



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

LUNG CHIU, CIG, CPA  
INSPECTOR GENERAL

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## MEMORANDUM

**TO:** Honorable Chair and Members of the School Board  
Dr. Robert Avossa, Superintendent  
Chair and Members of the Audit Committee

**FROM:** Lung Chiu, Inspector General *KLC*

**DATE:** September 25, 2017

**SUBJECT:** Transmittal of Final Investigative Report  
*Case 16-481 Spotlight on Young Musicians / Race for the Arts*

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In accordance with School Board Policy 1.092 we hereby transmit the above-referenced final report.

The report addresses allegations regarding two programs, Spotlight on Young Musicians (Spotlight) and Race for the Arts. The allegations were regarding funds collected for Spotlight shirts: the person who handled the funds was banned from handling District money, the purpose of the funds, and the location of shirts that were not given to students. The report also addresses allegations regarding the participation of students from charter and private schools, the number of students allowed per participating school, and students not held to the same attendance rules with relation to the Spotlight program.

The investigation concluded the allegation regarding the location of shirts that were not given to students was substantiated. The remainder of the allegations were determined to be unsubstantiated.

Responses from subject parties are included in Appendices 1 and 2.

The results of this investigation will be referred to the Office of Professional Standards for necessary action.

The report is finalized and posted on the Inspector General's website;  
[www.palmbeachschools.org/inspectorgeneral](http://www.palmbeachschools.org/inspectorgeneral) .

Office of Inspector General  
The School District of Palm Beach County  
Case No. 16-481

*Issue: Misappropriation of Funds & Procedural  
Spotlight on Young Musicians / Race for the Arts*

## **INVESTIGATIVE REPORT – FINAL**

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### **AUTHORITY**

*School Board Policy 1.092* provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the Inspector General deems appropriate.

This investigation was conducted by Veronica Rodriguez, Senior Investigator I.D. #200, in compliance with the *Quality Standards for Investigations, Principles and Standards for Offices of Inspector General*, promulgated by the Association of Inspectors General.

### **COMPLAINT**

The Office of Inspector General (OIG) received a complaint referred by Superintendent, Dr. Robert Avossa, on August 18, 2016 related to two programs; Spotlight on Young Musicians and Race for the Arts. The complaint was submitted by Valerie Boyer (Complainant).

The Complainant alleged the following:

1. A previous District employee, Annette Johnson<sup>1</sup> (Subject), participated and/or headed the Spotlight on Young Musicians Program (Spotlight) although she was “legally banned from handling any District monies in the future.”
2. The Subject participated and/or headed Race for the Arts although she was “legally banned from handling any District monies in the future.”

The Complainant stated she purchased four Spotlight t-shirts totaling \$32.00 for four of her students that participated in Spotlight. The Complainant noted that of the four students, one performed at the concert and the remaining three did not perform due to missed rehearsals. The complainant alleged:

3. There was no explanation provided as to where the funds collected for the shirts went or what they were used for.
4. There was no explanation provided as to what happened to the shirts ordered for students that missed rehearsals.

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<sup>1</sup> Previously Elizabeth A. Wacker

Additionally, the Complainant alleged the following regarding Spotlight:

5. Students from private schools and charter schools have not been able to participate with the exception of the students from the private school the Subject is employed.
6. The Subject has been permitted to have more students participate than any other school in the District, and
7. Students from the private school the Subject is employed are not held to the same attendance rules as the other participants.

## **BACKGROUND**

### *Spotlight on Young Musicians (Spotlight)*

Spotlight is a program whose mission is to promote to the larger community the excellent music programs that exist in schools. The Raymond F. Kravis Center for the Performing Arts in partnership with the School District of Palm Beach County, the Palm Beach County Music Educators' Association and the Youth Orchestra of Palm Beach County, Inc. hold an annual concert that includes performances from students in elementary through high school. Spotlight's booklet lists the Subject as part of Palm Beach Day Academy and a founder of Spotlight<sup>2</sup>.

At the District level, the Department of Secondary Education oversees Spotlight. District teachers, among others, volunteer their time and expertise to prepare the students for the annual concert.

### *Race for the Arts*

Established in 2002, Race for the Arts in conjunction with Arts for a Complete Education, raises funds and awareness for arts programs in all Palm Beach County Schools. A 5k run and 4k color fun run is held where all monies raised benefit participating schools<sup>3</sup>.

