OFFICE OF PROFESSIONAL STANDARDS

Investigative Report
Roderick L. Frazier

September 12

2013

Rick W. Mills, Superintendent

The Office of Professional Standards shall conduct investigations into alleged employee misconduct or other matters concerning the school district and make recommendations as to the disposition of such complaints or matters and report legally sufficient complaints to the Education Practices Commission.

SCHOOL DISTRICT OF MANATEE COUNTY

Troy J Pumphrey,
Preparer of Report

SCHOOL BOARD OF MANATEE COUNTY
OFFICE OF PROFESSIONAL STANDARDS
INVESTIGATION REPORT

Case Subject:	**Roderick L. Frazier**	**Case Type:**	**Administrative Investigation**
Date of Birth:	**February 11, 1978**	**Case Number:**	**12-2033-OP**
Work Site:	**Manatee High School**	**INVESTIGATOR:**	**Troy Pumphrey**
Position:	**Administrative Liaison**	**OPS File Opened:**	**July 23, 2013**
Date of Hire:	**August 11, 2006**	**Date of Report:**	**September 12, 2013**

SECTION I

INTRODUCTION:

On July 23, 2013 the undersigned investigator was asked to conduct an inquiry based on the allegation that Roderick L Frazier, Administrative Liaison, Manatee High School was inappropriately interacting with female students. The alleged incidents occurred while the students attended Manatee High School.

On July 26, 2013 Roderick L. Frazier resigned from the School District of Manatee County, in lieu of termination.

As the investigation proceeded, actions and inactions of district administrators came to light which suggested the possibility of administrative negligence and/or intentional misconduct, thereby justifying that the scope of the investigation be broadened to determine whether applicable policies and/or rules were violated. More specifically, the investigation was broadened to determine whether these administrators had prior knowledge of complaints by female students and faculty regarding inappropriate conduct involving Roderick Frazier and if so, why the complaints were not properly addressed.

As the investigation proceeded, it became necessary to determine why on Thursday November 15, 2012 Frazier was placed on Paid Administrative Leave (PAL) and removed from PAL status on Friday, November 16, 2012 then returned to his position at Manatee High. To arrive at this determination, the following questions needed to be answered:

1. What was the basic understanding for how the investigation on November 15, 2012 was to be conducted?

2. Was this a formal investigation or merely a discovery to obtain preliminary information in order to make a later determination as to what direction to proceed?

3. Was Debra Horne allowed to conduct a full and complete investigation without disruption or influence from her superiors?

4. Did Horne interview all essential witnesses and alleged victims prior to placing Frazier back to work? If not, why?

5. Did Horne gain knowledge through interviews on November 15, 2012 that would require her to make a mandatory report of child abuse based on Florida Statutes 39.201(2) (b)? If so why was a call not made?

6. On November 15, 2012, while at MHS, did Horne inquire from Administrators or witnesses whether a call was made to the abuse hotline or other police agencies?

7. Did the investigation go ('cold') after November 16, 2012? If so why?

8. Is there evidence to date that shows a continuance of the investigation between November 16, 2012 and January 9, 2013? January 9th is the date OPS receives a letter from a victim outlining inappropriate interactions with Frazier

SECTION II

WITNESS LIST:

[redacted]

SECTION III:

INVESTIGATION REPORT:

On or about November 14, 2012 Scott Martin who at the time was employed as the Assistant Superintendent for District Support for the School District of Manatee County, received notification from Manatee High School Principal Don Sauer of alleged inappropriate interactions between a school board employee, Roderick Frazier and minor female students. Mr. Martin forwarded this information to the Office of Professional Standards' (OPS). The investigator assigned to the case was OPS Investigator, Debra Horne. Scott Martin was the direct supervisor over Debra Horne.

On Thursday November 15, 2012 at approximately 11:18am a decision was made to place Mr. Frazier on paid administrative leave (PAL) as outlined in School Board Policy 2.21 (2)(A).

SB Policy 2.21 (2) (A)
Administrative Leave with Pay –
'The Superintendent or designee is authorized to place employees on administrative leave with pay during investigations into alleged misconduct.'

Prior to conducting her first interview on Thursday November 15, 2012 Investigator Horne met with Scott Martin who told her to stop all active investigations because in Martin's words, "this investigation was crucial". Horne stated that Martin told her to "go look at it so that we can decide whether we are going to keep him (Frazier) on paid leave".

On August 13, 2013 this Investigator conducted one of two interviews with Scott Martin. During the first interview Martin was asked why Horne was instructed to set aside all of her current investigations in order to get out to Manatee High School (MHS). Martin stated he spoke with Robert Gagnon, Assistant Superintendent of Teaching and Learning Division and there was some concern that the Frazier allegations were based on rumor and innuendo and it was incumbent to get out to MHS quickly in order to avoid the spread of rumors. Martin further stated that Gagnon informed him of previous rumors about Frazier in the past and about an incident where Frazier was riding around in golf carts with female students and that Gagnon had to put an end to that. Gagnon tells Martin that he had no knowledge about the substance of the current allegations but that he was only aware of students sitting on a golf cart with school administrators. Gagnon also expressed to Martin that if he didn't get out to MHS right away, because Frazier was going to be coaching football on Friday night the rumors of him not being there would spread like wild fire and it would put the employee in an even worse position as far as the rumors go. Below is a question and answer series from the recorded interview with

Gagnon about the recorded statements made by Martin and Horne where Gagnon made the statement to get Frazier back on the field. That his (Frazier's) presence would be missed on the football field.

INVESTIGATOR: On or about November 14th date, where you and Martin had a conversation, and I'm saying this to you that it's my belief that this was prior to Martin sending Debra Horne out to Manatee to start the investigation. But during that conversation or conversation on or about the 14th, did you talk to Martin regarding the importance of getting out to Manatee High School as soon as possible and that there would be some implications if they did not do so, there would be some implications on the Friday night football game?

GAGNON: No, absolutely not. My statement was clear again, it was in passing, because I didn't see the note and I've been doing this for 25 years. I started the school. I started the school for abandoned and neglected children. He's reading the note and the investigators reading the note. They know the details. They're crossing me in passing and giving me generic information. My first words were, if he went out and did it, bury him under the school, but I don't see that anywhere in anyone's investigation.

[Gagnon's attorney, Mr. Reinhart interjected and said, "you're not here to talk about their investigation, just answer the questions. Everyone understands you're reading the paper and everything else and you're the subject of this, that you're upset, and that they are questioning your integrity. But all Mr. Pumphrey needs to do right now is get your side, just the facts".]

I apologize. So I told him bury him under the school. And then we talked about who is it about, who is the subject. I said the subjects have been involved with rumors of Rod before. You need to get out there now because if the guy's innocent, his presence will be missed; Nothing to do with football. He's a fifth string assistant football coach, but innocence is innocence and if he's guilty why would we delay an investigation into the most horrific acts that anybody could do? It was to fool around with a child. Get out there now.

INVESTIGATOR: Along those lines, I originally asked if you had a conversation with Martin regarding getting out to Manatee as soon as possible and some implications for a football game on a Friday night and I need you to clarify your response. Did you or did you not have that conversation with Martin?

GAGNON: Yeah, I said get out there and bury him under the school.

INVESTIGATOR: Did you talk to Martin specifically about getting out right away because there was a football game on Friday night and that rumors or him not being there would spread like

wildfire and it would put the employee at an even worse position as far as the rumors go? Did you have that conversation with Martin?

GAGNON: If he wasn't there his presence was going to be missed, but the conversation, the crux of the conversation was the beginning of the conversation which was, these are our kids, we need to get out there and investigate right now. And if he did it, bury him under the school and hold him accountable. The rest was the second piece. Why are we gonna delay investigation into somebody. The public's not going to expect us to do that. They want us to get out there right now.

INVESTIGATOR: The Investigation began on the 15th, and that game was a day or two (2) later.

GAGNON: And I wasn't at the school, I wasn't the principal at the school. I wasn't a coach. I have nothing to do with it at that point. I'm the assistant superintendent.

INVESTIGATOR: So why was that so important for you then if you were not at the school, you were not the coach, you were not the principal. Why was it important for you to tell Martin, he needed to get out there immediately or as soon as possible and because there could be some implications with Frazier not being out on the football field?

GAGNON: You're assuming that last piece [Gagnon's attorney, Mr. Reinhart and Gagnon repeated "You're assuming that last piece"] and, it's being blown out of proportion. The first piece that nobody is stating because it doesn't fit, was bury him under the school. Bury him under the school, bury him under the school, bury, I have no affiliation with him, that team, whether the win or lose I could care less. Bury him under the school, were my first words. Now, I know Mr. Martin said that because that's a fact.

INVESTIGATOR: You know he said what, I'm sorry?

GAGNON: I'm sure that he's told the truth and he's said my first words to him go out there and bury that guy under the school.

INVESTIGATOR: Where would that come from, how would you know?

GAGNON: My words.

INVESTIGATOR: How would you know then?

GAGNON: Well unless…..

INVESTIGATOR: You just made a statement to me that you knew for a fact that Scott Martin made the statements that bury this guy if he did something wrong, bury him under the bus.

GAGNON: It's the truth.

INVESTIGATOR: How do you know that Scott Martin made that statement?

GAGNON: He could, he might not be making the statement you're reading me I guess [Gagnon's attorney, Reinhart spoke up and said the question was do you know he's assuming he did this?] I'm assuming because he's an honest guy and he's a guy with integrity. I can't imagine he would …..

INVESTIGATOR: Have you spoken with Scott Martin since this investigation began?

GAGNON: Yeah, off and on different things.

INVESTIGATOR: Have you spoken to Scott Martin between July 23rd and today's date?

GAGNON: What's the 23rd, is that the gag order?

INVESTIGATOR: No, that's the date I came into this investigation. I started work on July 23rd. Have you spoken to Scott Martin, between ……

GAGNON: I don't believe so.

INVESTIGATOR: Have you spoken to Scott Martin between the time you received your Paid Administrative Leave?

GAGNON: Absolutely not.

INVESTIGATOR: August 5th?

GAGNON: Absolutely not.

INVESTIGATOR: I'm going to ask you specifically because we have, there's a misunderstanding here. You're saying the first part of the statement, the second part of your statement is something that I assumed so I'm going to ask you specifically. Scott Martin makes a statement that you expressed to him that if you didn't get out to Manatee High School right away because Frazier was going to be coaching football on Friday night, the rumors of him not being there would spread like wildfire and it would put the employee in an even worse position as far as the rumors go. That's what Martin says.

GAGNON: [Reinhart said: Are you telling me that's true or are you just using this as?]

INVESTIGATOR: First of all I'm not telling you anything. I'm talking to him, ok? You're here as his attorney, but I need to be able to conduct this investigation. If I can't, then I'll conclude this interview.

GAGNON: [Reinhart said: No, you will not conclude it. Because I'm not obstructing, I want you to complete it. We want to cooperate].

INVESTIGATOR: If that's the case, then you need to give me an opportunity.

GAGNON: [Reinhart said: You're talking over me though Mr. Pumphrey. Right now I just want to say something while the record's going that I'm not meaning to butt in and stuff. One thing that I wanted and I asked my client to clarify with you and maybe he will ask me the question, is there's been so much stuff reported in the press and everything. We don't know exactly what anyone's told anybody in the investigation because we're not privy to the investigation. So, if you're saying to Mr. Gagnon, this is something Mr. Martin told me, is he, the question is, is he to take that as truth from you, that this is in fact true, Mr. Martin said that to you in answering the question or is he not to assume anything? That was my point.]

INVESTIGATOR: My statement was very clear. My statement was if I said to you that Scott Martin made this statement is that statement true. That was the question? Do you want me to read it?

GAGNON: Sure.

INVESTIGATOR: Gagnon also expressed to Martin that if he didn't get out to Manatee High School right away, because Frazier was going to be coaching football on Friday night, the rumors of him now being there would spread like wildfire and it would put the employee in an even worse position as far as the rumors go. Did you and Martin have that conversation to the best of your knowledge?

GAGNON: It wasn't specific like that. It began with; we need to get out there because if he did something we need to bury him under the school. It began that way and then we definitely, I definitely stated something related to these people, because they have come after him before and I said his presence will be missed.

INVESTIGATOR: His presence where?

GAGNON: At the football game, absolutely. People are gonna see that he's not there. Does he need to be there, absolutely not. Do we need a coach; absolutely not. But the bottom line is and the first fact is why would I ever say anything but get out there and do it right now?

INVESTIGATOR: I can't tell you what you may say, all I'm asking you is if you had that conversation with Martin and if that conversation had anything to do with getting the investigation going sooner than later. And, that there were some implications if Frazier was not out on the football field on Friday?

GAGNON: It had nothing to do with football, absolutely not. It had to do with getting an investigation going on somebody that may be doing something inappropriately with our kids; getting it going.

INVESTIGATOR: And were you aware, did you oversee the office of professional standards here in Manatee County when you were assistant superintendent?

GAGNON: Never.

INVESTIGATOR: And I'm going to sound like I'm repeating myself, but I'm gonna repeat myself, again. Did you or did you not have a conversation with Martin where you asked Martin to get Frazier back on the field for the playoff game?

GAGNON: Absolutely not. Not that statement, no. I told him to bury him under the school. This was a conversation that happened in passing and both, not only did I not see the information which I'm a detail person, I'm a person of high integrity, I would need to see the note and what the allegations were. The only thing I knew were the people who made those allegations. And we can show, well we will show what they've done in the past.

Martin was later asked whether he felt at the time (November 15, 2012) that Horne had conducted a full and thorough investigation. Martin stated "well yes, I knew that it wasn't thorough in that she had yet to interview Mr. Frazier; I mean I knew it had not been drawn to a close; I think at the time the concern wasn't is the investigation over, the concern was should Mr. Frazier remain on paid administrative leave". Horne's interview contradicts the statement made by Martin.

During the Investigator's recorded interview with Horne on August 5, 2013, Horne stated that on November 15, 2012 she interviewed six or seven people as well as Roderick Frazier. On July 30, 2013 a recorded interview was conducted with Horne by the Bradenton Police Department (BPD). During the interview Horne told the detective, "What happened is I went on the day, interviewed all the adults, spoke with Rod (Frazier), while I was there called Scott".

The statements to this Investigator and the BPD detectives contradict the statement made by Martin. The recorded interview between Frazier and Horne took place on November 16, 2012, after Frazier had been taken off of paid administrative leave (PAL) and returned to work.

Horne stated that after conducting the six or seven interviews on November 15, 2012 she met with MHS Principal Sauer and his assistant principals' Faller and Kane. Horne stated that during the meeting a conference call was placed to Scott Martin in order to bring everyone up to speed on her findings. Horne told Martin that based on the November 15th interviews and speaking with the administrators who were each in the room with Horne, (Greg Faller, Matt Kane and Don Sauer) nothing reported to her during her interviews occurred during the 2012/13 school year or caused her great concern. Horne told Martin that she is in the room with MHS administrators and asks Martin for direction. Martin told Horne to come back to his office to discuss the investigation further.

Later in the day, on November 15, 2012, while in the office of Scott Martin, Horne shared her findings and asked if she could go back to MHS in order to continue the investigation. Horne stated, "I asked him if he would like me to go back to the school on the following day and randomly select some students and talk with the students to see if I could ascertain additional information." Mr. Martin told Horne that to go back to MHS to conduct additional interviews "would only serve to stir the pot".

During the August 7, 2013 recorded interview, the Investigator asked Martin to explain Horne's initial findings on November 15, 2012. Martin stated that he asked Horne whether she "chased every rabbit trail, is there anything else you could do". Martin clarifies the quote by explaining that what he was asking is whether Horne followed every lead and was she thorough in her investigation. The mere fact that Horne obtained the names of witnesses and alleged victims during her initial visit to MHS but did not interview them prior to Martin reinstating Frazier back to work is a clear indication that Horne did not chase every rabbit trail or pull every thread as asked by Martin. Martin, in his recorded interview with this Investigator, stated he had knowledge that Horne received a list of alleged victims. Even though Martin had knowledge that alleged victims existed and were not interviewed, he told Horne not to continue her investigation because a victim had not come forward. See the below interview questioning between this Investigator and Scott Martin (recorded interview 8/20/2013):

INVESTIGATOR: Based on the information, tell me, who made the decision, ultimately to take Mr. Frazier off paid administrative leave?

MARTIN: I did.

INVESTIGATOR: And that decision was based on what?

MARTIN: Based on the fact that we didn't have any evidence, that he currently represented risk of harm to any staff or students.

INVESTIGATOR: That decision was based on what?

MARTIN: That was based on the feedback that Debbie Horne gave me regarding what her findings were.

INVESTIGATOR: Was school still in during that period of time, November 15th? Were the kids still going to school?

MARTIN: Yes.

INVESTIGATOR: So your statement is that you did not feel that Mr. Frazier would have been an immediate threat to whom?

MARTIN: Staff or students. That's the standard for.

INVESTIGATOR: Tell me again; why you felt that he would not have been a threat to staff or students at that time?

MARTIN: Based on Debbie Horne's findings. Each rabbit trail that she chased ended in something that had been, either occurred a long time ago and had already been resolved or something that dead ended in rumor or innuendo.

INVESTIGATOR: How did you come to the conclusion that it was old or that it was based on rumor or innuendo?

MARTIN: Based on the feedback that she gave me from her findings.

INVESTIGATOR: Tell me specifically what that information was with regards to the female on Frazier's lap. Her name was [redacted] Tell me, you made a decision to place Frazier back to work on the day afterwards, that following day, the 15th. The first day of the investigation, Horne gave you information that she had discovered through her interviews. One of what she gave you was the situation between Frazier and a female student, [redacted] sitting on his lap.

MARTIN: That's correct.

INVESTIGATOR: Tell me after hearing that information, why you would put Frazier back on, taken him back off paid administrative leave, and felt there was no immediate threat to any other students or staff at that time?

MARTIN: Because that incident had occurred some time ago. That was something that was resolved by administration or at least that was represented to me. As I understood the

females, I don't know if I knew at that exact point, but that female student was going to Palmetto high school. So all those factors, including the fact that on the other rabbit trail that Debbie had chased, it ended in rumor and innuendo. It didn't seem that there was any immediate threat to students or staff.

INVESTIGATOR: How at that time, how did you know that this situation was old and had already been dealt with by administration?

MARTIN: It had been told to me by Debbie Horne.

INVESTIGATOR: She told you specifically that it had been dealt with by administration?

MARTIN: Yes.

INVESTIGATOR: Did you speak with anyone else about this incident on the 15th of November, which was the first day that she started interviewing?

MARTIN: I don't believe so.

INVESTIGATOR: Once you concluded your meeting with Debbie Horne, on the evening of the 15th, at some point and time, a decision was made to place Frazier back to work?

MARTIN: Yes.

INVESTIGATOR: Did you make that decision solely based on the information you received from Debbie Horne or was there some other chain of command there. Did you speak with someone else; did you run it past someone else? How was that decision made?

MARTIN: No, that was solely my decision.

INVESTIGATOR: So you alone made the decision to place him back to work?

MARTIN: Correct.

INVESTIGATOR: Once he was placed back to work, then what happened? Was the investigation over at that point or not?

MARTIN: No, it was not concluded.

INVESTIGATOR: It was not concluded; and what determined that it was not concluded?

MARTIN: What determined that it was not concluded?

INVESTIGATOR: Yeah, why do say it wasn't concluded?

MARTIN: Debbie still had to write a report, she still had to speak with Mr. Frazier. There were other avenues possibly for her to take after speaking with him. I suppose.

INVESTIGATOR: Just a few minutes ago, you stated to me that you spoke with Debbie, you specifically asked her, did you chase every rabbit trail, did you pull every thread. In other words, did you do a full and complete investigation? Is that right, is that my understanding?

MARTIN: That's correct. Well, not a full and complete. It was not complete. The investigation was not closed at that point.

INVESTIGATOR: So the investigation was not complete?

MARTIN: Correct. It was not, did you do a full and complete investigation. And based on the information that we had and the allegations; had she gone and chased every rabbit trail that had been provided to her….

INVESTIGATOR: And are you convinced that she did?

MARTIN: I've never known her to do otherwise, so yes.

INVESTIGATOR: Well did you review her notes or did you review her recorded interviews on that date; on the 15th, prior to making a decision to bring Frazier back to work?

MARTIN: No, that would not be standard practice.

INVESTIGATOR: Standard practice? Does standard practice always dictate the right practice?

MARTIN: I would hope so yes.

INVESTIGATOR: So you would make a decision to bring back Frazier in this case, solely based on your conversations with Horne, without reviewing her notes or sharing her recorded interviews?

MARTIN: Correct. I trust that my administrator did her job.

INVESTIGATOR: Did you have knowledge at that point that she did not interview Mr. Frazier?

MARTIN: Yes, I believe so.

INVESTIGATOR: Did you have knowledge during that time that you made the decision to bring Frazier back to work, that she also did not interview Mrs. O'Dell?

MARTIN: I don't know. I'm not sure who Ms. O'Dell is.

INVESTIGATOR: Did you have knowledge that she did not interview [redacted] who was an alleged victim?

MARTIN: I knew that she did not interview any students.

INVESTIGATOR: But yet in your mind, you felt that she did a, well, she chased every rabbit trail?

MARTIN: Correct.

INVESTIGATOR: She pulled every thread?

MARTIN: Yes.

INVESTIGATOR: In your mind?

MARTIN: Yes.

INVESTIGATOR: Based on the information that she obtained on November 15th, which was the first day of her interviews?

MARTIN: Yes.

INVESTIGATOR: Again, you believe well, my questions was, is that the end of the investigation? Was the investigation, at that point, concluded? And in your mind it was not concluded because why?

MARTIN: The conclusion of an investigation is when the report is complete and it's delivered to the employee, the case formally closed. It was not done.

INVESTIGATOR: Besides having to write the report and submit the report to your office, was the investigators fieldwork completed?

MARTIN: No. As I said, I knew she still had to speak to Mr. Frazier.

INVESTIGATOR: So, there was nothing that Mr. Frazier could tell her that may have, that may dictate that you may need to keep him on paid administrative leave?

MARTIN: Not based on the evidence that we had at that point; absent him throwing out a complete confession in spite of everything.

INVESTIGATOR: Did you know what Mr. Frazier would say?

MARTIN: No.

INVESTIGATOR: And so you made an assumption of what Mr. Frazier would say?
MARTIN: Based on past experiences, yes.

INVESTIGATOR: Based on past experiences of Mr. Frazier?
MARTIN: No. Other employees work place investigations.

INVESTIGATOR: So every investigation is the same?
MARTIN: No.

INVESTIGATOR: Each investigation is different?
MARTIN: Yes.

INVESTIGATOR: But you're determining whether in fact to place him off of paid leave is consistent with other investigations that you've experienced in the past?
MARTIN: Yes.

INVESTIGATOR: How many other investigations do you recall if there were any other investigations where someone was placed on and off paid leave in a day? Actually it was less than a day but.
MARTIN: I don't recall.

INVESTIGATOR: And if I told you I've gone through all the paid administrative leave cases; Debra Horne states that she's done over 800 investigations, of course there are not 800 investigations that required paid leave. If I told you there was only one investigation out of all the paid leave investigations that have been conducted in the Office of Professional Standards where someone was placed on and off in a day, would that be of some concern to you?
MARTIN: Concern to me, no.

INVESTIGATOR: Who made the decision not to interview Frazier on the first day, prior to bringing him back to work?
MARTIN: I don't know.

INVESTIGATOR: Do you know whether Debbie Horne interviewed any of the victims, prior to placing Frazier back to work?
MARTIN: I don't believe she did.

INVESTIGATOR: Was that something that you think is important in order to understand the dynamics of a case of this magnitude?
MARTIN: Every case is different; it depends.

INVESTIGATOR: This case. We're not talking about every case; this case here. Do you believe the dynamics of this case, the dynamics as you knew it on the 14th and 15th, dictated that you

needed to interview the victims or the accused, the alleged accused, Mr. Frazier, prior to placing him back to work?
MARTIN: No.

INVESTIGATOR: Why?
MARTIN: Again, based on the evidence that we had the allegations and the fact that the only one I believe had any merit, was acknowledged by Manatee administration, it's something they knew about and dealt with. Again, there was no evidence that there was any risk of harm to staff or students in returning Mr. Frazier at that time.

INVESTIGATOR: Debbie Horne interviews Peebles. Yes or no, prior to you making the decision to place him (Frazier) back to work?
MARTIN: I believe that's correct.

INVESTIGATOR: She interviewed Mr. Gulash?
MARTIN: I believe that's correct.

INVESTIGATOR: She interviewed Mr. Rinder?
MARTIN: I believe that's correct.

INVESTIGATOR: During those interviews she at least knew that Mrs. Peebles had witnessed Mr. Frazier with a young lady on his lap; is that true?
MARTIN: Yes, I believe it was Peebles.

INVESTIGATOR: She also knew on that day of at least one of the two incidents where there was a bottle shoved between a young lady's legs allegedly by Frazier. She knew about that prior to you making a decision. Is that right?
MARTIN: I remember something about that, correct.

INVESTIGATOR: And did you personally speak with any of the administrator's to confirm or deny or to confirm that they had previously dealt with the Frazier incidents in the past. And that they were in fact old or did you trust Debbie Horne's statement to you that she had spoken with the administrator's and the administrator's statements were that these were issues; that were old issues?

MARTIN: I think it was a combination of both.
Martin provided a recorded interview to the Bradenton Police Department (BPD) where he was questioned about the November 15, 2012 investigation. Martin stated quote "But for all practical purposes yea it was concluded". Martin was also asked by BPD, "What was the determining factor to say the case was done. Who made the decision?" Martin answered, "That would have been my decision". Though Martin was asked the same question by both BPD detectives and this Investigator, Martin gave conflicting answers. Martin told the BPS

detectives the investigation was concluded; he told this Investigator the investigation had not concluded and was still active. Based on this discrepancy, the Investigator conducted an internal audit of the Frazier files in search of notes or other documents that would show an ongoing timeline between November 16, 2012, which was the date Frazier was removed from paid leave, and January 9, 2013, the date the OPS received a formal letter of complaint from a female student victim. There are no notes, recorded interviews or other applicable documents at the OPS office to support that the investigation remained active between these dates. A reasonable conclusion is that the investigation was terminated on November 16, 2012; just one day after the case was opened.

At this point in the investigation the evidence suggests that decisions were being made to protect the image of Rod Frazier and his importance to the football team as a coach. There is no evidence at this point to suggest a concern for known victims or possible victims yet to be identified. Based on the recorded interviews of Martin and Gagnon, It appears that Martin and Gagnon influenced the investigation process in order that Frazier be afforded the opportunity to coach in the upcoming football playoff game. It is a fact that Martin and Gagnon provided conflicting information to the Bradenton Police Department and/or the Office of Professional Standards, as evidenced by the inconsistent answers to similar questions asked during both departments' recorded interviews.

Robert Gagnon in a recorded statement with the BPD stated he had no knowledge of a conversation between him and Martin where Gagnon told Martin to get Frazier back on the field for the playoff game. During an interview with Christine Ruggiero, the office assistant to Debra Horne, Ruggiero stated that while she and Horne were walking in the lobby of the School Board Building, Robert Gagnon stopped Horne and told her to "get him(Frazier) back out on the field". The Investigator also interviewed Manatee High employee Steve Rinder who stated that on or about November 15, 2012 Debra Horne called him down to the Office of Professional Standards to discuss a letter he wrote to Don Saur, Principal at Manatee High School. During the conversation between Horne and Rinder, Horne made the following statement; "Bob told me to take care of this pretty quickly". Horne also tells Rinder, "Bob say's Gulash and Frazier have been at this for a long time". Rinder adds that after Horne makes the comment, Horne begins to laugh. Rinder states that Horne's laughter made him feel as if his concerns would be discarded, as was past practice with Rod Frazier related complaints reported to Manatee High School Administrators.

Gagnon also stated in a recorded interview with BPD that he did not remember a conversation between Martin and him regarding Frazier and reports of inappropriate interactions with

female students other than an incident whereby Frazier was sitting in a golf cart at lunch with female students.

During a recorded interview with Gagnon, the Investigator asked if Gagnon remembered a conversation between Gagnon and Horne where Gagnon stated to Horne to get Frazier back out on the field. Gagnon stated that he had no conversations with Horne during the investigation. During the same recorded interview, the Investigator asks Gagnon if he remembered a conversation between him and Martin prior to Horne going out to MHS to begin her investigation. Gagnon stated, "Yea now that I'm I, Scott mentioned in passing that he received a letter, an anonymous letter, something like that". Gagnon stated that Martin mentioned in passing that Martin received an anonymous letter with allegations surrounding Frazier. The Investigator asked Gagnon if Martin asked any questions regarding the allegations against Frazier as stated in the letter. Gagnon answered, "No my first words to Martin were 'If he's done this, bury him under the school, if these allegations are correct'." Gagnon later stated, that Martin asked him if he (Gagnon) knew anything about the allegations contained in the letter. Gagnon told this Investigator that he had not seen the letter, but after Martin gives Gagnon the names of the people contained in the letter, Gagnon told Martin that the people in the letter have made attacks against Frazier in the past.

During the September 5, 2013 recorded interview, Gagnon made the following statement:

"So my point was first and utmost we need to do, we need to get out and see if he did it and if he did it, we need to go and get the guy period. But if he didn't, these people have come after him before and he could potentially be an innocent person; but I expect a thorough and full investigation from an independent agency that has nothing to do with me within my line of authority, period. The Investigator asks, "And you stated this to Scott Martin? Gagnon answers, "Yes". Gagnon was also asked whether he told Martin that the allegations were based on rumor and innuendo. Gagnon responds that Martin never stated what the allegations were and never showed him the letter, but based on the people that Martin told him were in the letter, Gagnon tells Martin that the people had started rumors about Frazier, but the rumors had to be investigated. Gagnon states that he would anticipate that an attorney and an OPS investigator would go out and do a thorough job.

