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BOARD OF EDUCATION

Janet McDonald
Chairman
District 2

April 13, 2020

Dr. Colleen Conklin
Vice Chairman
District 3

Via Electronic Mail and Regular Mail

Mr. Grady Irvin
507 w. Dr. Martin Luther King, Jr., Blvd.
Plant City, FL 33563

Andy Dance
Board Member
District 1

Re: Final Report of Investigation Dr. Terence Culver Complaint

Trevor Tucker
Board Member
District 4

Mr. Irvin:

Dr. Maria P. Barbosa
Board Member
District 5

Please find enclosed the final report on the investigation into the Complaint raised by Mr. and Mrs. Funari against Dr. Terence Culver. This matter is now concluded. There will be no further action taken by the School Board in this matter as the Board accepted/approved Dr. Culver's notice of entering into retirement effective January 3, 2020.

Shelcey Garcia
Student School Board Member
Flagler Palm Coast H.S.

Thank you for your cooperation and the provision of the additional names of individuals believed to have relevant information pertaining to this inquiry. This report has been submitted to Superintendent Tager and Chief Human Resource Officer Jewel Johnson.

Hunter Perez
Student School Board Member
Matanzas H.S.

If you have any questions about this letter or the process to be followed, you should contact Jewel Johnson, Chief Human Resource Officer at (386)437-7526.

LaShakia Moore
Principal of the Year
Rymfire Elementary School

Sincerely,

Erin Quinn
Assistant Principal of the Year
iFlagler Virtual

Kristy J. Gavin
School Board Attorney

Michelle Coolican
Teacher of the Year
Buddy Taylor Middle School

Lynn Mellow
Employee of the Year
Plant Services

James Tager
Superintendent

MEMORANDUM

TO: James Tager

FROM: Kristy Gavin

Date: November 21, 2019 – Amended March 18, 2020

Re: Investigation of Multiple Matters Involving Dr. Culver

Background: On September 24, 2019 a meeting was held where the undersigned, Superintendent Tager and Stephen and Kristy Furnari met to discuss several concerns that had been raised to them by various individuals involving the professional standards of conduct of Dr. Terrence Culver, Principal of Belle Terre Elementary School. During this meeting Mr. and Mrs. Furnari provided to the Superintendent a letter dated September 24, 2019 outlining their formal complaint submitted pursuant to School Board Policy 650. The concerns raised were as follows:

1. Hostile work environment, characterized by systemic bullying, fear and retaliation created by the principal.
2. Misappropriation and/or embezzlement of funds.
3. Sexual harassment, race and gender discrimination, libel/defamation and gross mismanagement as defined by Florida Statute section 112.3187(3)(e).
4. Violation of student rights in failing to report student bullying issues and/or investigate complaints of bullying.

Concerns were raised by the Furnaris as to who would be conducting the investigation as there were concerns that the matter would not be fully investigated and/or the concerns would be “swept under the rug” due to district administrators being close personal friends with Dr. Culver. As a result, Superintendent Tager requested the matter be assigned to the undersigned for investigation without involvement of other District Administration. To ensure the integrity of the process was not compromised, when the undersigned received inquiry from the Board, they were advised it could not be discussed with them as it was uncertain whether the matter would have to come before them and it could require their recusing themselves from hearing and/or voting on the matter. The formal complaint dated September 24, 2019 was reviewed by the undersigned and is accepted in accordance with School Board Policy 650 as a valid complaint for investigation.

Through the undersigned’s office, Stephen Furnari coordinated several meetings with individuals having concerns and/or information regarding the above referenced issues.

Jennifer Paterno

The first meeting and interview was with current PTO president Jennifer Paterno. The meeting was held on September 30, 2019. Ms. Paterno provided to me her affidavit and answered questions regarding her affidavit. (The affidavit is attached along with the notes from our meeting). She agreed to provide to the undersigned, bank statements as well as financial statements and balance sheets from the PTO for the past three years for review. In addition, a discussion regarding the holiday gift shop was had where concerns were raised on not all funds being deposited from the sales during this fundraiser. Contracts for the between the PTO and vendor were provided. The basis for this concern is a result of the profit markup on the product that was purchased from the outside vendor should have resulted in a higher deposit for

the prior 3 years than has been documented in the bank accounts. A full review of all bank statements, financial statements and information received from Ms. Paterno was conducted. At this time, although the documentation appears to reflect not all funds received for fundraising activities being deposited into the bank; due to the number of potential individuals who had access to the monies collected during the holiday gift shop event as well as the failure to have a formal procedure in place as to how funds would be handled it cannot be determined whether there was any mismanagement of the funds by Dr. Culver. With that said, there was a concern raised with a 48" TV being received by the school from the vendor that could not be accounted for. In interviewing Dr. Culver it was learned that he had a conversation with the vendor and was advised that there were no strings attached and/or that he did not have to use the TV in a specific way in order for it to be received, as long as they complied with doing business with the vendor for 2 consecutive years. Although this may be true, the contract was not with Belle Terre Elementary School rather it was with the PTO as a result the decision on how to use the 48" TV was a decision for the PTO and not Dr. Culver. It was found that Dr. Culver failed to secure approval from the PTO Board in how the TV should be used by them. Dr. Culver advised that he gave the TV to a father of a student in the school that he believed was down on his luck and in need. I explained this was not his decision to be made since the TV was secured through the PTO. I notified him that they could have decided to instead have a raffle and sell tickets to get a chance to win the 48" TV with the proceeds being used to purchase a 48" TV and the remainder of the funds raised used for another need of the PTO.

Ms. Paterno also questioned several debit card purchases indicating that there was food purchased with the debit card that was not served at the school event. The food in question was tenderloin, shrimp and ribeye steak (the cost of the food totaled \$500.38). She believed the purchase was made by Dr. Culver. That he was provided the debit card to make the purchases for the end of the year event. This could not be verified by witnesses interviewed. Although all witnesses interviewed indicated the food listed above was not served at the event it could not be determined who purchased the food and/or who kept the food.

Finally, Ms. Paterno questioned the tickets that were distributed for a magic game. She indicated that it was her understanding that several tickets were used by the Culver family.