## **DOCUMENTS REVIEWED**

- *FAC 6A-10.081 Principles of Professional Conduct for the Education Profession in Florida*
- *Florida Statute 1001.453*
- *Financial and Program Cost Accounting and Reporting for Florida Schools (Red Book) – Chapter 8*
- School District Bulletin P 17-222 DSCOS
- Personnel documents for Elizabeth Wacker
- Education Practices Commission Final Order Case No. 05-0278-RT
- Florida Department of Education Certification Information
- Race for the Arts History
- Spotlight on Young Musicians Program Booklet (24<sup>th</sup> Annual)

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<sup>2</sup> Information from the 24<sup>th</sup> Annual Spotlight on Young Musicians Program Booklet

<sup>3</sup> Information from raceforthearts.org

- Spotlight Attendance Records
- Race for the Arts Internal Account Fund for Fiscal Year 2015/16
- Spotlight on Young Musicians Internal Account Fund for Fiscal Year 2015/16
- Invoices for expenditures related to Race for the Arts and Spotlight
- Spotlight on Young Musicians Forms (2016 Shirt Order Form, Release and Consent of Student Information Publication, Parent Permission Form, Medical Form)
- District Emails related to allegations

## **INTERVIEWS CONDUCTED**

### **Valerie Boyer, Complainant**

On August 18, 2016 the OIG discussed with Valerie Boyer her complaint and concerns. Boyer expressed concerns regarding the Subject handling District funds. Boyer stated Spotlight is a program run by the District and the Kravis Center where teachers are involved on a volunteer basis. Boyer further stated Johnson is in charge of ordering the shirts for Spotlight.

### **Connie Rider, Forest Hill High School Treasurer**

On August 25, 2016 the OIG discussed with Connie Rider her knowledge of Spotlight. Rider stated she is only involved with the internal funds account for Spotlight that resides at Forest Hill High School. Rider stated the account is titled "PBC Music Teacher Association" and the account is only used to pay for the Spotlight shirts. Rider explained she receives and deposits, into the internal funds account, checks from the various schools for shirt payments. Rider further explained the Secondary Education Department sends her the checks along with the monies collected report from each school. Rider stated once she receives an invoice for the shirt order from the Secondary Education Department, she completes a check request and sends the check to the company. Rider stated in the past she has received payments in cash for shirts but that has not occurred in a few years.

### **Keena Gumbinner, Kravis Center of the Performing Arts**

On August 25, 2016 the OIG discussed with Keena Gumbinner the Spotlight program. Gumbinner explained the program is a partnership between the Kravis Center and the School District. Gumbinner further explained the program is overseen by the District and also has a committee comprised of employees from the Kravis Center and the School District. Gumbinner stated the committee meets during the year to discuss details of the program including the annual performance held in May at the Kravis Center. Gumbinner stated the tickets to the event are sold at the Kravis Center and the only program expenses the Kravis Center is responsible for are the cost of plaques and trophies.

### **Edrick Rhodes, K-12 Arts Education Program Planner**

The OIG discussed the allegations of case 16-481 with Edrick Rhodes various time during August 24 through August 26, 2016. Rhodes provided the following overview of Spotlight: founded approximately 25 years ago, run in partnership with the Kravis Center, has a committee comprised of District and Kravis Center employees, District schools are encouraged to participate, although the number of schools involved varies by year, 20-25 schools participate each year, and some private schools participate. Rhodes explained he has been in charge of Spotlight for the past four years. Rhodes stated he is responsible for ensuring the Spotlight committee meets when necessary, attends rehearsals when possible, and orders the concert programs.

With regard to the District's financial responsibility to Spotlight, Rhodes stated the Department of Secondary Education is responsible for the cost of the concert programs. Rhodes further stated students are responsible for purchasing a concert shirt. Rhodes explained the sale of concert tickets are handled by the Kravis Center. Rhodes provided the following overview regarding the shirt order process: music teachers at each participating school collect the order forms and funds from each student. Once forms and payment have been received, the teacher provides to the school treasurer. The school treasurer will process one check, for all the orders placed, payable to Forest Hill High School and sends to the Department of Secondary Education. Rhodes stated Johnson is responsible for the design of the shirts but does not handle any Spotlight funds. Rhodes noted in his office he has Spotlight shirts that were returned to him. Rhodes stated Spotlight did not have formal written procedures in place. Rhodes noted there are forms in place that parents have to sign.

With regard to Race for the Arts, Rhodes was aware of the program but stated he is not involved with the operation of the program.

### **Annette Johnson, Founder of Spotlight and Race for the Arts**

On December 23, 2016 the OIG met with Annette Johnson to discuss the allegations of case 16-481. Johnson stated she is the founder of Spotlight, a program run by the District and Kravis Center. Johnson explained she is responsible for ordering and distributing program shirts and trophies. Johnson explained the order and distribution process as follows: shirts are ordered in March from Logo Pride; payment to Logo Pride comes from Forest Hill High School via check; once the shirts are received from Logo Pride, they are separated by school and distributed the day before the concert.

Johnson stated elementary students wear the shirts as uniforms the day of the concert and therefore elementary students are required to purchase a shirt. Johnson added middle and high school students can purchase shirts but it is not required. Johnson stated she orders extra shirts in addition to the orders placed by students, in case a

student forgets the shirt or a student needs a different size. Johnson stated the cost of the shirt is decided by the Spotlight Committee. Additionally, Johnson stated she does not collect or handle cash related to the program nor does she handle the internal account fund related to the program.