When the Investigator asked Gagnon if now on September 5, 2013, he remembers any incidents that were reported to him while the Principal at Manatee High School involving Rod Frazier and inappropriate interactions with female students or female teachers, Gagnon responds, "no, no inappropriate interaction; I've never been reported that there's inappropriate interaction; You mentioned that menstrual cycle, I had seen that, that is a

physiological issue, it is not sexual". Gagnon goes on to explain that he spoke with Matt Kane about the incident and that Frazier stated to Kane that the female student was refusing to go to class because she was having menstrual issues. Gagnon goes on to explain that Frazier told the female student to get to class and that she refused because if she received one more tardy it would be her tenth tardy and she'd get kicked out of school. Frazier claims he told her to go to class, and that he would go to the clinic to get the student a tampax. Gagnon stated again, "It's nothing sexual, it's nothing inappropriate it's physiological".

In the recorded interview with Horne that took place on November 15, 2013, Lynn Aragon a teacher at MHS made the following statement: "Mr. Frazier called my room and I was at my desk like this, I was in a science classroom at the time, and he asked for a student, a female student, this happened all the time almost on a daily basis, he would call my room and ask for female students and um she went up and the phone was very close to me like you are to me and she was talking to him and I could tell she was very upset and she was mad and angry. So I asked her about it and I said 'what's the matter, why are you so angry and she sort of acted like she hung up the phone on him (Frazier). And she said, 'oh it's nothing' and I said, 'what is it?' And she goes, 'he called me to ask me if I had my period and if I wanted him to go and get me tampax at the 7-11".

See the question and answer exchange between Horne and Aragon below.

Horne: At the time that this young lady told you this, did you report it to anyone?
Aragon: Yes, well first I called Frazier up and I told him when a girl has her period they go to the nurse at our school, they do not talk to a male voice. Then I sort of just hung up on him because I was really angry.

Horne: Did he respond at all before you hung up?
Aragon: No, then I told Mr. Gagnon who was the principal. I reported it to him.

At the end of the interview with Horn, Aragon was given an opportunity to add an additional statement.

"I came back to ask Mr. Gagnon if it was taken care of and he said, it was. He said he had spoken to Frazier."
The undersigned Investigator conducted a phone interview with Ms. Aragon on September 9, 2013. During the interview the Investigator asked Aragon how she told Gagnon about the incident where Frazier asked the female student if she was on her menstrual period and needed a tampax. Aragon stated that after consulting with the MEA Union Representative, Pat Barber, Aragon meets with Gagnon in his office. Aragon told Gagnon that as a union representative, she is meeting with him to discuss concerns that were brought to her attention from a number of teachers regarding Frazier disrupting teacher's classrooms and his conduct

with female students. Aragon stated that Gagnon responds to her concerns; "He's okay". Aragon then tells Gagnon that Frazier called her classroom and upset one of her female students by asking if she "got her period". Aragon stated that Gagnon responds, "I'll handle it". On the very next day, Aragon goes into Gagnon's office and asked if he handled the Frazier incident. Gagnon told Aragon, "I handled it". When the Investigator asked Aragon how the situation was handled, Aragon stated, "I reported it to Bob (Gagnon) and they removed her from my class".

The recorded statements by Gagnon and Aragon are conflicting. Aragon was clear that she reported the incident to Gagnon and that Frazier called her class to ask the female student whether she was on her menstrual cycle and needed tampax from the 7-11 store. Gagnon on the other hand, totally dispels having direct knowledge that Aragon reported the incident to him. Gagnon states that he is only aware of the incident after reading it in the Bradenton Police report then speaking with Matt Kane. The incident as told by Gagnon is different from that being told by Aragon. Aragon states that after confronting Frazier about the incident, she then reported the incident to Gagnon. Gagnon also states that Ms. Aragon came to his office a lot and that he could not remember her reporting any incidence of inappropriate interaction between Frazier and female students other than Aragon telling Gagnon about girls sitting in a golf cart with Frazier.

Gagnon has remained adamant that he is unaware of past allegations of inappropriate interactions between Frazier and female students. The Investigator has outlined four occasions based on interviews, where Gagnon received notice of inappropriate interactions involving Frazier.

During the November 15, 2012, recorded interview between Horne and Lynn Aragon a teacher at MHS, Aragon tells Horne of an incident where Frazier calls her classroom and asks one of the female students if she was on her menstrual cycle and needed tampax. Aragon states that she reported the incident to the principal, Robert Gagnon. Ms. Aragon also states that she contacted her union representative about the incident.

Gagnon has no direct knowledge of this incident but believes the incident to be one of a 'physiological nature' and not a case of inappropriate interaction with a female student, as per the September 5, 2013 recorded interview.

During the August 15, 2013 recorded interview between former student [redacted] and this Investigator, [redacted] tells of an incident that occurred at MHS between she and Frazier where a female student, [redacted] walks into the ISS room and asks Mr. Frazier if he was coming to the Valentine's Day Lingerie party. Frazier confirmed he would be at the party.

[redacted] states that after she overheard the conversation she left the room and immediately told the story to Gagnon and two School Resource Officers.

Gagnon has no knowledge of this incident as per the September 5, 2013 recorded interview.

As per the BPD Incident/Investigation Report, an interview was conducted with Donna Coates, Math Teacher, who stated that she went to Gagnon and informed him about a conversation she overheard between two students that Frazier liked white girls and showed favoritism to them. Mr. Gagnon informed her that he was aware of the allegation.

Gagnon does not remember a conversation with Coates where he informs her that he was aware of the allegation of Frazier and white girls. Gagnon states that he did confront Frazier and other administrators about having female students sitting in their golf carts as per the September 5, 2013, recorded interview.

As per BPD Incident/Investigation Report, an interview was conducted with Dwayne Strong who was the In School Suspension (ISS) Teacher at MHS. During said interview Strong states that Mr. Frazier told him that during the Christmas Party he got into a verbal argument with Gagnon because he confronted Gagnon about not backing him up about allegations regarding several female students hanging around him at the golf cart. Strong stated that Frazier was upset because Gagnon did not stick up more for him. (Note: When this Investigator interviewed Strong, he confirmed that Frazier stated to him that he had an altercation with Gagnon, and that the altercation was because Gagnon did not back Frazier up. Strong does not recall telling BPD that Gagnon did not back Frazier up regarding allegations regarding several female students hanging around him at the golf cart.)

The Investigator did not question Gagnon on the Christmas party argument at the September 5, 2013 interview.

Debra Horne by her own testimony has investigated over eight hundred cases during her eight year tenure as an Investigator with the Manatee School District's, Office of Professional Standards. It is the Investigator's opinion that Horne was negligent in her investigatory responsibilities of November 15, 2012. For example; during the recorded interview between Horne and Frazier, (interview took place November 16, 2012, after Frazier was returned to work) Horne begins the interview by explaining the administrative investigation procedures.

While doing so and before asking Frazier any questions, Horne makes the following statement; "Based upon what I've been able to do in the last day and a half, I do believe that the allegations that were brought forward are not going to be substantiated." Horne further stated

to Frazier; “I feel that you have the right to know what is going on”, she then stated to Frazier; “So let me tell you what happened as far as I can put pieces of the puzzle together; it appears that one of your co-workers has brought to the attention of Mr. Rinder some concerns in regard to interactions you have had with students, mainly female and one male student over the last few years as a parent liaison here at Manatee High. In addition to that, a couple of teachers also spoke with Mr. Rinder in regard to some concerns they had. What I think that I’m finding as I put the pieces of the puzzle together is the reason that the female teachers went to Rinder is because the individual who went to Rinder went to them first. So he kind of sparked their contact with Mr. Rinder”. Horne then showed Frazier the letter prepared by Rinder and begins a question and answer series based on the original letter of complaint. Based on the interview between Horne and Frazier which takes place after Frazier is returned to work, it is this Investigator’s opinion that prior to the interview between Frazier and Horne, it was predetermined that Frazier was innocent of the allegations as stated in the January 8, 2012, letter of complaint submitted to the OPS office by Principal Sauer. Horne clearly led Frazier to believe that he has done nothing wrong and that in her words, “Based upon what I’ve been able to do in the last day and a half, I do believe that the allegations that were bought forward are not going to be substantiated”.

Although Horne states that she was consulting with Martin at every turn and that Martin dissuaded her from effectively performing her duties on November 15, 2012; as an investigator with eight years of experience, over eight hundred cases behind her and a great awareness of Florida State Statutes and School Board Policy, Horne was well capable of making the decision to report suspected child abuse. Further, in the recorded interview with Martin on August 8, 2013 the Investigator asked whether Martin believed that on November 15, 2012, Horne conducted a full and complete investigation. Martin stated “no”. Martin further stated that the decision to place Frazier back to work “went to the standard that we use for determining whether someone belongs on PAL. PAL is, Does this person represent a current threat to staff or students, that would be the reason and based on what Debbie was able to obtain from MHS at the time again all those paths, rabbit trails, threads however you want to call them, led to either rumor and innuendo or something that had occurred in the past. There was no immediate danger anymore in terms of returning Mr. Frazier back into the classroom or to the school.”
Manatee School Board Policy regarding the standards for placing persons on Paid Administrative Leave is not consistent with Martin’s understanding of SB Policy 2.21 (2) (A) which reads:

Administrative Leave with Pay –
‘The Superintendent or designee is authorized to place employees on administrative leave with pay during investigations into alleged misconduct.’

It should be noted that the Investigator has reviewed past Manatee School District OPS cases where employees were placed on paid administrative leave. There are files that exist where employees remained on paid administrative leave even though no evidence existed that the employee on paid leave presented a current threat to staff or students. Under Martin's standards, these employees should have been returned to work.

Horne also stated that she was merely doing what her boss (Scott Martin) told her to do which was to do nothing until a victim came forward. What is troubling is that prior to her meeting with Martin, Horne was told the names of alleged victims. Furthermore, If Horne is being advised by the MHS Administrators, including Assistant Superintendent Gagnon that the allegations were old, why then didn't Horne seek out written verification from MHS administration, Gagnon's office or law enforcement confirming the reporting of suspected child abuse as per statute 1012.795 (4) (b).

s. 1012.795 (4) (b)
Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

On November 15, 2012, Horne conducts a recorded interview with Jacqueline Peebles. Horne is told of an incident where Peebles walked through a closed door and observed a female student sitting on the lap of Rod Frazier. The information was forwarded from Horne to Martin late in the day of November 15, 2012, but was not acted on until almost two months later when the OPS office received a formal letter of complaint from one of the student victims. Even though Horne and Martin had specific knowledge of said incident, there was no attempt to contact law enforcement; no attempt to verify whether the student was forced onto Frazier's lap and no communication between the school and her parents. As a matter of record, the student's mother tells the Investigator that she first discovered the 'lap' incident between her daughter and Frazier when it was told to her by Horne at an interview in January 2013.

On August 5, 2013, the investigator asked Horne if she was aware of other allegations involving Frazier and female students prior to her initial investigation on November 15, 2012. Horne stated that she was only aware of one incident and that it was an incident that occurred in 2006 or 2007 where either "Frazier reported to OPS or there was a 'Hit' through the HR department about Frazier violating an injunction." The Investigator then asked "Is that the only recollection you have of an investigation of Rod Frazier?" Horne stated, "It's the only one I have, yes sir." The Investigator then refers Horne to an OPS office file named 'screened matters'. The file contains a complaint against Frazier claiming inappropriate interactions between Frazier and a female student. The file also contains an email with handwritten notes made by Horne. After

bringing the file to Horne's attention, Horne immediately begins to detail the circumstances by which she received the complaint; she names the people she spoke with during the inquiry, along with the month and year the complaint was forwarded to OPS.

On July 30, 2013 while being interviewed by the BPD the detective asks Horne "Why didn't we get a call?" Horne states to the BPD detective, "it was discussed; it was definitely discussed." The BPD detective continues the questioning of Horne and after telling Horne that Frazier was in a position of authority at the school, and that a teacher witnessed the student sitting on Frazier's lap, Horne makes the following statement: "a call should have been made, but it was not my call." Horne is stating that a call to law enforcement should have been made. During the same interview with BPD detectives Horne states that during the November 15th investigation Martin made it clear that he did not want her to do any 'digging'.

Horne is also questioned about why she left the Office of Professional Standards. Horne offers a number of explanations for her transfer to Prine Elementary School. One explanation is that she was moved from the OPS office as a result of budget cuts. A second explanation was told to the BPD during a recorded interview. In this interview Horne states, "The writing is on the wall that the department (OPS) is going to close. We have three or four new board members; we're getting a new superintendent; the superintendent is hired by the board members; the board members don't believe that a full time person is needed in this particular department."

The third explanation is offered by Scott Martin during an August 20, 2013 recorded interview with this Investigator. Martin states "she left as a result of Dr. David Gayler, who was Superintendent at the time; strongly advising her that she should request a transfer because the Office of Professional Standards was under fire and my own summary of it was that he kind of felt that she was being unfairly targeted and that she was a good administrator and that it would be in her best interest to request a transfer". On August 22, 2013, the Investigator discovered an email from someone by the name of [redacted] The email was addressed to the school board and the superintendent's office. The subject of the email was; 'Office of Professional Standards Investigator Debbie Horne'. In the email [redacted] was notifying the superintendent about an incident where an inappropriate text message was allegedly sent from Mike Horne, the husband of Debra Horne, to Eddie Hundley the principal at Palmetto Elementary School. The email stated that Mike Horne was at a Chili's restaurant with friends discussing a recent school board meeting. Apparently, the Union and [redacted] shared concerns about Debra Horne's investigative inexperience. Mike Horne is apparently intoxicated at the time, and decides to send a very offensive and sexual in nature text to Principal Hundley. Hundley attempts to contact Mike Horne about the text but when he doesn't answer the phone, Hundley contacts Debra Horne to inquire about why her husband would send such a

text message. Debra Horne is eventually called into Superintendent Gayler's office along with Scott Martin. Superintendent Gayler states that with Debra Horne's credibility already being in question, the mere presence of said text message would leave her no credibility left with anyone. Superintendent Gayler states that he was very concerned about Debra Horne's investigative training. He felt she was not skilled enough for the position and that more training was needed.

On May 30, 2013, Robert Gagnon was issued a 'Letter of Concern' by Rick Mills, Superintendent of the School District of Manatee County. The letter addressed two instances in which Gagnon disregarded directives previously issued him by Mr. Mills. Only one of these initiatives is related to the Frazier investigation:

On April 25, 2013, you entered the campus at Manatee High School and unnecessarily interacted with Stephen Gulash, an employee who is involved as a witness in both the criminal and workplace investigations of MHS employee Rod Frazier. You took this action despite my clear directives to you to not enter the campus of MHS and to avoid any interaction with any personnel at the school.
"I recognize that your wife works at and your son attends MHS, and I fully credit the investigator's findings that your presence at MHS on April 25, 2013 was occasioned by 'Take Your Child to Work Day' and that your interaction with Mr. Gulash was innocuous. It is for those reasons that I have decided not to issue discipline. However, I want to emphasize that I expect all of my directives to be adhered to without exception, including the expectation that you not enter the MHS campus absent express approval from me.

I was not pleased to learn of the above incidents, I expect you to exhibit better decision making and discretion going forward. Any further issues of this nature will result in discipline."

On Friday August 30, 2013, a certified letter was sent to Gagnon outlining School Board Policy regarding his obligation to fully cooperate in a School Board Investigation. Multiple attempts had been made by the Office of Professional Standards to contact Gagnon for an interview. The investigator left several messages on Gagnon's home phone to no avail. Gagnon was ordered to contact the Office of Professional Standards immediately and advised that failure to do so would lend grounds for recommending he be placed on leave without pay based on School Board Policy 6.13 (4) (a) (b). Gagnon receives the certified letter on Saturday August 31, 2013 then leaves a message on the Investigators voicemail. Gagnon was interviewed by this Investigator on September 5, 2013.

School Board Policy 6.13 (4) (a) (b).

a. All Board employees shall cooperate fully with OPS or other appropriate authorities who are conducting investigations.
b. Failure to cooperate completely and truthfully will subject an employee to disciplinary action.

MATTHEW KANE: Assistant Principal, School District of Manatee County

Interview: Steve Gulash, Parent Liaison

Mr. Gulash states that approximately two years ago he witnessed Mr. Frazier place a water bottle between a female student's legs as she was walking from a junior varsity softball game at GT Bray Park. Gulash further states that he informed Matt Kane of the incident and is told by Kane that he would address the incident with Frazier.

Interview: Jacqueline Peebles, Teacher MHS

Mrs. Peebles states that while walking down the hallway she noticed students fighting. She rushed into the office of Frazier and noticed a female student sitting on Frazier's lap. Peebles states that she screamed for the student to get off of Frazier's lap. Peebles stated that she reported the incident to Matt Kane who told her that he would take care of it. Peebles went on to mention that during one of her classes, she confiscated the phone of one of her female students. Peebles states that she looked at the text messages on the cell phone and noticed sexual innuendo. The text messages were from Frazier. Peebles tells Kane.

Interview: [redacted] former student, MHS

During said interview the Investigator asks [redacted] to explain the water bottle incident. [redacted] response was that the incident happened on two separate occasions, the first while at a softball game and then again while she was sitting on a golf cart at the school. The investigator asks if she reported the incident to anyone and she states that she reported the golf cart incident to Mr. Kane.

Interview - Matthew Kane, Assistant Principal, MHS

On August 9, 2013 the Investigator conducted a recorded interview with Mr. Kane to verify statements made during previous interviews with Gulash, [redacted] and Peebles. The first question asked to Kane is if he had knowledge of a February 13, 2012 complaint forwarded through email to him from Debra Horne. The email was regarding inappropriate behavior between Rod Frazier and a female student. Horne stated in a previous interview that she forwarded the complaint to Kane asking that he look into the allegations. Horne asks Kane to

provide the appropriate directives to Frazier. The investigator asks Kane if he remembers the call from Horne or the allegations. Kane states that he does not remember.

The Investigator shows Kane a copy of the email that was forwarded to him. On the email are handwritten notes from Horne that states; '2/13/12 – Kane Updated Kane; He will speak w/Frazier & issue oral directives to remain professional @ .....when dealing w/ students.' Kane is asked again if he remembers a conversation with Horne or remembers the email. Kane states that he does not recall the incident.

The investigator later asks Kane if he knows a Mrs. Peebles. Kane states yes, that she is a teacher at Manatee High School. Kane is then asked if Mrs. Peebles notified him of an incident where she walked into a closed door and witnessed a female student sitting on Frazier's Lap. Kane responds that he does not remember.

Mr. Kane is then asked whether Mr. Gulash, a parent liaison at MHS, reported to him that Frazier forced a bottle between a female student's legs from behind her. Mr. Kane's response is that he doesn't remember. Mr. Kane is then asked if he remembers a meeting with Mr. Sauer on or about November 14, 2012 when Sauer receives a letter of complaint from Steve Rinder. Sauer asks Kane if he has any information regarding the allegations in the letter submitted by Rinder. Sauer states that Kane told him the complaints were old and that Kane had already looked into the complaint. Kane responds that he cannot say whether he told Sauer that or not because it was many months ago and he would have to see what the allegations are.

Finally, Kane is asked if he was familiar with a golf cart incident where Frazier shoved a bottle between a female student's legs; Kane responds, "No".

GREGG FALLER, Assistant Principal, School District of Manatee County

Interview: [redacted], former Parent Liaison, Manatee High School

During the interview with Mrs. [redacted] the investigator was told that while Frazier was training [redacted] he rubbed his foot up and down her leg. [redacted] felt very offended by Frazier's actions and told him so. [redacted] also shared that on another occasion Frazier showed up at her classroom window and winked at her. The Investigator asked [redacted] if she reported any of the incident's to school administration; she stated that the touching of her leg incident was reported to Gregg Faller. She also stated that Faller asked if he needed to speak with Frazier and she informed Faller that she had already addressed it with Frazier.

Interview: Jacqueline Peebles, Teacher, Manatee High School
(Interview conducted by Debra Horne)

Peebles states; "[redacted] both brought to my attention that they were getting text messages and phone calls from Mr. Frazier that were inappropriate in the time they were made and what they said".

Horne asks: Did they show you any of the text messages?
Peebles replies; "Yes. [redacted] would show me that he just texted her, but she wouldn't let me read [the text]. I believed at the time it was because she was responding and it was probably inappropriate and she did not want to be in trouble".

Horne asks: How long ago was this situation with [redacted]?
Peebles replies: "Not this school year or last, but the one prior; 2010-2011. [redacted] was a student here and then she left to go the Life Program. I taught both so I knew her in both circumstances and that was at the beginning of last school year. She actually showed me texts and they were inappropriate in my mind. Things like, two o'clock in the morning, 'what are you up to,' 'who are you thinking about 'and 'you'll never guess what I'm thinking about'."

Horne asks: Those texts were from Mr. Frazier to [redacted]?
Peebles replies: "At first I didn't believe it. You know how kids will do their thing. I thought she just put anybody's phone number in there and put his name. I said let me see. I didn't want to see 'Rod Frazier' I wanted to see the phone number. I happen to have had Mr. Frazier's phone because I was late a couple times and needed him to cover my class. So then I knew he was sending them to her. She said, 'that's the reason I left the high school.' She said, 'there are other things miss.' He was at a bar and she was too young to be at a bar. She was there and he was. She said that he was rubbing up against her and whispering things in her ear. She said, 'miss he knew I wasn't twenty one (21) and I shouldn't be drinking.' The kids are as bad in behavior as …. So those are the kinds of things that the students were sharing with me".

Horne asks: What did you do with that information last year about [redacted]?
Peebles replies: "It was at the very beginning of last year. I went …. There are other things that happened too. Then I was concerned. I said to Gulash, the other concerns that weren't these specific things, I said to Gulash, 'hey should these things be happening. How do you handle it?' I asked, 'why are my referrals disappearing on certain white female students?' Gulash said, 'tell me what you know.' Then we had a very frank and open talk, like we were friends. I've known Steve Gulash since he was a boy. We had a very frank discussion. I'm like Steve all these things are happening. Oh my gosh. The kids are telling me. He said, 'you've got to tell someone now that you have something concrete.' So I went and told Mr. Faller. He said, 'haven't really heard these specific allegations until recently. Let me jump on it'."

Interview: Steve Gulash

During the interview, Gulash states that after his interview with Horne he remembered an incident that took place at a softball game that he didn't share at the time of his interview. Gulash states that he called Mr. Faller and told him that he remembered the incident and wanted to know whether he needed to contact Debby Horne to let her know what he remembered. Faller told Gulash that there was no need to do that because it appeared through their debriefing with Debby Horne that Gulash and Rinder had a personal vendetta against Mr. Frazier and that Gulash needed to be careful about making accusations when someone's professional career is involved. Gulash stated that he reiterated again that he has shared nothing but the truth and that he stands behind every statement that he has made to school administrators and law enforcement.

Interview: Jacqueline Peebles

During an interview with this Investigator, Mrs. Peebles states that she had a conversation with a student by the name of [redacted] informed Peebles that Frazier approached her at Tequila Beach while she was still a student at Manatee High School. Peebles states that [redacted] showed her text messages from Frazier. Peebles states that she notified Mr. Faller.

Below is an interview conducted by Debra Horne with Jacqueline Peebles.

"Other things like I would send a referral down. I would know for sure I did there's no doubt when you fill one out. You keep your copy. I would never hear a result on it. I'm like, 'what's going on?' I would go down. [I would be told,] 'No, no one got that.' I'm like no, I have my copies here. It was always these young ladies; these same group of young ladies that would ride around on the golf cart, sitting on Frazier's lap, and hanging out with him the all the lunch period. That's one of the things that I brought to Greg Faller's attention. How inappropriate it was that these girls in short shorts are hanging all over Mr. Frazier riding around in the golf cart. We have a crippled girl with a broken leg. We're not giving her a ride on the golf cart. These things just didn't seem appropriate to me. These same girls, any time I would turn in a referral they would magically disappear".

Peebles later makes this statement: "So, suddenly I started getting my referrals back, but then they still wouldn't be in the system. Frazier would write them up but not enter them just so I would be satisfied, but then they would somehow disappear and he would blame it on the computer. Really that's it."

"There's not…. the worst thing was [redacted] showing me these messages that had a sexual innuendo to them. It didn't say come over and have sex. Then suddenly a child, practically sleep on their backpack, bolts up, 'miss I forgot to tell you, Mr. Frazier told me to come down to his office and if you had any questions that I'm supposed to be there, just ask him.' He would have just texted them in class, 'come on down to my office.' After that started happening repeatedly I said, 'Mr. Frazier we're in the middle of a test. What is it that you need this person for? I need them in class.' He would say, 'if you have to, just send them at the end. It's not that important.' When he realized I was savvy to the circumstances then that kind of changed. I saw the [redacted] thing and the [redacted] thing. I told Faller."

Horne: Did you tell Faller the incident involving sitting on the lap with the cake?
Peebles replies: "Yes. I told Faller everything."

Interview: Keltie O'Dell, Reading Teacher, Manatee High School
(Interview conducted by Debra Horne)

Horne: Mr. Gulash told me that sometime about a week to a week and a half ago, he had a conversation with you in regard to Rod Frazier and some concerns you had about Mr. Frazier's interactions with students. Is this accurate?

O'Dell replies: "I would not say it was a week ago. It's been a while. But I will tell you that I have gone to administration before in regard to Frazier".

Horne: Was that this school year?
Peebles replies: "No, last school year".

Horne: Do these concerns involve interactions in regards to Mr. Frazier and female students?
Peebles replies: Yes.

Horne: Can you share with me the concern so I can see if it was already addressed?
Peebles replies: "Last year or in the last two years, I had two students who were asking me to go to Frazier's office. They went there quite often".

Horne: What are their names?
Peebles replies: [redacted] and [redacted] I said no you are not going. About ten (10) to fifteen (15) minutes later Mr. Frazier called and said, 'would you send [redacted] and [redacted] up to my office?' I said sure. After I hung up the phone I asked them, 'what did you guys

do text him and tell him to get you out of class?' They were like, 'yeah.' They thought it was funny and I got upset. These were two (2) kids who did not pass the first FCAT. My job is to teach them how to pass the FCAT. I was really upset because we had work to do. They went down the remainder of the period and never returned. I would say this was for the last twenty (20) or thirty (30) minutes of class. And that's that. I do have students that go down there this year. Gulash may have said something to me about that this year. Her name is [redacted] There is not anything there. It is not my business so… It is not so much that it is inappropriate; she just spends a lot of time there. I think Gulash may have said… because I went down there one day to help out one of my ESE students and [redacted] walked out. She spends so much time there. So if that was about a week ago…but we haven't talked about that so much this year. I do have this student that does go down and spend a lot of time there".

Horne: So if I understand correctly, your concerns with Frazier and some possible inappropriate interactions with students were in the past?
Peebles replies: "Yes".

Horne: Did you address your concerns with Administration?
Mr. Faller?
Peebles replies: "Yes".

Horne: Do you feel they were addressed and that they are not occurring this year?
Peebles replies: "One of them is at PHS. I have no idea if they were addressed or not".

Gregg Faller was interviewed on February 11, 2013 by the BPD. During said interview the detective asked Faller is he ever witnessed anything that would concern him regarding Frazier's interaction with female students. Faller informed the detective that he did not. Faller further states to the detective that all he saw in Frazier was a caring person who enjoyed his job. Faller stated that he had heard things about Frazier, but that it was all stuff that had occurred prior to Faller's arrival. Faller later states that the only complaint regarding Frazier came to his attention by Mrs. O'Dell who was upset because Frazier was contacting students via text and pulling them out of class. Faller states that he did not address Mrs. O'Dell's concern about pulling students out of class because he was not in the business of determining if Mrs. O'Dell's complaints were accurate. Faller also told the BPD detectives that he had no knowledge about the concerns expressed by Gulash, Peebles or [redacted]

The BPD conducted a second interview with Gregg Faller. During this interview the detective is asking Faller how an assistant principal would not know what was being alleged about his subordinate. Faller states that he never saw any need to address anything with Frazier, because he did not know anything and that all that he knows is that Frazier was a caring and

hardworking employee. Faller again denied knowledge of complaints bought to his attention by Gulash, Peebles and [redacted].

On August 9, 2013, the Investigator interviewed Gregg Faller. Below is a transcription of the recorded interview:

INVESTIGATOR: Mr. Faller, where are you employed currently?
FALLER: Palmetto High School.

INVESTIGATOR: How long have you been there?
FALLER: A week.

INVESTIGATOR: Where were you employed prior?
FALLER: Manatee High School.

INVESTIGATOR: I just need to ask you a couple of questions. I'm going to take you back November 14, 2012. November 14th was the day that Mr. Sauer forwarded a letter of complaint to the Office of Professional Standards. As a result of that letter, the Office of Professional Standards then placed Rod Frazier on PAL. On November 15th, the investigator then, Debra Horne, came out to Manatee High School and interviewed a number of people. My question to you is; if you remember; do you know how many complaints or concerns were directed to you with regards to Mr. Frazier, prior to the date the investigation is opened?
FALLER: There were two.

INVESTIGATOR: What were those two?
FALLER: One was and I don't know the date, it was the first year I was there. Jacque Peebles came to me and told me about a texting incident in her class. I guess Rod needed to see a student and texted the student while in the classroom and asked her to come to his office. And at that point when she was talking to me she let me know that prior, the year prior to me being there, she also witnessed an incident of a girl sitting on his knee, feeding him cake, in his office. And she explained to me that she just wanted me to know that, she had talked to Administration about the incident and believed it was dealt with. So at that point I just addressed the texting and said we are not going text for kids to come out of class, we are going to email or phone call, and left it at that.

