



# The District School Board of Collier County

Everglades City, Immokalee, Marco Island, & Naples, Florida

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Special Board Meeting  
December 16, 2013 - 12:00 p.m.  
Dr. Martin Luther King Jr. Administrative Center  
5775 Osceola Trail - Naples, FL 34109

December 16, 2013 - Special Board Meeting

STATEMENT OF MEETING GUIDELINES: All electronic devices, such as pagers, cell phones, and any other wireless communication device, must be turned off while in the Board Room, as they may interfere with the television broadcast. Members of the public wishing to speak on any agenda item must complete a Speaker Registration Card for the Board Secretary. No speaker shall indulge in personal attacks while speaking. All comments and questions are to be addressed directly to the District School Board. Members of the public who wish to address the Board regarding items not on the agenda may do so during Public Comments. Speakers will be limited to three minutes unless granted additional time by the Chair. A yellow caution light will appear on the timer when one minute remains, and a red light will appear when the time expires. The Chair, with the consent of the Board, shall have the right to limit public debate on any agenda item. The Board Parliamentarian shall enforce the Meeting Guidelines.

Call to Order

1. [Call to Order](#)

Minutes: Mrs. Pat Carroll, Board Chair, called the meeting to order at 12:00 p.m.

Roll Call

2. [Roll Call](#)

Minutes: The roll was called by Jennifer Weimer. All members were present.

Statement of Meeting Guidelines

3. [Statement of Meeting Guidelines](#)

Minutes: Mrs. Pat Carroll read the Statement of Meeting Guidelines.

Pledge to the Flag

4. [Pledge to the Flag](#)

Minutes: Mrs. Pat Carroll led the Pledge of Allegiance.

Special Meeting Topics for Review and Discussion

5. [Case No. 13-ADMIN-0001, Hearing on Rec. Order and Petitioner's Exceptions](#)

Attachment: [Notice of Protest of Solicitation and Contract Award.PDF](#)

Attachment: [Order of Dismissal and Recommended Order of Dismissal.PDF](#)

Attachment: [Amended Petition.PDF](#)

Attachment: [Final Recommended Order.PDF](#)

Attachment: [Exceptions to Final Recommended Order.PDF](#)

Minutes:

Mr. Jon Fishbane, Esq., District General Counsel, and Mr. James D. Fox, Esq., Associate, Roetzel & Andress, LPA, were introduced as the legal advisors to the District in Case #13-ADMIN-0001. Mr. Fox shared the procedures for the Quasi-Judicial Hearing and added that the purpose of the hearing is for the Board to determine whether to accept the Final Recommended Order by the hearing officer in regard to Case #13-ADMIN-0001.

Mr. Steven Bracci appeared as the Petitioner in Case #13-ADMIN-0001 and asked for clarification regarding the procedures of the hearing. Mr. Bracci appealed to the Board for additional time to present his case. Mrs. Pat Carroll requested a motion to grant the petitioner an extended amount of time. The motion carried unanimously.

Mr. Fox called the hearing to order. Witnesses were sworn in by the Board Secretary and Ex Parte Disclosures were performed by the Board.

Mr. Steven Bracci began his presentation in regard to the Exceptions to the Recommended Order. After 30 minutes, per the motion passed by the Board, Chair Pat Carroll allowed the petitioner an additional 15 minutes to continue his presentation. Following his presentation, Mr. Bracci submitted items into evidence.

Ms. Nancy Sirko provided testimony on behalf of the Respondant in this case and submitted documents into evidence. Mr. Bracci was allowed a rebuttal to Ms. Sirko's testimony.

Closing arguments were provided by Mr. Steven Bracci on behalf of the Petitioner and Ms. Nancy Sirko on behalf of the Respondent.

Mr. Jon Fishbane, Esq., provided the Board with legal counsel before their deliberation and decision.

Motions:

The Board made a motion to grant the Petitioner 30 minutes to present his case. After that time, the Board Chair will determine whether additional time is needed, not to exceed 45 minutes. - PASS

Vote Results

Motion: Julie Sprague

Second: Kathleen Curatolo

Barbara Berry - Aye

Pat Carroll - Aye

Kathleen Curatolo - Aye

Julie Sprague - Aye

Roy Terry - Aye

Questions and Discussion By the Board

6. [Questions and Discussion By the Board](#)

Minutes:

There were no questions or discussion by the Board.

Public Comments

7. [Public Comments](#)

Minutes: There were no public comments.

Superintendent Recommendation

8. [Superintendent Recommendation](#)

Minutes: There was no recommendation by the Superintendent.

Board Decision

9. [Board Decision](#)

Minutes:

With presentations and closing comments complete, Mrs. Pat Carroll closed the hearing and asked for the Board's decision concerning Case #13-ADMIN-0001.

Motions:

Based upon the record and evidence presented in Case #13-ADMIN-0001, I move that the Board:

1. accept the Final Recommended Order of the hearing officer; - PASS
2. overrule Exceptions of the Petitioner; and
3. dismiss the case.

Vote Results

Motion: Julie Sprague

Second: Kathleen Curatolo

Barbara Berry - Aye

Pat Carroll - Aye

Kathleen Curatolo - Aye

Julie Sprague - Aye

Roy Terry - Aye

Motions:

A motion was made to authorize Mrs. Pat Carroll to review and sign the Order on Final Agency Action on behalf of the School Board. - PASS

Vote Results

Motion: Kathleen Curatolo	
Second: Barbara Berry	
Barbara Berry	- Aye
Pat Carroll	- Aye
Kathleen Curatolo	- Aye
Julie Sprague	- Aye
Roy Terry	- Aye

## Adjournment

### 10. [Adjournment](#)

Minutes: There being no further business, the meeting was adjourned at 1:35 p.m.

Motions:	
Motion was made to adjourn at 1:35 p.m.	- PASS
Vote Results	
Motion: Roy Terry	
Second: Julie Sprague	
Barbara Berry	- Aye
Pat Carroll	- Aye
Kathleen Curatolo	- Aye
Julie Sprague	- Aye
Roy Terry	- Aye

\*The Asterisk indicates that additional written supportive material is available in the Board Offices. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SCHOOL BOARD WITH RESPECT TO ANY MATTER CONSIDERED, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, THEREFORE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE. THE RECORD MUST INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.