With regard to students not receiving the shirts if he/she missed rehearsals, Johnson stated she is aware of the procedure. Johnson added the procedure was implemented and established last year by the Spotlight committee. Johnson stated a committee member overseeing the elementary students notified elementary teachers involved in the program of the procedure. Johnson stated students that missed rehearsals did not receive a shirt nor did they receive a refund. Johnson further stated shirts extra shirts along with the shirts not provided to students for missed rehearsals were given to the District.

With regard to Race for the Arts, Johnson stated Race for the Arts is an organization with a committee made up of several District employees. Johnson added Race for the Arts is an advocacy program to help maintain art programs at the schools. Johnson explained she started Race for the Arts many years ago with teachers that worked at Forest Hill High School.

Johnson explained an annual race is held, where anyone is able to participate, for a fee. Johnson stated registration fees for the race are paid by check or credit card. Johnson added checks are to be made payable to Forest Hill High School/Race for the Arts. Johnson stated registration fees and donations are deposited into an internal funds account that resides at Forest Hill High School. Johnson added schools receive proceeds for race participation, volunteering, and contest participation.

Johnson stated she maintains record of the deposits made to the internal fund account associated with Race for the Arts. Johnson further stated she periodically obtains account statements from the Treasurer at Forest Hill High School.

### **Michelle King, Teacher**

On January 26, 2017 the OIG discussed with Michelle King her involvement with Spotlight. King stated she sat on Spotlight's steering committee as the elementary representative for school year 2015/16.

With regard to students not receiving the shirts if he/she missed rehearsals, King stated this procedure was decided by the Spotlight committee. King stated she communicated the information regarding shirts and missed rehearsals to elementary teachers involved in the program. King further stated she believes the information was communicated during a meeting that took place sometime in February 2016.

King stated she was not involved with ordering program shirts. King noted Johnson brought the shirts to the Kravis Center the night before the concert for distribution. King further noted the shirts were separated by school.

### **Alex Kovalsky, Teacher**

On February 6, 2017 the OIG met with Alex Kovalsky to discuss his involvement with Spotlight. Kovalsky stated he sat on Spotlight's steering committee and was a manager for the elementary schools involved in the program. Kovalsky further stated he was responsible for compiling the elementary shirt orders. Kovalsky explained elementary teachers sent him their order information and payment in the form of a check. Kovalsky further explained once all orders were received, he sent all checks and order information to the District. Kovalsky stated he maintained a log of the orders received and also sent a confirmation email to each teacher reiterating the items ordered and payment details. Kovalsky stated the accuracy of total payment was not verified.

With regard to students not receiving the shirts if he/she missed rehearsals, Mr. Kovalsky stated he recalls the subject was discussed by the steering committee but does not recall there being a firm action plan.

### **RESULTS OF INVESTIGATION**

*Allegation 1: The Subject participated and/or headed Spotlight although she was "legally banned from handling any District monies in the future"*

The OIG confirmed an internal fund account associated with Spotlight existed at Forest Hill High School. A review of the Spotlight internal fund account does not show evidence the Subject physically handled funds related to Spotlight. The account and its supporting documentation reflected deposits in check form from corresponding schools. It should be noted the invoice from Logo Pride, vendor that provided t-shirts, was addressed to the Subject's name. *See Exhibit 1.*

With respect to the Complainant alleging the Subject was legally banned from handling District funds; the OIG obtained a Final Order issued by the Education Practices Commission of the State of Florida dated December 2, 2005 related to the Subject. The Final Order included a Settlement Agreement signed by the Subject on August 19, 2005 that states "Respondent agrees that she shall be placed on probation for a period of two (2) employment years". *See Exhibit 2.* Some of the conditions of the probation included:

- Pay the Education Practices Commission \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation
- Take a 3-credit hour college level course in the area of Ethics
- Scope of employment restricted to not handling school funds

The OIG researched the Florida Department of Education records which reflected the Subject holds teaching certifications valid from July 1, 2015 thru June 30, 2020. *See Exhibit 3.*

Based on the information the OIG reviewed, it does not appear the Subject handled Spotlight funds although legally banned from handling any District monies in the future. The allegation is unsubstantiated.

*Allegation 2: The Subject participated and/or headed Race for the Arts although she was “legally banned from handling any District monies in the future”*

The OIG confirmed an internal fund account associated with Race for the Arts existed at Forest Hill High School. A review of the account for fiscal year 2015/16 reflected a total of approximately \$20,600 in deposits and approximately \$20,850 in disbursements. Records reviewed reflected this account is utilized to deposit entry fees for the race and donations made to Race for the Arts. Additionally, the records reviewed also reflected the disbursements associated with the account appeared to be for materials, supplies and services for the race as well as checks made payable to various District schools and private schools to benefit their various programs (i.e. art, music).

