



THE SCHOOL DISTRICT OF LEE COUNTY

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BOARD ATTORNEY

October 26, 2009

VIA CERTIFIED MAIL RETURN
RECEIPT NO. 7007 0710 0005 3624 6196
AND REGULAR U.S. MAIL

Timothy J. Day
1212 NW 36th Avenue
Cape Coral, FL 33993

Dear Mr. Day:

As you are aware, the School District of Lee County initiated an investigation into allegations of misconduct against you. A predetermination conference was held on October 20, 2009, to give you the opportunity to respond. You were present at the conference along with Robert Dodig, Staff Attorney, and myself.

Please be advised that the investigation has concluded at this time and the District finds that there is probable cause for disciplinary action. This letter shall serve as a **written reprimand** for violating the School Board policies governing use of the internet and email, use of a District vehicle and conducting personal business on District time. As a result of your misconduct your administrative leave from October 12, 2009 to October 23, 2009, shall be without pay. Your return to work will occur on Monday, October 26, 2009. As discussed, any similar misconduct in the future will result in a recommendation for termination of your employment.

This letter will be open to public inspection and/or copying pursuant to Chapters 119 and 1012, Florida Statutes, within ten (10) days of your receipt of the same. A copy of this letter will be placed in your personnel file. Any other documents shall be maintained as required by law. Please be advised that you have the right to answer these materials in writing and that this answer will be attached to the documents in the personnel file.

Sincerely,

Ranice E. Monroe, Director
Department of Professional Standards & Equity

Cc: James W. Browder, Ed.D., Superintendent
Gregory K. Adkins, Ed.D., Chief Human Resources Officer
Robert Dodig, Staff Attorney
Sue Roshon, Assistant Director, Career, Technical & Adult Education
Personnel File
Investigation File

The Southwest Florida Public Service Academy is comprised of three separate Public Safety Programs: The Southwest Florida Criminal Justice (Police) Academy, The Fort Myers Fire Academy, and the Southwest Florida Public Works Academy. Timothy J. Day serves as the Public Service Academy's director, supervising over one hundred adjunct instructors and more than a thousand students each year. Timothy Day is also an elected Councilman in the City of Cape Coral.

I, Patrick J. Flahive, am a currently certified Law Enforcement Officer with over 17 years of experience in the criminal justice system and over 20 years of supervisory experience. I began teaching at the Academy as an adjunct instructor in 1996 and I was hired as a full time instructor in 2003. I was awarded as the career and technical education teacher of the year for 2008. I have a Bachelors Degree in Public Administration, a Masters Degree in Administration, and I am a Ph.D. candidate earning my doctorate in leadership & education. I was appointed by Mr. Day to serve as his Assistant Director in 2005 and I have worked in this capacity until the present.

During my time as the Assistant Director I worked very closely with Mr. Day and I have personally observed the following violations of School District Policies:

- Mr. Day uses a red Ford Crown Victoria, which is owned by the school district, for personal business. He uses this vehicle as his personal transportation to and from work. He also uses this vehicle to conduct personal business such as running personal errands. Mr. Day is the only Academy employee who drives the red Ford Crown Victoria.
- Mr. Day authorized me and his full time coordinators the use of school district vehicles as personal transportation to and from work. He told me and my colleagues that, if we were ever questioned as to why we were driving the vehicle, we should be prepared to make up an excuse, such as: "I was on my way to the gun range in Charlotte County." Etc.
- Mr. Day used the Academy's Ford Pick-Up truck to move furniture into his home in Georgia.
- Mr. Day regularly granted employees, myself included, time off of work and deliberately, knowingly, and willfully insured that the leave was not reported. This practice became known as Mr. Day "Taking Care of You". The undocumented time off was given to all academy employees, and could range from one day up to a week. Mr. Day would say, "I'm going to take care of you on this" which meant that he would instruct his secretary not to enter the time off in the leave tracking system; or he would not enter the time off in the leave tracking system himself. Repeated appeals from me and my colleagues for Mr. Day to stop this practice have been ignored.
- Mr. Day would conduct personal or City of Cape Coral business on School District time. He would spend almost all of his time on his cell phone or land line talking about personal or City of Cape Coral business; or he would be on the internet reading news-press blogs or searching for real-estate. He would often not arrive to work until after 9:30am and he would often leave before 3:30pm. He would leave the day to day operations of running the Academy to me.

Because of the limited time I had in preparing this statement, it is not intended to encompass all of my knowledge of Mr. Day's wrongdoings. Therefore, I reserve the right to amend this statement by adding additional information that may come to mind at a later date.

As a certified Law Enforcement Officer I understand the seriousness of these allegations, the elements and penalties of perjury, and I am willing to submit to a polygraph.

Patrick J. Flahive

October 9th 2009