INVESTIGATOR: Did she say who she spoke with in regards to the young lady sitting on his lap?
FALLER: She just said that she reported it to Administration. She did not tell me the individuals who she spoke to.

INVESTIGATOR: What was the second time? Or was that the second time?

FALLER: That was the first. The second was, and the detectives did not ask me about this incident and since then I have read it in the paper. [redacted] who is now again, [redacted] I believe, I don't know. But [redacted] at the time, was a parent liaison and I asked Rod to assist her and train her on the FOCUS program, that our student input data. She came to me one afternoon, don't remember the date, and said he made advances toward her. At that point, I asked her, "Do you want to file a former complaint" I'll need a written grievance against him, from you and if you do that we can address it. Or, we can go right to the SRO and address it that way. And she said, "No, I'm good I just don't want him doing it again."

INVESTIGATOR: What exactly was her allegation?
FALLER: She said he made some advances and rubbed her leg.

INVESTIGATOR: And what's her full name?
FALLER: [redacted] I'm not sure how to spell it.

INVESTIGATOR: Can you remember any other reported incidents prior to November 15th, which would have been the date our investigator came down.
FALLER: Honestly no.

INVESTIGATOR: Did Mrs. Peebles talk with you about a text that had sexual innuendo and that stated, "I love you" in a text message?
FALLER: No.

INVESTIGATOR: This would have been a message to [redacted] student.
FALLER: No. It was strictly to come to his office.

INVESTIGATOR: I don't want you to think it was the same text, but is there another occasion where she may have reported to you a text sent to a young lady, he loves her?
FALLER: That was never discussed or told to me.

INVESTIGATOR: How about Mrs. Peebles informed you about girls sitting with Frazier on his golf cart, during lunch and the fact that she thought it was inappropriate.
FALLER: I don't know if she actually addressed me. I made it a rule that no students, girls or guy, should be in the golf cart unless there's a purpose for it. And I stood up for that rule the whole time I was there. Any time I saw it, it was addressed and questioned. I don't recall her discussing that individual issue with me.

INVESTIGATOR: Mrs. Peebles, in at least one interview, says that she told you about sexual innuendo and I love you in text messages. And that your response was that she was not the only one with those concerns. Does that refresh your memory?
FALLER: No sir.

INVESTIGATOR: Were you interviewed by Debra Horne?
FALLER: No.

INVESTIGATOR: Mrs. Horne stated that she spent most of the day at MHS on the 15th. Which was the day after Rod Frazier was placed on PAL. And she said after her interviews with all the teachers, she met in a conference room and she said that Sauer, Kane, you and two others she said, were in that room. Do you recall?
FALLER: Yes, I recall being there.

INVESTIGATOR: Do you recall who else was in the room?
FALLER: No I don't.

INVESTIGATOR: Do you recall Sauer being in the room?
FALLER: Yes.

INVESTIGATOR: You obviously recall Kane being in the room?
FALLER: Correct.

INVESTIGATOR: But you don't know who else was in the room?
FALLER: I don't believe anybody was, but I could be wrong.

INVESTIGATOR: Did Debra Horne ask you guys about Frazier and did she talk to you about what she found in her interviews on that day? Did she give you guys a summary of what she found; what she didn't find?
FALLER: She spoke to us about real basic information that she felt like it was rumor and hearsay, but no specific interview, conversations or anything like that. It was very short.

INVESTIGATOR: During that interview, did she contact Scott Martin, here at the District, on a conference call?
FALLER: I don't know. Honestly.

INVESTIGATOR: You don't remember a conference call with Martin?
FALLER: Honestly no. I'm being honest.

INVESTIGATOR: Did she ever ask you if you had investigated or looked into issues with regard to Rod Frazier, prior to her getting there?
FALLER: She never spoke to me individually.

INVESTIGATOR: Did she speak to the group of you?
FALLER: Just at the end.

INVESTIGATOR: Did she ask you any questions with regards to whether in fact Mr. Frazier had been disciplined in the past or whether you had addressed any of these situations with Mr.

Frazier in the past or whether any teachers had brought any of this information to your attention? She did not ask you that?
FALLER: She didn't ask me anything.

INVESTIGATOR: To date is there anything else that you have and you think may be able to help me in my trek for the truth?
FALLER: I wish I did. Honestly. It's a matter of I was there three years and I can honestly say if these things happened I don't know where they would have happened. I never saw anything that concerned me with Rod and interactions with any students. He dealt with a lot of students; probably my parent liaison that carried most of the duties, and worked the hardest. I think that shows beyond mentoring, coaching, I've never seen him do anything inappropriate.

CONCLUSION:

Based upon information obtained during the investigation, it is this Investigator's sole opinion that Gregg Faller, Assistant Principal; Robert Gagnon, Assistant Superintendent on Assignment; Debra Horne, Assistant Principal; Matthew Kane, Assistant Principal and Scott Martin, Staff Attorney, and by each of their actions and/or inactions violated the following rules:

Policy 6.11, Policies and Procedures Manual, School Board of Manatee County, provides that an employee may be temporarily suspended with or without pay or permanently terminated from employment for just cause, including but not limited to, immorality, misconduct in office, incompetence, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, violation of the Policies and Procedures Manual of the School Board of Manatee County, violation of any applicable Florida Statute, violation of the Code of Ethics and the Principals of Professional Conduct of the Education Profession in Florida. Just cause exists to discipline the employee based upon the following:

1012.795(4) (b) which states, Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796
Rule 6B-1.001(2), F.A.C., which states the educator's primary professional concern will always be for the student and that the employee exercises the best professional judgment and integrity.
Rule 6B-1.001(3), F.A.C., which states the educator is 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, and therefore strives to achieve and sustain the highest degree of ethical conduct.
Rule 6B-1.006(3)(a), F.A.C., which states the obligation to the student requires that the individual shall 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.
Rule 6B-1.006(5) (a), F.A.C., which states the obligation to the profession of education requires that the individual shall maintain honesty in all professional dealings.
Rule 6A.10-081(5h), F.A.C., which states the employee shall not submit fraudulent information on any document in connection with professional activities.
Rule 6A.10-081(5n) F.A.C., which states an employee shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 231.28(1), F.S.

The undersigned Investigator swears and/or affirms that the information contained in said report is true and accurate to the best of my knowledge and belief

Signature of Preparer: _____ / _____

RECORDING TRANSCRIPTION

Gregg Faller:

August 9, 2013 @ 2:10 PM

Troy Pumphrey, Investigator and Gregg Faller, Assistant Principal, Palmetto High School

INVESTIGATOR: Mr. Faller, where are you employed currently?

FALLER: Palmetto High School.

INVESTIGATOR: How long have you been there?

FALLER: A week.

INVESTIGATOR: Where were you employed prior to?

FALLER: Manatee High School.

INVESTIGATOR: I need to ask you a couple of questions. I'm going to take you back to November 14, 2012. November 14th is the day that Mr. Sauer forwarded a letter of complaint to the Office of Professional Standards. As a result of that letter, the Office of Professional Standards then placed Rod Frazier on PAL. On November 15th the investigator then, Debra Horne, came out to Manatee High School and interviewed a number of people. My question to you is, if you remember, do you know how many complaints or concerns were directed to you with regards to Mr. Frazier, prior to the date that we came into to open the investigation?

FALLER: There were two.

INVESTIGATOR: What were those two?

FALLER: One was and I don't know the date, it was the first year I was there. Jacque Peebles came to me and told me about a texting incident in her class. I guess Rod needed to see a student and texted the student while in the classroom and asked her to come to his office. And

at that point when she was talking to me, she let me know that prior, the year prior to me being there, she also witnessed an incident of a girl sitting on his knee, feeding him cake, in his office. And she explained to me that she just wanted me to know that, she had talked to Administration about the incident and believed it was dealt with. So at that point I just addressed the texting and said we are not going text for kids to come out of class, we are going to email or phone call, and left it at that.

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FALLER: That was the first. The second was, and the detectives did not ask me about this incident and since then I have read it in the paper. [redacted]who is now again, [redacted] I believe, I don't know. But [redacted] at the time was a parent liaison and I asked Rod to assist her and train her on the FOCUS program, that our student input data. She came to me one afternoon, don't remember the date, and said he made advances toward her. At that point, I asked her, "Do you want to file a former complaint" I'll need a written grievance against him, from you and if you do that we can address it. Or, we can go right to the SRO and address it that way. And she said, "No, I'm good I just don't want him doing it again."

INVESTIGATOR: What exactly was her allegation?

FALLER: She said he made some advances and rubbed her leg.

INVESTIGATOR: And what's her full name?

FALLER: [redacted] I'm not sure how to spell it.

INVESTIGATOR: Can you remember any other reported incidents prior to November 15th, which would have been the date our investigator came down.

FALLER: Honestly no.

INVESTIGATOR: Did Mrs. Peebles talk with you about a text that had sexual innuendo and that stated, "I love you" in a text message?

FALLER: No.

INVESTIGATOR: This would have been a message to [redacted] student.

FALLER: No. It was strictly to come to his office.

INVESTIGATOR: I don't want you to think it was the same text, but is there another occasion where she may have reported to you a text sent to a young lady; he loves her?

FALLER: That was never discussed or told to me.

INVESTIGATOR: How about Mrs. Peebles informed you about girls sitting with Frazier on his golf cart during lunch and the fact that she thought it was inappropriate.

FALLER: I don't know if she actually addressed me. I made it a rule that no students, girls or guy, should be in the golf cart unless there's a purpose for it. And I stood up for that rule the whole time I was there. Any time I saw it, it was addressed and questioned. I don't recall her discussing that individual issue with me.

INVESTIGATOR: Mrs. Peebles, in at least one interview, says that she told you about sexual innuendo and I love you in text messages. And that your response was that she was not the only one with those concerns. Does that refresh your memory?

FALLER: No sir.

INVESTIGATOR: Were you interviewed by Debra Horne?

FALLER: No.

INVESTIGATOR: Mrs. Horne stated that she spent most of the day at Manatee High School on the 15th. Which was the day after Rod Frazier was placed on PAL. And she said after her interviews with all the teachers, she met in a conference room and she said that Sauer, Kane, you and two others she said, were in that room. Do you recall?

FALLER: Yes, I recall being there.

INVESTIGATOR: Do you recall who else was in the room?

FALLER: No I don't.

INVESTIGATOR: Do you recall Sauer being in the room?

FALLER: Yes.

INVESTIGATOR: You obviously recall Kane being in the room?

FALLER: Correct.

INVESTIGATOR: But you don't know who else was in the room?

FALLER: I don't believe anybody was, but I could be wrong.

INVESTIGATOR: Did Debra Horne ask you guys about Frazier and did she talk to you about what she found in her interviews on that day? Did she give you guys a summary of what she found; what she didn't find?

FALLER: She spoke to us about real basic information that she felt like it was rumor and hearsay, but no specific interview, conversations or anything like that. It was very short.

INVESTIGATOR: During that interview, did she contact Scott Martin, here at the District, on a conference call?

FALLER: I don't know. Honestly.

INVESTIGATOR: You don't remember a conference call with Martin?

FALLER: Honestly no. I'm being honest.

INVESTIGATOR: Did she ever ask you if you had investigated or looked into issues with regard to Rod Frazier, prior to her getting there?

FALLER: She never spoke to me individually.

INVESTIGATOR: Did she speak to the group of you?

FALLER: Just at the end.

INVESTIGATOR: Did she ask you any questions with regards to whether in fact Mr. Frazier had been disciplined in the past or whether you had addressed any of these situations with Mr. Frazier in the past or whether any teachers had brought any of this information to your attention? She did not ask you that?

FALLER: She didn't ask me anything.

INVESTIGATOR: To date is there anything else that you have and you think may be able to help me in my trek for the truth?

FALLER: I wish I did. Honestly. It's a matter of I was there three years and I can honestly say, if these things happened I don't know where they would have happened. I never saw anything that concerned me with Rod and interactions with any students. He dealt with a lot of students; probably my parent liaison that carried most of the duties, and worked the hardest. I think that shows beyond mentoring, coaching, I've never seen him do anything inappropriate.

INVESTIGATOR: Have you had an opportunity to speak Bob Gagnon about this situation; about the Frazier investigation?

FALLER: Prior to all this going down; as far as the District re-opening. I haven't spoken to Bob in weeks.

INVESTIGATOR: Prior to January 9th, because that's when it was re-opened. You haven't spoken to him after January 9th?

FALLER: Not about this. Just in passing maybe.

INVESTIGATOR: Do you live in his neighborhood?

FALLER: It's the same neighborhood, but it's probably a mile or so.

INVESTIGATOR: Was there an incident in his yard where you and him went face to face and had a little bit of static with regards to this investigation?

FALLER: Me and Bob? No, never.

Thank you for coming in and if I have any questions, I'll call you.

Robert Gagnon:

September 5, 2013

Troy Pumphrey, Investigator w/ Robert Gagnon, Assistant Superintendent and Richard Reinhart, Attorney

INVESTIGATOR: Mr. Reinhart, before we get started would you like to make a statement.

REINHART: Yeah. I believe basically that you're telling us to be here under School board policy and state law and for him to answer questions put to him in the investigation? Is that correct?

INVESTIGATOR: That's right.

REINHART: So with understanding I would assume that under state law he has immunity from any of these statements being used against him in a criminal investigation. With that understanding we're here but at the same time hopefully the investigation and questions are specific, fact specific and also relevant to that matters that are in the public arena right now as far as what's going on with my client and others.

INVESTIGATOR: Bob, can you state your name for the record please?

GAGNON: Robert Gagnon, G A G N O N

INVESTIGATOR: Mr. Gagnon how long have you been in the school District of Manatee?

GAGNON: 12 years.

INVESTIGATOR: Prior to becoming the Assistant Superintendent of Teaching and Learning Division, where were you employed?

GAGNON: Principal at Manatee High School.

INVESTIGATOR: How long were you principal at Manatee High School?

GAGNON: 2007 to December 2011.

INVESTIGATOR: The reason why I've called you here is obviously I'm working on an investigation which was, which began on or about November 14, 2012, was an alleged allegation of inappropriate contact with one of the teachers, one of the liaison's there, was Rod Frazier. Are you familiar with that?

GAGNON: Yes.

INVESTIGATOR: On or about November 14, 2012, where were you employed?

GAGNON: 2012? I was the Assistant Superintendent.

INVESTIGATOR: While you were at Manatee High School, did you have an occasion to receive allegations from any teachers or other schools employees with regard to Rod Frazier?

GAGNON: In relation to?

INVESTIGATOR: In relations to, inappropriate contact, inappropriate language, specific to female students or female teachers?

GAGNON: I haven't heard anything from any teachers. I did receive a complaint from a teacher stating that Mr. Frazier was on a golf cart with a student. Of course there are several thousands in the court yard and it's under surveillance. When I heard that, she just said, "hey, it doesn't look right". I said ok, I'll go out and see what it looks like. When I went out there I did Mr. Frazier with a female student, I never got the name of the student or who the student was. But I also saw Mr. Gulash with a female student. I saw Ms. Kitchie with a male student. So, I did bring Mr. Frazier in, talked to him and said I don't want you in the golf cart sitting with a female. And, his response to me was, well did you see anybody else Mr. Gagnon?

And I said, yes Mr. Frazier, I did. He goes, why you only talking to me, and he pointed to his skin being African-American male and why it is only me, why would this teacher single me out when there is multiple events happening? I said, you know what, you're correct. There's nothing inappropriate going on. Obviously we have a lot of kids sitting in golf carts and at that point I

directed all people to not sit in golf carts with female students unless there was a legitimate purpose to ride them to a particular place.

INVESTIGATOR: Do you remember the teacher's name that told you about that incident?

GAGNON: I'm guessing, I think it was Ms. Aragon, but I don't know she was in my office a lot. I'm thinking it was Ms. Aragon.

INVESTIGATOR: Do you remember a conversation with Ms. Aragon where she reported to you that during class, Rod Frazier called her classroom, talked with a female student, asked the female student if she was on her menstrual cycle and needed a tampax? Do you remember that?

GAGNON: I do remember that now. I remember that now, but I did not remember quite a while ago because it was just a very general thing. But I do remember that situation because it made me uncomfortable and I had one of my assistant principals look into the situation and I can give you the details of what exactly came from that.

INVESTIGATOR: Let me take you forward a bit to November 14, 2012. November 12, 2012 would have been on or about the date that Principal Sauer gave, passed a letter to Scott Martin, regarding allegations of inappropriate activities between Rod Frazier and some students. Prior to Martin sending Debra Horne to Manatee High School, and that would have been November 15th. Did you have conversation with Scott Martin regarding the letter that he received from Sauer?

GAGNON: When you say, between November 14th and November 15th, during that I guess that 24 hour period?

INVESTIGATOR: The letter came on or about November 14th. My question to you is did you have a conversation with Scott Martin regarding the letter?

GAGNON: Scott mentioned it in passing that he received a letter. An anonymous letter or something like that.

INVESTIGATOR: What was suggested in the conversation?

GAGNON: Just the conversation, it was something regarding allegations surrounding Rod Frazier and then opening up an investigation.

INVESTIGATOR: Did Martin ask you any questions regarding the allegations?

GAGNON: No. My first words to Martin were, if he's done this, bury him under the school. If these allegations are correct, because nobody's gonna hurt one of my kids. Not at my school. So those were my first words to him. When I addressed that with him and then we talked briefly, he said do you know anything about it? I said who's it from? You got to remember, he never showed me the letter. I never seen what the allegations are so how can I deny them or prove them or say anything about, because he never showed me the letter and I've never seen the letter. But he told me who they were from and what I did say if these people have attacked and made statement about Mr. Frazier in the past. So my point was, first and utmost. We need to do, we need to get out and find out if he did it. If he did it, we need to go and get the guy, period. But if he didn't, these people have come after him before, and he could potentially be an innocent person. But I expect a thorough and full investigation from an independent agency that has nothing to do with me or be within my line of authority, period.

INVESTIGATOR: And you stated this to Scott Martin?

GAGNON: Yes.

INVESTIGATOR: Did you also state to Scott Martin that the allegations as he stated to you were rumor or based on rumor or innuendo and that these rumors had surfaced, previously surfaced about Frazier in the past?

GAGNON: He never stated what the allegations were and he never showed me the letter. What I said is the people that are involved in this, because of what they've done, have started the rumors. But it's got to be investigated. Every rumor has to be investigated. And I would anticipate an Attorney and an OPS investigator to go out and do a thorough job.

INVESTIGATOR: During that conversation did you inform Scott Martin that they only incident that you were aware of was an incident where Frazier was riding in golf carts with female students.

GAGNON: At that time the only things that I could think of specifically that I could recall that started a rumor was that.

INVESTIGATOR: Now that we're at this point here in September, can you think of any other incidents that were reported to you as the Principal of Manatee High School where that involved Rod Frazier and inappropriate interactions with students, female students or teachers?

GAGNON: No, no inappropriate interactions. I've never been reported there was an inappropriate interaction. You mentioned that menstrual cycle and I had seen that. That is a physical logical issue. That is not sexual. I had Mr. Kane look into it and he brought back what the story was. The girl was refusing to go to class and this is what Mr. Kane's statement was. The girl was refusing to go class because she apparently was having menstrual issues. Mr. Kane said you need to get to class. I'm sorry, Mr. Frazier said you need to get to class; you need to get to class. She looked at Mr. Frazier, now this is what Mr. Frazier is telling Mr. Kane and I'm remembering the best I can. Mr. Frazier said get to class, she said no, she's going to write me up, she's gonna get thrown out for the tenth time, which means she'd get kicked out of school. Frazier claims he told her to 'go to class now, your job is to be in school and I will go to the clinic for you.' It's nothing sexual it's nothing inappropriate, it's illogical. (Inaudible) Ok. Is it stupid; yeah. Kane explained that to me, 'he went to the girl here ya go, get back in class and stay in school.' To me, it's menstruation. I don't see how that can be referred to as sexual, any way shape or form.

INVESTIGATOR: Can you tell me when Mr. Kane told you this?

GAGNON: This was right after the incident because when it came into me, you've got to remember we're dealing with hundreds of things every single day. And it turns out that this woman, completely started a rumor about him when he was providing a student first aide.

[Mr. Reinhart interjected and told Mr. Gagnon, that he was getting off on a tangent and asked what the question was again.]

I think it was immediately the same day that Aragon came in, ya know. I'm pretty sure it was the same day she came in and I said ok well that issues resolved.

INVESTIGATOR: Now I'm unclear. Was it Aragon that reported the incident directly to you or was the incident reported to you through Kane?

GAGNON: I believe, the best I can recall, it was through Ms. Aragon. The best I can recall was through Ms. Aragon.

INVESTIGATOR: And at what point did you feel that you need to speak to Mr. Kane about the incident?

GAGNON: I think I talked to him that same day.

INVESTIGATOR: What were those circumstances? Why?

GAGNON: Well it made me uncomfortable with what she said, ya know. Like everyone else is assuming, period this is something bad, I kind of thought the same thing. I said what's going on with this. Why would somebody ask about that? And then I heard the details of the story which is as simple as a girl didn't who didn't have hygiene product, and who was looking for someone to help her. The teacher was the problem in the incident who was unwilling to allow the girl to go to the clinic. So we had another staff member help the student in this situation. After hearing it, after listening to it, there was nothing sexual or inappropriate about it in anyway shape or form.

INVESTIGATOR: On or about November 14th date, where you and Martin had a conversation, and I'm saying this to you that it's my belief that this was prior to Martin sending Debra Horne out to Manatee to start the investigation. But during that conversation on or about the 14th, did you talk to Martin regarding the importance of getting out to Manatee High School as soon as possible and that there would be some implications if they did not do so, there would be some implications on the Friday night football game?

GAGNON: No, absolutely not. My statement was clear again. It was in passing, because I didn't see the note and I've been doing this for 25 years. I started the school. I started the school for abandoned and neglected children. He's reading the note and the investigators reading the note. They know the details. They're crossing me in passing and giving me generic information. My first words were, if he went out and did it, bury him under the school, but I don't see that anywhere in anyone's investigation.

[Mr. Reinhart interjected and said, 'you're not here to talk about their investigation, just answer the questions. Everyone understands you're reading the paper and everything else and you're the subject of this, that you're upset, and that they are questioning your integrity. But all Mr. Pumphrey needs to do right now is get your side, just the facts.]

I apologize. So I told him bury him under the school. And then we talked about who is it about, who is the subjects. I said the subjects have been involved with rumors of Rod before. You need to get out there now because if the guys innocent, his presence will be missed. Nothing to do with football. He's a fifth string Assistant Football Coach, but innocence is innocence and if he's guilty why would we delay an investigation into the most horrific acts that anybody could do? It was to fool around with a child. Get out there now.

INVESTIGATOR: Along those lines, I originally asked if you had a conversation with Martin regarding getting out to Manatee as soon as possible and some implications for a football game on a Friday night and I need you to clarify your response. Did you or did you not have that conversation with Martin?

GAGNON: Yeah, I said get out there and bury him under the school.

INVESTIGATOR: Did you talk to Martin specifically about getting out right away because there was a football game on Friday night and that rumors or him not being there would spread like wildflower and it would put the employee at an even worse position as far as the rumors go? Did you have that conversation with Martin?

GAGNON: If he wasn't there his presence was going to be missed, but the conversation, the crux of the conversation was the beginning of the conversation which was, these are our kids, we need to get out there and investigate right now. And if he did it, bury him under the school and hold him accountable. The rest was the second piece. Why are we gonna delay

investigation into somebody. The public's not going to expect us to do that. They want us to get out there right now.

INVESTIGATOR: The Investigation began on the 15th, and that game was a day or two (2) later.

GAGNON: And I wasn't at the school, I wasn't the Principal at the school. I wasn't a coach. I have nothing to do with it at that point. I'm the Assistant Superintendent.

INVESTIGATOR: So why was that so important for you then if you were not at the school, you were not the coach, you were not the principal. Why was it important for you to tell Martin, he needed to get out there immediately or as soon as possible and because there could be some implications with Frazier not being out on the football field?

GAGNON: You're assuming that last piece [Mr. Reinhart and Gagnon repeated "You're assuming that last piece"] and, it's being blown out of proportion. The first piece that nobody is stating because it doesn't fit, was bury him under the school. Bury him under the school, bury him under the school, bury, I have no affiliation with him, that team, whether the win or lose, I could care less. 'Bury him under the school,' were my first words. Now I know Mr. Martin said that because that's a fact.

INVESTIGATOR: You know he said what, I'm sorry?

GAGNON: I'm sure that he's told the truth and he's said my first words to him go out there and bury that guy under the school.

INVESTIGATOR: Where would that come from, how would you know?

GAGNON: My words.

INVESTIGATOR: How would you know then?

GAGNON: Well unless.

INVESTIGATOR: You just made a statement to me that you knew for a fact that Scott Martin made the statements that bury this guy if he did something wrong, bury him under the bus.

GAGNON: It's the truth.

INVESTIGATOR: How do you know that Scott Martin made that statement?

GAGNON: He could, he might not be making the statement you're reading me I guess [Reinhart spoke up and said the question was do you know he's assuming he did this?] I'm assuming because he's an honest guy and he's a guy with integrity. I can't imagine he would.

INVESTIGATOR: Have you spoken with Scott Martin since this investigation began?

GAGNON: Yeah, off and on different things.

INVESTIGATOR: Have you spoken to Scott Martin between July 23rd and today's date?

GAGNON: What's the 23rd, is that the gag order?

INVESTIGATOR: No, that's the date I came into this investigation. I started work on July 23rd. Have you spoken to Scott Martin, between?

GAGNON: I don't believe so.

INVESTIGATOR: Have you spoken to Scott Martin between the time you received your Paid Administrative Leave?

GAGNON: Absolutely not.

INVESTIGATOR: August 5th?

GAGNON: Absolutely not.

INVESTIGATOR: I'm going to ask you specifically because we have, there's a misunderstanding here. You're saying the first part of the statement, the second part of your statement is

something that I assumed so I'm going to ask you specifically. Scott Martin makes a statement that you expressed to him that if you didn't get out to Manatee High School right away because Frazier was going to be coaching football on Friday night and the rumors of him not being there would spread like wildfire and it would put the employee in an even worse position as far as the rumors go. That's what Martin says.

GAGNON: [Reinhart said: Are you telling me that's true or are you just using this as?]

INVESTIGATOR: First of all I'm not telling you anything. I'm talking to him, ok? You're here as his attorney, but I need to be able to conduct this investigation. If I can't, then I'll conclude this interview.

GAGNON: [Reinhart said: No, you will not conclude it. Because I'm not being obstructive to you; I want you to complete it. We want to cooperate.]

INVESTIGATOR: If that's the case, then you need to give me an opportunity.

GAGNON: [Reinhart said: You're talking over me though Mr. Pumphrey. Right now I just want to say something while the records going that I'm not meaning to butt in and stuff. One thing that I wanted and I asked my client to clarify with you and maybe he will ask me the question, is there's been so much stuff reported in the press and everything. We don't know exactly what anyone's told anybody in the investigation because we're not privy to the investigation. So, if you're saying to Mr. Gagnon, this is something Mr. Martin told me, is he, the question is, is he to take that as truth from you, that this is in fact true? Mr. Martin said that to you in answering the question or is he not to assume anything? That was my point.]

INVESTIGATOR: My statement was very clear. My statement was if I said to you that Scott Martin made this statement is that statement true? That was the question? Do you want me to read it?

GAGNON: Sure.

INVESTIGATOR: Gagnon also expressed to Martin that if he didn't get out to Manatee High School right away, because Frazier was going to be coaching football on Friday night, the rumors of him now being there would spread like wildfire and it would put the employee in an even worse position as far as the rumors go. Did you and Martin have that conversation to the best of your knowledge?

GAGNON: It wasn't specific like that. It began with; we need to get out there because if he did something we need to bury him under the school. It began that way and then we definitely, I definitely stated something related to these people, because they have come after him before and I said his presence will be missed.

INVESTIGATOR: His presence where?

GAGNON: At the football game, absolutely. People are gonna see that he's not there. Does he need to be there; absolutely not. Do we need a coach; absolutely not. But the bottom line is and the first fact is why would I ever say anything but get out there and do it right now?

INVESTIGATOR: I can't tell you what you may say, all I'm asking you is if you had that conversation with Martin and if that conversation had anything to do with getting the investigation going sooner than later. And, that there were some implications if Frazier was not out on the football field on Friday?

GAGNON: It had nothing to do with football, absolutely not. It had to do with getting an investigation going on somebody that may be doing something inappropriately with our kids; getting it going.

INVESTIGATOR: And were you aware, did you oversee the Office of Professional Standards here in Manatee County when you were Assistant Superintendent?

GAGNON: Never.

INVESTIGATOR: And I'm going to sound like I'm repeating myself, but I'm gonna repeat myself, again. Did you or did you not have a conversation with Martin where you asked Martin to get Frazier back on the field for the playoff game?

GAGNON: Absolutely not. Not that statement, no. I told him to bury him under the school. This was a conversation that happened in passing and both, not only did I not see the information which I'm a detail person, I'm a person of high integrity, I would need to see the note and what the allegations were. The only thing I knew were the people who made those allegations. And we can show, well we will show, what they've done in the past.

INVESTIGATOR: Do you remember a conversation between you and the investigator at that time, Debbie Horne that took place in the lobby of this building where you made a statement to Debbie Horne that she needed to take care of the investigation pretty quickly. Do you remember a conversation in the lobby?

GAGNON: That's a lie. I never had a conversation with Debbie Horne and was that the same day? I had a conversation with Martin and I didn't even find out what happened till three days later when the investigator talked to the assistant superintendent, who talked to the superintendent and I was not in that chain of command. And when they cleared him, I don't understand…. Inaudible.