Stacy Geiger

The Second interview was with Stacy Geiger, she was the former secretary for the PTO. This interview was held on October 10, 2019. (Ms. Geiger's statement and notes from this meeting are also attached). Ms. Geiger advised that her concern is with the running of the PTO and that it had the appearance under the leadership of former President Jennifer Harris that the group was operating as a slush fund for the Principal as opposed to the PTO functioning to serve the needs of the school and the students attending the school. She advised she was not comfortable with how the PTO was being run as they would not vote on items of action to be taken. Instead, they were essentially told by Jennifer Harris how the funds were going to be expended. She advised that her term as secretary was short lived due to the disparaging comments made by Dr. Culver to her. She indicated at the February PTO Board of Directors meeting Dr. Culver stated how terrible she was because now other parents were beginning to question things. She stated that he began yelling at her and said she was a cancer and he could dismantle the PTO at any time if that was what she wanted.

She indicated she was aware of one individual that claims she was sexual harassed, but that the individual would not come forward.

Concerned with teachers that were let go being given negative references. She mentioned a teacher named Megan. This is the same name that was raised by Susan Guarino in her statement.

She also raised concerns about student claims of bullying not being properly investigated. She indicated that a student claimed he was being bullied and it was reported to the teacher. The teacher reported it to Campbell but it was not investigated. Finally, complaint of bullying was raised to DeFord and an investigation was conducted and the student who was being bullied the year before is in a different class and things are going well.

Susan Guarino

The final meeting scheduled with Mr. Furnari's assistance was with the principal's secretary, Susan Guarino. This meeting took place on October 7, 2019. (The affidavit and notes from this meeting are attached). Ms. Guarino advised that the fundraising procedures were not followed on a regular basis at the school. She advised that staff was instructed to give checks to the bookkeeper but that cash was to be placed in Dr. Culver's office. This is a violation of the fundraising procedures that mandates all monies collected by staff are to be turned into the bookkeeper within 24 hours and that the bookkeeper has 5 days to deposit all funds. Money kept overnight at a school is to be deposited in the vault. This was not being done at the school on a regular basis. In fact, Ms. Guarino advised about an incident in 2018-2019 when there was a break in at the school and Ms. Guarino was asked to go to the school. When she spoke to Dr. Culver he advised her to check in his desk drawer to be sure the 2 bags of money from PTO fundraiser were in the drawer and had not been stolen. (Had funds been placed in the vault this would not have been a concern).

Ms. Guarino also questioned whether all of the purchases made at Sam's Club were given to the school on several occasions she observed cases of soda being placed into former PTO President Jennifer Harris or Dr. Culver's vehicle. She advised that for the 2018 teacher appreciation there were gift bags that she witnessed Dr. Culver remove approximately 10 bags to take home to his family. She also indicated that the end of the year dance for May, 2018 no funds were ever deposited from the concession. This was confirmed by reviewing both the PTO and the Internal Account bank accounts that a deposit for this fundraiser was never made. She believes that Culver would purchase items using the PTO Debit card and then submit the receipts for reimbursement from the internal account. None of these claims could be substantiated based on the debit card documentation from the PTO account compared to checks issued to Dr. Culver. It should be noted that the Internal Account Audit did establish that there were times when receipts were not available for reimbursements. This was also noted by the PTO treasurer in the 2018-2019 year that receipts were not being turned in for reimbursements being provided. Ms. Guarino was also aware that there was shrimp and ribeye steaks purchased with PTO funds that were allegedly for the year end staff appreciation lunch but not served at the lunch.

Ms. Guarino advised of a fundraising activity that was not for the PTO or for the internal account of the school. She advised that there were candy apple sales that took place in 2017 and 2018 where the proceeds from the sale were kept by the principal. Ms. Guarino advised that she was instructed by Dr. Culver to delete the documentation she had created at his direction but that she did not delete the documentation. She advised that the candy apple sales were not for the school or for the PTO but instead he allowed his daughter to make the apples and then sell them to the students and teachers at the school for either \$4 or \$5 per apple depending on if it was a candy apple or a gourmet candy apple. She indicated that she still had the flyers and the orders for the Christmas candy apple sale and could provide those

documents. Those documents were received and reviewed. In addition, a search of the emails for Belle Terre Elementary was conducted to see if there was information on how the proceeds from this fundraiser were to be used. It was found that a couple of teachers questioned where the proceeds were going but that Ms. Guarino was instructed to not respond to the inquiry. 206 apples were sold at \$4/apple for a total of \$824.00. In addition, inquiry was made of the Food Service Department to ascertain whether District funds were used to purchase the apples used to make the candy apples. It was found that an order was made and received during this period of time. It was learned that Dr. Culver did request the cafeteria manager order the additional apples and that the vendor delivered 2 cases of whole apples at the cost of \$63.70. These apples were used to create the candy apples offered for sale. Dr. Culver did not pay for these apples. As a result, federal dollars were used towards this personal venture. Upon discussing the matter with Dr. Culver he acknowledged that the candy apple sales was a personal venture with his daughter keeping the proceeds. He asked whether he should pay for the apples and I advised that repayment of the federal funds would be appropriate. A check was written to the School District for repayment in the amount of \$63.70. (It should be noted that with this repayment being made, that still does not excuse the misuse of having food service secure the apples using the District's buying power for a personal venture). Ms. Guarino stated this same candy apple sale took place in 2018 but there was no documentation provided to complete a full investigation. During 2018 there was no indication that apples were purchased through the school.

Ms. Guarino also raised concerns regarding improper staffing of the ESE classrooms. Indicating there were students that are to have a parapro but that when the parapro is absent a substitute parapro is not brought in that instead admin or guidance counselor is asked to fill in.

Ms. Guarino commented that she has overheard Dr. Culver making racial remarks as well as inappropriate sexual comments about parents where staff can hear but parent cannot. She also believes that when teachers have been pushed out and request references that he provides them unfavorable reference. She indicated that this took place with Megan Gallo. She advised that per standard practice she typed a letter of recommendation for Megan Gallo but that Dr. Culver refused to give her a letter of recommendation because he advised Ms. Guarino that he did not like her. She indicated that when St. Johns County called for a reference on Ms. Gallo that Dr. Culver bragged to her about preventing her from getting the teaching job in St. Johns County as he gave her a poor reference.

Ms. Guarino shared an example of staff being forced out – Dawn Stewart. She advised she was the attendance clerk and that when Barry Wills was at Belle Terre Elementary School everything was fine. When Barry retired, Dr. Culver told her Barry was not around to protect her anymore and made it very uncomfortable for her to stay. On a day she had taken off he had all of her personal holiday decorations removed from the closet and placed on the back table with a note that said take if you want.

