The plaintiffs contend that their due process rights were violated by this involvement of Mr. McEuen with the Board. This court agrees.

"Whether he (McEuen) did or did not participate, his presence to some extent might operate as an inhibiting restraint upon the freedom of action and expression of the Board."

<u>Additional Violations</u>

48. The Board terminated Appellant as a teacher, prior to any hearing, on June 5, 2014, see #1, above.

49. The Board then wrote a **false set of substitute minutes** for June 5, 2014 in February 2015, and published the new version of the minutes as being June 5, 2014, an admission of error. Exhibit 1 (Auxiliary), page 4. Record = Board Hearing Page 319 lines 10-21. (R. p.)

50. The Board also removed the August ratification reference, another admission of error, but they could not remove the illegal September publication of the ratification since hard evidence is available. (R. p.)

51. *"The observance of the procedural requirements of the Employment and Dismissal Act is mandatory and not a matter of discretion."* <u>Brown v. James.</u> Exhibit 4, page 5.

52. Applying <u>TEDA 430</u> requires a *"pattern of neglect'*.

    One incident where one student sneaks into one class and hides, in a 17 year teacher's career is not a *pattern.*

53. Improvement Plan.

SECTION 59-25-440 *"...school administrator required to make reasonable effort to assist teacher in corrective measures; reasonable time for improvement required."*

Respondent has claimed that the requirement in TEDA 440 was not required in this case due to "misbehavior". Misbehavior was not charged, nor accused, and the claim of insubordination was denied by the Assistant principal involved. (R.p.____)

Why did the District require Appellant to submit an Improvement Plan if it was not appropriate?

Note: Nothing in Section 59-25-450 (misbehavior) was invoked.

54. NOTE: Appellant asked a witness about what was required under TEDA. Attorneys for the district objected ten (10) times on the grounds that it called for a legal conclusion. Hearing pages (R. p.) 349-352, 358, 374, 380, 380, 382, 422, 455.

MR. WILLIAMS: *"... To the extent that you're asking her for a legal conclusion, I would object to that."* page 349 of Board Hearing (R. p.___)

55. Respondent has a propensity for accusing Appellant of technical violations. Perhaps the court should have considered the technical violation of the District not filing the Board Hearing Transcript in the time frame required by <u>TEDA 480</u> Exhibit 5 page (R. p.___) *"Notice of the appeal and the grounds thereof shall be filed with the district board of trustees. The district board shall, within thirty days*

thereafter, file a certified copy of the transcript record with the clerk of such court."

56. Respondent's numerous motions did not absolve them from following the law. *"The observance of the procedural requirements of the Employment and Dismissal Act is mandatory and not a matter of discretion."* Brown v. James Exhibit 4 page 5

- Appellant filed his Appeal on May 29, 2015.
- Respondent filed the transcript of the hearing on September 9, 2015, four (4) months late, and filed only after being ordered to do so by the court.
-

57. A few other serious violations, not argued above--

a. District acting as Prosecutor and Jury: (constitutional issue)
"... Board or the District which legally are one in the same."

b. Published termination Ratification.

c. Respondent cites the words "conditional termination" in the June 6, 2014 "form letter" from the superintendent. The superintendent corrected that on June 16 and the termination was finalized on July 1, 2014. Why does Respondent call that *conditional*?

d. Drew Davis Counsel for the District was actively involved in this case during depositions, despite not being licensed to practice law in S.C.

e. District failed to preserve exculpatory evidence in spite of agreements to do so.

f. District withheld exculpatory evidence, contained in 11,000 emails

g. District failed to meet its own imposed deadline for Discovery.

h. District failed to respond to hundreds of requests for information (Exhibit)

i. Perjurious testimony by superintendent; testified that he would produce 3 months email invitations to meet with him, or his administration. He did not but when asked why he asserted that he "had provided everything."

j. Violations of ADA

k. Petitions, Motions, and FOIA requests were ignored, a misdemeanor.

(E) Conclusion

The Record indicates that the District imposed delays, failed to follow the law, knowingly allowed false evidence to be admitted, withheld the true evidence until after the Board Hearing, and continues to withhold other exculpatory evidence.

How can a court ignore such things as a 10 month imposed delay, a trial without charges, contradictory rulings by de facto co-judicial officers, failure to easily authenticate disputed evidence, ignoring a FOIA request (a misdemeanor), violation of federal law (FERPA, ADA), and other misconduct?

The irony is that the school administrators are on the record as being willing to work with Appellant again ("excellent mentor") but lawyers wanted no part of that.

Respectfully Submitted,

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PROOF OF SERVICE OF APPELLANT'S AMENDED INITIAL BRIEF

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Marvin H. Dukes III, Master in Equity and Special Circuit Court Judge

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APPELLATE CASE NO. 2016-000955

John Alden Bauer, III — Appellant

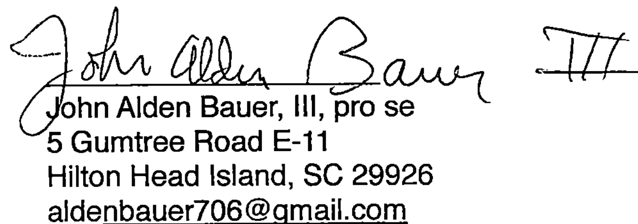
v

Beaufort County School District — Respondent

PROOF OF SERVICE

I certify that I have served the Amended Appellant's Initial Brief on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on ~~July 8~~ Aug 12, 2016 addressed to the attorney of record, David T. Duff, of Duff White and Turner, 3700 Forest Dr., Suite 404, Columbia, SC 29204

August 12, 2016



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