[Reinhart said: Mr. Pumphrey just to clarify, are you talking about after this November 14, 2012 comes in?]

INVESTIGATOR: Yes.

[Reinhart said: do you understand that after November 14, 2012 he was asking you if you talked to Debbie Horne?]

GAGNON: After I talked to Scott and before he was cleared? Something like that, is that what you're trying to say?

INVESTIGATOR: I haven't said any of that. What I asked you was do you remember a conversation in the lobby of this building where you approached Debbie Horne and you said to Debbie Horne, something to the effect that she needed to take care of this pretty quickly?

GAGNON: No, I don't recall that whatsoever. Do you have any time when something like that would have occurred?

[Reinhart said: He's just saying it would have happened right after the letter on November 14th.]

GAGNON: But I wasn't even notified of the letter until Scott walked by me. I wasn't even at Manatee high.

[Reinhart said: That's what he's basically asking.]

INVESTIGATOR: Do you remember a student by the name of [redacted]

GAGNON: No.

INVESTIGATOR: Earlier in the interview you stated that you knew about the incident with Rod Frazier in golf carts but there were a lot of students that sat in golf carts with other administrators. You also stated you've now come to know of a situation where Frazier called a student in her classroom and asked her if she needed a tampax. Is that correct?

GAGNON: Student asked Rod to do that and Rod complied with the Student. That's through Mr. Kane.

INVESTIGATOR: Do you know what if it was Mr. Frazier that contacted Mrs. Aragon's room to speak with the student?

GAGNON: I don't know the detail. I believe it was which would definitely cause a massive conflict. But I believe it was, I'm not a hundred percent (100%) sure.

INVESTIGATOR: Are you sure that it was Ms. Aragon that came to you directly about that issue?

GAGNON: Can't be a hundred percent (100%) but I'm thinking it was Ms. Aragon. I mean I can't say for sure, were talking about several years ago and one hundred and twenty (120) teachers at Manatee high. But I'm thinking it was Ms. Aragon.

INVESTIGATOR: Let me redirect you back to a student by the name of [redacted] Do you remember an incident that took place where [redacted] was in in school suspension (ISS) I guess Mr. Frazier was overseeing ISS room and a young lady by the name of [redacted] walked into the ISS room, had a conversation with Mr. Frazier. That conversation was in reference to whether Mr. Frazier was going to a lingerie party. So this would have been in February, Valentine's Day.

GAGNON: What year?

INVESTIGATOR: 2010. And Mr. Frazier commented something, and I'm not expecting you to know about that conversation, but that conversation between the student and Mr. Frazier resulted in Mr. Frazier making a statement that yes, he will be at the lingerie party. The student, [redacted] after hearing that asked if she could leave the room and go and speak with you. Frazier stated no. She ran out of the room. You and two (2) Resource Officers were coming around the corner and she had a conversation with you. Do you remember that?

GAGNON: No. With the two police officers?

INVESTIGATOR: One Resource Officer and the other was in training. But what she states is that after overhearing that conversation and Frazier refused her leaving the room, she ran out. Frazier got on the radio to call for help, you came around the corner and she told you of that story that she heard at that time. She stated to me that the Resource Officer then stated to her that she does not need to be spreading those kinds of rumors and that he would arrest her if she continued spreading rumors.

GAGNON: Both Resource Officers heard this? They were both there and I was with them supposedly when this occurred?

INVESTIGATOR: The scenario was she ran out of the room, Frazier called for help. You came running around the corner; she told you why she left the room. She told you what happened. Do you remember that conversation?

GAGNON: No. I'd remember something like that. There's a lot of stuff that you don't remember because it's not sexually or inappropriate related. You're in the golf cart; people are in golf carts all the time. Menstruation is menstruation that, I'd remember that.

INVESTIGATOR: Do you remember a conversation with a math teacher by the name of Donna Coates? Ms. Coates states that she spoke with you and informed you about a conversation she overheard between two (2) students and Frazier with regards to showing white girls favoritism. Do you remember that conversation?

GAGNON: I know of it now because I saw a report. I did not obviously remember it then, previously, but I did read a statement recently that has that in there.

INVESTIGATOR: What was that statement read from?

GAGNON: It was in the police report. I did read it. I still don't recall it; I recall it loosely because obviously to me if my first job is to protect kids and I find the first thing I do to the employee is like I've done with the clinic or anybody else. And I'd say if you're suspicious of this then you're going to call. Nothing ever rose to that level. I don't recall that conversation occurring. You know what, a preference to white students?

INVESTIGATOR: White girls; Frazier liking white girls and showing them favoritism. You don't remember that conversation or you do remember that?

GAGNON: Once I read it, you know, do I remember the detail, when she did it, when she said it? I can't say. I can't say or recall the conversation. I mean, I know I knew nothing about; now when I start to read it, you're talking five (5) years, you're talking about fifteen hundred a day (1500). But Mrs. Coates is a pretty trust worthy person so.

INVESTIGATOR: So you remember the conversation or you don't remember it?

GAGNON: I can't remember her saying anything that specific thing to me in my office. We've had a lot of conversations with Ms. Coates. I can't remember her saying anything to me that would have aroused me to bring any level of suspicion in any way.

INVESTIGATOR: Do you remember telling Mrs. Coates after she informed you of what she heard, do you remember telling her something to the effect that you were aware of the allegations?

GAGNON: That he likes white girls?

INVESTIGATOR: Likes white girls and shows them favoritism? Are you aware?

GAGNON: No I couldn't say. I don't know it that's a spin -off of the golf cart thing because that's what the whole thing went crazy when I directed the employee not to do it; which was appropriate to do that.

INVESTIGATOR: When you were at Manatee High School as the principal who were your assistant principals?

GAGNON: There's a whole bunch. Do you want me to go from 2007 all the way?

INVESTIGATOR: Yes of what you can remember.

GAGNON: Linda Nesselhauf; who is the current principal of Lakewood Ranch, And McDonald, Matt Kane, Laurie Kitchie, Gregg Faller, Tazz Peters, Gary Theiler, on the first one Gary was there three years and coaching football, Gary Theiler. Robin Thompson was in an administrative role and as a curriculum coordinator. How many did I give you so far?

INVESTIGATOR: Eight (8).

GAGNON: I'm thinking that's all of them.

INVESTIGATOR: Let's talk about Mr. Kane for a second here. Did you hire Mr. Kane or was he at Manatee High prior to you getting there?

GAGNON: Slightly complicated. The District; there were two applicants. I thought Mr. Kane was a stronger applicant. The District made me hire two (2), so technically yes. We ended up with two (2) A.P's that year.

INVESTIGATOR: What was your relationship with Mr. Kane prior to hiring him?

GAGNON: I worked with him at Lakewood Ranch High School; but nothing other than professional.

INVESTIGATOR: How long had Mr. Kane been there prior to you leaving?

GAGNON: I think I was at Manatee for, maybe he was there my first year. So he must have been at Lakewood; I went to Palmetto in '06 went to Manatee in '07. He came to Manatee in '07 too. He came at the same time.

INVESTIGATOR: Was Mr. Kane married or single when he got there?

GAGNON: Single.

INVESTIGATOR: Did you know of a relationship between Mr. Kane and another employee at Manatee High School while you were there?

GAGNON: No I did not until after the fact.

INVESTIGATOR: After what fact?

INVESTIGATOR: After the fact that he told me.

INVESTIGATOR: What point did he tell you?

GAGNON: When his wife went out on leave.

INVESTIGATOR: Was she his wife when she went out on leave?

GAGNON: No.

INVESTIGATOR: And why did she go on leave, if you know?

GAGNON: I'm assuming that they thought it was best for the family. Whatever it might be for the family (inaudible).

INVESTIGATOR: What's that mean?

GAGNON: They just got married; she's got two (2) little kids. I don't know what that means. They must have thought it was the best for them.

INVESTIGATOR: I thought you just said she wasn't, they weren't married when she went out on leave?

GAGNON: They weren't married. But they were going to get married. They were serious and she had two (2) little kids.

INVESTIGATOR: She had two kids (2)?

GAGNON: From somebody else.

INVESTIGATOR: Was she placed on leave or she requested a leave of absence?

GAGNON: Not sure; I think I was leaving at that particular time.

INVESTIGATOR: But if you were still there as the principal then you would have had to approve that or no?

GAGNON: would I have placed her on leave pending if he directly supervised her and she could gain any type of you know. I'd have to look at the policies in place and procedures that were in

place at that time. Probably would have brought it to OPS and have them do an investigation to see if there's any violation of what's going on and brought it to their attention. I don't know; if he didn't directly supervise her, yeah. I mean we have people who in our schools everywhere who, we have an AP who supervises the math department and there's another teacher that's in the English department (inaudible). So, they made rumors that that's not direct supervision, so they're allowed to work together. But that wouldn't have been my decision. It would have been something I would have sent down here.

INVESTIGATOR: Let me repeat my question. My question to you is, whether you knew he had relationship as an administrator with this teacher, with someone that worked at the school? And your statement, and correct me if I'm wrong, your statement was that you did not know until he told you and that he told you this at some point, prior to her taking a leave of absence. Is that what you said?

GAGNON: I don't know if it was prior or when it was. I know it might have been summer time I think it might have been the end where she was no longer employed. I couldn't tell you the date. I just know he told me and was like holy crap. I didn't know anything about it.

INVESTIGATOR: Why did she go on a leave of absence?

GAGNON: You'd have to ask her.

INVESTIGATOR: If you know, why did she go on a leave of absence?

GAGNON: You'd have to ask that family that.

[Reinhart said: He just asked you, if you know.]

GAGNON: If I know? I don't know. There are a million reasons.

INVESTIGATOR: Would you have signed the paperwork approving her to take leave as the principal of Manatee High School?

GAGNON: I don't know. It never came across my desk and I never would have been put in that position. I would speculate no. I would definitely go to my boss and let them know what the situation was. That was something that should have been run up the chain.

INVESTIGATOR: I'm not understanding. What should have been run up the chain?

GAGNON: IF that person was allowed to take a leave based on the situation. I would have went to my boss like I always do.

INVESTIGATOR: What situation?

GAGNON: If she went to request a leave.

INVESTIGATOR: Are you saying you were not the principal when she requested leave?

GAGNON: I don't believe so. That was in the summer time I was heading this way. I know when I returned she was never there. Once I found out, once I was told, she was never back at Manatee High School. How it happened, I don't know. I'm sure personnel have records of all HR who signed it.

INVESTIGATOR: At some point in time you came to know that there had been a relationship between Mr. Kane and his current wife, prior to them marrying. Is that right?

GAGNON: I did know; yeah.

INVESTIGATOR: And the question is did you know that before or after you left Manatee High School?

GAGNON: I don't know the dates. I couldn't tell you the dates he told me that.

INVESTIGATOR: Do you have a personal relationship with Mr. Kane?

GAGNON: Yeah, we've hung out.

INVESTIGATOR: Were you hanging out back then; back in 2010, 2011, 2012?

GAGNON: Normal, interpersonal office relationships, nothing more than that.

INVESTIGATOR: You never hung out after work?

GAGNON: Yeah, once in a while. Like I said, normal.

INVESTIGATOR: He come to your house?

GAGNON: He has been.

INVESTIGATOR: Did he come to your house prior to being married?

GAGNON: I would imagine, yeah.

Is there anything else you'd like to say before we conclude the interview?

[Reinhart said: can I have a minute with him Mr. Pumphrey? I just want to ask him something before we cut.]

INVESTIGATOR: Well

[Reinhart said: to see if he wants to add anything to it. I want to talk to him about something I have in my mind to see if he wants to clarify it]

INVESTIGATOR: Well, I'll keep the recorder going because when I turn off this tape, then the interview is going to be over.

GAGNON: [Reinhart said: Ok. Well as his lawyer I have a right to talk to him before, you just asked him, was there anything else to add?]

INVESTIGATOR: Well at this point I'm going to retract that statement. This interview is currently over.

Debra Horne:
August 5, 2013 – 2:15PM

Troy Pumphrey, INVESTIGATOR: – Debra Horne, Asst. Principal (Prine Elementary) and Peter Lombardo, Attorney for Debra Horne

INVESTIGATOR: Please state your full name for the record.

HORNE: Debra Ann Horne.

INVESTIGATOR: And Mrs. Horne, where do you work?

HORNE: I work for the Manatee County School District. I'm an assistant principal at Prine Elementary school.

INVESTIGATOR: How long have you been with the school District?

HORNE: I've been with the school District since nineteen ninety nine (1999).

INVESTIGATOR: And prior to working at Prine Elementary, where were you employed?

HORNE: I was employed for eight (8) years in the Office of Professional Standards as a specialist.

INVESTIGATOR: Let me refer you to an investigation that you conducted in November 15th (fifteenth) or so. The subject of the investigation in part was a Rod Frazier. Are you familiar with that?

HORNE: I am aware of that investigation, yes sir.

INVESTIGATOR: I read something where I believe it was on the November 14th (fourteenth) or 15th (fifteenth); you made a statement the Bradenton Police Department that you were asked by someone in your office to put all of your investigations on hold and the focus on the Rod Frazier investigation. Remember that?

HORNE: To clarify, I didn't speak to the Bradenton Police Department until February 2013. In November on or about the 14th a letter was received in regards to some concerns about Frazier. My supervisor, Scott Martin at the time was the Assistant Superintendent, requested that I open an investigation to look into the concerns. To the best of my recollection, because we are going back many, many months, Mr.. Martin asked me what I was working on. I told him at that time, on that day, I was going to Jesse P. Miller to work on a case involving a [redacted] [redacted] He asked me how long it would take; I said I could probably wrap it up and begin the investigation at Manatee High the following day on the 15th. Again, that's to the best of my recollection. So, he asked me to please, if it was possible and there weren't other things that were of egregious nature, to get over to Manatee High as soon as I could.

INVESTIGATOR: I would like to play for you that recording of your interview. Part of your recording with the Bradenton Police Department where you respond to one of the Detectives questions specifically regarding asked to stop your other investigations. Is that ok?

HORNE: Sure.

INVESTIGATOR: [At this time a recording was played.] Horne listened to the recording and the INVESTIGATOR: asked her, "Does that refresh your memory?"

HORNE: Yes.

INVESTIGATOR: And who again gave you the directive to place all of your investigations on hold in order to work on Rod Frazier allegations?

HORNE: I want to clarify that when I spoke to the Bradenton Police Department, when they came in February, that I told that everything that I was saying to them was to the best of my recollection, because I had none of my notes with me. As I don't today. And again, to the best of my recollection, I take my directives from Scott Martin. It is not unusual for my supervisor to ask me to move forward on a case if someone's being placed on Paid Administrative Leave (PAL) if the other cases that I'm working on involve people that are still at work. So the case that I was working on, that comes to my mind, and I usually have 20-40 open at one time, but I was concentrating on a case at Jesse P. Miller. The teacher was at work, we had not sent her home on PAL and it was a case involving a case of possible forgery of ESE paperwork. They were, if I use the word crucial that I move forward, was because this gentleman was placed on PAL where the other employee was still at work.

INVESTIGATOR: If you have notes and you want to end this interview until such time that you have those in front of you, I'm more than willing to do that.

HORNE: You have my notes. My notes are in the OPS file. I don't keep separate personal notes there. There are notes that would be in the OPS file.

INVESTIGATOR: Do you remember what date the investigation was actually opened?

HORNE: To the best of my recollection sir, the letter in question that caused the investigation to ensue was received in the District approximately November the 14th. The morning I believe of November the 15th, and again this to the best of my recollection, Frazier was placed on PAL and the conversation that I had with Mr. Pauley, Mr. Sauer and Mr. Martin took place on the 14th where they told me they needed me to look at this as soon as possible. I told them the morning of the 15th I would be at miller, they said continue that and then get over to manatee high, when you're done on the 15th. Those are the dates that I'm remembering.

INVESTIGATOR: So the investigation was brought to your attention on November 14th and 15th and November 15th is when you actually began the investigation?

HORNE: To the best of my recollection.

INVESTIGATOR: And do you know what date Mr. Frazier was placed on Pal?

HORNE: To the best of my recollection, late in the afternoon, November 14th. The PAL letter was sent over to Don Sauer, the principal at Manatee High and he delivered it to Mr. Frazier either that late afternoon or the morning of the 15th. That's all going based on memory. Not based upon my file.

INVESTIGATOR: Do you have any idea when Frazier was taken off the PAL?

HORNE: I do know that he was sent back to work, either the 16th or the 17th. I was not part of the decision making process to return him to work. The Pal letter did come through my office as all other pal letters did. Either Mr. Martin or Mr. Martins assistant would notify myself or my assistant that such and such employee needs to be sent back to work, please produce the letter, get it signed be the superintendent, get it over. In this case I believe it was an email that returned him back to work.

INVESTIGATOR: Who makes the decisions to place on pal and off of pal and back to work?

HORNE: The superintendent.

INVESTIGATOR: Who was the superintendent at that time?

HORNE: David Gayler.

INVESTIGATOR: Was Mr. Gayler the person that placed Rod Frazier back to work?

HORNE: I don't know who placed him back to work. I know who put him on pal, I recall the pal being signed by Gayler. As far as who made the decision to send him back to work, I was not part of that process. All I know is somehow and I don't recall how, our office was notified. It could have been that it was Mr. Martin's asst., called my assistant, and said let them know he's going back to work or it could have been Mr. Martin telling me passing me in the hallway. I don't have recollection. Those notes might possibly be in my OPS file, but again I'm not privy to that.

INVESTIGATOR: That decision to place Rod Frazier back to work would have been a result of the report submitted to, in this case, Scott Martin.

HORNE: No sir. The report in fact, I can see that you have the report upside down with the draft stamp; I'll have to back up for you and get you up to speed on that. On I believe, November 15th I interviewed 6 or 7 employees at manatee high. Then I interviewed Frazier. After the interviews at the round table, or it could have been rectangular I'm not a hundred percent sure, in Don Sauer's office, the principal of manatee high, we called Mr. Martin on speaker phone. Present at that meeting was Don Sauer, principal, Matt Kane, Assistant principal, Greg Faller, Assistant principal, maybe another individual or two, I don't recall and myself. The purpose of the call was to bring Mr. Martin and the gentlemen at the table up to speed and to ask them what next steps we needed to take.

INVESTIGATOR: Who was the other gentleman at the table?

HORNE: Don Sauer. Principal, Matt Kane, assistant principal, Greg Faller, assistant principal, there may have been one or two others. Those are the people that come to mind.

INVESTIGATOR: You were asked to go out to Manatee High School to conduct a preliminary investigation and report that back to Scott Martin?

HORNE: Right.

INVESTIGATOR: And is that what you did?

HORNE: I did. I called Scott. I said Scott I have the gentlemen here. This is what I'm being told by the 6 or 7 individuals that I have interviewed. Nothing they are sharing with me occurred this school year. Nothing they are sharing with me is causing me grave concern. They have told me anything that they were concerned about they have reported to administration. I have administration sitting here, what would you like my next steps to be? And Mr. Martin said, I'd like you to come back to the office and we'll discuss it. At the table I said, gentlemen, have you all involved the SRO's here at manatee high. And the response was no. Scott said come back to the office.

INVESTIGATOR: Why would you ask them if he involved the SRO's?

HORNE: It's a standard question I ask. If you have SRO's on campus and you have concerns with employees. It's a standard question I ask.

INVESTIGATOR: And the school responded; they did not.

HORNE: They did not. And Mr. Martin said, deb, pack up your stuff and come back. Come to my office and we'll chat. And so I did. Went to Mr. Martins office, he was on the 5th floor at the time, and I was on the 2nd. I reviewed with him the information that I had obtained during the 6 or 7 interviews and I asked him if he would like me to go back to the school on the following day and randomly select some students and talk with the students to see if I could ascertain some additional information. And Mr. Martin's response was no that would only serve to stir the pot. And I said ok.

INVESTIGATOR: How many investigations do you think you've conducted?

HORNE: I was in the department for 8 years and roughly 125 a year.

INVESTIGATOR: In 8 hundred cases, how many cases have you investigated where you were asked to go in and do preliminary investigation in order to make a determination on what actions the superintendent needs to make?

HORNE: If I'm understanding your question correctly, whenever an employee was placed on pal I was asked, it was standard protocol to move quickly, to do preliminary to determine whether or not there is any credence to the allegation whether the employee needs to remain away from student contact or whether or not the employee can be returned and the investigation would either conclude or ensue while the employee is returned. That was a standard occurrence.

INVESTIGATOR: The fact that Mr. Martin asked you to come out to Manatee High School and obtain preliminary information; what was your understanding of the reasons why he needed you to conduct a preliminary investigation over going out to Manatee High School and conducting a full complete and thorough investigation?

HORNE: I'm not sure where the preliminary's coming from?

INVESTIGATOR: That's what you said; those are your words not mine.

HORNE: I said preliminary. We received ….

INVESTIGATOR: Let me ask you this and this will clear it up. You received a directive from Scott Martin. Is that true?

HORNE: I did.

INVESTIGATOR: And the directive was that there were allegations involving one of the employees at manatee by the name of Rod Frazier. Is that true?

HORNE: Correct.

INVESTIGATOR: And as a result of that Mr. Martin asked that you go out to Manatee High School and conduct an investigation. Is that true?

HORNE: That's true.

INVESTIGATOR: What was your understanding? Was your understanding that you're going out to conduct a complete full thorough investigation or was your understanding that you were going out to Manatee High School for some lesser reasons?

HORNE: Complete and full. The original letter that we received that caused, was the impetus for opening the investigation was a letter received by a gentlemen named Rinder, who put down hearsay. He had a two page, maybe three page list of hearsay. Nothing on there was something that he observed for himself. My recollection was Scott wanted me to go out, speak with Rinder to find out where he was hearing this from because his letter did not have teacher names in it nor did it have student names. So that may be why I was using the word preliminary as in to determine what did that letter mean. Then once I got those names from Mr. Rinder I called each of those individual teachers.

INVESTIGATOR: Based on your interview with each of those teachers, you then made a recommendation to Scott Martin, your supervisor?

HORNE: No I did not make a recommendation to him.

INVESTIGATOR: What happened after you got the names of the 4 or 5 teachers? I believe you said that you interviewed those teachers.

HORNE: I did. There were six of them.

INVESTIGATOR: And prior to leaving the school you sat in the room with the principal and the assistant principals and you contacted Scott Martin by phone.

HORNE: Correct, to give him an update.

INVESTIGATOR: What were you updating him on?

HORNE: On the information obtained based upon Rinder's letter and the 6 individuals I interviewed.

INVESTIGATOR: What did Mr. Martin do with that information?

HORNE: I can't tell you. After I shared it with him on the phone I went to his office and we had further conversation and then…

INVESTIGATOR: Was there any recommendation from your office?

HORNE: I don't make recommendations. My job is to gather information.

INVESTIGATOR: What point did you know that Mr. Frazier had been taken off of pal?

HORNE: To the best of my recollection, you'll find an email in that ops file coming from my assistant on the following day, notifying those who are in the need to know; payroll, HR, the principal, risk management., etc. that Frazier would be returned to work effective immediately. How my assistant got that information I can't recall. I don't remember if Mr. Martin came to me and I gave her the directive or Mr. Martin went directly to her or Mr. Martin's assistant called her. I don't recall. There could be notes in the file, I can't recall.

INVESTIGATOR: How familiar are you with applicable Florida child abuse laws?

HORNE: I'm pretty familiar.

INVESTIGATOR: Based on your understanding of those laws what's your opinion as to whether based on that investigation Rod Frazier, did not meet the requirements to report this to law enforcement? In other words, based on your knowledge of the law, did you believe that Rod Frazier, based on the allegations, you have someone at the school had an obligation to contact law enforcement.

HORNE: Based upon the information I obtained, I did not suspect child abuse on the part of Frazier.

INVESTIGATOR: That's not my question. My question is this. You're very familiar with the laws in the state of Florida dealing with child abuse. Is that correct?

HORNE: I am familiar, yes.

INVESTIGATOR: Based on your familiarity with the laws and the information you gathered, between November 14th and 15th, is it your opinion that the police did not need to be contacted regarding this allegation?

HORNE: It's what I just said. I did not suspect abuse.

INVESTIGATOR: Had you investigated Rod Frazier prior to November 14th or 15th?

HORNE: In I believe it was 2006, could have been 2007, I believe it was Mr. Frazier was arrested for a violation of an injunction. Any school board who is arrested or is given a notice to appear, by policy 6.13 must report that to the office of professional standards. So somehow I became aware of his arrest. Either Frazier notified me or a hit came through the FBI base to our HR department and they notified me. That's the two ways I'd get notified.

INVESTIGATOR: Is that the only recollection you have of an investigation of Rod Frazier?

HORNE: It's the only one I have, yes sir.

INVESTIGATOR: If I said to you that there is another recorded complaint against Rod Frazier, that was entered into your database, while in the office of professional standards with regard

to Rod Frazier, directly related to inappropriate contact with a student, would that refresh our memory?

HORNE: I can tell you that the year prior to this investigation, so this was November 2012, sometime in 2011 superintendent at the time, Tim McGonegal, received an anonymous call. I do not know the exact details of the call in regards to inappropriate interactions of Frazier with students. There will be emails in that ops file in front of you, between myself, Tim McGonegal, superintendent, Angela Essig. She was the director of secondary administrators and Matt Kane. He was the interim principal at the time. Tim asked me how we handle anonymous complaints. I shared with him that my learning's from the school board and staff attorney is that we cannot ignore an anonymous complaint but we can't put them in the employees' personnel file. So what we've done in the past is we've shared the anonymous complaint with the employees' supervisor, had the supervisor call the employee in, voice the anonymous complaint to them, allow the employee to respond and at any time the supervisor felt they needed to cease talking to the employee because there was some credence to the complaint, they were to stop and call their director and then ops would get involved.

INVESTIGATOR: My question to you is; did you have knowledge prior to November 14th of other instances or other situations that involved Rod Frazier; specifically with regards to inappropriate contact with children.

HORNE: And I was explaining to you. The year prior, the superintendent got an anonymous phone call. The Matter was not handled by me.

INVESTIGATOR: At what point was the disposition placed in your professional records; the ops office?

HORNE: I'm not looking at the records so I can't answer that.

INVESTIGATOR: I'm telling you, it's there. So my question to you is, if in fact you got a call from superintendent that says there's some anonymous person making a complaint, is protocol in the ops office a mere questioning from the superintendent regarding how to handle an anonymous complaint, was it common that you would then place that in OPS records?

HORNE: There are two different types of OPS records that are up in that dept. there are the formal open, that are open files. They'll be in a file. They'll be numbered op-and ending in the

school year. I believe what you're talking about is I had another file that was kept on a spread sheet and those Matters that I assisted site based people with. They were screened and not deemed to be opened as a formal ops investigation. The two thousand six or seven with Frazier and his arrest was a formal ops Matter that was handled by dept. The 2011, anonymous phone call was not a formal OPS investigation. It was superintendent asked me how we handle anonymous complaints, I told him. The principal, Matt Kane handled it. I got his response, there's an email with some hand writing on it that will tell you Matt Kane said he spoke with Frazier and issued directives and expectations. That's how it was. That was not a formal investigation.

INVESTIGATOR: Prior to November 15th or 14th when you opened this investigation, did you have prior knowledge that Mr. Frazier had been alleged to have had inappropriate contact with a minor child?

HORNE: Yes.

INVESTIGATOR: During your investigation, were you ever informed that Mr. Frazier may have or that some factor or some fashion, wanted Mr. Frazier, to proceed in a fast Matter or order. That Mr. Frazier would be able to participate in the playoff game?

HORNE: I don't understand the question. I'm sorry.

INVESTIGATOR: Have you ever or was it ever told to you that this investigation needed to proceed quickly because of Frazier's relationship to the football program.

HORNE: No sir.

INVESTIGATOR: Did you have a conversation with in the lobby, around the elevator area, of this building with bob Gagnon where bob Gagnon suggested to you that we needed to get this things taken care of because of the importance of football at Manatee High School?

HORNE: I know exactly where that's coming from? Did I have a conversation with Mr. Gagnon around the time of the investigation? I absolutely did. My assistant Chis Ruggiero were getting

ready to leave the building for some purpose, I don't recall what. Bob stopped me in the hallway, Christine walked off, and he asked me how's it going? Typical Bob would ask me on certain cases. I said that in the process of doing the investigation, I'm not finding out anything new. The information in the letter, based upon the 6 employees I interviewed is not anything that had not been addressed by manatee high. Mr. Gagnon's was something to the effect and I don't recall his words, well good, then we need to get him back to work.

INVESTIGATOR: Why

HORNE: I didn't ask.

INVESTIGATOR: And did you pass that information on to Christine?

HORNE: Yeah I did tell her that when we got in the elevator.

INVESTIGATOR: What exactly did you tell her?

HORNE: I don't recall.

INVESTIGATOR: On or about November 15th, you interviewed a Mr. Rinder. Is that correct?

HORNE: I did.

INVESTIGATOR: During that conversation, with Mr. Rinder, you specifically asked Mr. Rinder to provide names where he had allegations, but no names. So you asked him for names of who was involved.

HORNE: I did.

INVESTIGATOR: You also during that investigation, or interview, found out that of least 4 students. Is that correct?

HORNE: I'd have to look at my notes to be exact. I was given a handful of names. A male student. About four.

INVESTIGATOR: Four female students?

HORNE: No. there was sir. I don't have my notes in front of me, you have them. There was one male and a couple of females.

INVESTIGATOR: On or about November 15th you discovered one of the students involved name to be [redacted] last name.

HORNE [redacted]

INVESTIGATOR: The other students name was [redacted]? Did you discover a [redacted]

HORNE: [redacted]

INVESTIGATOR: A [redacted]

HORNE: [redacted]

INVESTIGATOR: And a [redacted]

HORNE: [redacted]

INVESTIGATOR: And then there was a young man?