Ms. Guarino shared she believes there is an affair between Dr. Culver and Priscilla Campbell. That he allows Ms. Campbell to spend a considerable amount of time with him in his office or the conference room and as a result she is not performing her job. That means that Ms. Feola and Ms. DeFord are having to do her job. Advised that she knows there is an affair because Dr. Culver asked her to wrap some Christmas presents and they were boots and after the holidays Ms. Campbell came in wearing the boots she had wrapped. She advised that in the morning Ms. Campbell brings breakfast to Dr. Culver and they have breakfast together and that in the afternoon they have lunch together in his office. She indicated as a result Ms. Campbell is receiving more favorable treatment. For example, when she goes to a doctor's

appointment she does not submit paperwork for time off, but that Ms. DeFord and Ms. Feola do submit their paperwork. She indicated that during the year he is frequently absent from campus and that Ms. DeFord and Ms. Feola cover for him. When he is not on campus and he wants something to be done he notifies Ms. Guarino through Ms. Campbell.

She also described there being a hostile work environment. Specifically she said that recently when an ASD student had a seizure the sub teacher called 3 times for assistance and received no response. Jana O'Neil was told to disburse students and to block off traffic so the ambulance could get in. Following the event, all of the employees were brought together by Dr. Culver and he yelled at staff and berated them for the handling of the situation.

After receiving information and statements from the above individuals, additional individuals were contacted believed to have information related to the issues noted above. Those individuals are listed below:

DAWN STUART:

Dawn Stuart was interviewed by phone on October 23, 2019. She verified that something happened after Barry Wills left. As she had been treated kindly by Dr. Culver up to that point. She indicated that after he left that Dr. Culver indicated she did not have him there to save her anymore. She repeated the story shared by Susan Guarino that one day when she was out helping her daughter through a surgery that she received a phone call informing her that all of her stuff had been taken out of the closet and placed on the back table for everyone to go through. She indicated that Dr. Culver accused her of faking an injury when she came to work wearing a boot. He told her she needed to keep her door closed at all times and that she was not allowed to eat lunch with others. When she filed a formal complaint he disparaged her in front of Ms. Feola and Ms. DeFord saying "do you want to hear what this jokester said about me?" She advised that Dr. Culver also began treating Wendy Earle poorly after she resigned. She advised that it appeared to her Ms. Earle became his next target. She advised that Ms. Earle resigned from working there as well. She indicated she always received excellent evaluations from Dr. Culver and was in fact the employee of the year, but then after Mr. Wills left things changed and she was on the outs with Dr. Culver. After she resigned she attempted to secure jobs in other schools within the district and she believes that he would give her a negative reference. She has finally been hired back into the District and is working at Buddy Taylor Middle School and is very happy.

Abbey Cooke

Abbey Cooke, teacher at Belle Terre Elementary School was interviewed on October 24, 2019. Ms. Cooke provided some clarification as to the fundraisers and when it would be a PTO fundraiser v. school fundraiser. She also explained how the fall festival fundraiser was distributed to the teachers based on tickets turned in at the booths. She is concerned that the PTO does not have the school's best interest. She indicated she was aware in 2013 that the PTO purchased Jaguar tickets for Dr. Culver to attend a Jaguar game. She also explained the Magic game essay contest. She indicated that according to the flyer 20 students were going to get to go to the game. That the parents had to transport their student and buy their own ticket to the game, but there were 50 tickets purchased by the PTO. She does not believe all of the kids that won the essay attended the game.

She was asked about the candy apple sales and she indicated that at Christmas Dr. Culver dressed up like Santa and distributed the candy apples. She did not push the sales to her class as she did not know who was benefiting from the sale. She indicated there were also candy apples sold at the fall festival as well. She is not sure where the funds raised for the fall festival candy apple sales were deposited.

She indicated for the dances that Dr. Culver would purchase the product that would be sold at concession using the school credit card. She is not sure whether all of the product purchased by him was brought to the school.

When asked about the end of the year appreciation lunch she advised that it is typically hamburgers, hot dogs, steak (thin sirloin steak) and chicken. She does not believe there was shrimp served at the lunch and there were definitely no ribeye steaks served at the lunch.

She advised that you are not supposed to write referrals so the numbers look good for the school. She also confirmed that if a student claims they are being bullied that if Ms. Campbell is investigating the matter it does not get done, but if Ms. Feola is handed the complaint it is fully investigated.

She also indicated that there is an issue with the ESE paraprofessionals not being fully staffed at the school.

On November 18, 2019 the preliminary findings were shared with Dr. Culver at a meeting with the undersigned and Superintendent Tager. During this meeting Dr. Culver discussed some of the concerns and those statements are included in the preliminary findings noted below. On November 20, 2019 Dr. Culver notified the District of his decision to retire effective January 3, 2020. Dr. Culver advised he would like to review the file, but wanted his attorney present for the meeting. The preliminary findings and file were reviewed on December 23, 2019 with Dr. Culver, his attorney Grady Irvin, Chief Human Resource Director Jewel Johnson and the undersigned. At the conclusion of the meeting Mr. Irvin advised he would be providing a response. The response was due on January 6, 2020 and Mr. Irvin provided a response that included 16 additional names of individuals believed to have information that could be relevant to the investigation. The undersigned contacted and interviewed the individuals listed by Attorney Irvin and also interviewed several other individuals who indicated a desire to provide a statement. On March 2, 2020 the undersigned received a letter from Dr. Culver's attorney requesting it be included in the final report either by way of assertion into the report or by addendum. The letter is attached to the report as an addendum.

Additional Interviews prompted by Attorney Irvin's request

Susan Walker – Ms. Walker had no knowledge of PTO or events of the PTO. She noticed that the internal account funds were used a lot to purchase pranks and/or celebrate birthdays. She could see how there could be an issue as it did not appear there was a very good process on how money was handled. Ms. Walker advised she made a bullying complaint against Ms. Guarino last year. She submitted it to the principal and he said he would communicate her concern with the secretary. She advised it did get somewhat better, but she really just tries to avoid the secretary. She was familiar with Dawn Stuart she indicated when Ms. Stuart went out on FMLA that that was the catalyst to tension existing between the principal and her. She knew of Megan Gallo and indicated she was aware of a lot of parent complaints because of the way Ms. Gallo yelled at the students in the classroom. She indicated people would cover for Ms. Gallo as she was always coming in late. She indicated there have been issues with paraprofessional coverages due to injuries taking place. She is aware that there have occasionally been inappropriate

statements made by them. She indicated she had observed the secretary making inappropriate comments about how people were dressed to Dr. Culver. It appeared that Dr. Culver and Ms. Guarino were very close but that it changed after the ESE student had the seizure.