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Of the total disbursements during fiscal year 2015/16 that were reviewed by the OIG, \$11,082.50 was related to school programs as follows:

SCHOOL NAME	AMOUNT
Allamanda Elementary	310.00
Berkshire Elementary	155.00
Calusa Elementary	775.00
Cardinal Newman (Private School)	620.00
Coral Sunset Elementary	155.00
Cypress Trails Elementary	155.00
Dreyfoos School of the Arts	155.00
Equestrian Trails Elementary	310.00
Everglades Elementary	155.00
Forest Hill High	155.00
Jupiter Farms Elementary	155.00
Jupiter High	155.00
Lake Worth High	155.00
Meadow Park Elementary	155.00
Morikami Elementary	155.00
North Grade Elementary	310.00
Okeeheelee Middle	620.00
Palm Beach Central High	155.00
Palm Beach Day Academy (Private School)	1085.00
Palm Springs Community Middle	1705.00
Palmetto Elementary	930.00
Park Vista Community High	310.00
Pine Jog Elementary	155.00
Royal Palm Beach High	775.00
Santaluces High	155.00
Seminole Ridge High	310.00
South Olive Elementary	155.00
Watson B. Duncan Middle	697.50
<b>TOTAL</b>	<b>\$11,082.50</b>

The Subject provided the OIG with a log of related to the school disbursements. The OIG compared the information provided with the disbursements from the internal account. The OIG noted a discrepancy of \$155.00, it appears one of the schools should have received \$310.00 but instead received \$155.00. It should be noted the accuracy of the Subject's log was not verified as there are no District records to support the information.

The OIG reviewed supporting documentation available for disbursements from the internal account. The OIG observed the following: 1) while each disbursement included an invoice to support the transaction, the OIG could not verify if the items/services purchased were utilized for its intended purposes 2) approximately \$1,760 related to entry fees collected were cash

deposits into the internal fund account 3) check requisition forms reflected what appears to be the Subject’s signature as the “signature of teacher sponsor” and 4) approximately \$570 were checks made payable to the Subject for purchases made with her personal funds.

The OIG attempted to ascertain if the Subject had any dealings with any internal fund account associated with Race for the Arts during her two year probationary period, as described above. The OIG was not able to ascertain due to the District’s retention policy<sup>4</sup>. However, online accounting records reflect information as far back as school year 2008/09. As a result, the OIG located and reviewed an internal fund account associated with Race for the Arts for school year 2008/09. Although there is no supporting documentation to determine who made requests for payments etc., the OIG obtained a transaction report for this account that included transactions dated between April and June 2009 related to the Subject as follows:

Date	Amount	Description
5/04/2009	\$27.97	Annette Wacker Supplies for Race
5/11/2009	\$203.56	Annette Wacker Water, Table Rentals
5/26/2009	\$242.27	Annette Wacker Misc. Receipts for Reimbursement

The allegation that the Subject participated and/or headed Race for the Arts although she was “legally banned from handling any District monies in the future” is unsubstantiated in relation to the subject being legally banned from handling any District monies in the future. The Subject’s settlement agreement with the Education Practices Commission is null as it has expired.

However, the Subject is not a current District employee nor a registered District volunteer<sup>5</sup> and therefore should not have access to or be managing internal fund accounts for a program that the District does not oversee. As stated in the background section of this report, Race for the Arts in conjunction with Arts for a Complete Education, raises funds and awareness for arts programs in all Palm Beach County Schools.

*Chapter 8 Section 1 (2) of the Financial and Program Cost Accounting and Reporting for Florida Schools (Red Book)* states, in part, “If approved by the district school board, a school-based, direct-support organization as defined under section 1001.453, Florida Statutes (F.S.), may have all financial transactions accounted for in school internal funds.” The OIG found no evidence to support Race for the Arts meets such criteria.

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<sup>4</sup> *Chapter 2 of the School District’s Internal Accounts Manual* states that schools are required to retain all their financial records for five years.

<sup>5</sup> In May 2017 the OIG inquired with the District’s Volunteer Program Coordinator. The Coordinator stated there was no record of the Subject in the system.

*Allegation 3: No explanation provided as to where the funds collected for the shirts went or what they were used for.*

The OIG reviewed the internal fund account associated with Spotlight for fiscal year 2015/16. The account reflected a total of \$1,676 in deposits related to Spotlight shirt orders. While the supporting documentation reviewed related to the deposits reflected thirty-three (33) schools, it did not provide detailed information regarding the number of shirts ordered or the cost per shirt for each school.

The OIG attempted to obtain the information from the thirty-three schools reflected on the supporting documentation. The OIG requested information from each school regarding the number of shirts ordered and their associated cost. Twenty-seven of the thirty-three schools responded. Based on the information received, the cost of the shirts coincided with the Spotlight "2016 Shirt Order Form". See *Exhibit 4*.