HORNE: Ok. So that's five. Yes sir.

INVESTIGATOR: So you discovered there were potentially four victims, potentially four victims; children. Is that true?

HORNE: I was given four names of students, yes.

[A brief pause was given to Mrs. Horne so she could speak to her attorney, Mr. Lombardo]

We are back on record at 2:48 PM

INVESTIGATOR: The question I asked was; we talked about your interview with Mr. Rinder. Mr. Rinder wrote a report that was given to school administration, Manatee High School. In that report, there were allegations but no names with those allegations. Your interviews with Mr. Rinder were in part for purposes of obtaining those names. Correct?

HORNE: Correct.

INVESTIGATOR: At some point in time, whether it was prior to your interview with Rinder or at the time of your interview with Rinder, you discovered the names of four young ladies and one male student. Is that correct?

HORNE: Rinder provided me the names to the teachers who voiced the concerns to him because he had no firsthand knowledge and the names of students. When I asked Rinder which name, matched which concern, he was uncertain. He was confused with names. He said it would be best, and I did to talk to each of the individual teachers to assure that what he was saying was accurate and that the child matched up with the concern with the teacher.

INVESTIGATOR: At some point in time, between the time that you spoke with Rinder and the time you interviewed these other teachers if you will, you were able to get the names of four young ladies and one male. Is that correct?

HORNE: Correct.

INVESTIGATOR: The names of the females were, [redacted] s that correct?

HORNE: And the male student, maybe [redacted] possibly.

INVESTIGATOR: Let's go back to your conversation with the superintendent, who expressed that he had an anonymous person that's filed a complaint against Frazier. Do you deal directly with the superintendent?

HORNE: Sometimes.

INVESTIGATOR: Did you deal directly with the superintendent in this Matter?

HORNE: I can tell you at least for a portion of it I did. You'll find an email in that ops file, between myself, the superintendent and Angela Essig who was the director of the high school principals. How it originally came to me I don't know if the superintendent's assistant let me know I got the call or the superintendent called me directly asked me to come into his office. Did he tell Scott and Scott told me; I have no recollection.

INVESTIGATOR: So it could have come from Scott Martin, it could have directly from the superintendent or his asst. you just don't recall.

HORNE: I sure don't. I do know I had contact with him because an email exists.

INVESTIGATOR: And the case was then sent back to principal Kane.

HORNE: It wasn't a case. It wasn't an official ops case. It was an anonymous phone call.

INVESTIGATOR: So, an anonymous phone call suggesting Mr. Frazier had an inappropriate relationship with …

HORNE: No, I'm sorry, not an inappropriate relationship.

INVESTIGATOR: What was the charge?

HORNE: It was I typed inappropriate interactions. The concern to the best of my recollection is that Frazier was having girls riding in his golf cart at lunch time and having girls eat lunch with him, in the cafeteria and in his office. The concern was not a relationship.

INVESTIGATOR: So explain to me what the difference is in the two. I'm saying inappropriate contact, you're saying…

HORNE: You didn't say contact, you said relationship. Relationship to me in my mind whether it is accurate or not, infers to something mutual; a relationship going on; whether it be appropriate or inappropriate. To the best of my recollection, and I don't have a recording of the anonymous call, nor did I ever hear it, Tim voiced to me whether it was through Tim or through his assistant or through Scott that there were concerns that Frazier was seen with girls running around in his golf cart and that Frazier was having lunch with girls. To me that is not a relationship.

INVESTIGATOR: If you know, what was the final disposition?

HORNE: It was handed over to Matt Kane who is the interim principal. I had asked him via email, to let me know what he found out and if he needed my assistance. I didn't hear from him so I called him and I recall writing some little scribble hand written notes that Matt Kane said he'd addressed it, he issued directives and expectations that that interaction with the students, riding in the golf cart, should cease and desist. Thank you for your time, I don't need your help anymore. Have you seen that email?

The INVESTIGATOR: said. "I've seen so much"

Horne said: "I'd be glad to point it out to ya."

The Investigator said: We don't have to go through that, you have the right to have a copy of this report at some point in time.

Horne: 10 days after the employee gets it.

INVESTIGATOR: We are well past that.

HORNE: Were well past what? The employee has that? I'm sorry the employee has the file?

INVESTIGATOR: You mean Frazier? No. I was talking about you as an employee. Approximately what date did you receive the letter of complaint from [redacted] Do you remember?

HORNE: Let's see, Christmas break pasted; we came back in January. I did not receive it first. First the letter went to the senior secretary at Manatee High School, Mrs. Perez. Mrs. Perez gave the letter to Don Sauer, principal; Don Sauer gave the letter to his boss, Jim Pauley. And that letter then either went to Scott Martin and then me or me and then Scott Martin. It went either way. Sometime right after Christmas breaks. January 6th, 7th, 8th, I can't tell you for sure when Christmas break ended.

INVESTIGATOR: After reading that letter did you call law enforcement?

HORNE: No I did not.

INVESTIGATOR: Do you know if the principal called law enforcement?

HORNE: I do not know.

INVESTIGATOR: How did that letter get to you? Did it come through the school; did it come directly to your office?

HORNE: This is going to be to the best of my recollection. It's ok to call you troy? Troy, to the best of my recollection, again I don't have it in front of me, Mr. Sauer contacted me via phone. Told me he got a letter and I suggested he get it to Pauley his boss. Pauley read it and Pauley said you need to look into this. I then asked Sauer to send me the letter via first class, via the email. And then he sent it to me. That is, that may not be exact. Without the file in front of me it's very hard to tell you the exact. Things come to ops as you will soon learn and I'm sure you know from your experience in different forms. Different formats, different people. However, if I received the letter first I would not have to authority to look into it without first being directed to do so by Pauley or martin.

INVESTIGATOR: In the eight hundred or so cases you had in the eight years you've been with the office of professional standards, how many of those cases would you rough estimate dealt specifically with inappropriate relationships or contact between student and an adult?

HORNE: I'm going to leave out physical aggression, like restraining a student inappropriately or are you talking more of…..

INVESTIGATOR: Sexual connotations.

HORNE: That's a tough question. I eight years how many.

INVESTIGATOR: More than ten?

HORNE: No I can't say so but you're asking me to guess.

INVESTIGATOR: Just guess, intelligently. More than five?

HORNE: I'm really not comfortable guessing sir.

INVESTIGATOR: Is this the first investigation that you've conducted of this inappropriate relationship or inappropriate contact with a student?

HORNE: No. I can remember one for sure. There was a teacher at Bayshore high school, last name Raven, Todd. I know that one for sure.

INVESTIGATOR: So at least one other.

HORNE: And there has to have been more. There's a record there. You can look it up and know for sure. I kept pretty good records. Off the top of my head I'm just not comfortable giving you a number.

INVESTIGATOR: You've given me one other and that's Raven, Todd. And with regards to the raven investigation do you remember how long that investigation it took to complete that investigation?

HORNE: I do not. I know that the subject Matter of raven is totally different that the subject Matter of Frazier.

INVESTIGATOR: What makes it different?

HORNE: A cousin of his was involved, accusing him of sexually molesting her when they were younger. So law enforcement was involved in that Matter and she didn't live in the state. And raven's alleged misconduct with the school district is, that he was dating the students and he was actually seen in a restaurant. He went to a restaurant where Bayshore high school some of the teachers were there for a school function with other students with a club and he came in with two girls under each of his arms. You're asking me or detail. Raven was years ago.

INVESTIGATOR: What makes that any different then allegedly Frazier is at a park with a young lady or allegedly Frazier is seen other places with a student. What makes the dynamics any different?

HORNE: You know. I've have to look at raven. Raven, when I spoke with him, didn't deny. As far as I recall troy. Again you're asking me things that happen so long and I have a hundred cases. You're…

INVESTIGATOR: Let's go back to Frazier. [Ok] How long did it take your investigation?

HORNE: My investigation was not concluded when I left ops. It was still open.

INVESTIGATOR: So the investigation started November 14th but it had not concluded.

HORNE: We received the letter I believe on the 14th. To the best of my recollection, I did not interview anyone until the 15th and when I left on January 25th, the investigation was still open.

INVESTIGATOR: So the investigation had not been closed?

HORNE: No it had not.

INVESTIGATOR: To the best of your recollection, there was a determination made. Investigation starts on the 14th, (correct me when I'm wrong) Mr. Frazier was placed on pal on the 15th and Mr. Frazier was then removed from pal on the 16th. Is that correct?

HORNE: That's correct.

INVESTIGATOR: At that point you were 20 hours in to your investigation, if you're looking at, not considering that you've probably work 8 to 4. You started the investigation, 12 o'clock on the 14th. What time did you start your investigation?

HORNE: I did not start my investigation on the 14th.

INVESTIGATOR: When did you start it?

HORNE: On the 15th. The letter was received on the 14th. I did not begin interviewing anyone until the day following.

INVESTIGATOR: So you began your investigation on the 15th?

HORNE: Correct.

INVESTIGATOR: And was Mr. Frazier placed on pal prior to you starting your investigation?

HORNE: Yes.

INVESTIGATOR: So he was placed on pal on the 15th. Some point after that you began your investigation.

HORNE: Correct.

INVESTIGATOR: And then Mr. Frazier came off pal on the 16th.

HORNE: Correct but you have to please recall that I don't know who took him off administrative leave and I have no authority to make that decision. I was not part of that.

INVESTIGATOR: Was it clear that your investigation would continue?

HORNE: Absolutely. I spoke with Mr. Martin many occasions about the continuance and what would be next as well as Mr. Bowen. And on November 15th and many subsequent days I asked Mr. Martin and Mr. Bowen shall I go to Palmetto high school and interview [redacted] She down the street, and the response was no, you do not have a victim that has come forward. No. Are you sure? You don't want me to go interview [redacted]? No you don't have a victim that's come forward. In January when we received [redacted] letter I was told, now you have a victim and please go interview [redacted] I went to interview her the next day, or the day after. You have the notes, I don't.

INVESTIGATOR: On November 15th you started the investigation. On November 15th Frazier's placed on pal. On the very next day he's taken off pal and you are directed to stop your investigation.

HORNE: No sir. You're incorrect. I was not directed to stop.

INVESTIGATOR: Let me explain myself. If you told to stop your investigation, why is it that you're not able to continue interviewing witnesses?

HORNE: I did continue interviewing witnesses.

INVESTIGATOR: You just said you weren't.

HORNE: No I didn't. You're taking words and mixing them around. I asked shall I go interview one particular individual, [redacted] I was told no, you do not have a victim that came

forward. If you want me to go through the list, there was one young lady who the allegation was Mr. Frazier asked to Skype her. I can't remember if that's [redacted] It's one of the two. I talked to Mr. Martin about that and Mr. Martin said do not interview her. Skyping a student is not against policy. There is no law being broken, there is no policy, we don't need to interview her. So that's [redacted] Now, either [redacted] don't recall. The young man, it was about a grade change. That would be an issue handled at the school site. So I was told not to see him. The other young lady was a young lady who allegedly was having a relationship with Frazier, according to Mr. Rinder. When I interviewed the teacher who told Rinder that, because Rinder didn't hear for himself, from anyone. The teacher told me no, that's not what I told him, that's not what I told him at all. And I shared that with Scott. And Scott said there's no need. He said Rinder took it out of context.

INVESTIGATOR: Did Scott Martin interfere with your ability to conduct a reasonable thorough investigation?

HORNE: No sir. Scott Martin was my supervisor and Scott Martin is an attorney. A certified bar attorney.

INVESTIGATOR: What's that have to do with anything?

HORNE: That he's a supervisor and an attorney?

INVESTIGATOR: You're an INVESTIGATOR:

HORNE: I always went to him for advice.

INVESTIGATOR: You're an INVESTIGATOR: , your job is in your mind, to collect information, accurate information, regardless of what that information may conclude and pass that information on to some higher power{ group of people in the chain of command.] that higher power, based on your investigation, then makes a reasonable and proven decision on what actions are to be taken. Am I right or wrong?

HORNE: I think you're misunderstanding. That is not totally accurate on how we operate. Prior to Mr. Martin, my supervisor was staff attorney, rob Shapiro. Then Scott Martin, staff attorney came on as my supervisor. Scott Martin was then promoted to assistant superintendent, still an attorney and still remained my supervisor. At any time, that I did an investigation, I either went to Rob or Scott, whoever my supervisor was; told them were I was in the investigation and we talked about next steps.

INVESTIGATOR: Did you do that in this case?

HORNE: Yes.

INVESTIGATOR: And at some point and time, they told you that you could not interview a key witness.

HORNE: You're taking words and turning them. I never said could not.

INVESTIGATOR: Did Scott Martin say to you or was it your understanding that you could not interview [redacted]?

HORNE: He did not say could not. No. Its [redacted]ir. And he did not say Debbie, you cannot interview her. Just like nobody said you cannot do this. Because Scott Martins advise to me and john Bowen's advice to me, as school board attorney and staff attorney, is you do not have a victim that's come forward, or there is not a need to interview. They are my supervisors, they are attorneys; they are educated in the law. I took their advice.

INVESTIGATOR: At any time between the 15th of November and the 9th of January, which was the date that the letter from [redacted]was dated, did you interview the student, [redacted]

HORNE: No.

INVESTIGATOR: Student[redacted]?

HORNE: I interviewed[redacted]fter the letter.

INVESTIGATOR: That wasn't my question. Between November 15th and the time that that letter came in to existence, did you interview student [redacted]

HORNE: No.

INVESTIGATOR: Did you interview student [redacted]

HORNE: No.

INVESTIGATOR: Did you interview student [redacted]

HORNE: No.

INVESTIGATOR: Did you interview student [redacted]

HORNE: No.

INVESTIGATOR: Are all four of those students at manatee county public schools?

HORNE: Some of them are former students, some of them are students; one of them is out of state.

INVESTIGATOR: Which one is out of state?

HORNE: According to [redacted]

INVESTIGATOR: Did you attempt to contact [redacted], prior to January 9th?

HORNE: No.

INVESTIGATOR: Prior to November 16th, which was the date that Mr. Frazier was removed from pal, did you have knowledge of the allegation that [redacted], that a teacher walked into a room that was closed and when she opened the door, student [redacted] as sitting on Rod Frazier's lap, feeding him cake. Did you have knowledge of that prior to November 16th?

HORNE: Yes.

INVESTIGATOR: Did you have knowledge that it was alleged that Frazier, on at least one occasion, had met student [redacted] at night, in the evening at a park, close to her home? Did you have knowledge of that prior to November 16th?

HORNE: Yes.

INVESTIGATOR: Looking at the case or the investigation, after the fact, what would be, do you believe the police should have been called at or around November 15th?

HORNE: Based upon the information that I gathered on November 15th, I did not believe that a phone call should be made to the police. When I spoke to the police and they cornered me and asked me the same question, my response to them, was something to the effect of sarcasm, well if you weren't sitting here or if I would've made the call, maybe you wouldn't be here. Or the call should have, maybe so. But at that time, I did not have suspicion that Mr. Frazier had committed child abuse.

INVESTIGATOR: And is that your role as an Investigator?

HORNE: Is what my role? Sorry.

INVESTIGATOR: To make a determination on whether someone may or may not have committed an offense, a violation of law?

HORNE: No.

INVESTIGATOR: That's my understanding of what you just said. Maybe you want to clarify that.

HORNE: My job as a school board employee is I have an affirmative duty to make a call to the hotline, if I suspect abuse or neglect; any person who has reason to believe. I didn't have reason that Mr. Frazier was abusing students.

INVESTIGATOR: Do you think an interview with student [redacted], prior to November 16th, may have changed your opinion on whether there had been a possible crime committed?

HORNE: I can share with you what I shared with you already. That I reviewed the information about these individuals, that was shared with me, with my boss, Scott Martin, who is also an attorney. We had conversation and it was not on our radar, it was not, based on what we were hearing, we did not feel that if the allegations were true, they were abuse. If the allegations were true, were they inappropriate things for a gentleman to be doing, possibly; abuse no. A child sitting on your lap is not abuse. It's stupid.

INVESTIGATOR: Based on that explanation, do you believe that if you had student [redacted], do you believe that based on those interviews with what you know now, it would have been proper to contact law enforcement?

HORNE: I can't say sir, because I don't know what they would've said. I can't answer that question.

INVESTIGATOR: Did you interview them at some point?

HORNE: I interviewed, I spoke with [redacted] sometime after the letter and she gave me the names of [redacted] who I couldn't find or reach. Somebody, [redacted] who I was able to reach. I interviewed [redacted] told me that what [redacted] was saying, was not truthful. I think those are the only two names that [redacted] gave me. [redacted] was... when I asked [redacted] to give me names of people who could confirm that she met in the park, that this took place, she couldn't give me names of those people. She said that she met him in the park , her father drove by and saw them in the park together and that on one occasion , she went to give Mr. Frazier a hug goodbye and in her initiating the hug, Mr. Frazier lifter her up by her bottom. She never used the work groped, or fondled, lifted her up. When I asked her if she reported that to anyone, she said she had not. Were there any witnesses, no just the fact that

one of the times, her dad drove by. The only witness she could give me was this young lady [redacted] who allegedly sent a picture of herself, naked, to Mr. Frazier. And [redacted]old me she never saw the email, with the picture in it, she simply saw a naked picture of [redacted] on her phone. [redacted]denied the picture and the sending of the email. She said it never occurred.

INVESTIGATOR: During your eight years with the office of professional standards, is it common practice for you to initiate an investigation and conclude the investigation prior to contacting law enforcement or child protective services?

HORNE: Not sure if I'm understanding your question.

INVESTIGATOR: We've interviewed for quite a while and most of what I'm hearing is that you are basically being the decision maker as to whether in fact the case meets the litmus to be referred out to law enforcement. What is your formal investigative training?

HORNE: You've asked me two things and I want to back up on …. The litmus thing, I am not the litmus to whether a call is made or not. Every employee in the district whether they be a painter or a carpenter or a teacher, or the superintendent, must make the call. That's their own decision. It doesn't go through me.

INVESTIGATOR: Does that negate you from you responsibility to report?

HORNE: Absolutely not. If I suspect abuse I have to make the call. And I have on many other occasions.

INVESTIGATOR: But you didn't suspect abuse in this case?

HORNE: Suspect? No I did not.

INVESTIGATOR: And you did not suspect inappropriate contact between an adult and a student, a child.

HORNE: I didn't say I didn't suspect inappropriate contact, I said I didn't suspect child abuse. And that is what my duty is, to call on.

INVESTIGATOR: Let's talk about inappropriate contact between an adult and a student. If you suspect inappropriate contact between an adult employee of manatee county public schools and a student of manatee county public schools, do you have an obligation to contact law enforcement?

HORNE: Not to my knowledge, no. Not to my knowledge, I do not have a legal obligation. I did report that to my supervisors, that this is what's being alleged. But as far, the way I understand it, my obligation is to report suspect abuse or neglect.

INVESTIGATOR: When we talked a little earlier about whether you believe a call should have been made to law enforcement and let me just ask you that question again. Do you believe that as a result of your investigation up until November 9th, do you believe a call should have been made to law enforcement in this case?

HORNE: Do you mean January 9th? [January 9th] So from November 15th to January 9th. Do I feel a call should have been made to law enforcement? Are you talking about the abuse hotline?

INVESTIGATOR: I'm talking about law enforcement. Period. Anybody. Should you have made a call to anyone, the abuse hotline, Bradenton Police Department? Do you believe that based on the information that you gathered on those two dates, between the 14th and the… Let's just narrow that down first. Between the 14th and 16th, do you believe that a call to law enforcement should have been made?

HORNE: No. I did ask the question, did the SRO's were involved. I wanted to know that because there were at least a dozen people, if not more, in receipt of this knowledge before me. Was anyone concerned? Did anyone call the School Resource Officers? You've got two of them sitting beside Frazier; one here and one here. Did anyone? Nope. They didn't have that level of concern. So the answer is no.

INVESTIGATOR: Did you interview any of the two law enforcement officers at the school?

HORNE: I did not. Again this investigation was not concluded.

INVESTIGATOR: And tell me why it was not concluded on the 16th.

HORNE: Because there were other people to interview. There were other avenues to explore.

INVESTIGATOR: There were six, as per your earlier statement, when you spoke with Rinder; you concluded that there were six adults that needed to be interviewed, immediately.

HORNE: Maybe one of them was Frazier. It could have been five and Frazier, but yeah, something like that. Again without the documents in front of me it hard to give you specifics.

INVESTIGATOR: And you interviewed those six adults?

HORNE: Yes.

INVESTIGATOR: But you didn't interview any of the five children?

HORNE: No I did not.

INVESTIGATOR: Based on your interview with the five adults, you concluded, you passed that information on to Scott Martin.

HORNE: Correct.

INVESTIGATOR: Scott Martin then passes the information on to whomever. The decision is made to remove Frazier from PAL and to reinstate him.

HORNE: That's what I was told.

INVESTIGATOR: And your understanding on the 16th was that you are to proceed forward with your investigation?

HORNE: Correct.

INVESTIGATION: But you are to proceed forward with the investigation under some conditions, certain conditions. One on which would have been, the person who the main victim, alleged victim. We know it's a victim at this victim. At that point it may have been an alleged victim. But any case, the alleged victim [redacted]. You knew then that she was a main, someone that was a subject of this investigation. But you're being told by your superior hands off of [redacted]

HORNE: That yes. You're putting words in my mouth again. Mr. Martin did not tell me hands off. Nor did Mr.

INVESTIGATOR: Who told you……?

HORNE: No one said hands off and I never used the words hands off.

INVESTIGATOR: You may not have used the words hands off ma'am, but what you did say very clearly in my mind, correct me if I'm wrong, is that you were told do not call or communicate with [redacted] Did you not tell me that?

HORNE: I told you that they told me that there was no need to interview her, you do not have an alleged victim, do not go over there. Yes. They didn't use the words, hands off.

INVESTIGATOR: How do you not have an alleged victim when the reason that you're are going there is because of allegedly Frazier had inappropriate contact with [redacted]

HORNE: Sir you would have to ask Mr. Martin and Mr. Bowen.

INVESTIGATOR: You're the investigator, I'm asking you.

HORNE: Sir, they have a legal background, they have more experience. I went to them, as I do in other cases, reviewed the information and what are next steps? I was told not to go interview her.

INVESTIGATOR: Let me play a statement that you made to the Bradenton Police with regards to whether in fact there should have been a call made to the police.

[The investigator played a portion of the interview with Debbie Horne with the Bradenton Police Department.]

HORNE: Wow.

It is 3:25 and this conversation, interview is over.

Debra Houston Interview:

August 21, 2013 - 9:05 AM

Troy Pumphrey, Investigator and Deborah Houston, Principal, Manatee Elementary School

INVESTIGATOR: Ms. Houston what's your job title?

HOUSTON: I'm the principal of Manatee Elementary

INVESTIGATOR: Ms. Houston, I'm here because I've spoken to a number of people; you know I'm investigating the Rod Frazier case of Manatee High School?

HOUSTON: I have heard.

INVESTIGATOR: We have some issues with regards to some actions of some of our employees; Scott Martin, Debbie Horne who were both over the Office of Professional Standards back when the investigation started. Tell be briefly what your relationship is with Debbie Horne?

HOUSTON: I've known Debbie Horne for approximately 15 years and we are very good friends, very close.

INVESTIGATOR: I received a call a couple of days ago that outlined a dinner at a restaurant back in January where you were with Debbie Horne and her husband, maybe some others. Specifically during that time, Debbie Horne's husband sent an inappropriate email or text message to principal Hundley. Are you familiar with that?

HOUSTON: I am.

INVESTIGATOR: Tell me about that.

HOUSTON: I only became familiar with that, it was after the fact, Debbie Horne and I were at the mall, Desoto Square mall, which is right across the street or adjacent to Chili's. After we left

the mall, we later went to Chili's; we met with her husband and one of the principals from Southeast High School.

INVESTIGATOR: Which principal was that?

HOUSTON: I believe his last name is Butler. I had seen him before but that was my first time meeting him. And we were there for a short minute, we did not have dinner. We had I think, Mr. Horne, I think Mr. Horne had been there with some of his friends and we just kind of met them there, after we finished up at the mall. So I'm not privy to was there before we got there, but when we go there it was just the four of us. And we didn't have dinner, we stayed for about 45 minutes, we spoke about a Board meeting. I can't tell you specifically what Board meeting it was. But I believe that Mr. Butler and I kind of concluded that we were both natives of Palmetto and I wanted to, I asked him who was [redacted]? And he tried to make me know who he was by naming some of his family members and I still did not know the young man. And that was about as much as was said about [redacted] But from what I understood, and we did not know this at the time, there was text message sent. I assume while that conversation was going on or before we got there, I'm not sure.

INVESTIGATOR: Who was that text sent from?

HOUSTON: Mr. Michael Horne.

INVESTIGATOR: Who was it sent to?

HOUSTON: I think it was sent to Ed Hundley. I never saw the text message.

INVESTIGATOR: Who was this [redacted], why did you mention [redacted] How is that applicable to your meeting on that day?

HOUSTON: Well we were just speaking in general about the Board meeting and I was curious to know who this young man, who had so many negative things to say about Ms. Horne. Being that I was her friend, I just wanted to know if they had any inside information.

INVESTIGATOR: Make me understand, if you will; you're at Chili's with Debbie Horne and her husband and Mr. Butler and you're talking to Mr. Butler about you guys both being from the same neighborhood and then, from Palmetto, and what led up to the conversation regarding [redacted]? You said during the course of conversation you were discussing a Board meeting and who brought up this Board meeting?

HOUSTON: I don't recall.

INVESTIGATOR: And how does [redacted] how do you put him in with the Board meeting? Did something happen with [redacted]

HOUSTON: He spoke at the Board meeting and that's the only way that I know him, through seeing him on television speaking at the Board meetings. He would always have; been included in the public comments and I think I may have brought it up. I said now, who is this guy [redacted] because I didn't know who he was and I wanted to know who he was.

INVESTIGATOR: And so then, when you bring up the name [redacted] what happens?

HOUSTON: Mr. Butler says, I think he's from Palmetto. He's one of the Holmes' and he started talking about his family and I said, Oh, but I still don't know him. I said, I think I mentioned a couple of names, Holmes' that I did know and said, is that their brother or is it the other one's child? And he didn't really know. And then names he mentioned I wasn't familiar with. And that was about as much as was said.

INVESTIGATOR: So what happens with text message?

HOUSTON: As I said, I didn't know about the text message until after the fact. So I don't even know when that happened. I just heard that it happened. So I wasn't privy to any one or had any knowledge of anyone sending a message as we sat there. I just found that out later.

INVESTIGATOR: And if I say to you that the text message was sent the same time that you were there, what would your response be then?

HOUSTON: It may have been. I didn't know.

INVESTIGATOR: Did you see Mike Horne, on his phone? Did he express or did Debbie Horne express some dismay with Mr. Holmes at all?

HOUSTON: As much as....

INVESTIGATOR: The reason I ask you that is because if you guys are sitting around or wherever you were, Chili's and Mr. Holmes' name comes up and at about the same time frame, a text is sent from the Horne's phone to principal Hundley's phone, right? Then the context of that conversation had to be such that, in my mind, it triggered Horne sending that text. I'm just asking you to clarify it for me in my head because I hear what you're saying but there are some gaps in the things that I'm hearing you say.

HOUSTON: And there probably are some gaps, Mr. Pumphrey. That was in January and I don't have a memory like an elephant. All I know is that I don't know when the text message was sent. It may have very well been sent while we sat there. What I'm saying is that if it was sent, no one made a public service announcement. 'I'm sending a text message to Ed Hundley'. Nobody said that and nobody passed a phone around to see that. So I don't know that for a fact.

INVESTIGATOR: But right now at least in your statement, the only person that was talking about [redacted]s was you?

HOUSTON: Uh-huh.

INVESTIGATOR: No one else?

HOUSTON: Ms. Horne said, she said when we talked about the negative things that he said about Ms. Horne, all of the negative things. And I can't remember all of them. About Mr. Horne at some of the Board meetings, she said, I don't know what his deal is. I don't know what he has against me. So that's about, we didn't come there to talk about [redacted] I think I brought it up because we were talking about a Board meeting and asked Butler about it. I wasn't even talking to Horne about that.

INVESTIGATOR: What do you know about the text message?

HOUSTON: It alluded to something about somebody's bottom.

INVESTIGATOR: Do you feel free to tell me what you heard?

HOUSTON: I might not say it correctly.

INVESTIGATOR: Ok well, say it the best that you know.

HOUSTON: Do you have your [redacted] up [redacted]?

INVESTIGATOR: Who was that sent from?

HOUSTON: I was told it was sent from Michael Horne to Ed Hundley.

INVESTIGATOR: You did not see Michael Horne send it. Did you have the occasion to talk to Debra Horne about it at some point?

HOUSTON: After the fact, after we had actually left. So this wasn't even; we stayed a hot minute and we were gone.

INVESTIGATOR: So you spoke with her later that evening about it?

HOUSTON: I believe it was later that evening, or that morning; one or the other.

INVESTIGATOR: What time were you guys out shopping?

HOUSTON: Around 4:30, 5:00.

INVESTIGATOR: So you spoke about it later that evening or the next morning?

HOUSTON: Uh-huh.

INVESTIGATOR: Do you know what day this was? Was it a weekend?

HOUSTON: No, it wasn't a weekend. It was a weekday.

INVESTIGATOR: And then what happened? What were you told after that? Tell me about that conversation with Debbie on that evening or the next morning.

HOUSTON: The conversation with Debbie was she was very upset because at this point now, she knows this text message has happened it exists. And I'm not sure exactly how she found out, I want to say Eddie told her but I don't know that for sure. Um, and she was upset and she was saying she could not believe Mike had done that, why would he do that? And she did not condone his actions. And of course I agree with her. I couldn't understand why he would do something like that. Nor did I understand why Eddie would share that with Mr. [redacted] So we had a conversation about that later.