Pricilla Campbell – She has been involved in the PTO. She was the school representative and would attend the meetings held in the early morning. For fall festival she sold tickets and someone from PTO would collect the money. It was not very organized and not sure who all was handling the money. She indicated she also assisted with the sale of the Dr. Seuss hats. She advised she told them to be sure someone came around to collect the money because she was not going to be responsible for funds collected. She said no one ever checked on what the inventory was and that she still had a lot of hats from the prior year in her office. She indicated she would monitor dances but did not handle money at the dances. She said she is not sure where they were told to put the money but she does recall seeing emails that said to be sure to turn money in within 24 hours. She was aware of the candy apple sale. She indicated she bought 3 apples. She advised Sue Guarino was keeping track of the money and sales. Not sure who's idea it was to get the apples in bulk. She said Dr. Culver asked cafeteria manager if he could get apples through her she advised him she could get order the apples and he did not need to pay for them. Ms. Campbell does not know where the money went (who benefitted from the apples sales). She believes there was another candy apple sale during the fall festival. There may have been a tray or two of them. They were not selling and so the price was reduced. She was not aware of any bullying complaints being made that were not investigated. It was normal for her to handle the complaints. She indicated there was never a time if a student said someone was bullying them that it was not looked into. Ms. Campbell indicated she tried to not deal with Ms. Gallo as she appeared to be very negative, always complaining about something. She indicated it was Ms. Guarino that would make comments to Dr. Culver and her about how parents were dressed. She indicated there came a point where she told Ms. Guarino to quit calling her over to discuss the parents as they came in. She indicated Wolfe asked her how she knew Dr. Culver the first day she started at Belle Terre and alleging she was having an affair with Dr. Culver. She indicated she was told by a parent that Sue Guarino told someone in PTO Ms. Campbell and Dr. Culver were having an affair and that the rumor started spreading around. She indicated that if employees feel the school environment is toxic that that may be their perception, but she does not see that. She knew Stacy Geiger. She stated Ms. Geiger did not understand how PTO's run; she would get upset when protocol was not being followed and it appeared her interest in being on the PTO was to get playground equipment. She discussed various fundraiser opportunities, but Ms. Campbell said the school had already considered. She was in attendance at the PTO meeting when Dr. Culver said Ms. Geiger was a cancer to the organization and that she could not do whatever she wanted. She indicated after Dr. Culver's comment the other members also got onto her. She saw Ms. Geiger as someone who thought they had great ideas and wanted to do what she wanted without having to follow proper protocol.

Katrina Feola – She was aware of the candy apple sales that took place in December 2017. She said that she asked Dr. Culver about the apples and he said it was his project and was very dismissive of her and that it was none of her business. She was concerned because she thought that you were not allowed to make things at home and sell them. In her initial year of working at Belle Terre Elementary School she contacted Dr. Johnson to request a transfer advising she would be happy to work anywhere else in the District. She stated it has been difficult to work at BTES due to Dr. Culver's mood swings. If he was in a good mood it would be a good day otherwise it was difficult to be there. She advised that when she first started working at BTES Dr. Culver made it quite clear that he and Dr. Johnson were in the same fraternity

and that if complaints were made about him to District it would not go anywhere. Dr. Culver had favorite employees that were treated different from others. She was not a favorite employee, she was not a part of the click. He advised her if she did not attend the hour admin. lunches that she was not a team player. She advised that Campbell, Lockhart and a teacher at MHS were his favorites as well as Jessica DeFord. She was familiar with the seizure situation. She indicated that prior to the situation Sue Guarino was a protected favorite. But after the event things between Guarino and Culver were not the same. Culver was yelling at Guarino in front of DeFord and KT. Guarino had her Union steward present (Saja) and everyone hearing the yelling said they needed to take a break before trying to discuss the situation again. In addition to the confrontation between Guarino, K. Feola was also familiar with a confrontation between Dr. Culver and Dawn Stuart. She advised in both circumstances (situation with Guarino and with Stewart) the ladies were brought to tears. Ms. Feola did not believe the way he spoke to them was okay.

She does not have any direct knowledge of the handling of PTO funds, the only thing she could say was that she had never been in a school where the administration was so heavily involved in the day to day activity of the PTO the way Dr. Culver was.

She advised that teachers were advised they needed to handle discipline within their classrooms and to "build relationships". She indicated that she is aware that referrals would be sent back although they were fairly serious and told to put the student on a step instead of the referral being reported as a disciplinary event. She advised she tried to speak to Dr. Culver about issues she was having with Ms. Campbell but was told to "stay in her lane" and to only speak to students in the 4-6 grade as that is who she was assigned to oversee. She advised that people had come to her about inappropriate comments being said to them, but they did not want her to address it or tell anyone.

She indicated she was familiar with Megan Gallo. She was aware of parents stating she was mean to students. She indicated Gallo was very sarcastic towards students and had several parents request their child be moved out of her class because she was so mean.

She indicated there was an episode in the cafeteria where he was confrontational with her and she thought she was going to cry; he was constantly telling her she was not a good team player, not good with people and not a good face for the school.

She indicated Dr. Culver had generous component to him, but that if he was not in a good mood it was not a pleasant work environment. She has observed him berate staff during staff meetings. It would start off pleasant and then he would start yelling and calling someone out and the individual would occasionally be seen in tears by the end of the meeting. She gave the example of teacher Rocky Jackson being given the crystal apple award. Dr. Culver was praising him for his achievements and indicated one of his black brothers was receiving the award but concluded with the negative comment of "he better be sure to get to work on time."