The Subject provided the OIG with a log related to shirt orders by school that indicated: 194 shirts for specific schools and 6 extra shirts, totaling 200 shirts. The invoice from the vendor (Logo Pride) that supplied the shirts indicated a total of 198 shirts and a charge of \$50 for logo printing, totaling \$1,247.75. See *Exhibit 1*. Although there appears to be a profit of \$428.25 from the shirt orders, the internal fund account does not show any questionable withdrawals or expenses.

Based on the OIG's review of documentation, it appears: 1) the funds collected for shirt orders were deposited into an internal fund account, 2) shirts were ordered as requested, 3) payment disbursed matched the invoice, and 4) there were no additional expenses paid for from the account. The allegation regarding where the funds collected for Spotlight shirts went or what they were used for is unsubstantiated.

*Allegation 4: No explanation provided as to what happened to the Spotlight shirts ordered for students that missed rehearsals.*

Due to the absence of written procedures for Spotlight, the OIG reviewed email communications related to Spotlight for the period of February 2015 thru March 2017. The OIG did not find any email communications explaining the procedure related to students not receiving their shirt if they missed rehearsals. The OIG obtained an email dated January 7, 2016, with subject "Spotlight 2016" that stated "students still must attend ALL rehearsals in order to be eligible to participate in the concert". The OIG also noted the Spotlight Parent Permission Form states "student must attend all rehearsals to be eligible to participate in the final performance". Neither documents located by the OIG explain that students with missed rehearsals would not receive the Program shirt that was ordered and paid for.

The OIG obtained and reviewed the attendance records for rehearsals that took place April 9<sup>th</sup>, April 30<sup>th</sup>, May 7<sup>th</sup>, and May 11<sup>th</sup> 2016<sup>6</sup>. The records reviewed reflected that 18 students did not participate at the concert due to missed rehearsals. The OIG attempted to reconcile the attendance records with shirts that were returned to Edrick Rhodes. Rhodes was unable to produce the shirts. Per Rhodes' sworn statement he was out of the office during September 25 thru 30, 2016 and during that time "everything was moved out of my cubicle into the hallway because of the installation of new carpet and fresh wall painting in our department. This included the bag of Spotlight t-shirts" See *Exhibit 5*. Due to the circumstances, the OIG was not able to reconcile the number of shirts returned with the attendance records.

Interviews conducted by the OIG reflect the matter regarding not receiving the shirt if there were missed rehearsals appears to have been discussed by the Spotlight Committee and verbally communicated to the teachers. However, it appears some teachers may not have been aware of the procedure. To ensure the process was consistent, written instructions should have been provided to all involved.

Educators involved in Spotlight should be mindful of *Florida Administrative Code 6A-10.081 Principles of Professional Conduct for the Education Profession in Florida* which provide that:

(1)(c) Florida educators shall be guided by the following ethical principles: 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, the educator strives to achieve and sustain the highest degree of ethical conduct.

The decision to withhold the shirts due to missed rehearsals should have been properly disclosed in writing to all involved. Those who paid for the shirts and the student missed a rehearsal incurred an unnecessary financial loss.

The allegation regarding no explanation provided as to what happened to the Spotlight shirts ordered for students that missed rehearsals is substantiated.

*Allegation 5: Participation in Spotlight from private and charter schools*

The 24<sup>th</sup> Annual Spotlight on Young Musicians Program Booklet (Booklet) did not reflect participation from any charter schools but it did reflect participation from private schools. Palm Beach Day Academy appeared to be the only private school that participated in the Elementary Honors Chorus. However, the Booklet reflected participation in Palm Beach County 9<sup>th</sup> and 10<sup>th</sup> Grade All-District Band from three private schools: American Heritage, King's Academy, and Saint Andrews School. The Subject appears to be employed at Palm Beach Day Academy as a 4<sup>th</sup> thru 9<sup>th</sup> grade music and drama teacher<sup>7</sup>.

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<sup>6</sup> Attendance records for elementary schools

<sup>7</sup> Information from Palm Beach Day Academy Website – Directory Page

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It should be noted, currently, there is no procedure or policy in place regarding the involvement of charter or private schools in Spotlight.

The allegation regarding participation from private and charter schools is unsubstantiated.

