

John Alden Bauer, III
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SC Court of Appeals

June 7, 2017

David T. Duff, Esquire
3700 Forest Drive
Suite 404
Columbia, SC 29204

Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.
Appellate Case No. 2016-000955

Dear Mr. Duff;

As promised I am giving you more information. I cannot imagine that someone on your staff would provide you with such obvious and indefensible falsehoods. Since time will be so short I hope that we can omit the obvious falsehoods and debate the real issues.

This is from page 24 of your Final Brief:

"Item 55 refers to the requirement for an improvement plan to be offered to teachers under Section 59-25-440. However, as the Circuit Court properly explained, this issue was not preserved because it was not raised to and ruled on by the School Board, nor is it relevant to this case as Bauer was terminated under Section 59-25-430, as noted in Section I. C. supra, not Section 59- 25-440. (See R. p. 46)."

You wrote those words and Judge Dukes signed them, both of you having been reliably informed that they were undeniably false.

The issue, that you claim was not raised, was raised twenty-seven (27) times, in your presence, including as recorded on page 425, lines 3-13 (attached as page 3) of the hearing transcript. (S.R. p. 545, lines 3-13) To quote myself, line 4, "section 440 of the Teacher Employment and Dismissal Act requires a reasonable time for improvement,..."

Also, *"I've provided you with a professional improvement plan, which has been ignored."* Page 399, lines 18-19 (attached as page 5) of the hearing transcript. (S.R. p. 519, lines 18-19)

My Improvement Plan was accepted without any criticism, or reservation prior to the hearing. Principal McAden failed to process it with beginning and ending dates, etc. (see below) I contend that anyone who reads the plan would see that it was a very good plan, comprehensive, and would be of benefit to any teacher.

If one were allowed to pick and choose preferred sections of statutes Ms. Walton wasted that when she testified, and confirmed that TEDA 440 was her issue; that it was an employee Improvement action. "*We were dealing with an employer-employee action, to place an employee on a plan for improvement*" (S.R. p 543, lines 9-10, attached, page 4). Alice Walton, Human Resources Officer.

The exhibit in the board hearing for TEDA 440 was marked exhibit #18, (see attached, page 3, lines 7-8). This is one of the 17 exhibits admitted, without objection, that somehow disappeared while you were serving as Advice Counsel to the Board and attending the jury deliberations. Then you contend that I did not show how the improper removal of my exhibits harmed me!

Coexistent with the falsehoods: The problem Principal McAden had with TEDA 440 was that she did not know that she was responsible for administering the statute. When she and other administrators were asked about the law, Attorneys for the district repeatedly objected on the grounds that it called for a "legal conclusion". (S.R. p. 469, lines 11-13, 21-22; S.R. p 470, line 6; S.R. p 471, lines 6-8; S.R. p 478, lines 22-24; S.R. p. 506, lines 3-6, inter alia)

All of the above is complicated by the withholding of my emails that would reveal a motive for why Ms. McAden acted as she did. Ms. Walton testified that she could restore my emails in 3 minutes and that she would do so. She did not. Did counsel have a hand in that?

As a layman I am astonished at the seemingly persistent violations of truth and protection of the guilty.

All of this is especially painful and harmful after my 17 unblemished years in service, two (2) cum laude degrees, National Board Certification--the highest achievement in the profession, and knowing that administrators testified that I was a good teacher and that they were willing to work with me again.

The second promise in our Federal Constitution is to "establish Justice".

Knowingly lying is not the pledge of your profession, nor should it be tolerated by the Beaufort County School District.

Very truly yours,



John Alden Bauer, III

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1 respond to the improvement plan?

A I can't answer that.

3 Q Okay. Now, section -- do we have -- yeah,
section 440 of the Teacher Employment and Dismissal Act
requires a reasonable time for improvement, and I need file
42-A.

(WHEREUPON, a document was marked as
8 Defendant's Exhibit Number 18 for Identification to
the Walton Deposition.)

10 BY MR. BAUER:

Q All right. Now, please refer to section 440, and
that would be on page nine of this document; section
59-25-440.

MR. WILLIAMS: You said page nine?

15 MR. BAUER: It is on mine. I think she's
got it. Yes.

17 THE WITNESS: He's got them, yeah.

MR. BAUER: Yours is different?

MR. WILLIAMS: I don't -- I have pages 1
through 5.

MR. BAUER: Oops. Okay. I have him -- all
22 right. Just find section 440. It's, I believe, on
that somewhere.

MR. WILLIAMS: I see section 440, but just
so I, at some point, have what you have, do you have

Witness: Walton
Cross by Bauer

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1 THE WITNESS: So it's all right for me to
2 answer?

3 MR. WILLIAMS: If you can.

4 BY MR. BAUER:

5 Q If you can. If you can.

6 A No, I really can't answer that, but I can tell
7 you what my opinion is. It was not -- we weren't dealing
8 with an employment dismissal act. We were dealing with an
9 employer-employee action, to place an employee on a plan
10 for improvement.

11 Q I see.

12 A So we weren't dealing with anything but placing
13 you in a plan, and until we came to a conclusion as to what
14 that plan would look like, and implemented that plan,
15 officially, on the correct documents, providing a
16 beginning, a middle, and an ending date for that plan, it
17 was not an official improvement plan.

18 Q I see. So you would feel no need to involve
19 attorneys as -- you wouldn't submit this to an attorney
20 right when you received the improve plan?

21 MR. WILLIAMS: Objection to the relevance,
22 but you may answer.

23 MR. BAUER: Well, okay. The relevance is,
24 she admitted this to Childs & Halligan on February
18th, two hours after it was delivered to her. And my

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A Sure. "I am in receipt of your letter, and I'm extremely concerned." Do you want me to state, Mr. Bauer, who these -- who's saying this, or do you want me to begin Wednesday, April 30th?

Q Yes, it's -- yeah, you can -- you can say it's from me. It's to you and Dr. Moss.

A And is this an email?

Q Yes, this is an email.

A This is a --

MR. WILLIAMS: I'm assuming, I objected when it was originally introduced, so I'd have that same continuing objection.

MR. BAUER: Okay.

MR. WILLIAMS: But you can answer.

THE WITNESS: Okay. This is from you to Walton and Moss. "I am in receipt of your letter, and I'm extremely concerned. I have completed everything that you've asked me. I've provided you with a professional improvement plan, which has been ignored. I have been subjected to a psychiatric evaluation, and now this seems to have been discarded as not legitimate. Now you're requiring that I see another psychiatrist for another humiliating evaluation. I have not even been told of the reasons for seeing a psychiatrist.

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