

John Alden Bauer, III
109 Ashton Hill Drive
Columbia, SC 29229

RECEIVED

June 14, 2017

JUN 14 2017

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

SC Court of Appeals

Re: John Alden Bauer, III v. Beaufort County School District
Appellate Case No. 2016-000955

Dear Mr. Duff;

Again, I am addressing misstatements in your Final Brief.

You wrote on page 7: *"In a letter to Bauer dated February 7, 2014, Walton indicated the reasons for placing him on administrative leave were....his apparent lack of concern about what occurred, (and)....toward the school administrative officials who investigated the incident. (Supp.' R. p. 418, lines 2-18; 2nd Supp. R. p. 13).*

1. Walton never wrote '*lack of concern*' in the letter. See her letter, below. (page 6)
2. There was no investigation. Ms. Walton did not follow through.
3. Supp.' R. p. 418, (page 3) that you cite makes no reference to '*lack of concern*' nor anything relevant to that.
4. Supp. R. p. 13 (page 4-5) that you cite makes no reference to '*lack of concern*', nor anything relevant to that. In fact it is recorded that I addressed some of your misdeeds, including that I was not allowed to ask about the creation date of the allegedly false letter dated December 10, 1013 [sic].

"Lack of concern (?)" On the record, and more, I did show concern.

On the Record: (S.R. p 153, line 15)

"A child was left behind. I was responsible for that, and it bothered me a lot."

The child was not part of my class. Perhaps it is fair to say that I took more than my share of the blame.

What I said in my deposition to Childs and Halligan, August 28, 2014:

"But I certainly take responsibility. It was my fault. And [ET] did everything he was supposed to do, and -- he's an awesome kid. I mean, I love the kid to death. I've never had a discipline issue with him. Ever. And -- and he did the exact right thing he should have. He went up to the employee, who walked him over, and I thought that was really great of him to do that, you know?"

The attorneys from Childs and Halligan knew the truth, but chose to ignore it.

A theme of the hearing "Lack of Remorse", was unheard until after the coaching, as were the 39 false references to a meeting on February 6, 2014. If "Lack of Remorse" had been real it would have been expressed somewhere along the way.

And, of course, there was no Statement of Charges, a violation of TEDA, which could have documented "lack of concern".

You still chose to claim that Ms. Walton wrote what she never wrote, even while the letter is right there for the court to see.

Very truly yours,



John Alden Bauer, III

1 administrative leave.

2 Q And referring to Exhibit 3, what were your
3 reasons for placing Mr. Bauer on administrative leave?

4 A It states this action is being taken because of
5 concerns of negligent actions with a student and
6 unprofessional behavior toward administration at Hilton
7 Head Elementary School.

8 Q What specific actions were you referring to in
9 your February 7th letter when you referenced negligent
10 actions?

11 A Leaving a student unattended at the rec center.

12 Q And to what specific actions were you referring
13 when you listed unprofessional behavior toward
14 administration at Hilton Head Elementary School?

15 A Mr. Bauer's interaction with Mr. Clendaniel
16 during the course of the evening when Mr. Clendaniel tried
17 to get him to attend a meeting to discuss leaving the
18 student at the rec center.

19 X Q Following your February 6th conference with Mr.
20 Bauer, did you have any additional meetings with him?

21 A Yes.

22 Q All right. And do you recall when that would
23 have been?

24 A That would have been February 11th, I believe, or
25 somewhere in that area.

Witness: Walton
Direct by Williams

Betty Anderson & Associates
Beaufort, South Carolina
(843)525-0791 (800)543-5506

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Supp. R. p. 418

20

MR. BAUER: Yes.

21

JUDGE DUKES: Okay. All right. Go

22

ahead.

23

MR. BAUER: Yes. Yes. This is just

24

part of this.

25

JUDGE DUKES: All right. Go ahead.

9

1

MR. BAUER: And I'm almost done.

2

JUDGE DUKES: Okay. Take your time.

3

MR. BAUER: And student confidential

4

forms which is a violation of the Family Educational

5

Rights and Privacy Act. I know it's a little off

6

topic here, but -- Mr. Duff was obligated to know

7

and investigate the truth, yet he chose not to and

8

then allowed the false grade book into evidence.

9

And finally, December 10th -- this is the

10

letter that allegedly Ms. McGadden wrote. Mr. Duff

11

recommended to the judicial officer to allow into

12

evidence a questionable December 10th, 1013, the

13

spelling incorrect or, yeah. Letter from McGadden.

14 I've asked that the letter be subjected to
15 forensic computer analysis. And Mr. Duff said that

16 it could be asked -- that it could be asked at the
17 hearing. When I asked Ms. McGadden at the hearing
18 if she would allow for analysis I was interrupted
19 and not allowed to continue.

20 The validity of this letter was even
21 questioned by a School Board member during the
22 hearing. Mr. Duff allowed it into evidence.

23 And last comment here. Mr. Duff stated to
24 me on May 1st, 2014, during a break --



February 7, 2014

**VIA HAND DELIVERY, REGULAR U.S. MAIL AND
CERTIFIED RETURN RECEIPT REQUESTED**

Mr. John Alden Bauer
5 Gumtree Road ~ E-11
Hilton Head, SC 29926

Dear Mr. Bauer:

The purpose of this letter is to summarize our discussion of February 5, 2014 in which I advised you that you were being placed on administrative leave with pay effective February 6, 2014. This action is being taken because of concerns of negligent actions with a student and unprofessional behavior toward administration at Hilton Head Elementary School.

A full inquiry regarding these claims will be conducted. I am unsure when this inquiry will be concluded; however, we will move forward as expeditiously as possible. In the meantime, you are not to return to Hilton Head Elementary School for any reason or to attend any school-related functions. Further, since it will be necessary for the administration to contact you as part of the inquiry, I ask that you remain available by telephone during normal school hours, between 7:00 am until 3:30 pm, while you are on administrative leave. As I understand it, your telephone number is 384-1505. Please contact me immediately if this contact number is incorrect.

Finally, you are not to have direct or indirect contact with any of your students or their parents while you are on administrative leave, and I encourage you not to contact Hilton Head Elementary School staff regarding this situation.

Very truly yours,

Alice W. Walton
Chief Administrative and Human Resources Officer

cc: I. McAden

I acknowledge receipt of this letter.

John Alden Bauer

2/7/14
Date

Post Office Drawer 319
Beaufort, SC 29915