



Draper Notes

Communications with Superintendent and School Board Attorney Regarding the Advertising of School Board Workshops and Maintenance of Minutes

May 19 – 27, 2014

May 27, 2014

Did you read the attached statement from Collins? It does not answer the question. Therefore, you are standing by nothing. The attorney's response is asking for clarification on what documents I wanted to view and copy. Also, Collins is not the school board attorney.

Based on this reluctance to answer a simple question, I can only conclude that all the workshops were not properly advertised as required by law.

D. Draper, PhD

From: [Karyn Gary](#)

Sent: Tuesday, May 27, 2014 9:22 AM

To: [Dan Draper](#)

Cc: [Jan Lewis](#), [Britton, Christina](#), [Phillip Nedley](#), [Staley, Angela](#), [Hipp, Sherry](#), [Snyder, Debby](#)

Dear Dr. Draper,

I stand by the answer that was sent to you by the School Board attorney. Please see attached statement.

I am in receipt of your inquiry addressed to Dr. Gary and which was copied to my firm. The Sunshine Law provides for a right of access to inspect and copy existing public records. It does not mandate that the custodian give out information from the records or answer questions regarding public records. The statutory obligation of the custodian of public records is to permit public records to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. See Section 119.07, Florida Statutes.

In that regard, your email inquiry below does not request the inspection or copying of public records. If you are seeking inspection and copying of public records, please clarify the records you seek to inspect or copy so that the custodian of records can permit such inspection.

Connie L. Collins

Eugene E. Waldron, Jr., P.A. 124 North Brevard Avenue, Arcadia, Florida 34266

Phone: (863) 494-4323 Fax: (863) 494-6790

Sincerely,

Dr. Karyn E. Gary

From: Dan Draper
Sent: Friday, May 23, 2014 10:45 PM
To: Gary, Karyn
Cc: Eugene E. Waldron
Subject: Re: 2014.2015 School Board Policies

It was never my intent nor did I request through my May 19, 2014, email to inspect or copy any records. An elected superintendent should be able to answer a question involving the proper advertising of school board workshops.

What a waste of taxpayer money to fund two attorneys to answer or prevent from answering, a *yes* or *no* question. Frankly, I still do not have the answer to a rather basic question, *Were all school board policy workshops properly advertised?* I do not understand how Connie Collins, I would guess an attorney, became involved in this. I would hesitate to think that the school board attorney cannot answer this question. The lack of any response by the superintendent, to whom the email was directed, indicates that the superintendent cannot or will not answer.

It is somewhat strange that a superintendent and school board attorney potentially attended and participated in these workshops without making certain that they were all properly advertised as required by Florida Statute (see notations). While it is the superintendent's responsibility to make certain the public advertising for these workshops is submitted properly, it has been my experience that most attorneys representing a public board make certain that proper public notice is published before the meetings or workshops begin.

Again, it is amazing that simple questions directed to the superintendent are referred to attorneys who draft legal fluff in an attempt to prevent having to provide an answer. This is not indicative of moral leadership.

The question, which is reasonable, is still on the superintendent's desk; *were all school board policy workshops properly advertised?*

D. Draper, PhD

According to the Sunshine Law, workshops are covered by the following notations:

Notation:

A vital element of the Sunshine Law is the requirement that boards subject to the law provide "reasonable notice" of all meetings. See s. 286.011(1), F.S. even before the statutory amendment in 1995 expressly requiring notice, the courts had stated that in order for a public meeting to be in essence "public," reasonable notice of the meeting must be given. See Hough v. _____

Stembridge, 278 so. 2d 288, 291 (Fla. 3d DCa 1973); Yarbrough v. Young, 462 so. 2d 515, 517 (Fla. 1st DCa 1985).

Notation:

While the attorney general's office cannot specify the type of notice which must be given in all cases, the following notice guidelines are suggested:

1. The notice should contain the time and place of the meeting and, if available, an agenda, or if no agenda is available, a statement of the general subject matter to be considered.
2. The notice should be prominently displayed in the area in the agency's offices set aside for that purpose, e.g., for cities, in city hall, and on the agency's website, if there is one.
3. Except in the case of emergency or special meetings, notice should be provided at least 7 days prior to the meeting. emergency sessions should be afforded the most appropriate and effective notice under the circumstances.
4. Special meetings should have no less than 24 and preferably at least 72 hours reasonable notice to the public. See *Yarbrough v. Young*, 462 so. 2d 515 (Fla. 1st DCa 1985) (three days notice of special meeting deemed adequate) and *Lozman v. City of Riviera Beach*, no. 502008Ca027882 (Fla. 15th Cir. Ct. December 8, 2010), per curiam affirmed, 79 so. 3d 36 (Fla. 4th DCa 2012) (no violation of sunshine law where notice of special meeting held on monday september 15 was posted at city hall and faxed to the media on Friday september 12, and members of the public [including the media] attended the meeting).
5. The use of press releases, faxes, e-mails, and/or phone calls to the local news media is highly effective in providing notice of upcoming meetings.

From: [Eugene E. Waldron](#)
Sent: Friday, May 23, 2014 2:27 PM
To: [Dan Draper](#)
Cc: , [Jan Lewis](#), [Eugene E. Waldron](#)

Dr. Draper:

I am in receipt of your inquiry addressed to Dr. Gary and which was copied to my firm. The Sunshine Law provides for a right of access to inspect and copy existing public records. It does not mandate that the custodian give out information from the records or answer questions regarding public records. The statutory obligation of the custodian of public records is to permit public records to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. See Section 119.07, Florida Statutes.

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Connie L. Collins

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-----CONFIDENTIALITY NOTICE-----

From: Dan Draper
Sent: Monday, May 19, 2014 12:08 PM
To: Karyn Gary
Cc: Eugene E. Waldron, Jr. PA
Subject: 2014.2015 School Board Policies

With the advertisement of the proposed new school board policies in The Arcadian, please advise me if all policy workshops were properly advertised as required by the Sunshine/Open Government Law?

If you consult with your attorney, I think you are supposed to answer this question?

D. Draper, PhD