Linda Mayer – TC made the request for apples. She never billed him, but believed the request was for a school related activity. Ms. Mayer ordered the apples specifically for the use of Dr. Culver in what she believed to be a school fundraiser.¹ Normally she would invoice, even when it is a school event. She

¹ It should be noted that contrary to the statement made in Attorney Irvin's response the apples were not "anticipated to be tossed out", rather whole apples were not a normal purchase of the cafeteria and the purchase was only made after Dr. Culver inquired about the ability to purchase apples.

indicated the request for the apples was just prior to going on holiday break. She failed to invoice Dr. Culver and he never mentioned to her that she should invoice him for the apples. If she would have been told it was for a private venture she would have never ordered the apples.

Holly Blair – She is not involved in the PTO at all. Because she is the receptionist she would on occasion take money for the purchase of t-shirts. She did not want to be responsible for money. If parent brought money in for a student she would immediately notify the classroom teacher to come and get it. She did not have any knowledge of the PTO funds. When funds came in she would staple money to permission slip or whatever the fund was being submitted for. She advised that Dr. Culver has never done anything to her. One time she and Dr. Culver had an issue she discussed with him she did not appreciate him calling her out on the radio and he apologized. She only witnessed one time when parent came in wearing inappropriate clothes and she heard him make a comment. She expressed a concern that Dr. Culver's secretary is also in the union. She was aware of the candy apples. She does not believe people knew where the funds were going. She knew that daughter was making them. She advised that she knows you are not able to have a personal fundraiser, but she had just started with the school so she did not really think too much about it. Only time she ever saw Dr. Culver yell at anyone was when he yelled at Sue Guarino when the student had the seizure. She did find it odd that Jennifer Harris continued to be President of the PTO even though she did not have any children at the school. She is also aware that Harris would want to be signed in as a volunteer even though she was not on campus entire time. She advised she did not see any problems or issues between Sue Guarino and Dr. Culver. She indicated towards the end of Dr. Culver being at BTES she found he was away a lot and said he was at meetings. She indicated the vibe she got was that when you worked at BTES you were like family.

Ervin Brown - He helped with the Dr. Seuss hat sales. He believes he took about \$15 towards sales. Otherwise he did not handle PTO money. He is aware you had to turn in money within 24 hours. Not aware of candy apple fundraiser. Did not begin until January 2018. He never witnessed Dr. Culver call out someone in front of other employees. He was not aware of any bullying complaints not being looked into or investigations not being done. Brown has very little interaction with parents. Towards the end of Dr. Culver working at BTES he did notice Dr. Culver in Campbell's office more. He believes it was because he did not want to be in the front office because of Guarino. He was unsure why Paul Anderson made some of the accusations against Dr. Culver. He is unsure why the person making allegations against Dr. Culver was not removed.

Carla Spencer – She was at Belle Terre for 2015-2016 school year. She would help with ticket sales of the PTO. She said during fall festival people were at various ticket stations selling tickets and collecting money and then occasionally someone would come around and pick up the money (it was not counted before being taken). She never saw any sexual harassment by Dr. Culver. She did not see Dr. Culver as having favorites. He delegated authority and saw that Dr. Culver had a nurturing environment. She left there because others working at the school indicated she was not doing things right. She said there was a covert atmosphere of racism by others at the school. She stated that because of this and her experiences with them she was concerned she would not be renewed so she left to work at MHS.

Kevin Blair – He has been at BTES for 2.5 years. Assists with car riders. He was with Dr. Culver about 40 hours a week for 2 years and never saw him verbally assault anyone. He stated he did see Dr. Culver interact with people and tell them if they needed to correct something they were doing wrong. He did not see Dr. Culver treating some people more favorable. He stated if you did your job he treated you just

like everyone else. If there was a problem he would yell at you then you would be back to everything being okay and you were back to being a family. He could not see Dr. Culver giving someone a negative reference. He heard Dr. Culver say some people should look in mirror before going out, but he would never say it to the person directly. He did not hear parent complain of students not being written up or for referrals. Mr. Blair advised that Sue Guarino does not like him because he and Dr. Culver are friends and Dr. Culver referred to him as his right hand guy. He was aware of the seizure incident and Dr. Culver yelling at Sue Gaurino for leaving the front office. There were words exchanged between the two. He indicated that he saw Culver and Feola's relationship as very strained. Never saw the two of them have words but it was not a good relationship.

Deputy Sam Cooper – Was not aware of PTO issues. He knows Jennifer Harris as a friend. He did not know Jennifer Paterno, was not aware of any ESE issues, sexual harassment issues and did not hear Dr. Culver make any inappropriate comments. Unaware of a negative reference being given. Aware of Dawn Stuart and Wendy Earle leaving but not sure why. Unaware of any issues between Dr. Culver and Sue Guarino. He was not assigned to BTES, would only go there if there was an issue or during the start and end of the day for car riders. He was only called over to assist with a matter on two occasions, both involving parents behaving inappropriately and being trespassed from the school.

Jessica DeFord – She has noted that there was a failure of the school to follow financial protocols. They are working to correct this now. Not aware of the candy apple sales. She knew daughter of Culver made and sold apples but did not know about it being for daughter's personal fundraiser. She was aware of Dawn Stuart being upset about Christmas decorations. She was not aware of Dr. Culver giving her a poor reference. She is aware of Megan Gallo not being renewed she was not placed on a performance plan. She indicated teacher not meeting performance expectations, but this was not documented. She stated there may have been comments of parents not being appropriately dressed but those statements were made behind closed doors. She recalls Dr. Culver yelling at Sue Guarino. Not sure why he was yelling at her, she believes it was because Dr. Culver did not want her leaving the front area and Sue did. She indicated there did appear to be some preferential treatment. She said that discipline Dr. Culver would tell teachers you need to be sure you are calling home and to take into consideration personal situations before writing a referral. She is aware that Campbell had to come in over the summer because she was initially told by Fanelli she did not have to input SESSIR data and then it was determined she did.

Bruce Barnes – Has not been involved in PTO and has no knowledge of PTO matters. Dr. Culver has a great love of children. He volunteers and mentors children. He's not aware of bullying investigations not taking place. He is a volunteer at the school. He advised the Spanish lady at the front desk is very nice the other person is not as people oriented or polite. He has not had any interaction with Maria nor has he had any issues with Dr. Culver's secretary. In August 2018 he started being a mentor. He said when his grandchild was being signed up for school Dr. Culver said he needed to be involved. He said he never witnessed him yelling at someone to the point he made the person cry.