INVESTIGATOR: Why Eddie would share the text with whom, I'm sorry.

HOUSTON: Mr. [redacted].

INVESTIGATOR: With [redacted]

HOUSTON: [redacted]

INVESTIGATOR: So, [redacted]

HOUSTON: Yes.

INVESTIGATOR: And what happened after that? What transpired after your conversation with Debbie Horne on that evening or the next morning?

HOUSTON: We went, well that was the extent of that conversation. I think we talked again briefly about her conversation with Mike, why he had done that and I think he told me that he told her, this is all hearsay, that he and Eddie play around like that. You know they send each other message's like that all the time. Which if they do, I don't know but that's what he told her. And he didn't seem to think it was a big issue or it should have been because they hand like that, they roll like that so.

INVESTIGATOR: So, Eddie Hundley and Mike Horne have a relationship?

HOUSTON: According to Mike. I don't know.

INVESTIGATOR: Tell me if you remember how at some point did Debbie have to address that issue with her superiors at some point? Do you know?

HOUSTON: She did. She did have to address that. I don't remember exactly who it was, whether it was Mr. Martin or the superintendent. I don't recall, but she did have to address it.

INVESTIGATOR: Did she tell you about that meeting with Mr. Martin or the superintendent?

HOUSTON: There was one meeting that she could not discuss with me and that may have been the initial one. She just told me don't worry, but she's in trouble. And she said you know, and I respected her job. The entire time she had the job. Because I respect her and she did good job. I respected that, she said I can't talk to you about it but I'm in trouble. And that's when she said that the text message had somehow gotten into [redacted]' hands and he in turn wrote a letter to all of the Board members and included myself in that which he doesn't know me. He said, we were all drunk, at dinner and that was the furthest thing from the truth. So that was about as much as she could tell me about that, at that time. But since then, we've all gotten the buzzes of everything that has happened, so.

INVESTIGATOR: After her meetings with her boss, or bosses to include Scott Martin, superintendent, what happened then?

HOUSTON: She was transferred over to Prine Elementary as the Assistant principal.

INVESTIGATOR: Was that something that she wanted, did she express that she wanted to be transferred or they told her she had to go?

HOUSTON: I believe they told her she had to go. That was, we never had a conversation about that prior to that. And I attributed it to the actions that were taken.

INVESTIGATOR: When's the last time you've spoke to Debbie Horne?

HOUSTON: I texted her last night.

INVESTIGATOR: When was the last time you actually saw her?

HOUSTON: I haven't seen her since, it was before school started.

INVESTIGATOR: Did you have any idea I'd be here today?

HOUSTON: I had no idea. I wish I had; I wouldn't have been here.

It's 9:20 and the interview is over.

Matthew Kane Interview:
August 9, 2013 10:00 AM

Troy Pumphrey, Investigator and Matt Kane and Legal Counsel, Brett McIntosh

We are here with Matt Kane and his Legal Counsel, Brett McIntosh. Mr. McIntosh would like to make a statement.

"We are here under the instruction of the School Board to answer questions and Matts here in the capacity of an employee of the school board. It's our understanding that he carries with that the immunity protections quorum to him by law."

INVESTIGATOR: Mr. Kane, please state your name for the record.

KANE: Matt Kane.

INVESTIGATOR: Where are you currently employed?

KANE: School District of Manatee County. I'm at Southeast High School now.

INVESTIGATOR: Where were you employed prior to Southeast High School?

KANE: Manatee High School.

INVESTIGATOR: How long were you there?

KANE: Approximately six years.

INVESTIGATOR: Can you give me the month and date that you arrived at Manatee High School and the month and date that you transferred to Southeast?

KANE: Off the top of my head, I believe it was July of '07 when I arrived, June or July. The summer of '07. And I just transferred June of '13.

INVESTIGATOR: I've got two reasons to have you here to interview you. The first reason I have you here is because some statements that had been made through interview processes with both Debbie Horne who at the time was the OPS investigator here, as well as a number of teachers and or others staff members at Manatee High School. We are talking specifically about the Frazier investigation that was originally opened November 14 of 2012. What I'd like to do is I'd like to ask you a number of questions and get your feedback, your comments on whether in fact you had knowledge of this information. The first is Debra Horne stated she received a complaint about inappropriate behavior between Rod Frazier and a female student and that information was then sent to you via, email on or about February 13, 2012. And she gave the information to you and she asked you to look into the issue and to provide the appropriate directives. Do you remember that?

KANE: No.

INVESTIGATOR: If I showed you an email between you and Debbie Horne, will that refresh your recollection?

KANE: I have no idea.

INVESTIGATOR: Let me show it to you anyway and you tell me if that refreshes your recollection. This is an email that was sent, or forwarded to you from Debbie Horne. Debbie Horne has notes here from 2013 that she spoke with Kane, updated Kane. Will speak with Frazier, and there are some other notes here that are highlighted. I don't know if you can understand those notes but take a look at that and let me know if that brings anything to your attention.

KANE: I don't recall it. Is this the only page to it?

INVESTIGATOR: There's a second page but….

KANE: This is from Horne to McGonegal.

INVESTIGATOR: This is from Horne to McGonegal, but Horne must have forwarded it. It says from Horne; subject Frazier, to Matt Kane. So it looks like at least this page here was forwarded to you. But more so, I want you to read the handwritten notes, Horne made here, stating she spoke to you on 2/13.

KANE: I don't even understand the notes.

INVESTIGATOR: Let me read it to you. Says, "Updated Kane, he will speak with Frazier and issue oral directives to remain professional at ". And I don't understand what the rest of the it.

KANE: What's it pertaining to?

INVESTIGATOR: Rod Frazier

KANE: I understand that, but pertaining to what?

INVESTIGATOR: There was an allegation that came in with regards to Rod Frazier, inappropriate contact with a student. And evidently it came to our office; she referred it back to you.

KANE: Such as what inappropriate what?

INVESTIGATOR: I have no idea. Do you remember, or you don't remember?

KANE: You're going to have to give me more details than that.

INVESTIGATOR: So you don't remember?

KANE: Inappropriate what?

INVESTIGATOR: You don't any reports?

KANE: The only this that I recall is someone said, someone was sitting with Frazier in a golf cart. That's not contact, that's sitting in a golf cart. If that's what it's pertaining to then that's what it's talked about and I talked to him about sitting in a golf cart. That is not inappropriate

contact. To me that's sitting in a golf cart. I talked to him about that; orally talked to him about that so that's a verbal talk to him.

INVESTIGATOR: Would that have been on or about February 2012?

KANE: Could have been, I don't know for sure.

INVESTIGATOR: During the interviews Mrs. Peebles, do you know who she is? Who is she?

KANE: She's a teacher at manatee.

INVESTIGATOR: Did she ever notify you of about an incident where she walked into Frazier's office and saw a student sitting on Frazier's lap?

KANE: I do not remember that.

INVESTIGATOR: You don't remember where that occurred?

KANE: Nope.

INVESTIGATOR: A Mr. Gulash reports that Frazier put a bottle between a student's legs from behind her and he also reported that to Mr. Kane. Do you remember that?

KANE: No.

INVESTIGATOR: Do you remember having a meeting with Mr. Sauer on or about November 14th when Mr. Sauer received a letter of complaint from Steve Rinder. Mr. Sauer states he asked you if you had any information on the complaints and you told him that the complaints were old and that you had already looked into those complaints.

KANE: That's not exactly correct, no.

INVESTIGATOR: Correct me.

KANE: The information, some of the stuff was old was the teachers have things against Frazier, was old. So with the information, Mr. Rinder didn't necessarily turn the information. It was first given anonymously. So when that complaint first came in it was anonymous. It was not from Mr. Rinder.

INVESTIGATOR: At some point in time, on or about November 14th, the principal met with you with regards to that letter. Is that right?

KANE: I don't know the exact time but yes, somewhere in there.

INVESTIGATOR: Was there a time during that conversation where you told Mr. Sauer that the allegations were old or had already been looked into?

KANE: I cannot say that no.

INVESTIGATOR: You can say what?

KANE: I don't even know what the allegations are. This is how many months ago. I'd have to see what you're talking about.

INVESTIGATOR: Are you familiar with a golf cart incident where Mr. Frazier shoved a bottle between a student's legs?

KANE: No.

INVESTIGATOR: I need to redirect you into another area. How long have you been married?

KANE: What does that have to do with Mr. Frazier?

INVESTIGATOR: We are not talking about Mr. Frazier right now. We're talking about another situation. How long have you been married?

KANE: Two years.

INVESTIGATOR: What's your wife's name?

KANE: Jessica.

INVESTIGATOR: Where is Jessica employed?

KANE: Manatee High School.

INVESTIGATOR: How long has Jessica been at Manatee High School?

KANE: Six years.

INVESTIGATOR: Did you meet Jessica while employed as an Administrator at Manatee High School?

KANE: No I did not.

INVESTIGATOR: Where did you meet her?

KANE: I don't even recall actually. I don't remember off the top of my head where I met her.

INVESTIGATOR: Were you and Jessica dating while she was at Manatee High School?

KANE: Dating? I don't know. I don't know what the term dating means, so.

INVESTIGATOR: When you and Jessica married, were you employed at Manatee High School?

KANE: Yes.

INVESTIGATOR: Was she employed at Manatee High School?

KANE: She was on leave.

INVESTIGATOR: From where?

KANE: Manatee High School.

Thanks a lot for the interview. I really appreciate you coming in and giving up your time.

Scott Martin Interview: (1 of 2)

Wednesday, August 7, 2013 AT 10:35 AM

Troy Pumphrey, Investigator and Scott Martin, Staff Attorney

INVESTIGATOR: Could you please state your full name for the record?

MARTIN: Full name is Scott Alexander Martin.

INVESTIGATOR: Scott, what is your current job title?

MARTIN: Staff Attorney.

INVESTIGATOR: What was your position on or about November 14, 2012?

MARTIN: Assistant Superintendent for District Support.

INVESTIGATOR: In that role, were you direct supervisor to the office of Professional Standards?

MARTIN: Yes.

INVESTIGATOR: On or about Nov. 14, 2012, did you have the occasion to order or open an investigation regarding Roderick Frazier?

MARTIN: Yes. I don't remember the exact date, but that sounds correct.

INVESTIGATOR: Can you give me the particulars of how you came about the investigation? Was it documentation that was forwarded to you and if so by whom?

MARTIN: I cannot remember exactly how it came to me. I know the nature of …. I can't remember if Debbie Horne brought the information to me. I can't remember if a principal

called me directly but I know the nature of how it was opened. But exactly how it got to me, I'm not sure.

INVESTIGATOR: With regards to the case, you don't remember the date that the...

MARTIN: not specifically.

INVESTIGATOR: The files that I have in front of me states that the investigation was opened on 11-14-12. So let's assume that the case was opened on that date.

MARTIN: ok, that's fine.

INVESTIGATOR: You don't know how you became known about this case, whether it was forwarded from the school, Debbie Horne or could it have been forwarded to you by anyone else?

MARTIN: It's possible. The likely course would have been that it would have been from the school, to Debbie Horne because they are used to her being the OPS investigator and then from her to me.

INVESTIGATOR: I interviewed Mrs. Horne a couple days ago and Mrs. Horne shares with me that she was asked on, by you, on 11-14 to go down to Manatee High School. Let's say Nov 14th or 15th. She said you asked her to go down to Manatee High School to do a preliminary investigation, to find out what's going on at manatee and then to report that back to you. Do you remember that conversation?

MARTIN: Vaguely I don't think I would have used the word preliminary. I just would have told her to begin the investigation.

INVESTIGATOR: Her understanding or at least her testimony is that her instructions were to go to manatee, find out what was going on then, she was to report it back to you. She further stated that she was in manatee, she interviewed six or seven adults and at the conclusion of

those interviews, on the 15th, she called you from the principal's conference room. Do you remember that?

MARTIN: I believe that's correct.

INVESTIGATOR: Can you tell me who was in that conference room with her when she called you?

MARTIN: No. I wasn't there. I don't know.

INVESTIGATOR: Do you remember speaking with anyone else in the conference room?

MARTIN: I think she told me that the school administrators were in there. She said AP's were in there. I don't remember specifically who and I might have said, hi guys and then they might hi to me. I don't specifically remember.

INVESTIGATOR: So you don't remember?

MARTIN: We didn't do like individual introductions. Mr. X is present, Mr. Y is present. It wasn't that kind of a conversation.

INVESTIGATOR: You don't remember to date whether in fact any of the voices in that room?

MARTIN: No. But I assume they were there.

INVESTIGATOR: Tell me if you remember what the context of that conversation was between you and Mrs. Horne?

MARTIN: I believe Debbie was just giving me kind of a summary of her findings based on the allegations that had been made by Steve Rinder.

INVESTIGATOR: Tell me what you remember about the findings that she stated them to you from Manatee High School.

MARTIN: The jest of it, it's hard to say there was a jest. I'll say she kind of summarized it based on kind of categorized Mr. Rinder's allegations in three different ways. There were some that I believe that Mr. Rinder was himself able to offer a direct statement on that he saw. The rest of it was stuff he had heard. Then there was a category of things that she was unable to, Rinder for example said that I heard from this person, that. Then Debbie spoke with that other person and they said that's not true. So, things that didn't go anywhere appeared just to be hearsay and rumor. Then there was a category of things that appeared had happened but administration was aware of them, had happened over a year ago but they had been dealt with at the school. That's general.

INVESTIGATOR: During that same conversation, did Mrs. Horne tell you who she interviewed?

MARTIN: I don't specifically remember that but I think she would have done that, yeah.

INVESTIGATOR: At some point in time she said that you asked her to come back to the office so you could, quote or unquote, chat about this.

MARTIN: I don't remember doing that, but that's probably appropriate.

INVESTIGATOR: Do you remember the conversation with her once she returned to your office?

MARTIN: specifically no. I'm saying we went back over everything to see if there was. I know we had a conversation round about this time where I had asked her, did you chase every rabbit trail? Is there any other thing that you could do; that sort of discussion. And that's the type of thing we would do in an investigation.

INVESTIGATOR: If that conversation took place you asked her if she chased every rabbit trail, what does that mean. Did you chase every rabbit trail?

MARTIN: Did you pull every thread. Did you investigate every lead that you had based on what we know? Were you thorough I guess is what I'm saying.

INVESTIGATOR: What would her response have been?

MARTIN: Yes.

INVESTIGATOR: She also stated prior to going out to Manatee High School that you asked her to set aside all of the investigations that she was working on and to get out to Manatee High School. Do you remember that conversation?

MARTIN: Yes.

INVESTIGATOR: Explain to me why it was that you asked her to put aside all of her other cases to work on this case?

MARTIN: There was some concern that the allegations that come about were based on rumor and innuendos. It was incumbent for us to get out there quickly after I had a conversation with Bob Gagnon about regarding the matter to avoid the proliferations, the spread of rumors by Mr. Frazier.

INVESTIGATOR: The allegations were based on rumors. How did you come to the initial opinion that the allegations were based in part on rumor?

MARTIN: It wasn't an opinion; I was provided information that they might be.

INVESTIGATOR: What was that information?

MARTIN: I had a conversation with Bob Gagnon, I do not remember whether he called me or I called him regarding the Frazier matter. And I said what's going on with this because Bob had been the former principal with Manatee High so I wanted his prospective on these allegations. He had said something to the effect of, yeah, there had been rumors about Frazier before, at some point he said Frazier had told him that these rumors had destroyed his marriage and otherwise he was getting a bad name. Bob went into some specifics about one incident there where Mr. Frazier was riding around on golf carts with girls and it had created this idea that there was something improper going on and Bob had to put an end to that. Ultimately it was the idea that there, he had no idea about the substance other than the golf cart thing and that if we didn't get out there and investigate this thing right away, because Mr. Frazier was going to

be coaching football on Friday night, the rumors of him not being there would spread like wildfire. And it would put the employee in an even worse position as far as these rumors go.

INVESTIGATOR: Was that initially your opinion or was that the opinion of Gagnon?

MARTIN: Bob said that to me.

INVESTIGATOR: As per Mrs. Horne's recorded interview I'd like to play part of it for you and see if this is something that you agree with. [A portion of the recording was played for Mr. Martin and asked, "Is that consistent with what your understanding is?

MARTIN: Yes. Except I don't have any specific knowledge about she was working on [redacted]n [redacted]. I don't remember anything about that. Generally yes.

INVESTIGATOR: Do you remember when Mr. Frazier was placed on PAL?

MARTIN: No. But it would be evident from the Pal letter.

INVESTIGATOR: The Pal letter is dated 11-15.

MARTIN: That makes sense then.

INVESTIGATOR: When Mrs. Horne came back to your office, did you have an opportunity, Let me ask you this. When you asked Mrs. Horne if she had pursued all angles, whatever the acronym is, you asked Mrs. Horne, basically if she had done a thorough investigation at that point. Is that right?

MARTIN: Yes. And I knew it wasn't thorough in that she had yet to interview Mr. Frazier, It had not been drawn to a close. I think at that the time, the concern wasn't, is the investigation over, the concern was should Mr. Frazier remain on PAL.

INVESTIGATOR: So your understanding at the time of that meeting is that she interviewed five or six or seven people, probably teachers, most teachers. Do you know off the top of your head who in fact she interviewed prior to you meeting with her after leaving Manatee High School?

MARTIN: No, I don't remember. I'm sure she would have told me.

INVESTIGATOR: You made a statement that she interviewed everyone except Frazier at that point.

MARTIN: No, I just meant in general. I knew that when I said thorough I knew the investigation itself was not complete. The question at that point regarded PAL, not is the investigation over.

INVESTIGATOR: The last statement that you made was you knew she interviewed a number of people but had not yet interviewed Mr. Frazier. Is that what your last statement was?

MARTIN: Correct.

INVESTIGATOR: Do you know at what point she interviewed Mr. Frazier?

MARTIN: I don't remember. I know she did interview Mr. Frazier but I don't know when it was.

INVESTIGATOR: Do you remember when Mr. Frazier was taken off PAL?

MARTIN: I believe it was the day after.

INVESTIGATOR: Who was responsible for placing Mr. Frazier on PAL?

MARTIN: Dr. David Gayler who was the interim Superintendent at the time, at my recommendation.

INVESTIGATOR: Sometime on or around November 14th, which was the date you guys received information that warranted opening a case, somewhere between the 14th and the 15th. It was your recommendation to place Mr. Frazier on PAL?

MARTIN: Yes.

INVESTIGATOR: And that was based on what?

MARTIN: The standard that we utilize in deciding to put an employee on PAL.

INVESTIGATOR: How long have you worked directly with the Office of Professional Standards?

MARTIN: About three (3) years; since my hire.

INVESTIGATOR: And in three years working with the Office of Professional Standards, can you give me an idea of how many cases you have handled through the Office of Professional Standards, similar to these allegations? Specifically, how many cases have you handled where an adult, teacher, coach, liaison, is alleged to have had a relationship or an inappropriate contact with a student, a minor student?

MARTIN: No. Our files would bear that out, it would be easy to figure out, but I don't know how many.

INVESTIGATOR: Can you give me, more than five?

MARTIN: I would say they were, thankfully, infrequent.

INVESTIGATOR: But this is not the first case?

MARTIN: No.

INVESTIGATOR: If you can, how many cases of this magnitude; how many cases of this type had you placed someone on PAL and then removed him or her from it within twenty four hour period?

MARTIN: I can't recall. Again the files would bear that out.

INVESTIGATOR: Do you have a recollection of whether that's something that's normal, in a case of this magnitude?

MARTIN: No, a case of this type? No, I said it is not normal.

INVESTIGATOR: I said magnitude.

MARTIN: Magnitude depends on the evidence. What you've got is this was something of a unique case too in that there weren't any, at the time, any witnesses or it was very stale in terms of the allegations themselves.

INVESTIGATOR: When the investigator, Mrs. Horne went out to Manatee High School, it is her statement that she first needed to interview a gentleman by the name of Rinder because Mr. Rinder provided documentation of complaint. But that documentation was without names. Do you recall that?

MARTIN: Vaguely. I know that Mr. Rinder was the one that made the allegations. With or without names, I don't recall.

INVESTIGATOR: At some point in time between the 14th and the 16th, did you come to know who was interviewed by Mrs. Horne?

MARTIN: I'm sure Debbie told me who she interviewed, yes.

INVESTIGATOR: Do you remember a conversation where Mrs. Horne asked if she could go back out to Manatee High School and continue her investigation?

MARTIN: No.

INVESTIGATOR: Do you remember giving her a directive to conclude the investigation?

MARTIN: No.

INVESTIGATOR: Do you remember talking to her and advising her not to make contact with one of the alleged victims, student by the last name of [redacted]

MARTIN: Directing her not to make contact with that student?

INVESTIGATOR: Yes.

MARTIN: No I don't remember.

INVESTIGATOR: Part of the Horne interview was played for Mr. Martin, and the investigator asked, "Does that jog your memory?"

MARTIN: Well yes, I remember that conversation. The questions the way you phrased them didn't get that on point. I remember that conversation.

INVESTIGATOR: Why would you tell her not to go back out to manatee to continue her investigation?

MARTIN: That wasn't the conversation.

INVESTIGATOR: What was the conversation?

MARTIN: The conversation was specific to and this is a normal thing that Debbie and I would go through in any investigation. Is, what else can we do here? We've again, it's all part of the chase the rabbit trail, have you pulled every thread? What other things could we do? Debbie threw out, 'and I could go to manatee and just pull kids at random and ask them questions,' not kids, staff members. And that's something that we might do in an investigation where for example you've got an incident that occurred in a classroom. And a teacher says; let's say teachers accused of doing something wrong, some misconduct and the teacher says you need to talk to Jimmy. Jimmy saw the whole thing. That's one of the students. But what we would do, instead of just talking to Jimmy, we would select some students at random that likely had a view point to see what was going on so that we got not the one that the teacher directed us to, but a random sampling of different perspectives on what happened. This is different. We were at a loss for anything else to do, so Debbie said I could go and just ask some random people. But because the evidence we had up to that point, just suggested it was rumor and innuendo driven, all that was going to do was continue to spread the rumors. Just selecting a random person at Manatee High and asking them about Mr. Frazier would not be calculated to lead anything of use.

INVESTIGATOR: Was it also practice that once an investigation was opened and the investigator began their investigation, that you would advise the investigator on methods or advise the investigator on investigative techniques. Is that something that you and Mrs. Horne had an understanding about?

MARTIN: It was a collaborative kind of thing.

INVESTIGATOR: So she would gather a bit of information. She would bring that information to you, and you would tell her whether she needed to continue with her investigation or end her investigation? Or was it a little more complicated than that?

MARTIN: No. it was more complicated than that. Usually those conversations came up if Debbie was stuck. Or if let's say she had an interview coming up and she wanted my perspective on some questions that what else can I ask here; should I ask this, this way? But usually it was I'm stuck, where else can I go, that kind of thing.

INVESTIGATOR: Mrs. Horne states, she began the investigation on November 15th and if I'm hearing you, then Mrs. Horne was stuck during the evening of, or the afternoon of November 15th and needed direction on how she best should proceed with her investigation. Is that accurate?

MARTIN: No. I don't recall that she came to me and said I'm stuck. This was a conversation that we mutually agreed to have after she got input from the people from Manatee High School.

INVESTIGATOR: Were you aware of the people that she interviewed at that point?

MARTIN: Again, as I said, I cannot tell you who they were. I'm sure that Debbie would have told me all those people.

INVESTIGATOR: The original complaint was dealing with inappropriate contact between what two parties, or what parties as you remember it?

MARTIN: There were, again I don't remember what they are. That would be evident from Mr. Rinder's letter. I would have to review that. But one example, they did not all relate to inappropriate contact with students. One, the only one that Mr. Rinder could offer direct statement on was, he saw a girl get into Mr. Frazier's car. Debbie I think, and again I wasn't there but she told me she asked, what was your concern was about that, and he didn't have any concerns because at the time he thought this might be Mr. Frazier's son's girlfriend. So it wasn't all specific to inappropriate relationships, or touching of females. There was one allegation regarding a student sitting on Mr. Frazier's lap and feeding him cake. I remember that one specifically. But I think there were like six or seven total that Mr. Rinder had expressed and not all of them were specific to inappropriate contact.

INVESTIGATOR: Did you have or were you aware of the allegations of inappropriate contact between Mr. Frazier and student [redacted] prior to November 15th when the date that the investigator, Horne, went out to Manatee High School?

MARTIN: Prior to that date?

INVESTIGATOR: Prior to November 15th, which was the date that Mrs. Horne went out to Manatee High School?

MARTIN: I had never heard of Rod Frazier prior to that day.

INVESTIGATOR: And as a result of her initial investigation on the 15th, did you become aware of a student by the name of, last name of [redacted]

MARTIN: I know that name now. I don't remember when her name first came up; [redacted]

INVESTIGATOR: If there was a decision, when did Mr. Frazier, when was he returned back to work and taken off of PAL status.

MARTIN: I don't specifically remember, again I think it was the day after he was suspended, or the day after that. I can't remember specifically.

INVESTIGATOR: The records show that on November 15th, he was placed on PAL and he was removed on November 16h.

MARTIN: That sounds right.

INVESTIGATOR: As a result of your meeting with the investigator, you were convinced that she had done a full and complete investigation or at least she had provided enough information in your mind through her investigation to warrant placing Mr. Frazier back to work and off of PAL.

MARTIN: Those are two different questions. Whether she had done a thorough and complete investigation is different from whether it was appropriate to return him to work. That goes to the standard for why we put employees on PAL.

INVESTIGATOR: In your opinion did, at the point that Mrs. Horne left Manatee High School, and came to your office to talk to you about the particulars of her findings, were you convinced at that point that she had conducted a complete and thorough investigation?

MARTIN: No.

INVESTIGATOR: What was in your mind, what justified at that point, you making recommendation to place Mr. Frazier back to work and off of PAL?

MARTIN: It went to the standard that we used to determine if someone belongs on PAL. PAL is; does this person represent a current threat to staff or students. That would be the reason. And based on what Debbie was able to obtain at Manatee High at the time, all those paths, rabbit trails, threads, however you want to call them, lead to either rumor or innuendo or something that had occurred in the past. There was no immediate danger in returning Mr. Frazier to the classroom. Or I'm sorry, to the school.

INVESTIGATOR: Specifically, with regards to Mr. Frazier, and a student [redacted]as per the letter that was submitted by Mr. Rinder, do you remember what the allegation was; the original allegation?

MARTIN: I believe it was the eating cake allegation. Because she was sitting on his lap; eating cake. Or feeding him cake I believe.

INVESTIGATOR: The nature of, if in fact that allegation had been confirmed, what would have been the disposition of the case? In other words, what would you have considered the violation as per either state statue or school board policy?

MARTIN: What violations could that support?

INVESTIGATOR: Yes.

MARTIN: There's a, I'd have to look at my list. There's, the way it's phrased is....

INVESTIGATOR: I don't need the law. Basically I'm asking…. Let me ask you this differently. The allegation is inappropriate touching or inappropriate conduct between an adult and a child. Is that right?

MARTIN: Yes. That's the general category.

INVESTIGATOR: So, Mr. Frazier then, it's alleged that Mr. Frazier is being accused of inappropriate touching a minor. Is that right?

MARTIN: Yes.

INVESTIGATOR: And your determination to place him back to work is that, there is no immediate threat to the students to Manatee High School?

MARTIN: Or staff.

INVESTIGATOR: Or staff?

MARTIN: Correct.

INVESTIGATOR: Did you consider that by placing Mr. Frazier back to work; Mr. Frazier could then be involved with inappropriate contact, inappropriate touching with another student?

MARTIN: Did I consider that?

INVESTIGATOR: Did you consider that in your decision to place him back to work?

MARTIN: I suppose that's a possibility. Yeah, I'm sure I considered that, but based on the evidence that we had at the time, there was no indication that would, that was a risk.

INVESTIGATOR: At the time that you met with Mrs. Horne, after she left Manatee High School, did she not inform you or did you not have prior knowledge that Roderick Frazier had been arrested previously for a battery charge and then also had been alleged that he was involved in another incident; at least one other incident at Manatee High School, with regards to inappropriate contact with a student? Did you have that knowledge prior to making the decision to place him back to work?

MARTIN: I don't remember. I don't remember if we had that; it would have been ordinary course for Debbie to include past discipline in her report, but I may have, I don't know. Debbie would probably be the better source for that, because I would have received it from her.

INVESTIGATOR: And did you review any of her notes. Did you review any documentation to help you in your decision making process as to whether Mr. Frazier should be return back to work or not returned back to work?

MARTIN: No I didn't look at her notes. I had an active conversation with Debbie. I would not ordinarily go back and look at her notes.

INVESTIGATOR: So you trusted the opinion of the investigator who had conducted interviews and reported back to you based on her findings from a one day investigation. Is that right?

MARTIN: Yes. That's her job.

INVESTIGATOR: And do you remember asking or do you remember making a statement to Mrs. Horne the investigator that she should not interview or contact [redacted] because at this point there is no victim?

MARTIN: I don't specifically remember that, no.

INVESTIGATOR: I'm going to try to advance this to a point that you can hear my interview with her. [The investigator played a portion of the recording with Debbie Horne, to Mr. Martin] What she's talking about there is how she came about this prior, having prior knowledge of the alleged incident between Frazier and another student. And what she is saying is that she

received, that the Superintendent went to her directly about an anonymous complaint and she directed the superintendent that in normal situations, you guys would refer that back to the schools. Do you have prior knowledge of that communication between the then superintendent and Mrs. Horne?

MARTIN: No.