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*Allegation 6: The Subject has been permitted to have more students participate than any other school in the District*

The OIG reviewed the elementary school attendance records which reflected the following number of participants from each school *(Does not reflect students that may have been removed for missed rehearsals)*:

SCHOOL NAME	# OF STUDENTS
Benoist Farms Elementary	5
Berkshire Elementary	3
Boca Raton Elementary	1
Citrus Cove Elementary	5
Crosspointe Elementary	5
Del Prado Elementary	1
Diamond View Elementary	4
Egret Lake Elementary	5
Forest Hill Elementary	5
Frontier Elementary	5
Hidden Oaks Elementary	5
Highland Elementary	5
Limestone Creek Elementary	5
Loxahatchee Groves Elementary	2
Manatee Elementary	6
Meadow Park Elementary	5
Morikami Elementary	5
North Grade Elementary	5
Palm Beach Day Academy	9
Palm Springs Elementary	5
Plumosa Elementary	5
Rosenwald Elementary	1
Sandpiper Shores Elementary	2
S.D. Spady Elementary	10
South Grade Elementary	4
Starlight Cove Elementary	1
The Conservatory School	5
Washington Elementary	5
Westward Elementary	4
Whispering Pines Elementary	5
Wynnebrook Elementary	5

The records reviewed indicated: Eighteen (18) schools had 5 participants, ten (10) schools had less than 5 participants and three (3) schools had more than 5 participants. As reflected in the table above, the three schools that had more than 5 participants were; Manatee Elementary, Palm Beach Day Academy and S.D. Spady Elementary.

During the course of this investigation, the OIG obtained an email communication dated January 7, 2016 related to highlights and information about elementary schools participating in Spotlight. The email included the following statement: "We have 36 participating schools, so each school may bring up to 5 students each (Plus any students who are in All-State)". The OIG noted the Booklet included information regarding "All State Students", which noted Manatee Elementary had one (1) student and both Palm Beach Day Academy and S.D. Spady Elementary had four (4) students classified as "All State" Students.

The allegation regarding the Subject permitted to have more students participate than any other school in the District is unsubstantiated.

*Allegation 7: Students from the private school the Subject is employed at are not held to the same attendance rules as the other participants*

As mentioned previously, the email communication obtained by the OIG dated January 7, 2016 related to Spotlight states "students still must attend ALL rehearsals in order to be eligible to participate in the concert".

According to the attendance records obtained, of the nine (9) students from Palm Beach Day Academy who initially were selected to participate in Spotlight: one student did not attend the first rehearsal and subsequently did not participate in the concert.

Additionally, the OIG noted the attendance records reflected the signature of a parent at drop off and pick up. The OIG reviewed the records to ensure there was a signature at drop off and pick up for the eight (8) students from Palm Beach Day Academy that attended all rehearsals. With the exception of no signature at pick up for one student on May 11, 2016, the remaining students reflected a signature at drop off and pick up.

The OIG found no evidence that the students from Palm Beach Day Academy were not held to the same attendance rules as the others. The allegation regarding students from the private school the Subject is employed at are not held to the same attendance rules as the other participants is unsubstantiated.

## **RECOMMENDATIONS**

The OIG recommends the Department of Secondary Education:

- Establish clear written procedures and guidelines for Spotlight
- Consider establishing a different procedure that does give the appearance that a student pays for a shirt and yet does not receive a refund or a shirt if the student

misses rehearsals. If shirts are paid for by a parent, the students are entitled to the shirt.

- Consider not housing a Spotlight internal fund account at Forest Hill High School

The OIG also recommends Administration work with Forest Hill High School to have the internal fund account for Race for the Arts terminated/closed.

#### **FURTHER ACTION**

The results of this investigation will be referred to the Office of Professional Standards for necessary action.

#### **AFFECTED PARTY RESPONSES**

In accordance with *School Board Policy 1.092 (8)(b)(iv)*, a draft copy of this report was provided to Diana Fedderman, Edrick Rhodes and Annette Johnson who were given an opportunity (20 days) to respond. As of September 22, 2017 no response was received from Ms. Fedderman.

Mr. Rhodes' and Ms. Johnson's response to the draft report are included in their entirety as *Appendices 1 and 2*, respectively.

#### **OIG COMMENTS TO MS. JOHNSON'S RESPONSE TO THE DRAFT REPORT**

##### Allegation #2

The final report was revised to clarify the allegation that Ms. Johnson participated and/or headed Race for the Arts although she was "legally banned from handling any District monies in the future" since her settlement agreement with the Education Practices Commission is null as it has expired.

However, it is important to note that Ms. Johnson is not a current District employee nor a registered District volunteer and therefore should not have access to or be managing internal fund accounts for a program that the District does not oversee.

*Chapter 8 Section 1 (2) of the Financial and Program Cost Accounting and Reporting for Florida Schools (Red Book)* states, in part, "If approved by the district school board, a school-based, direct-support organization as defined under section 1001.453, Florida Statutes (F.S.), may have all financial transactions accounted for in school internal funds." The OIG found no evidence to support Race for the Arts meets such criteria.

##### Allegation #4

The determination of this allegation was not based on Ms. Johnson, it was based on the how the program handled the issue regarding no explanation provided as to what happened to the Spotlight shirts ordered for students that missed rehearsals.