Jennifer Harris – Volunteer and PTO president at BTES. She co-chaired as PTO president with Abby Cooke when she first started at BTES but then became the sole President of the PTO. She indicated there were no formal procedures in how to handle fundraisers and the money being collected. She indicated sometimes the money was put in secretary's office sometimes in Dr. Culver's office if it was not immediately removed. She said for the holiday shop sometimes students volunteered and collected money. They would put out that people needed to be cleared to work at the school but that people would

forget their badge and still allowed to work. The Magic game involved a writing contest where kids got to go on the court. She said that Mr. and Mrs. Wolfe were the coordinators of the event and that they were there. She indicated that Dr. Culver was a chaperone and that he was given 2 additional ticket. She believes he went on the court with the kids. (*Note - It is unclear why there were so many "chaperones" when parents of the students also had to attend). Harris was signatory with the vendor for the holiday shop. She is aware of the 48" TV said it was discussed in the office to give it to a family that was having a tough time. She advised that this was not voted on by the entire PTO, but it was not a stand-alone decision. She did not attend staff meetings and had not witnessed Dr. Culver disparage another person. She did attend the meeting where DR. Culver told Stacy Geiger that if they could not get along he would cancel PTO as an organization. She said he did not yell at anyone. There were internal issues among the PTO. She advised Stacy wanted to do things her way. Ms. Harris informed the undersigned of who the current Board members were with the PTO. She was not aware of any issues with ESE nor with Dr. Culver trying to intimidate any parents of ESE kids. She was not aware of any sexual harassment complaints or inappropriate touching/comments. She advised the candy apple sales were not a PTO activity so she is not aware of it. She did not see the flyer for the candy apple sales. She did not hear of any rumors regarding Dr. Culver and Ms. Campbell.

LaToya Lockhart – She is a teacher at BTES. She is ESE teacher. She advised that most of the students in the ASD unit are on access points. There are some students mainstreamed into general education classes. She is not aware of any bullying matters not being investigated. She advised there was one time Dr. Culver called her in and told her she made a mistake and needed to own it. She wanted to stay clear of him, but the next day he saw her and she said that he treated her as if there were no issues and/or problems. Understands how some people could see how his direct handling of matters could be taken the wrong way. She advised he is very straight forward and does not sugar coat when you have done something wrong. She advised that everyone is held to the same standards. She does not recall a staff meeting where discipline was specifically discussed. She did hear him say that sometimes students are sent to Campbell's office without paperwork. That if you are sending a student down there needs to be paperwork. She said culture wise she has observed the male and female mentoring and believes it has been a good thing for the students. She did attend a few PTO meetings but when they don't solve problems and saw they were having issues she backed out. She did sell tickets at carnival but the money was picked up by someone and she did not hang onto it.

Chester Wilson – Dr. Chester Wilson advised he has known Dr. Culver for several years and has worked with him in a professional capacity because of his business and outreach to students. He advised that he has volunteered in the reading program at the school and has observed Dr. Culver giving freely of his time and providing information/advice on services available to students and parents. Dr. Wilson's company provides scholarships to students with or without disabilities and Dr. Culver has been active and involved with this program. He has observed Dr. Culver reach out to and provide resources to students with disabilities. Dr. Wilson is a volunteer at the school and has had to opportunity to be in meetings in Dr. Culver's office. Dr. Culver has an open door policy and people are constantly in and out of his office. He knows that people go in and out of the office all the time. If money was stored in there, there is any number of people who also had access that something could have happened. He only had second hand information regarding the candy apple sales. He is aware that the daughter had a fundraiser activity. He was told that Dr. Culver went to the cafeteria person and offered to purchase apples from her but that she did not require him to pay. Dr. Wilson advised he has had Dr. Culver's daughter make candy apples

to be sold at his events and that she has always given back to the community outreach event (donated a portion of her sales to the event). He believes the daughter did that at Belle Terre as well. He has not witnessed any inappropriate comments towards white people or females made by Dr. Culver. He does not have any personal knowledge about whether there were negative references given to prior employees. He knows that neutral references are supposed to be provided and that the only people who would actually know what was said would be Dr. Culver and the principal at the school requesting the reference. He indicated that Dr. Culver is a very candid person in what he says and that if someone asked whether the individual was a good employee he knows Dr. Culver would have provided an honest answer. He has observed Dr. Culver as someone who truly loves children and is reaching out to attempt to close the achievement gap. He is aware that the times we live in people can make accusations and it is presumed to be true and the man is forced to prove otherwise. It is very hard to overcome when you are blamed for things that you are not involved in.

Tenean Wright – Ms. Wright is a teacher in her second year of teaching at BTES. She has taught in Jacksonville and California. She advised that she does not feel the work environment is harsh. She indicated he would come into class and if something was needing to be corrected he would notify you of the corrections needed and there would not be any further issues. He was a supportive administrator.

Dr. Tracia Culver – (phone interview with Jewel Johnson present). She works in Volusia County. She commented that with ESE classrooms it can be very difficult to staff and get people to cover to ensure you are in 100% compliance as you may not always be able to get a sub but you do the best you can to have someone out of field cover if that is what you have available. She was not aware of where the funds went and/or where the apples came from that her daughter used to make the candy apples. She never saw a flyer for the sale of the apples. She knows that the apples were made but she was not sure who they were used for. She advised that it would never be allowed for her to have her daughter sell apples at her school in Volusia. She does not know who the recipient of the funds was. She is not aware of any discrimination taking place related to discipline. When you make a decision related to discipline it is based on the student code of conduct. She does not have direct knowledge regarding whether a negative reference was given for a former employee. She advised that if the individual is not good for students she does not believe her husband would not provide an honest response.

Villa Randolph – although this name was provided to District by attorney Irvin, the email address provided resulted in the individual not contacting the District to permit an interview to be conducted. It is believed that Ms. Randolph was a volunteer as she is not and has not been employed in Flagler County School District.