INVESTIGATOR: Is that something that is… You've been there three years and in the three years that you've been here have you ever known the superintendent to speak or to bring a complaint directly to Mrs. Horne?

MARTIN: I'd say that's not the usual way things come up. I can't remember any specific incident.

[The recorder was placed on pause at 11:20 while a part of the interview with Mrs. Horne was located.]

INVESTIGATOR: We are back on record at 11:31 am. I want you to listen to part of the recording of the investigator Mrs. Horne with regards to her understanding of when the case was taken off, placed on PAL, taken off of PAL. She talking specifically about some conversations that she had with you. [A portion of the interview with Mrs. Horne was played at this time and Mr. Martin was asked: Do you remember that conversation?

MARTIN: Specifically no. But I would imagine we would have had it.

INVESTIGATOR: Is her explanation consistent with what your understanding was?

MARTIN: Yes. She has no authority to decide who should be placed or returned from PAL. That's all correct and the investigation did not conclude when he was returned, Mr. Frazier was returned to work. That's correct.

INVESTIGATOR: She also referenced she spoke with both you and Mr. Bowen. Who was Mr. Bowen?

MARTIN: He was the former School Board Attorney.

INVESTIGATOR: Is that protocol? Is that something that typically would occur; that she would speak with you and Mr. Bowen?

MARTIN: Yes.

INVESTIGATOR: And do you have any reason to believe that Mr. Bowen… Well did you guys have a conversation together, between you, Mr. Bowen and Mrs. Horne?

MARTIN: I don't, I don't recall. That would be an ordinary thing for us to talk about an open investigation; an avenue that we could take this and that. I don't specifically remember one the three of us had regarding Mr. Frazier.

INVESTIGATOR: To the best of your knowledge were you and Mr. Bowen both on the same page with regards to the investigation continuing as stated by Mrs. Horne during her interview?

MARTIN: I can't speak for John but as far as I know, yes.

[The investigator played a portion of the interview tape from Mrs. Horne's interview, for Mr. Martin., and asked:

INVESTIGATOR: Do you remember that conversation? She's speaking of the student [redacted]? She's stating her understanding that she would continue with the investigation but she asked if she could go out and interview the victim, alleged victim at that time, Ms. [redacted] who was down the street, and your response to her was, no because at the point of your conversation with her , you did not have a victim. Is that conversation consistent or is that testimony consistent with a conversation that you had with Mrs. Horne?

MARTIN: It's roughly consistent but the context is different.

INVESTIGATOR: Explain that.

MARTIN: It wasn't in the way you asked it. It wasn't a directive not to speak to her. It was the idea that this was one of several allegations that Mr. Rinder had made. One of which was specific so we found out to, the [redacted]z student. However, that was one of those that fell into the category of this was something that happened last year, two years ago, I can't remember specifically. But that it had already been addressed by the administration at Manatee high. And because we had a seemingly after she looked into them, unrelated events here, it wasn't that she, wasn't trying to characterize her as a non-victim, she was not actively involved in any recent allegations. Yeah, she may have been involved in something administration had already addressed, but there was no reason to interview her because that was done. That was the context.

INVESTIGATOR: For purposes of the allegations, would it have mattered in your mind, in your opinion, whether it was an old allegation that had already been handled administratively, if in fact the allegation was one that would be consistent with your responsibilities to contact law enforcement? In other words, does it matter what happened in the past if in your mind, had been considered, or could have been considered a crime?

MARTIN: I'm having difficulty following the question but I think, and correct me if I'm wrong, I think that you're asking me the mere fact that a lot of time had lapsed. Is that itself enough to warrant not calling the police. Is that what you're saying?

INVESTIGATOR: I'm saying no. What I'm saying is your explanation was that this was not something that was new. It was something that had happened in the past and that it was your understanding that the administration had already addressed the issue.

MARTIN: It was a closed matter? That's [inaudible]

INVESTIGATOR: My question to you is, does that explanation alone negate your responsibility to contact the police if in fact the allegations are that one of the teachers had inappropriate contact or inappropriate touching of a minor child?

MARTIN: No, that in itself, would not be enough. However, because it was something that had been, supposedly already addressed by administration, then I think it's fair for me to be able to

rely on the school administrators to have made the appropriate judgment call at the time, rather than me look back a year later, not knowing anything that had happened, and try and to decide in hindsight whether or not to call the police. I mean that's, that's a judgment call that should have been made by administration at the time.

INVESTIGATOR: But would it have been a judgment call it you had allowed Mrs. Horne the investigator to go out and interview the potential victim?

MARTIN: Would it have been a judgment call?

INVESTIGATOR: You made a judgment call based on interviews by Mrs. Horne but those interviews unfortunately were not interviews of any of the alleged victims. So my question is, do you think that by allowing Mrs. Horne to continue her investigation, she clearly stated in the interview that she wanted to go and interview the victim, or the alleged victim at the time and that you instructed her not to do so.

MARTIN: I don't think it's correct that she wanted to investigate; she wanted to interview the victim. We may have talked about that as an option. If Debbie had said, I want to do that, again I can't imagine I would have cared; go ahead. The idea was that that is a matter that has already been resolved. We were not looking into is Rod Frazier a sexual deviant, in general. We had specific allegations from Mr. Rinder that were proving to be unfounded. So there was no need to go back and look into a matter that had already been addressed per the administration at Manatee high.

INVESTIGATOR: Did you give Mrs. Horne, the investigator, a direct command not to go out and interview an alleged victim because it, in your opinion, was a case that was not a recent case and that in your opinion; the administration had already handled the situation?

MARTIN: I do not recall giving her a specific directive. Again a directive is I'm telling her what to do. I think I probably shared that there was no value in doing that because it was a closed matter. That would be the way it would have gone down.

The investigator played a portion of the interview with Mrs. Horne to Mr. Martin and asked:

INVESTIGATOR: Is her statement accurate or is it not accurate? Do you remember that?

MARTIN: Yes. Well it wasn't now you have a victim, and I may have phrased it that way but the difference there was now we've got direct firsthand information that an incident happened, beyond what had already been addressed by the administration at Manatee high. We had new allegations. Now we've got a victim. Now we've got someone that's alleged something that's not already been addressed.

The interview was concluded at this time.

Scott Martin Interview: (2 of 2)

August 20, 2013 @ 10:20AM

Troy Pumphrey, Investigator and Scott Martin, Staff Attorney, School District of Manatee County

INVESTIGATOR: You understand we are taping this conversation?

MARTIN: I do.

INVESTIGATOR: I'm going to take you back to November 14th, which was the date that you guys received information about Rod Frazier at Manatee High School. On or about the 15th, you guys sent Debra Horne out to Manatee High School to conducts interviews. Is that right?

MARTIN: I don't know of the exact date; that sounds right, yeah.

INVESTIGATOR: As a result of her going out to Manatee High School on the first day, that first day I believe was the 15th, but let's say the first day she went out. She interviewed a number of people to include Mrs. Peebles, Mr. Gulash, Mr. Rinder, and there may have been others that she interviewed on that day. Once she concluded that interview, she met up with, and you and I talked about this in our first interview. But, once she finished the interviews out in the field, if you will with the teachers and the parent liaisons, she then met with the administrators in a room and at some point in time, called you. Is that right?

MARTIN: Yes, that's correct.

INVESTIGATOR: The last time we talked about who was in that room. Do you have any idea who was in that room now?

MARTIN: I don't remember specifically. It was represented as the administrators of the school. I, we didn't do like a head count, acknowledgement of who all was in the room.

INVESTIGATOR: Whether you have direct or indirect knowledge, do you have any idea who else was in that room? Do you know whether the principal was there; Sauer?

MARTIN: I do not recall for certain whether Sauer was there.

INVESTIGATOR: Do you know if Faller was there?

MARTIN: I do not know for sure.

INVESTIGATOR: Kane?

MARTIN: I seem to remember Matt Kane, but there were others. I assume that all of them were there. But I don't know that for sure. I don't remember.

INVESTIGATOR: Do you remember what Debra, well did Debra Horne tell you over the phone that something to the effect that Scott, I've interviewed a number of people here, I have administration with me, here and I'm being told all of this is old news. Did she say something to you to that effect?

MARTIN: That sounds like a nature of our conversation, yeah.

INVESTIGATOR: And at some point you asked her to come back to, back to your office. Is that right?

MARTIN: Yes, I think so.

INVESTIGATOR: When she came back to your office, did you ask her specifically to tell you what her findings were through her interviews?

MARTIN: No. I don't think I specifically asked her that but that would be the general course of what we would always do in an investigation. I think she would just tell me that. That's the purpose for us to talk.

INVESTIGATOR: Tell me to the best of your recollection, what was told to you when she came back to your office.

MARTIN: It's difficult to remember our exact conversation, but I think she just went over some of the specifics. The whole discussion that we had is, about each of the people she talked to, what the findings were, kind of wrapped up with the same thing that we just talked about with administration present at Manatee High. And then went into, it was kind of an examination of ok, what do we do next. That was kind of the focus. Have you explored every option that you had? I think like I said before, have you chased every rabbit trail, that sort of thing.

INVESTIGATOR: During that conversation, did she state to you in full or in part that there were victims or alleged victims?

MARTIN: Yes, I believe so.

INVESTIGATOR: Did she tell you who those alleged victims were?

MARTIN: I don't remember that specifically.

INVESTIGATOR: At what point did you have knowledge of the alleged incident between Coach Frazier and the female student sitting on his lap?

MARTIN: It probably was when she was having a conversation over the telephone with Manatee High administration.

INVESTIGATOR: And at that time, she stated that she came to know of this incident where the young lady was either on Coach Frazier's lap or sitting on his knee?

MARTIN: Yeah, and let me go back too, because that may have been one of Steve Rinder's allegations, so I guess that would have technically been the first time. I don't remember but that, if it was, then that would have been the first time that I actually heard about that.

INVESTIGATOR: How would you have heard about it? Did you hear about it well; Rinder submitted a letter, if you will, to principal Sauer but that letter had no names. So at some point you came to know names.

MARTIN: Correct.

INVESTIGATOR: How if you remember, what was your first direct knowledge of the situation between Frazier and the female student sitting on his lap? Was it the same day that Debbie Horne came back to your office to talk to you or was it some later date?

MARTIN: If that was one of Rinder's…. Are you asking me specifically about the girls name or the incident itself?

INVESTIGATOR: I'm asking you about the incident. When did you first come to know that there was an incident where a young lady was sitting on the coaches' lap?

MARTIN: If that was one of Rinder's allegations that he wrote down then that would have been the first time that I learned about the incident. And after that it would have been when Debbie followed-up with me after looking into it. I just can't remember if it was one of the things that Rinder had written down specifically.

INVESTIGATOR: But that information would have been given to you on or about the first day that Debbie Horne started her investigation?

MARTIN: Yes.

INVESTIGATOR: Did you have a conversation with Mr. Gagnon regarding the lap incident on that date, which would have been November 15th?

MARTIN: I don't remember if I did or not.

INVESTIGATOR: Based on the information, tell me, who made the decision, ultimately to take Mr. Frazier off Paid Administrative Leave?

MARTIN: I did.

INVESTIGATOR: And that decision was based on what?

MARTIN: Based on the fact that we didn't have any evidence, that he currently represented risk of harm to any staff or students.

INVESTIGATOR: That decision was based on what?

MARTIN: That was based on the feedback that Debbie Horne gave me regarding what her findings were.

INVESTIGATOR: Was school still in during that period of time, November 15th? Were the kids still going to school?

MARTIN: Yes.

INVESTIGATOR: So your statement is that you did not feel that Mr. Frazier would have been an immediate threat to whom?

MARTIN: Staff or students. That's the standard for.

INVESTIGATOR: Tell me again why you felt that he would not have been a threat to staff or students at that time?

MARTIN: Based on Debbie Horne's findings. Each rabbit trail that she chased ended in something that had been either occurred a long time ago and had already been resolved or something that dead ended in rumor or innuendo.

INVESTIGATOR: How did you come to the conclusion that it was old or that it was based on rumor or innuendo?

MARTIN: Based on the feedback that she gave me from her findings.

INVESTIGATOR: Tell me specifically what that information was with regards to the female on Frazier's lap. Her name was [redacted] ell me, you made a decision to place Frazier back to work on the day afterwards, that following day, the 15th. The first day of the investigation, Horne gave you information that she had discovered through her interviews. One of what she gave you was the situation between Frazier and a female student, [redacted] sitting on his lap.

MARTIN: That's correct.

INVESTIGATOR: Tell me after hearing that information why you would put Frazier back on, taken him back off paid administrative leave, and felt there was no immediate threat to any other students or staff at that time?

MARTIN: Because that incident had occurred some time ago. That was something that was resolved by administration or at least that was represented to me. As I understood the females, I don't know if I knew at that exact point, but that female student was going to Palmetto high school. So all those factors, including the fact that on the other rabbit trail that Debbie had chased, it ended in rumor and innuendo. It didn't seem that there was any immediate threat to students or staff.

INVESTIGATOR: How at that time, how did you know that this situation was old and had already been dealt with by administration?

MARTIN: It had been told to me by Debbie Horne.

INVESTIGATOR: She told you specifically that it had been dealt with by administration?

MARTIN: Yes.

INVESTIGATOR: Did you speak with anyone else about this incident on the 15th of November, which was the first day that she started interviewing?

MARTIN: I don't believe so.

INVESTIGATOR: Once you concluded your meeting with Debbie Horne, in the evening of the 15th, at some point and time, a decision was made to place Frazier back to work?

MARTIN: Yes.

INVESTIGATOR: Did you make that decision solely based on the information you received from Debbie Horne or was there some other chain of command there. Did you speak with someone else to run it past someone else? How was that decision made?

MARTIN: No, that was solely my decision.

INVESTIGATOR: So you alone made the decision to place him back to work?

MARTIN: Correct.

INVESTIGATOR: Once he was placed back to work, then what happened? Was the investigation over at that point or not?

MARTIN: No, it was not concluded.

INVESTIGATOR: It was not concluded; and what determined that it was not concluded?

MARTIN: What determined that it was not concluded?

INVESTIGATOR: Yeah, why do say it wasn't concluded?

MARTIN: Debbie still had to write a report, she still had to speak with Mr. Frazier. There were other avenues possibly for her to take after speaking with him. I suppose.

INVESTIGATOR: Just a few minutes ago, you stated to me that, in the first interview, you stated to me that you spoke with Debbie, you specifically asked her, did you chase every rabbit trail, did you pull every thread. In other words, did you do a full and complete investigation? Is that right, is that my understanding?

MARTIN: That's correct. Well, not a full and complete. It was not complete. The investigation was not closed at that point.

INVESTIGATOR: So the investigation was not complete?

MARTIN: Correct. It was not; did you do a full and complete investigation? And based on the information that we had and the allegations had she gone and chased every rabbit trail that had been provided to her.

INVESTIGATOR: And are you convinced that she did?

MARTIN: I've never known her to do otherwise, so yes.

INVESTIGATOR: Well did you review her notes or did you review her recorded interviews on that date, on the 15th, prior to making a decision to bring Frazier back to work?

MARTIN: No, that would not be standard practice.

INVESTIGATOR: Standard practice? Does standard practice always dictate that right practice?

MARTIN: I would hope so yes.

INVESTIGATOR: So you would make a decision to bring back Frazier in this case, solely based on your conversations with Horne, without reviewing her notes or sharing her recorded interviews?

MARTIN: Correct. I trust that my administrator did her job.

INVESTIGATOR: Did you have knowledge at that point that she did not interview Mr. Frazier?

MARTIN: Yes, I believe so.

INVESTIGATOR: Did you have knowledge during that time that you made the decision to bring Frazier back to work, that she also did not interview Mrs. O'Dell?

MARTIN: I don't know. I'm not sure who Ms. O'Dell is.

INVESTIGATOR: Did you have knowledge that she did not interview [redacted], who was alleged victim?

MARTIN: I knew that she did not interview any students.

INVESTIGATOR: But yet in your mind, you felt that she did a, well, she chased every rabbit trail?

MARTIN: Correct.

INVESTIGATOR: She pulled every thread?

MARTIN: Yes.

INVESTIGATOR: In your mind?

MARTIN: Yes.

INVESTIGATOR: Based on the information that she obtained on November 15th, which was the first day of her interviews?

MARTIN: Yes.

INVESTIGATOR: Again, you believe well, my questions was, is that the end of the investigation? Was the investigation, at that point, concluded? And in your mind it was not concluded because why?

MARTIN: The conclusion of an investigation is when the report is complete and it's delivered to the employee, the case formally closed. It was not done.

INVESTIGATOR: Besides having to write the report and submit the report to your office, was the investigators fieldwork completed?

MARTIN: No. As I said, I knew she still had to speak to Mr. Frazier.

INVESTIGATOR: So, there was nothing that Mr. Frazier could tell her that may have, that may dictate that you may need to keep him on paid administrative leave?

MARTIN: Not based on the evidence that we had at that point, absent him throwing out a complete confession in spite of everything.

INVESTIGATOR: Did you know what Mr. Frazier would say?

MARTIN: No.

INVESTIGATOR: And so you made an assumption of what Mr. Frazier would say?

MARTIN: Based on past experiences, yes.

INVESTIGATOR: Based on past experiences of Mr. Frazier?

MARTIN: No. Other employees work place investigations.

INVESTIGATOR: So every investigation is the same?

MARTIN: No.

INVESTIGATOR: Each investigation is different?

MARTIN: Yes.

INVESTIGATOR: But you're determining whether in fact to place him back on paid leave, is consistent with other investigations that you've experienced in the past?

MARTIN: Yes.

INVESTIGATOR: How many others of those investigations do you recall if there were any other investigations where someone was places on and off paid leave in a day? Actually it was less than a day.

MARTIN: I don't recall.

INVESTIGATOR: And if I told you I've gone through all the paid administrative leave cases; Debra Horne states that she's done over 800 investigations, of course there not 800 investigations that require paid leave. If I told you there was only one investigation out of all the paid leave investigations that have been conducted in the Office of Professional Standards where someone was placed on and off in a day, would that be of some concern to you?

MARTIN: Concern to me, no.

INVESTIGATOR: Who made the decision not to interview Frazier on the first day, prior to bringing him back to work?

MARTIN: I don't know.

INVESTIGATOR: Do you know whether Debbie Horne interviewed any of the victims, prior to placing Frazier back to work?

MARTIN: I don't believe she did.

INVESTIGATOR: Was that something that you think is important in order to understand the dynamics of a case of this magnitude?

MARTIN: Every case is different; it depends.

INVESTIGATOR: This case. We're not talking about every case; this case here. Do you believe the dynamics of this case, the dynamics as you knew it on the 14th and 15th, dictated that you needed to interview the victims or the accused, the alleged accused, Mr. Frazier, prior to placing him back to work?

MARTIN: No.

INVESTIGATOR: Why?

MARTIN: Again, based on the evidence that we had the allegations and the fact that the only one I believe had any merit was acknowledged by Manatee Administration. It's something they knew about and dealt with. Again, there was no evidence that there was any risk of harm to staff or students in returning Mr. Frazier at that time.

INVESTIGATOR: Debbie Horne interview Peebles. Yes or no, prior to you making that decision to place him back to work?

MARTIN: I believe that's correct.

INVESTIGATOR: She interviewed Mr. Gulash?

MARTIN: I believe that's correct.

INVESTIGATOR: She interviewed Mr. Rinder?

MARTIN: I believe that's correct.

INVESTIGATOR: During those interviews she at least knew that Mrs. Peebles had witnessed Mr. Frazier with a young lady on his lap; is that true?

MARTIN: Yes, I believe it was Peebles.

INVESTIGATOR: She also knew on that day that, of at least one of the two incidents, where there was a bottle shoved between a young lady's legs, allegedly by Frazier. She knew about that, prior to you making a decision. Is that right?

MARTIN: I remember something about that, correct.

INVESTIGATOR: And did you personally speak with any of the administrators to confirm or deny or to confirm that they had previously dealt with the Frazier incidents in the past. And that they were in fact old or did you trust Debbie Horne's statement to you that she had spoken with the administrators and the administrator's statements were that these were issues; that were old issues?

MARTIN: I think it was a combination of both.

INVESTIGATOR: Who'd you speak with?

MARTIN: I mean it was the fact that Debbie told me that.

INVESTIGATOR: Who'd you speak with? Did you speak with anyone?

MARTIN: The telephone conversation that I was a part of.

INVESTIGATOR: With whom?

MARTIN: With Debbie Horne and Manatee Administration.

INVESTIGATOR: Who were the Administrators that you talked to?

MARTIN: The ones that I assumed were present.

INVESTIGATOR: Who did you hear?

MARTIN: I don't specifically remember.

INVESTIGATOR: So you heard a male's voice, but you have no idea who the males were. But the unidentified people you heard stated to you, or led you to believe that these incidents were old and they had already been taken care of?

MARTIN: I don't recall if they explicitly said it; I know Debbie described it to me in that fashion with, again assuming there were others present. If she said something that was incorrect, I would hope someone would intervene and say that's not true.

INVESTIGATOR: You're confusing me now. Just a second ago you said that, I asked you if you spoke with any of the administrators at the school or did you trust Debbie Horne's statement that she spoke with them and you said both. Then I asked you who you spoke with. You can't tell me who you spoke with but you remember, were they males were they female's? Were they both, male and female that you spoke with?

MARTIN: I don't recall. I remember having the conversation; I remember assuming that it was Manatee Administration because Debbie said that that's who they were. Aside from that, I don't recall.

INVESTIGATOR: Do you recall speaking with Bob Gagnon, on that day regarding the incident with Frazier and the young lady on his lap?

MARTIN: I don't recall that; maybe I did, I don't recall. I think I had a conversation with Bob before that, not afterward.

INVESTIGATOR: When was that? Well beforehand would have been on that day or the day before? See the investigation started on the 14th. I'm sorry you received the information on the 14th. The 15th was the first day that Debbie Horne went out to the investigation.

MARTIN: Oh, I see.

INVESTIGATOR: So when would you have talked to Bob Gagnon?

MARTIN: It may have been the 14th.

INVESTIGATOR: On the 14th? And on the 14th, did Bob Gagnon tell you about the incident with the girl on Frazier's lap?

MARTIN: Oh no.

INVESTIGATOR: What did Bob Gagnon tell you on the 14th?

MARTIN: The conversation I had with Bob was about the; what's going on with this Frazier guy, what's the deal? And that's the conversation. You and I have talked about this before, where Bob told me look, this guy's been plagued by rumors, it broke up his marriage and if you find something on this guy, bury him under the school, but if you don't the rumor mill is just gonna grow and grow and grow.

INVESTIGATOR: Did Gagnon tell you that the incidents, alleged were old?

MARTIN: No. The only incident that Bob mentioned was something about Frazier driving around in golf carts with girls. And that may have been one of Rinder's allegations, I can't remember.

INVESTIGATOR: But you never talked to Gagnon about the lap incident; the young lady on Frazier's lap?

MARTIN: I don't recall that.

INVESTIGATOR: Then if you don't recall that then you obviously don't recall Gagnon stating to you that it may have been old. That it was old and it had already been dealt with?

MARTIN: No. I don't remember that at all.

INVESTIGATOR: And make me understand again, was the investigation concluded on the 15th or the 16th of November or not.

MARTIN: No.

INVESTIGATOR: Other than submitting a report, writing a report and submitting it to you, was there other work that needed to be done on or after November 16th in your mind?

MARTIN: She had to speak to Mr. Frazier.

INVESTIGATOR: Other than speaking to Mr. Frazier, was the investigation in your mind concluded?

MARTIN: Based on, unless anything else developed, again, I wasn't the investigator, that's up to Debbie.

INVESTIGATOR: Well that's another issue. You weren't the investigator but Mrs. Horne is being directed by you in her statements. In other words, Mrs. Horne is conferring with you as to what her next move should be.

MARTIN: Yes.

INVESTIGATOR: So do your investigators, prior to Mrs. Horne's transfer, did Mrs. Horne have the ability to fully and thoroughly, with full autonomy investigate the issues that were brought to the Office of Professional Standards? Did she have that ability?

MARTIN: No, I'm her direct supervisor. She's subject to supervisions and no she doesn't have direct, she doesn't have full autonomy.

INVESTIGATOR: She doesn't have full autonomy with regards to how to perform her investigations?

MARTIN: As a matter of practice, yes.

INVESTIGATOR: She's the investigator?

MARTIN: Yes.

INVESTIGATOR: Can she go out and perform to the best of her abilities a full and complete investigation without influence from you?

MARTIN: I would expect her to.

INVESTIGATOR: Then how come she couldn't do it this time?

MARTIN: It's not a matter of influence, it is a standard practice in any investigation that we conduct for Debbie to come back, share information with me, bounce off ideas. That's standard practice.

INVESTIGATOR: Did you tell her not to go back out and complete her investigation?

MARTIN: No.

INVESTIGATOR: You never told her that?

MARTIN: I never told her in the way you're describing it.

INVESTIGATOR: Describe it in your way so I understand.

MARTIN: Sure. It was a give and take conversation between me and Debbie that we often do in any investigation; is there anything else? Is there anything else; is there something else that we need to do? And she had asked should she go speak with the [redacted]rl. I remember that. And I said I did not see any value in it since that's something that had already been dealt with by Manatee High Administration. That was not a directive to end her investigation. That was a collaborative (inaudible).

INVESTIGATOR: Who told you that it had been dealt with?

MARTIN: Debbie Horne and again I assumed Manatee High Administration, when we were talking on the phone.

INVESTIGATOR: So you have allegations that a young lady's on Coach Frazier's lap; you have allegations of a bottle being shoved in between young lady's legs. You have other allegations as well but dealing with the same young lady, but you felt that it was not necessary in order to conclude your investigation at that time, to interview the student. Is that right?

MARTIN: I don't remember allegations with the same young lady.

INVESTIGATOR: The allegation's with the bottle was with the same young lady as the allegations with her sitting on the coaches lap; same young lady.

MARTIN: I don't recall that.

INVESTIGATOR: You've made statements that you knew about that incident.

MARTIN: Yes, I knew about the incident.

INVESTIGATOR: But you didn't acknowledge that it was the same young lady?

MARTIN: I don't recall that, no.

INVESTIGATOR: But the decision to place him back to work was made based on your opinion that he was not, or no longer a threat to students and/or adults at Manatee High School?

MARTIN: Correct.

INVESTIGATOR: When did Mrs. Horne leave the Office of Professional Standards?

MARTIN: I don't remember specifically. That will be firmly indicated by her file, I'm sure.

INVESTIGATOR: Do you know what the circumstances where? Why did she leave?

MARTIN: She left as a result of Dr. David Gayler, who was Superintendent at the time; strongly advising her that she should request a transfer.

INVESTIGATOR: Strongly advised her to request a transfer, why?

MARTIN: Because the Office of Professional Standards was under fire and my own summary of it was that he kind of felt that she was being unfairly targeted and that she was a good administrator and that it would be in her best interest to request a transfer.

INVESTIGATOR: Did you sit in on that conversation between Dr.? Well, let me ask you? What was his name?

MARTIN: Dr. David Gayler.

INVESTIGATOR: Dr. Gayler. Did Dr. Gayler relay that information to you?

MARTIN: Yes.

INVESTIGATOR: Do you know where that took place?

MARTIN: In the Superintendent's office.

INVESTIGATOR: As a result of that, what did you do? As a result of that conversation, well tell me about that conversation with Dr. Gayler. Tell me specifically about that conversation.

MARTIN: I think I had multiple conversations with Dr. Gayler around that topic.

INVESTIGATOR: Let's focus on the one that took place during the week that she left. That would be Monday, January 21st. I'm sorry, Friday.

MARTIN: I don't remember anything about the date.

INVESTIGATOR: Tell be about the conversation between you and Dr. Gayler.

MARTIN: Ultimately I know I had at least one conversation with Debbie present. And again, the conversation was along those same lines that Dr. Gayler felt that Debbie ultimately would, if she was still high profile in the Office of Professional Standards, that she would continue to get attacked from the union, from potentially certain Board members who would be sympathetic to the union and ultimately her contract would be non-renewed based on this rising ill sentiment and it would be a good idea for her to request a transfer.

INVESTIGATOR: Was this based on any one incident?

MARTIN: No.

INVESTIGATOR: And was there any one incident that showed itself, that triggered the actions of that week January 21st through January 25th?

MARTIN: I don't remember anything specific except I remember there was a board meeting where AFSCME Union members spoke out about the unfairness of the investigations. And I know that was kind of a catalyst for that. I don't know when that occurred exactly. I don't remember.

INVESTIGATOR: Was there a meeting between you, Mrs. Horne and Dr. Gayler or was there a meeting? Who suggested to Debbie Horne that she be relocated away from the Office of Professional Standards?

MARTIN: Dr. Gayler.

INVESTIGATOR: Did he have that conversation with her?

MARTIN: He had that conversation with her in my presence, but he and I had several conversations about that prior too.

INVESTIGATOR: During that conversation between you, Dr. Gayler and Debbie Horne, was there a determination made or a conclusion made that she would be leaving the Office of Professional Standards?

MARTIN: Yeah, I believe she turned in her request at that time or shortly thereafter; along within maybe a day. Or minutes, I can't recall.

INVESTIGATOR: Whose idea was it to go to Prine Elementary?

MARTIN: I don't know if it was anyone's idea. I think that was the only Assistant Principal slot open at the time. That was more like an H.R. decision as rather than someone selecting that.

INVESTIGATOR: You had a number of conversations with Dr. Gayler; in at least one of those conversations, regarding the image of the Office of Professional Standards. Is that right?

MARTIN: Yes. That's fair.

INVESTIGATOR: And as a result of that on at least one those occasions, you, Dr. Gayler and Debbie Horne got together to meet about her being relocated to another school. Is that right?

MARTIN: Taking another position, yes.