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Recommendations from OIG

As stated in the report, the recommendations made by the OIG are addressed to the Department of Secondary Education.

# EXHIBIT 1

*Logo Pride Invoice*

**LOGO PRIDE**  
**12253 Rockledge Circle**  
**Boca Raton FL 33428**

# Invoice

Bill To
Spotlight for Young Musicians c/o Annette Wacker 4095 Manor Forest Trail Boynton Beach, FL 33436

Date	Invoice #
4/18/2016	3159
Phone/Fax: 561-883-3563 email: logopride@yahoo.com www.logo-pride.com	

Customer Phone	P.O. No.	Terms	Due Date
	spots 2016	Net 15	5/3/2016

Quantity	Description	Rate	Amount
179	Youth and adult size t-shirts imprinted 2 color front	5.75	1,029.25
2	adult ( xxl) t-shirts	6.75	13.50
16	Polo shirts	9.00	144.00
1	polo xxl size	11.00	11.00
2	logos re-done	25.00	50.00
		<b>Subtotal</b>	<b>\$1,247.75</b>
		<b>Sales Tax (6.0%)</b>	<b>\$0.00</b>
		<b>Total</b>	<b>\$1,247.75</b>

**PAID**  
CK NO. 47978  
DATE 5-26-16

Please remit to the address above.  
We appreciate your business.



## EXHIBIT 2

*State of Florida Education*

*Practices Commission*

*Settlement Agreement*

*Case No. 023-1640-M*

I2  
1/4

RECEIVED  
EDUCATION PRACTICES  
COMMISSION  
STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

RECEIVED

02/11/03

JOHN L. WINN, as Commissioner  
of Education,

Petitioner,

vs.

CASE NO. 023-1640-M

ELIZABETH A. WACKER,

Respondent.

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

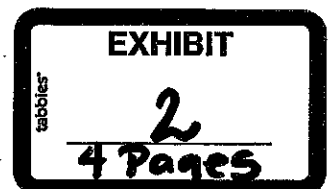
1. Certification. Respondent holds Florida Educator's Certificate Number 600340 issued by the Department of Education covering the areas of Educational Leadership and Music which is valid through June 30, 2010.

2. Employment. At all times pertinent hereto, Respondent was employed as a Music Teacher at Glade View Elementary School in the Palm Beach County School District.

3. Allegations. Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.

4. Suspension. Respondent agrees to accept a one (1) year suspension of her Florida educator's certificate, retroactively commencing July 1, 2003 through June 30, 2004. (Suspension means that Respondent may not be employed by any district school board or any other public school or in a position requiring a Florida educator's certificate in a private school during the period of suspension; however, if applicable, Respondent may renew the certificate).

5. Probation. Respondent agrees that she shall be placed on probation for a period of two (2) employment years. If Respondent is currently employed in a position requiring a Florida educator's certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Respondent is not currently employed in a position requiring a Florida educator's



I2  
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APPROVED  
EDUCATOR PRACTICES  
COMMISSION

05 SEP 19 PM 5:00

ELIZABETH A. WACKER  
Settlement Agreement  
Page 2 of 4

certificate, probation shall begin upon her re-employment in such a position. In the event Respondent's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Respondent resumes employment in a position requiring a Florida educator's certificate. As conditions of probation, Respondent:

- a. shall immediately contact the Department of Education upon employment in Florida in a position requiring a Florida educator's certificate or upon termination from such a position. If currently employed in such a position, Respondent shall contact the Department of Education within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the Department of Education with the name and address of her work site as well as the name, address and telephone number of her immediate supervisor.
- b. shall make arrangements for her immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by her supervisor within ten (10) days of its preparation;
- c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;
- d. shall, within the first year of probation, take a 3-credit hour college level course in the area of Ethics. The class must be taken in person; on-line or correspondence classes are not acceptable and submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education;
- e. shall have the scope of her employment restricted to: not handling school funds;
- f. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006; and
- g. shall satisfactorily perform her duties in a competent, professional manner.

6. **Fine.** Respondent agrees to pay a fine in the amount of \$100.00 to the EPC within the first year of probation.

7. **Violation.** In the event Respondent fails to comply with each condition set forth herein, she agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against her Florida educator's certificate up to and including permanent revocation of her Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of

05 SEP 19 PM 5:00

ELIZABETH A. WACKER  
Settlement Agreement  
Page 3 of 4

I2  
3/4

this Settlement Agreement.

8. **Costs and Fees.** Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be her sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Respondent is not employed as an educator pursuant to the terms of the Probation.

9. **Force and Effect.** This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the EPC. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. **Notice of "Three Strikes" Provision.** Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

11. **Waiver of Rights.** Respondent understands provisions of this Settlement Agreement, their legal effect, and her rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Respondent specifically waives her right to both a formal and an informal hearing, except she may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that she is under no duress, coercion or undue influence to execute this Settlement Agreement and that she has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

12. **Approval.** When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

13. **Notice.** Respondent waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Respondent is given reasonable advanced notice of time, place and date of said meeting.