FINDINGS:

Pursuant to Florida Administrative Code 6A-10.081, Florida educators are guided by ethical principles. The following ethics principles have been considered for violation:

1. 6A-10.081(2)(b)(3) that sets forth the individual shall not use institutional privileges for personal gain or advantage. This was violated with the candy apple sales. This could be confirmed through documentation for the December 2017 year. Specifically, Federal funds were used to purchase apples that were then used to create the candy apples. There were 2 cases of apples purchased through the school cafeteria. Federal dollars were used for the purchase of those apples. The apples were then sold to students, faculty and staff. A list of apples purchased was provided for

the December sale. Dr. Culver acknowledged apples were secured from the cafeteria for the candy apple fundraiser. He also confirmed that the fundraiser was neither for the PTO nor for the school's internal account. Instead, he advised the proceeds from the sales went to his daughter to fund a twirling competition. The use of federal funds for personal reasons is strictly prohibited. Although, the candy apple sales was documented for the December 2017 time period, it could not be confirmed for the 2017 fall festival or the 2018 fall festival or Christmas time period although both Ms. Guarino and Ms. Cooke indicated they took place. It should be noted that following the meeting with Dr. Culver on this matter he reimbursed the District for the apples purchased in 2017.

2. 6A-10.081(2)(b)(4), The individual shall accept no gratuity, gift or favor that might influence professional judgment. Dr. Culver admitted he accepted tickets to the Magic game from the PTO where there are parents on the Board.² This acceptance creates an appearance of favoritism and could be seen as impacting professional judgment.
3. 6A-10.081(2)(c)(1): The individual shall maintain honesty in all professional dealings. By failing to notify the school as to the purpose of the Christmas Candy Apple Fundraiser he was not honest in this dealing with the student, parents or staff. Further, by asking the staff and PTO representatives to place cash money collected in his office as opposed to be placed in the vault there is an appearance of questionable dealings taking place. (It should be noted that due to the PTO's procedures it cannot be determined whether any funds were taken).

Further, pursuant to Florida Statute 1001.54(3), each school principal must make the necessary provisions to ensure that all school reports are accurate and timely, and must provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data. There has been a question raised by the outside auditors as to whether all funds raised for internal accounts were deposited as the random check revealed questionable practices not in compliance with the fundraising procedures. It is the principal's responsibility to make sure each school is in full compliance. The most recent internal audit report shows Belle Terre Elementary School to be the only school to receive notations for concern for four areas: 1) timeliness of deposits, 2) timeliness of collections submitted to school office; 3) approval of purchases and 4) support for receipts. Audit findings for other schools/Departments within the district ranged from receiving no findings/full compliance (Adult Education, Buddy Taylor Middle, and Matanzas High School) to concerns in one area (Early Childhood Education, Indian Trails Middle, Old Kings Elementary, and Rymfire Elementary School) and the maximum being in two areas (Bunnell Elementary, Flagler Palm Coast High, and Wadsworth Elementary School) from the outside auditors.

4. 6A-10.081(2)(c)(4): The individual shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities...or which creates a hostile, intimidating, abusive, offensive, or oppressive environment. Based on the statements of witnesses interviewed it appears statements and or actions made by Dr. Culver may have been perceived as creating a hostile work environment. There appears to be the perception that some teachers and administrators are given preferential treatment over others.

² Attorney Irvin indicates Dr. Culver has reported the tickets received as gifts to the appropriate persons, this was only done after he was reminded by Attorney Gavin of this requirement. While it was done within the fiscal year it was not reported in the quarter it was received.

5. 6A-10.081(2)(a)(1) requires the individual to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety. A review of the discipline data for Belle Terre Elementary School shows that this school does have one of the lower referral rates for discipline. If the school's low discipline data is due to staff being instructed to not document behaviors as required by the student code of conduct this would be a violation. As the information collected was from a limited number of sources this cannot be determined, but should be closely monitored moving forward.

All of the information relied on to formulate the initial findings was provided to Dr. Culver and his legal counsel and a meeting was scheduled to review the preliminary findings. The meeting was held on December 23, 2019. Present at this meeting was the undersigned, Chief Human Resource Director, Jewel Johnson, Dr. Culver and his legal counsel Grady Irvin, Jr. At the conclusion of the meeting Mr. Irvin advised a response would be provided in the next 10 days. Instead of a written response the undersigned received a list of an additional 15 names to interview as potentially having information directly related to the matters under investigation. Those additional individuals were interviewed and their information is noted within this report. The report has been amended to reflect the new information.

Submitted by: Kristy Gavin

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Trial Attorneys

March 2, 2020

VIA U.S. MAIL & E-MAIL (gavink@flaglerschools.com)

Kristy Janda Gavin, Esq.
Flagler County School Board
1769 E. Moody Blvd.
Bunnell, Florida 32110

Re: Dr. Terence S. Culver

Dear Ms. Gavin:

On behalf of our client, Dr. Terence S. Culver, please accept this letter as his request for inclusion, by way of assertion into or addendum to, your Final Report of the Investigation of the Complaint of Flagler ESE Advocates and/or Stephen T. Funari and Kristi M. Funari, as set forth in their letter of September 24, 2019 (addressed to James Tager, Superintendent, Flagler County Public Schools). The letter was signed by Stephen T. Funari, as well as Kristi M. Funari, as administrators for Flagler ESE Advocates ("Flagler ESE").

First, the complaint filed by Stephen T. Funari and Kristi M. Funari, in their respective capacities as administrators, should be promptly dismissed because Flagler ESE does not have legal standing to bring a complaint against any past or present employee of the Flagler County Public Schools,¹ including our client. Should Flagler County Public Schools ("FCPS") continue with this improper investigation, in which taxpayer resources are being expended, you will not only be setting an extremely dangerous precedent, but I am

¹ More specifically, it does not appear that Flagler ESE Advocates is registered to do business in Florida, and furthermore does not have a registered agent.

confident that you will be opening FCPS up to civil litigation for negligence, and for compensatory and punitive damages for FCPS complicity in damage to the reputation of Dr. Culver.