INVESTIGATOR: And there was no one single incident that may have sparked the need for her to leave the Office of Professional Standards?

MARTIN: Aside from what I mentioned about the statement before the Board by the AFSCME Union members, no I don't recall anything specific.

INVESTIGATOR: I'm asking you to consider January 21st; through January 25th is the window of time that I'm focusing on now. January 25th, was the date, Debbie Horne's actual last day at the Office of Professional Standards, ok?

MARTIN: Ok.

INVESTIGATOR: On that Monday, you had a meeting in Debbie Horne's office with you, Debbie Horne, Mike Horne and John Bowen. Do you remember that meeting?

MARTIN: Vaguely, yes.

INVESTIGATOR: What do you remember about it, vaguely?

MARTIN: I think we're talking about the circumstances of Debbie requesting a transfer.

INVESTIGATOR: What were those circumstances?

MARTIN: Again, what I just described. This is something that would be in Debbie's best interest. This is something that Dr. Gayler would support.

INVESTIGATOR: Was this before or after you meeting with you, Dr. Gayler and Debbie?

MARTIN: I don't remember.

INVESTIGATOR: Do you remember John, I'm sorry, Mike Horne being at that meeting; Debbie's husband?

MARTIN: Vaguely, yeah. I think so.

INVESTIGATOR: And you don't remember the reasons for that meeting?

MARTIN: No, again other than Debbie requesting a transfer; that whole thing.

Its 11:00 o'clock on August 20th and we have just concluded this interview.

Donald Sauer Interview:

August 12, 2013

Troy Pumphrey, Investigator and Don Sauer, Principal at Manatee High School

INVESTIGATOR: Don you're aware that you're being taped?

SAUER: Yes.

INVESTIGATOR: November 15th, was the date that Debra Horne came out to Manatee High School to conduct her initial investigation regarding Rod Frazier allegations. Specifically Debbie Horne interviewed a number of teachers and other adults and at the end of her interviews that day; she met with you and other administrators in your conference room. Does that spark your recollection?

SAUER: She met after calling us in, she met in my office. It wasn't a conference room, it was my office. And the Administrator that I know that was there was Matt Kane.

INVESTIGATOR: Do you remember any other administrators, any other people being in that room?

SAUER: I do not.

INVESTIGATOR: Was your secretary in that room?

SAUER: I do not believe so, no.

INVESTIGATOR: Was Mr. Faller in that room?

SAUER: I do not recall if Mr. Faller was in there.

INVESTIGATOR: What was the meeting about with Debbie?

SAUER: She called us in and had said she had talked to teachers on this information that I had provided to the District. She said she wanted to call Mr. Martin, wanted to call the District, I believe what she said. And she made that call. I had been sitting on a couch that was away from the conference table. It was very informal. She sat that the table and she went, talked about what she went through with her interviews with Mr. Martin and then she hung up the phone and she said, "I'm going to leave. I will be back in touch."

INVESTIGATOR: During her conversation with Mr. Martin, do you recall Debbie Horne stating something along with lines of Scott; I have interviewed six or seven teachers. I have Administration here with me in the room and I'm being told that there's nothing new here and that anything old has already been addressed? Do you remember that?

SAUER: I do not remember that specifically, no.

INVESTIGATOR: If in fact Debbie Horne did make that statement to Scott Martin, would that have been the truth?

SAUER: I don't know. I don't remember that statement being made. So I don't know if she said it, if she didn't say it, or who would have said that. I did not say that this was old and that it was taken care of.

INVESTIGATOR: Do you remember whether Mr. Kane stated to Debbie Horne, prior to making a phone call to Scott Martin, while in that room that all the allegations that she had obtained, that day, as a result of her interview with the five or six or seven teachers. Do you remember Debbie Horne asking Matt Kane if he had any information on first of all, let's start there. Did she ask Matt Kane to provide her with any information regarding the allegations?

SAUER: I do not recall that conversation.

INVESTIGATOR: Do you recall whether Debbie had a conversation with Matt Kane prior to calling Scott Martin where she asked if this was new information or old information?

SAUER: No. It was just information. The only thing that I recall was that she said that she had talked to the teachers and that she was going to call the District and let them know what she found. I do not remember the conversation before. She talked to Mr. Martin very briefly, said that she was gonna be going down to the District and would be getting back in touch. That is what I remember of that conversation.

INVESTIGATOR: You don't remember Debbie Horne asking you and or Matt Kane if this information was accurate, if it was new information or if it was old information?

SAUER: That is correct. And I know for a fact that nobody has ever asked me if this was old or new. You said she asked me and I can tell you point blankly, no. I do not remember her asking Matt that. That was not something that I was taking notes on or anything like that. That does not ring a bell to me.

INVESTIGATOR: Tell me about your relationship with Matt Kane. Did you know Matt Kane prior to coming to Manatee High School?

SAUER: Yes I did. He was a teacher at Lakewood Ranch. He had a couple periods off where he helped in discipline when I was in charge of discipline for one year. He then left Lakewood Ranch and was hired at Manatee High School.

INVESTIGATOR: What was your position at the time that he was at Lakewood Ranch?

SAUER: At that time when he was there, it was my first year as an administrator of discipline.

INVESTIGATOR: You were an Assistant Principal?

SAUER: Yes.

INVESTIGATOR: Did you know Matt Kane prior to that period of time?

SAUER: Yes, he was a teacher or sub. I was a teacher as well at Lakewood Ranch. He was a student at Southeast High School; my first two years at Southeast High School.

INVESTIGATOR: He was a student at Southeast High School and you were a teacher at Southeast High School?

SAUER: Yes.

INVESTIGATOR: Do you have a personal relationship with Matt Kane? Do you see Matt Kane outside of, well let's see Matt Kane was at Manatee High School until what date? Do you remember?

SAUER: He got moved right after the July 4th holiday of this year. I want to say, whatever day that we came back from the break. I believe which is our vacation of 2013. He was moved over to Southeast High School.

INVESTIGATOR: And what date did you arrive at Manatee High School?

SAUER: I arrived at Manatee High School in July of 2012.

INVESTIGATOR: Your relationship with Matt Kane, describe that for me.

SAUER: Very professional. We did not do many things outside of school together. We did go to ball games, football games. He did come to my 50th birthday party that my wife threw. That was in Orlando in January. Other than that we did not do anything socially. We did not go out or go to each other's homes. He helped me move a couch one day at my house.

INVESTIGATOR: What other Administrators from Manatee High School were invited to your 50th birthday party?

SAUER: All Administrators plus my Senior School Secretary.

INVESTIGATOR: And did they all come to your party?

SAUER: Yes.

INVESTIGATOR: Other than the party, your 50th party in Orlando, and moving your furniture, your sofa, and traveling to football games, have you spent any other time with Matt Kane outside of school?

SAUER: No.

INVESTIGATOR: How about Mr. Faller? What is your relationship with Faller?

SAUER: Very professional. He did not come and I'm mistaken. Not all the Administrators came. He did not come to my 50th. Something had come up; I don't know if he got sick or his wife got sick, but he was not there. But other than that I've been to Mr. Faller's house once, maybe twice in the time that I've known him. He was a Parent Liaison out at Lakewood Ranch before he was at Manatee for one semester, and I knew him there.

INVESTIGATOR: What were the circumstances that you were at his house?

SAUER: I want to say at Lakewood Ranch, it was a get together with other coaches. I coach football at Lakewood Ranch as well and it was a get together for that I believe.

INVESTIGATOR: Did you know Mr. Faller prior to your working at Lakewood Ranch?

SAUER: No.

INVESTIGATOR: Tell me about your relationship with Mr. Gagnon.

SAUER: Mr. Gagnon was an Assistant Principal at Lakewood Ranch when I was a Technology Specialist. I went from my Technology Specialist to being hired as the Assistant Principal in

charge of Discipline. He was there for one year and then moved to Palmetto high school and then he left and professionally that's where our paths ended.

INVESTIGATOR: Do you socialize with Mr. Gagnon outside school?

SAUER: I have. His wife and my wife are friends. I'm a friend with his wife as well.

INVESTIGATOR: Tell me the last time you've socialized outside of the work environment with Mr. Gagnon?

SAUER: I want to say it was my 50th birthday party in January.

INVESTIGATOR: And you have not seen Mr. Gagnon outside of school since?

SAUER: I won't say that because I watch his dogs, they watch my dog. There may have been a time where they came and picked up the dog or I went over there and picked up my dog, if we were gone.

INVESTIGATOR: And you guys live in the same neighborhood?

SAUER: We live within two miles of each other.

INVESTIGATOR: How about Mr. Faller? Do you socialize with Mr. Faller outside of school?

SAUER: No.

INVESTIGATOR: And then again Mr. Kane?

SAUER: No.

INVESTIGATOR: You don't socialize with Mr. Kane outside of school?

SAUER: No.

INVESTIGATOR: It's my understanding; you don't socialize with Mr. Kane, Mr. Faller or Mr. Gagnon outside of school.

SAUER: On a consistent basis like I said, they were at my 50th birthday party that was social. I have been to Mr. Gagnon's house prior, but the last time was in I believe in January. I have been to his house before for a social gathering with my wife. It is probably a handful of times that I've been to his house. He has been to my house probably a handful of times as well.

INVESTIGATOR: And the last time was?

SAUER: I believe it was January of 2013.

INVESTIGATOR: How about Mrs. Gagnon?

SAUER: Same. She was with Mr. Gagnon so it would have been the same as what I've said for Mr. Gagnon.

INVESTIGATOR: So you would not have seen her after January?

SAUER: No.

INVESTIGATOR: How about Mrs. Kane?

SAUER: It would be the same as Mr. Kane.

INVESTIGATOR: And how about Mrs. Faller?

SAUER: Same thing with Mr. Faller.

INVESTIGATOR: Tell me about your secretary.

SAUER: She was invited, Ms. Perez. She was invited to my 50th birthday party. My wife had invited that group of Administrators that when I first got there that's who surrounded me to get me acclimated to Manatee High School. So she invited those people there. That would be the only time that I have socialized; a football game.

INVESTIGATOR: And you don't socialize, other than the 50th anniversary, 50th birthday party?

SAUER: Right.

INVESTIGATOR: What's your secretary's name?

SAUER: Loyda Perez

INVESTIGATOR: And you have not socialized with Ms. Perez outside of football events and your 50th?

SAUER: Yeah.

INVESTIGATOR: You haven't seen her outside of school since then?

SAUER: Yeah.

INVESTIGATOR: What is your Assistant's Secretary's name? What is Ms. Perez' Assistants name?

SAUER: I think I know where you're going with this. It is the secretary that I hired for out front for the staff and that would be Beth Harmounth.

INVESTIGATOR: Beth Harmounth? Is she related to Mrs. Perez?

SAUER: No.

INVESTIGATOR: How did you come to know Beth Harmounth?

SAUER: Beth Harmounth was a student at Lakewood Ranch High School. She worked in the OJT or On the Job Training program. She helped Mrs. Gagnon through her job with the OJT program. We had a secretary opening and she applied for it and I hired her.

INVESTIGATOR: Is she also employed by the Gagnon's personally?

SAUER: I do not know that.

INVESTIGATOR: Had you ever heard that she may be Mr. and Mrs. Gagnon's nanny?

SAUER: I heard that from Mr. Mills.

INVESTIGATOR: And you hadn't heard that from anyone else?

SAUER: No.

INVESTIGATOR: Do you socialize with Beth Harmounth?

SAUER: Never.

INVESTIGATOR: Never outside of school?

SAUER: Never.

INVESTIGATOR: Tell me your relationship with Debra Horne.

SAUER: Strictly professional; have never been social with Debbie Horne. She has been to Lakewood Ranch High School investigating allegations against a staff member while I was an Assistant Principal there. I offered my office to her and she used my office to investigate. She filled the principal, Linda Nesselhauf and myself in on what she found. And that would be the extent of my relationship with Mrs. Horne.

INVESTIGATOR: How about her husband, Mike Horne. Do you know Mike?

SAUER: I knew Mr. Horne as a Principal. I knew him as a football coach first of all when I was a football coach. He was an A.P. (Assistant Principal) during some of the summer schools I believe I taught at when I was a teacher. And then he left and went to Southeast High School the year I left Southeast and went to Lakewood Ranch. So we had no real connectivity other than the fact than I knew of him. And he came to Southeast High School the year I left Southeast High School. And that's my extent of Mr. Horne.

INVESTIGATOR: Have you interacted with Mr. Horne; Mike Horne socially?

SAUER: I have; on a few different occasion where I have gone to a retirement party. One that was just recent was in June; Bob Thomas from Southeast High School retired. Mr. Horne was there. I did talk to him. It was very social. Nothing other than hey how are you and nice to see you.

INVESTIGATOR: Did you talk about this case at all?

SAUER: He did start to talk about it and I said, Mike I've got to leave. And so I went and found my wife.

INVESTIGATOR: Tell me about your relationship with Tony Losada.

SAUER: Losada? He was a student at Southeast High School when I was a teacher he was a again probably the first two years I was there, maybe three years I was there. Tony left got his degree, came back in the District; taught, was an A.P, at Braden River Middle. I had a position

open up last year, right after I took my job. I had an A.P. position and I interviewed people. I hired him as an A.P. and he is still at Manatee High School.

INVESTIGATOR: Do you socialize with Losada on a personal basis?

SAUER: Same thing as with the Fallers, the Kane's and them. We have gotten together socially before a football game and we have, he came to my 50th birthday party. And there was one other time that he has come to my house where he helped me trim a tree.

INVESTIGATOR: When would that be?

SAUER: I want to say it was in the fall of last year of 2012.

INVESTIGATOR: And your 50th birthday party was when?

SAUER: January 19, 2013. We were in Orlando and I've got to throw it out there. My wife surprised me in Orlando and I thought that was my birthday party. The following week she threw another birthday party for all of my friends from Southeast High School, Lakewood Ranch High School; anybody that I had acquainted at Manatee High School. But there was hardly anybody from manatee that went. It was all Southeast and Lakewood Ranch people that came. And Tony showed up at that one as well.

INVESTIGATOR: And you haven't seen Tony in a social since January 2013?

SAUER: Yes.

Its 11:31 and this interview…… Let me just ask you this before we conclude the interview. The information that you've given me today, do you swear and attest the information you've given me is true to the best of your knowledge?

SAUER: It is true to the best of my knowledge.

Thank you.

[redacted] **Interview:**

August 15, 2013

Troy Pumphrey, Investigator and [redacted] **Prior Student of Manatee County**

INVESTIGATOR: If you will, please state your name.

[redacted]

INVESTIGATOR: I'm here with [redacted] who is a graduate of Manatee County schools. What year did you graduate?

[redacted] 2010.

INVESTIGATOR: We are with [redacted] s mom, state your name.

[redacted]

INVESTIGATOR: [redacted] where are you employed?

[redacted]

INVESTIGATOR: [redacted], you came in yesterday because you were upset, unfortunately I was not here, but I asked you to come back in today to discuss some issues you had with regards to being placed from Manatee High School, your senior year to Horizon's ; which was an Alternative school. Is that right?

[redacted] Yes.

INVESTIGATOR: If you would tell me what the incident was or the circumstances in your mind that led up to you being transferred out of Manatee High School into Horizon's.

[redacted]: The incident was I had told Kane and Officer Ordonez that Frazier was making comments to me and when I told them that they told me they'd arrest me for false allegations. I went home, I told my mom. My mom came out and she had a conference with them and my momma told them that she'll hire an attorney. And when they did that I was always into time out, every day. And then when I got tired of being in time out every day I would just not go to time out I'd go to first period and either Kane or Ms. Evelyn to come get me out of first period and take me to time out.

INVESTIGATOR: Who is Kane?

[redacted]think he was the Assistant Principal.

INVESTIGATOR: And why were they taking you out of class? Did the first period teacher not want you in class and asked them to place you in time out?

[redacted]: No.

INVESTIGATOR: Were you getting in trouble while you were in class?

[redacted] No, I wasn't getting in trouble while I was in class.

INVESTIGATOR: So what was the reason for placing you in time out?

[redacted] Because I made allegations on Frazier.

INVESTIGATOR: Were you in time out prior to making those allegations against Frazier?

[redacted] Yes.

INVESTIGATOR: If you were in time out before you made the allegations, what makes you think that the reason why you were in timeout after the allegations was as a result of Frazier?

[redacted] Frazier always sent me there because of my dress code.

INVESTIGATOR: What were the allegations or what did Frazier do to make you feel that he was retaliating against you?

[redacted] When I first went to Juvenile Detention Center, he first worked at the Juvenile Detention Center, we had to wear jumpers. And he was like, alright now; you're looking good in that jumper. And then when I told Mr. Garget and Mr. Garget had a conference with him and Mr. Garget is over the Juvenile Detention Center. And then when I got to Manatee I said something about it because I didn't feel comfortable being around Frazier. And that's when everything started about me going to time out. And when he'd see me, he'll write me up and he'd just notice me out of everybody. Ok, you need to go to timeout; I think your shorts are too short.

INVESTIGATOR: What transpired to make you want to meet with the School Resource Officer?

[redacted] Because he was a Police Officer and I thought he could do something about it, but obviously not.

INVESTIGATOR: Why were you meeting with the Police Officer?

[redacted] Why was I meeting with them?

INVESTIGATOR: What was your reason for going to the Police Officer?

[redacted] Because of Frazier. Every time I come, get off the bus, and I'd be in the cafeteria, and come out of the cafeteria, 'Oh Rene, you need to go to time out.' Why am I going to time out? 'Your dress code.' Every day it was a dress code and if he does not write me up he'll take the referral to Ms. Evelyn, he'll write it and he'll have Ms. Evelyn sign it and they'll place me in time out.

INVESTIGATOR: But merely because Mr. Frazier is sending you to timeout for dress code issues. What makes that an issue for police?

[redacted] What do you mean?

INVESTIGATOR: I mean, if Mr. Frazier or anyone else was placing you in time out every day, and you didn't understand why, why was that an issue for the police as oppose to being an issue for the school administration? Why didn't you go to the principal as opposed to going to the police because the police really only handle

[redacted] we had a meeting with; it was Kane, Officer Ordonez and me. We had a meeting and we discussed it and it was still ongoing thing. Then Frazier, they said they'd talk to Frazier. I guess they talked to Frazier but it was still the same thing every morning. So I told them that y'all going to get me out of first period every day because I'm not going to time out.

INVESTIGATOR: Did Mr. Frazier, did he ever touch you?

[redacted]o. He just made remarks, saying, 'You thick in those tights' or something like that But, other than touching me, no.

INVESTIGATOR: Did Frazier say or do anything you thought was inappropriate?

[redacted]Uh-huh.

INVESTIGATOR: What would he have done that would make you feel that way?

[redacted]ike if I had something, because me, I don't like tennis shoes, I always wear heels to school or like pants and sometime shorts and if I walk by him, he'll just be like, looking at me and I'd be like Frazier, don't start. And then he'll be like alright you're fixing to go to time out with your big butt. Him and [redacted]will be on the cart and I'd just go to first period. And then next thing you know, him or Kane would come escort me out of first period.

INVESTIGATOR: Who's [redacted]

[redacted] He was on the football team and he always be with Frazier.

INVESTIGATOR: So he was a football player?

[redacted]: Uh-huh.

INVESTIGATOR: You're saying Mr. Frazier will talk about your butt?

[redacted] Uh-huh.

INVESTIGATOR: And that made you feel uncomfortable?

[redacted] Yes and then he had a discussion with [redacted]bout me.

INVESTIGATOR: What that discussion?

[redacted] When they was on the cart and he said about my butt, and then I see Mike Blakely in the hallway and I was like what Frazier had said to you? And he was like, you heard what he said. Like that and I was like I don't like him. I just don't like Frazier. He was like, why you don't like my dog? But he was very protective of Frazier.

INVESTIGATOR: So Mr. Frazier, Coach Frazier made reference to your butt in front of [redacted] [redacted] who was a student?

SPARKMAN: Uh-huh.

INVESTIGATOR: Was it that instant or was it that situation that made you go to the School Resource Officer?

[redacted] Yes.

INVESTIGATOR: What did you say to the School Resource Officer?

[redacted] I told him that Frazier keeps saying comments to me, sexual comments to me about my butt and I just don't feel safe being around him. But, when I first got to Manatee I said something to them about it and nothing was done about it.

INVESTIGATOR: When you first got to Manatee what did you come into Manatee High School?

[redacted] 2010.

INVESTIGATOR: And when you first got to Manatee you saw Frazier?

[redacted] Uh-huh.

INVESTIGATOR: When you saw Frazier, you then went to the School Resource Officers?

[redacted] I went to Kane.

INVESTIGATOR: You went to Mr. Kane? Why did you go to Mr. Kane?

[redacted] Because I told him what happened at the Juvenile Detention Center. And then I guess he said something to Frazier and Frazier said something to [redacted]e and then it got around the whole school and that's when they came to me about the false allegations.

INVESTIGATOR: You reported to the School Resource Officer, that? Tell me again what you reported to the School Resource Officer?

[redacted] That he was making sexual comments towards me.

INVESTIGATOR: And what was the Resource Officer; what did he say?

[redacted]: That he'll have a talk with Frazier.

INVESTIGATOR: And at some point did the School Resource Officer come back to talk to you?

[redacted]N: No.

INVESTIGATOR: So he never came back to talk to you?

[redacted] No.

INVESTIGATOR: If he never came back to talk to you then how is it you said the School Resource Officer told you that if you continue spreading lies, that you'd be arrested?

[redacted]: It got around the school that was probably the next week after that. And then he was like, [redacted] if you keep making those allegations, we're going to arrest you on false allegations. It didn't come back to me that same exact day when I told him and that day he was supposed to have a discussion with him. That he was gonna come back and talk to me, but he never did. But when the rumor got around the school, that's when he wanna come and say, [redacted], you keep on with the false allegations, I' m gonna charge you with false allegations.

INVESTIGATOR: What was the rumor?

[redacted]The rumor was that I was saying, making rumors up about Frazier, trying to talk to me and stuff.

INVESTIGATOR: After speaking with the Resource Officer, did you speak to anyone from Administration?

[redacted]: Coach Gulash, that seen everything for himself.

INVESTIGATOR: What do you mean saw everything for himself?

[redacted]ke when he told us that, I was being attacked by Frazier, he'll either come get me and be like [redacted]e, just calm down. One day me and Frazier got into it in the time out room. They had to take him out and bring Coach Gulash in.

INVESTIGATOR: Tell be about the incident where you were arrested. Was there something that led up it? Did you know the young lady?

[redacted] I did not know [redacted].

INVESTIGATOR[redacted]? You did not know her at the time?

[redacted]No.

INVESTIGATOR: What were the circumstances surrounding?

[redacted]: She was a Cheerleader at Manatee High the year before. She was on the Cheerleading Squad. Her sister was a Cheerleader that year, on the squad. And her dad is a Police Officer, and good friends with Frazier.

INVESTIGATOR: Whose good friends with Frazier; her and her dad?

[redacted]: Uh-huh.

INVESTIGATOR: What's her name?

[redacted]

INVESTIGATOR: Do you know what department her father work at?

[redacted]: He works for the Sheriff's Department.

INVESTIGATOR: The police report states that she was in the car, she drove up to pick her sister up and that you approached her and you guys exchanged words. Tell me about that.

[redacted] Me and my twin sister and my sisters best friend, was standing on the side of Manatee where the cars riders get picked up for the rides. It's the track field and then the side where the cars get picked up, the students get picked up at. She left from out of the gate, where the cheerleaders come, came by me, stopped in front of me and she got out of her car, she got in my face and when she went to swing at me, I swung back.

INVESTIGATOR: Your sister and another young lady were on the sidewalk and she came past in her car?

[redacted]: Uh-huh.

INVESTIGATOR: And did she stop?

[redacted]: She stopped, she got out of the car and then she was like, 'what you was saying to my sister?' And I was like just like, [redacted] who is my twin sister, which is [redacted] She had pulled [redacted] away and was like just let it go. So when she walked around from my sister and tried to swing at me, I swung back at her.

INVESTIGATOR: Did you tell that story to the police?

[redacted] Yes.

INVESTIGATOR: Who'd you tell it to?

[redacted] It was Officer Ordonez and another new officer that was training with him. The officer that wrote the report that arrested me.

INVESTIGATOR: Did either of those two officers see the altercation?

[redacted] No they were nowhere around. There were no officers; no body from Administration was around. And the first person that did run up was Coach Gulash. And he's the one that took me to the front office and sat me down and asked me what happened. And I told him and then that's when officer Ordonez and Kane and the officer that was in training with him, came and got me from out of Gulash's office.

INVESTIGATOR: And what happened then?

[redacted]: They sat me in that they were like we are fixing to arrest you. They didn't read me my rights; they just put me in handcuffs. I was like, if I'm going to jail, so my twin sister came up there and she was like why are y'all taking her out to jail? Y'all let [redacted] go, but when they came in Officer Ordonez and Kane and them came in they were like we already arrested [redacted]. But they didn't think my sister was gonna come there. So my sister came up there and she was like why are y'all arresting her, why y'all got her in handcuffs? I was like, [redacted] they said they are fixin to take me to jail. She was like; well why y'all are taking her to jail if y'all just let [redacted]. So they kept telling me, in front of my sister, that they didn't let [redacted] she was in the back of a police car.

INVESTIGATOR: Was [redacted] rrested?

[redacted] No.

INVESTIGATOR: They had a number of witnesses to the incident. What happened with the court case?

[redacted] he lawyer had thrown it out.

INVESTIGATOR: They threw out the case?

[redacted] Uh-huh.

INVESTIGATOR: Do you know [redacted]

[redacted] No.

INVESTIGATOR: Do you know [redacted] was listed. Is that your sister?

[redacted]: No. That's her cousin.

INVESTIGATOR: Was she out there during the altercation?

[redacted]o, she was just running from the track field. And she was another cheerleader that was like close to Frazier.

INVESTIGATOR: Other than the initial conversation with the School Resource Officer, Officer Ordonez to tell him about Frazier making suggestions and talking about your butt, have you had any other conversations with Officer Ordonez?

[redacted]es. The day that I was in time out, Mr. Frazier was the time out teacher and [redacted] came in and I was sitting there and [redacted] came in, which was one of the softball players and a volleyball player. And she came in and was talking about her lingerie party and when she came in, she talked about Frazier, 'you still coming to the lingerie party?' So he was like, 'yeah, you know I'm coming, I'll be there.' She was like; 'ok because I'm gonna have on my bunny ears and my lingerie.' So I was thinking I'd go speak with Mr. Kane, he was like you're not going nowhere. I said, I'm gonna show you better than I can tell you. So I got up and he tried to run after me, so I was like 'don't put your hands on me.' So he called for back-up and Officer Ordonez and the officer that was training with him, all of them came, and Gagnon, they came running around the corner like they were fixing to attack me. But I was telling them what happened and they, that's when he repeated and said, [redacted], why you keep going on these false allegations?' I was like, this just happened in the time out room. But they didn't believe me.

INVESTIGATOR: Who said, why do you keep with these allegations?

[redacted] Officer Ordonez.

INVESTIGATOR: You were in time out, with Mr. Frazier; a young lady by the name of [redacted] comes into the time out room. Is that the ISS room; in school suspension?

[redacted]h-huh.

INVESTIGATOR: And you over hear a conversation about lingerie?

[redacted] Uh-huh

INVESTIGATOR: About the student, [redacted] Is [redacted] an adult or a student?

[redacted] She was a student.

INVESTIGATOR: She's asking Frazier if he's going to a lingerie party.

[redacted] Uh-huh

INVESTIGATOR: Frazier said yes; you hear it?

[redacted]That was Valentine's Day the Valentine's Day weekend.

INVESTIGATOR: You hear the conversation, you tell Frazier you're gonna tell on him. Or what did you say to Frazier?

[redacted] I asked him, can I go speak with Mr. Kane and he told me no, I couldn't. I just got up out of my seat and I told him, ok I'll show you better than I can tell you. And I walked out the door and he came after me. When he came after me I told him don't put his hands on me. So he called on his walkie talkie and called for backup.

INVESTIGATOR: And who came?

[redacted]: Officer Ordonez, the officer that was training with him. I didn't know his name; I just know what he looks like and Gagnon.

INVESTIGATOR: And Mr. Gagnon was the Principal?

[redacted]Uh-huh.

INVESTIGATOR: And where did they take you?

[redacted] Back to time out.

INVESTIGATOR: At what point did you get to tell them your story?

[redacted]ide the hallway that I was in, getting ready to turn the corner to go to Kane's office.

INVESTIGATOR: What exactly did you tell them?

[redacted] I told them that [redacted]ame inside the time out room talking about a lingerie party and I don't want to be in there with him and I don't feel comfortable being in there with him. And then Officer Ordonez said, 'ok Rene, you're still making false allegations.' I was like, 'I'm not making false allegations, I'm telling you what just happened.' He was like, 'just go back in time out and if you leave out of time out again, they were going to arrest me on false allegations.' That was everything they were threatening me with. So he walked me back in time out and said Frazier, here go[redacted] If you need anything call me. So I went back in there and when the bell rung I went to my next class because I wasn't fixing to sit in there with him and they came and got me out of my next class and put me back in timeout.

INVESTIGATOR: Did you communicate directly to Mr. Gagnon or were you talking to all three of them?

[redacted] All three of them.

INVESTIGATOR: And those three adults would have been, Mr. Gagnon, Officer Ordonez, and his assistant?

[redacted]: Yeah.

INVESTIGATOR: And all of this took place when, approximately? Do you remember the month? Or Valentine's Day is?

[redacted] February

INVESTIGATOR: February 2010?

[redacted]Uh-huh.

INVESTIGATOR: Is there anything else you'd like to say?

[redacted]No.

Its 2:45 and I'm concluding the interview.