

**I. Call to Order**

Call to Order: Chairman Arnold

**II. Introduction of the Parties**

School Board

District 1 – Joe Arnold, Chairman

District 2 – Malissa Morgan

District 3 – Gay Carlton, Vice Chairman

District 4 – India Riedel

District 5 – David Williams

Tom Conely, School Board Attorney

Ken Kenworthy, Superintendent of Schools (*Petitioner*)

Richard Blystone, Attorney Representing the Superintendent

Thomas Bonasera, Employee (*Respondent*)

Mark Wilensky, Attorney Representing Thomas Bonasera

**III. Introductory Statement**

This is an evidentiary hearing on the recommendation of the Superintendent for the termination from employment of Tom Bonasera. The hearing is being held in accordance with School Board Policy 6.52, and Florida Statutes §§1012.33, 120.569, and 120.57. This hearing involves disputed questions of fact.

A Court Reporter will record the proceedings and administer the oath to all persons testifying as witnesses. The Superintendent has the burden of proof and will present his case first. The parties will be provided an opportunity to make an opening statement limited to not more than 10 minutes each, and at the conclusion of all the evidence the parties will be provided an opportunity to make closing statements limited to not more than 10 minutes each.

Once the evidentiary portion of this employee termination hearing has concluded, the School Board members will deliberate and rule on the recommendation from the Superintendent.

The School Board's attorney will explain to the School Board members any evidentiary issues or questions of procedure as these questions arise during the course of the hearing.

**IV. Opening Statements**

Opening statements were given by Richard Blystone, Attorney for the Superintendent (*Petitioner*), and Mark Wilensky, Attorney for Thomas Bonasera (*Respondent*) regarding Mr. Bonasera allegedly providing prescription pain medication to another teacher in exchange for nude photographs.

**V. Superintendent's Case**

**VI. Employee's Case**

The following witnesses were called for examination, cross-examination, and questioning by the School Board members during the course of the hearing:

- Thomas Bonasera
- Shannon Hays
- Dr. Gustavo LaRosa, Pharmacist
- Crystal Flynn
- Emily Streelman
- Ken Kenworthy

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The following exhibits were entered into the record:

By Petitioner:

- Exhibit #1 Emails between Tom Bonasera and Shannon Hays, Feb. 28, 2014, through March, 2014
- Exhibit #2 Credentials/Resume of Dr. LaRosa
- Exhibit #3 Charging letter from Superintendent Ken Kenworthy to Tom Bonasera dated May 13, 2014
- Exhibit #4 Supplemental charging letter from Richard Blystone, Attorney for Ken Kenworthy, to Mark Wilensky, Attorney for Tom Bonasera, dated June 5, 2014
- Exhibit #5 Summary of Superintendent Ken Kenworthy's interview with Shannon Hays
- Exhibit #6 Summary of Superintendent Ken Kenworthy's interview with Tom Bonasera
- Exhibit #7 Summary of Superintendent Ken Kenworthy's follow-up interview with Shannon Hays

By Respondent:

- Exhibit #1 Letter from Cathleen Scott, Attorney for Shannon Hay, to Okeechobee County School District, Public Records, dated June 17, 2014
- Exhibit #2 Email from Shannon Hays to Tom Bonasera dated Feb. 21, 2014
- Exhibit #3 Email from Tom Bonasera to Shannon Hays dated Feb. 24, 2014
- Exhibit #4 Instructional Personnel Contract between Okeechobee County School Board and Okeechobee County Education Association #1604

Mr. Wilensky requested that both parties be given an opportunity to prepare Findings of Fact prior to the Board ruling. Tom Conely, School Board Attorney, disagreed with Mr. Wilensky's request and recommended that the Board hear closing statements and move forward to deliberation.