However, should you elect to proceed with your investigation and submit a Final Report regarding the same, it is the position of Dr. Culver that as more fully set forth herein he did not commit any violation of the law, school board policy or professional standards of conduct, and therefore the outcome of your investigation should be consistent with said position. Additionally, should you elect to take the position that an investigation is appropriate, Dr. Culver would request that the following be included as a part of your Final Report or addendum thereto:

- A. In a letter dated September 24, 2019 Stephen T. Furnari and Kristi M. Furnari (hereinafter for purposes of the letter are jointly referred to as “the Furnaris”), under the guise of Flagler ESE Advocates, submitted to the superintendent a “Citizen Complaint.” The so-called citizen complaint letter asserts that it was submitted “regarding alleged violation of the law, school board policy and professional standards of conduct by Terrence Culver, the Principal of Belle Terre Elementary School (“BTES”).” On behalf of Dr. Culver, Dr. Culver denies any wrongdoing.
- B. The Furnaris claim that nearly a dozen District employees came forward to them and painted a picture a hostile work environment, characterized by systemic bullying, fear, and retaliation created by the school’s principal, Dr. Culver.² On behalf of Dr. Culver, Dr. Culver neither created nor fostered a hostile work environment, nor did he foster or perpetrate bullying, fear, or retaliation.
- C. In their complaint, the Furnaris, while not directly pointing the finger at Dr. Culver, assert that staff incidents were reported to the Furnaris alleging misappropriation and/or embezzlement of funds, sexual harassment, race and gender discrimination, libel/defamation, gross mismanagement and violation of whistleblower laws and regulations. On behalf of Dr. Culver, Dr. Culver, none of these allegations are true.
- D. The Furnaris assert that “[s]ources allege that Culver has engaged in a pattern of intimidating parents of ESE students who seek services or support for their

² The Furnaris should be compelled to provide the investigator with the identities of these District employees and specific instances. FCPS should not be complicit in carrying out an investigation in which an accuser refuses to disclose their identity to FCPS and the accused.

- children and general education [sic].” This allegation is simply untrue. Allegations such as this (*i.e.*, “sources allege...”) should be summarily dismissed as they do not allow for an investigator to speak directly with the purported aggrieved party. On behalf of Dr. Culver, all aspects of the Flagler ESE complaint, included those items set forth above in paragraphs A, B, and C, that utilizes the term “sources allege” or “sources report(ed)” (or any like term) should be summarily dismissed.³
- E. The Furnaris assert that with regard to funds of the BTES Parent Teacher Organization (“PTO”) “[t]hree of our sources allege that Culver has engaged in a pattern of mismanaging and/or misappropriating funds.” On behalf of Dr. Culver, this simply is untrue—as Dr. Culver is not responsible for managing PTO funds and has never misappropriated any PTO funds.
- F. The Furnaris assert that “[s]ources reported to witnessing Culver engaging in behavior that violates the School Board’s policy on sexual harassment...” This allegation is simply untrue. Once again, allegations such as this (*i.e.*, “sources reported...”) should be summarily dismissed as they do not allow for an investigator to speak directly with the purported aggrieved party. Counsel for Dr. Culver reiterates here, all aspects of the Flagler ESE complaint that utilizes the term “sources allege” or “sources report(ed)” (or any like term) should be summarily dismissed.
- G. The Furnaris next assert that “[o]ne source reported that Culver, allegedly, gives inequitable treatment of staff for promotions, discipline, and otherwise, on the basis of race.” This allegation is simply untrue. Once again, allegations such as this (*i.e.*, “sources reported...”) should be summarily dismissed as they do not allow for an investigator to speak directly with the purported aggrieved party. Counsel for Dr. Culver reiterates here, all aspects of the Flagler ESE complaint that utilizes the term “sources allege” or “sources report(ed)” (or any like term) should be summarily dismissed.

³ Dr. Culver will not itemize those aspects of the Flagler ESE complaint here, but nevertheless expresses that the aforementioned reasoning should be applied wherever the complaint of Flagler ESE utilizes those terms (or similar terms) in asserting a purported complaint or criticism of Dr. Culver.

- H. The Furnaris assert that employee-sources alleged retaliation by Culver for reporting abusive, illegal or even incorrect information on employee reviews. This allegation is untrue. This allegation is simply untrue. Once again, allegations such as this (*i.e.*, “sources reported...”) should be summarily dismissed as they do not allow for an investigator to speak directly with the purported aggrieved party. Counsel for Dr. Culver reiterates here, all aspects of the Flagler ESE complaint that utilizes the term “sources allege” or “sources report(ed)” (or any like term) should be summarily dismissed.
- I. The Furnaris next accuse Dr. Culver of retaliation by giving “bad references” for former employees seeking employment elsewhere. This allegation, which is highly laced with speculations, seems ground in the suggestion that a former teacher was not hired in another school district. Dr. Culver had done nothing inappropriate of libelous or slanderous with regard to a former employee’s employment prospects.
- J. The Furnaris conclude by saying that Dr. Culver engaged in gross mismanagement. This simply is not true. Dr. Culver served as principal of the single most populated elementary school in the State of Florida. He did so with the limited resources that were made available. The school’s ratings have been applauded, including its rebound back from any form of lack-luster performance.

There are other aspects of the underlying investigation that Dr. Culver would like to address.

Dr. Culver has provided information to the investigator (Ms. Gavin) regarding the incident with the apples from the cafeteria. Specifically, the investigator should have information Dr. Culver initially offered to pay for the apples (apples that were to be used in a fund-raiser). The apples, although anticipated to be tossed out, were nevertheless paid for by Dr. Culver.

There was the suggestion that Dr. Culver had inappropriately received and failed to report a ticket utilized for an Orlando Magic basketball game. Dr. Culver provided sufficient information to the investigator that he was a chaperone for the event, and furthermore, appropriately reported the ticket to the appropriate persons.


Finally, the Funaris submitted their September 24, 2019 complaint on the letterhead of Flagler ESE Advocates. In that letter the Furnaris explicitly and repeatedly reference their positions of what appears to be an affiliated entity identified in the letter as *Flagler ESE Parent Advisory Committee*, which is also known by the moniker “EPAC.” Also

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referenced is the existence of a 21-member board. It is the understanding of undersigned counsel that there are members of the Flagler County School Board who are/were members of EPAC at times relevant to the investigation of the complaint of Dr. Culver. If this is true, those school board members should have: (a) disclosed the same to Dr. Culver, (b) should have recused themselves from consideration of the underlying matter, including the utilization of the School Board attorney, who they actually have the power to hire and fire, and (c) disclosed the fact that the acts of Flagler ESE Advocates, as well as the acts directly or indirectly of EPAC (through Flagler ESE Advocates), could actually subject the Flagler County School Board to possible civil liability and/or suit. We remain,

Sincerely,

IRVIN LAW FIRM.



Grady C. Irvin, Jr.

GCI:st

cc: Superintendent James Tager, Flagler County School District
Jewell Johnson, Director, Human Resources, Flagler County School District
Dr. Terence S. Culver