

I voted to end Attorney Gavin's contract with the Flagler County School Board based on a pattern of misconduct, dereliction of duty, and breach of fiduciary duty. Since I was sworn in, Attorney Gavin has not provided sound legal counsel and has taken actions that have unjustly created conflict, distrust by the community, and slander against my name and reputation. Attorney Gavin is not a trusted advisor/trusted counsel.

1. Misconduct: Mishandling of public records requests.

After insisting I provide all texts between myself and Principal Paul Peacock, from my business/personal cell phone, Attorney Gavin shared more of my text messages than needed – all except those containing student names – and at no point worked to protect my rights as a board member (highlighted on p. 85 of attached FlaglerLive.doc, texts submitted are attached as Texts_PRR). One example is provided the PRR requestor text dialogue between Principal Peacock and myself about whether he had “butt-dialed” me. This is certainly not board business and was exchanged through two personal cell phones. This exchange was highlighted in a FlaglerLive article which resulted in the false allegations of an extramarital affair between myself and Principal Peacock.

She also provided additional, unnecessary information, above what was requested, that added to the ongoing negative narrative. Pierre Tristam, FlaglerLive, requested the meeting dates for all the one-on-ones I had with former Superintendent Mittlestadt (written request and response below). In addition to the meetings we had, Attorney Gavin listed the meetings that I had cancelled. This, of course, was included in another FlaglerLive article.

FlaglerLive editor: *Further: I'm under the impression that all school board members meet with the superintendent regularly, either once a month or twice a month. I'd like to know, based on calendar-set meetings of substance (as opposed to incidental conversations), how many times Ms. Hunt has met with the superintendent since her election, and on what dates.*

Gavin, Kristy <gavink@flaglerschools.com> Wed, Mar 15, 2023, 3:16 PM
to Pierre, me

Pierre,

This confirms your recent public records request. Please be advised that we have requested all emails from 2/1/2023 to present that Ms. Hunt has received and/or sent from her school email account and will provide those to you upon securing them from technology. They will need to be reviewed for potential FERPA information which would need to be redacted, should any exist.

It is my understanding Ms. Hunt has not used her personal email to conduct District business since receiving her district issued computer in October 2022. As a result, the emails that are secured pursuant to this recent request will be all email communications for this time period.

As to your second request, the meeting dates and whether Ms. Hunt met with Superintendent Mittelstadt are attached. **If there is a circle with a line through it next to**

Ms. Hunt's name on the invitation it means she declined to meet. Otherwise, the documentation attached shows where Ms. Hunt and the Superintendent met either just the two of them or with others that were listed in the meeting invitation to attend.

Finally, in response to your most recent email regarding check in/check out for Rymfire. If Ms. Hunt used school pass to check in at Rymfire that is attached. There could be other times that Ms. Hunt went to Rymfire, but school pass may not have been used.

Regards,

Kristy J. Gavin
School Board Attorney
1769 East Moody Blvd., Bldg 2
Bunnell, FL 32110
(386)437-7526

In addition to the mishandling of content, Attorney Gavin shows an inconsistent timeline in turning around PRR with evidence of delays when she is not "on the side" of the requestor and borderline harassment when it appears she is seeking to assist the requestor (e.g., Pierre Tristam, FlaglerLive).

Gavin, Kristy <gavink@flaglerschools.com> Mar 20, 2023, 5:45 PM
to me

Ms. Hunt,
I want to be sure you are aware of case law regarding the District's responsibility to ensure compliance with a public records request. Specifically, a public official or employee's use of a private cell phone to conduct public business via text messaging "can create an electronic written public record subject to disclosure" if the text message is "prepared, owned, used, or retained... within the scope of his or her employment or agency." The case of O'Boyle v. Town of Gulf Stream states that the agency needs to review every text message no differently than we would when responding to a request for emails. Since you have indicated you have text messages between yourself and Mr. Peacock, we need to offload all of the communications between you and Mr. Peacock and then review them to determine if they are relevant and not subject to any exemptions for responding to the public records request.

Regards,

Kristy J. Gavin
School Board Attorney

1769 East Moody Blvd., Bldg 2
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2. **Dereliction of duty:** Did not provide appropriate counsel regarding her conflict of interest in supporting the school board through discussions related to her behavior and contract. (There is much documented video proof of her lack of fiduciary counsel.)
3. **Misconduct:** Broke sunshine/confidence/attorney-client by telling Cheryl Massaro, who had already publicly discredited, disparaged, and defamed me over and over, that I called Attorney Gavin with concerns about Cheryl going off-script during the Bunnell assembly press conference and using the word “segregation” over and over. Cheryl left that conversation with the idea that I was going to motion to censure her at an upcoming meeting. Attorney Gavin is at the center of much conflict, drama, and disfunction. (Cheryl discussed her conversation with Attorney Gavin, about my concerns, with both Superintendent Moore and Pierre Tristam, FlaglerLive.)

Dereliction of duty: Speaking of the Bunnell assembly incident, I believe Attorney Gavin mishandled board counsel. I asked Attorney Gavin if she advised Cheryl to only read the script she had written. Her response, “I didn’t think I had to.” Cheryl is known for saying outlandish things, especially to the media. The board members should have never attended the press conference without better prep from the board attorney.

4. **Misconduct:** As the board attorney, Attorney Gavin lacked judgment when she engaged in dialogue with Pierre Tristam, FlaglerLive, about my moving and resigning from my seat. This is something I still haven’t announced publicly. By making comment, she is confirming the information. I would expect the board attorney to provide no comment.
5. **Misconduct:** Attorney Gavin has made two ageist comments, in my presence, while responding to board business: 1) advised the district should not hire older teachers because they are not good with technology and 2) 30-somethings might apply for the superintendent role if the college degree requirement is too low (and that would be bad). I believe in the state of Florida, employers cannot discriminate based on age, whether under or over 40. (Video evidence exists.)
6. **Dereliction of duty:** On more than one occasion, Attorney Gavin has cited outdated information which leads to an appearance of “winging it.”
7. **Misconduct:** It was reported to me by a key member of the community that Attorney Gavin shouted at him and his partners in a meeting in which they were offering the school district 30 acres of prime real estate and no cost. When they did not meet Attorney Gavin’s request for 60 acres, she shouted something to the effect that they are the people responsible for the murdering of students. There is much evidence of Attorney Gavin’s unprofessional demeanor,

words, and actions.

8. **Misconduct: Attorney Gavin led a known defaming gossip columnist, Pierre Tristam, FlaglerLive, to the superintendent suite after the Bunnell assembly press conference where Pierre opened the door and quickly took a photo as if criminals were on the other side, and again, false information was written. I had been at this gathering of small talk, not board business, after the press conference and, unfortunately, I'm the one who closed the door out of habit when I left.**

9. **Misconduct, dereliction of duty, and breach of fiduciary duty: Throughout discussions and both private and public counsel related to the renewal of Superintendent Mittlestadt's contract renewal, Attorney Gavin did not give unbiased, independent counsel. She repeatedly gives counsel based on what she wants. She and Colleen Conklin have a 17+ year relationship working together and there are many appearances of Attorney Gavin's loyalty to her. (There is video evidence of Attorney Gavin's lack of fiduciary duty.)**

10. **Misconduct: Attorney Gavin oversteps either communicating in meetings like a sixth board member or as district administration. She is almost never open to feedback related to her job performance.**