## **VII. Closing Statements**

Closing statements were given by both parties: Richard Blystone, Attorney for the Superintendent, and Mark Wilensky, Attorney for Thomas Bonasera. Mr. Blystone stated, in summary, that Mr. Bonasera violated School Board Policy, State Board of Education Rules, and Florida Statutes by providing prescription pain pills to Mrs. Hays, without a license, and on a school campus, as Mrs. Hays testified under oath, in addition to soliciting nude photographs in exchange for the prescription pain medication. Mr. Wilensky stated that, according to Mr. Bonasera's sworn testimony, no pills were exchanged on any school campus, no school computer system was involved in the exchange of photos, that an employee's personal life outside of school is not grounds for termination, and that the Board has a contractual obligation to provide progressive disciplinary measures before employment termination is recommended.

## **VIII. Close Evidence**

Chairman Arnold called for further questions from the Board. Hearing none, Chairman Arnold closed the evidentiary portion of the hearing.

## **IX. School Board Member Deliberation and Decision**

1. Did Employee violate State Board Rule 6A-5.056, Section 1, by committing an act that was inconsistent with the standards of public conscience and good morals; that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

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1(b). If yes to Question (1), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

2. Did Employee violate State Board Rule 6A-10.080(3), Section 3, by committing an act of misconduct in office and failing to be aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

2(b). If yes to Question (2), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

3. Did Employee violate State Board Rule 6A-5.056(2)(e) by engaging in behavior that reduces the ability of his colleagues' ability to effectively perform duties?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

3(b). If yes to Question (3), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

4. Did Employee violate School Board Policy 6.56 failing to adhere to qualities of integrity, high ideals and human understanding?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

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4(b). If yes to Question (4), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

5. Did Employee violate School Board Policy 6.103 by failing to maintain good moral character?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

5(b). If yes to Question (5), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

6. Did Employee violate school Board Policy 6.45, Florida Statute 893.13 and Florida Statute 465.0276(1)(a) by dispensing medicinal drugs without a license as a pharmacist or otherwise authorized by law to do so?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	No

6(b). If yes to Question (6), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	It would be a terminable offense.

7. Did Employee violate Florida Statute 1012.33 by committing an act of immorality, misconduct in office, gross insubordination or willful neglect of duty?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

7(b). If yes to Question (7), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

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8. Did Employee violate State Board Rule 6A-10.081(4) which states that a teacher (c) shall not use institutional privileges for personal gain or advantage; (d) shall accept no gratuity, gift, or favor that might influence professional judgment; (e) shall offer no gratuity, gift, or favor to obtain special advantages and State Board Rule 6-10.018(5) which requires that the individual (a) shall maintain honesty in all professional dealings; (f) shall not use coercive means or promise special treatment to influence professional judgment of colleagues; and (n) shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

- 8(b). If yes to Question (8), is such behavior a terminable offense?

Vote by Board:

Joe Arnold	Yes
Gay Carlton	Yes
Malissa Morgan	Yes
India Riedel	Yes
David Williams	Yes

9. Did Employee violate School Board Policy 6.55 by failing to report to the Superintendent alleged misconduct by any School Board Employee that affects the health, safety or welfare of a student as required by Florida Statutes and School Board Policy?

Vote by Board:

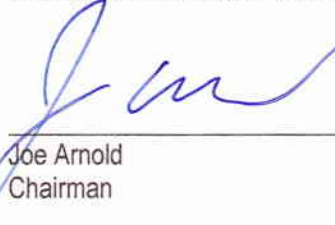
Joe Arnold	No
Gay Carlton	No
Malissa Morgan	No
India Riedel	No
David Williams	No

David Williams made a motion to approve the recommendation of the Superintendent for termination of employment for Thomas Bonasera. The motion was seconded by Gay Carlton, and the Board voted unanimously to approve the termination of employment for Thomas Bonasera.

### VIII. Adjournment


Chairman Arnold adjourned the hearing at 8:40 p.m.

OKEECHOBEE COUNTY SCHOOL BOARD



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Joe Arnold  
Chairman



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Ken Kenworthy  
Superintendent of Schools