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RECEIVED  
REGULATORY PRACTICES  
COMMISSION


05 SEP 19 PM 5:00

ELIZABETH A. WACKER  
Settlement Agreement  
Page 4 of 4

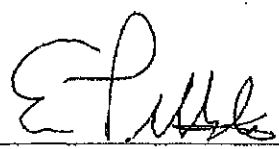
IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this  
19 day of August, 2005.

  
ELIZABETH A. WACKER

STATE OF FLORIDA  
COUNTY OF Palm Beach

 ERIC PITTSLEY  
MY COMMISSION # DD 203015  
EXPIRES: May 3, 2007  
Bonded Thru Budget Notary Services

The foregoing instrument was acknowledged before me this 19 day of  
August, 2005, by Elizabeth A. Wacker  
who is personally known or produced \_\_\_\_\_  
as identification [type of identification produced].



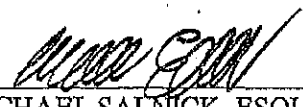
NOTARY PUBLIC  
My commission expires:

 ERIC PITTSLEY  
MY COMMISSION # DD 203015  
EXPIRES: May 3, 2007  
Bonded Thru Budget Notary Services



RONALD G. STOWERS  
Assistant General Counsel  
Suite 1244, Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER



MICHAEL SALNICK, ESQUIRE  
One Clearlake Center  
250 South Australian Avenue, Suite 1203  
West Palm Beach, Florida 33401  
Telephone (561) 471-1000  
Facsimile (561) 659-0793

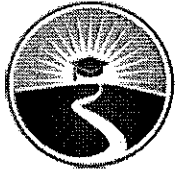
ATTORNEY FOR RESPONDENT



# EXHIBIT 3

*Florida Department of  
Education*

*Educator Certification Lookup*



**Educator Certification Lookup**

<< Search Again

Find all records **DOE Number = 600340** in the ALL School District

Database last updated: 4/30/2017 8:02:00 PM

Name	DOE Number	District	Certification	Type	Validity Period
Johnson, Elizabeth Annette	600340		Educational Leadership, (All Levels)	Professional	07/01/2015 - 06/30/2020
Johnson, Elizabeth Annette	600340		Music, (Grades K - 12)	Professional	07/01/2015 - 06/30/2020

You may also visit the Department's Web site, [MyFloridaTeacher.com](http://MyFloridaTeacher.com), where the public can search an online database to see if any disciplinary action has been taken against a certified educator's certificate. This Web site also provides several resources to help empower the public to better understand the processes used by local school districts and the state to ensure that Florida public schools and classrooms are safe and healthy environments for our children.

[Contact Educator Certification](#)



**EXHIBIT 4**

*2016 Shirt Order Form*



# OFFICIAL SPOTLIGHT ON YOUNG MUSICIANS 2016 SHIRT ORDER FORM



Student's Name: \_\_\_\_\_

School: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Performing Group:

- (Circle One)
- Handbells
  - YOPBC Symphony
  - Elementary Honor Chorus
  - High School Honor Band
  - Middle School Honor Chorus

Check Number \_\_\_\_\_ Amount \$ \_\_\_\_\_ Quantity of T-shirts: \_\_\_\_\_ Youth Medium

Youth Medium to X-Large T-Shirts=\$8.00 each, 2X-Large= \$10.00

3XL =\$11.50, 4XL =\$13.00

(\*\*T-Shirt is required for Elementary Chorus)

- \_\_\_\_\_ Youth Large
- \_\_\_\_\_ Small (Adult sizes)
- \_\_\_\_\_ Medium
- \_\_\_\_\_ Large
- \_\_\_\_\_ X- Large \_\_\_\_\_ 2XL
- \_\_\_\_\_ 3XL \_\_\_\_\_ 4XL

Check Number \_\_\_\_\_ Amount \$ \_\_\_\_\_

\*\*\*Quantity of Collared: \_\_\_\_\_ Small (Adult sizes)

Collared Shirt \$15.00, 2XL = \$17.00, 3XL=\$18.50 4XL = \$20.00

(optional)

- \_\_\_\_\_ Medium
- \_\_\_\_\_ Large
- \_\_\_\_\_ X-Large \_\_\_\_\_ 2XL
- \_\_\_\_\_ 3XL \_\_\_\_\_ 4XL

\*\*\*\* Make checks payable to your school account\*\*\*\*

\*\*\*\*\*COMPLETE BOTH SECTIONS OF THIS FORM\*\*\*\*\*

THE BOTTOM PORTION WILL BE RETURNED WITH YOUR ORDER

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Performing Group:

- (Circle One)
- Handbells
  - YOPBC Symphony
  - Elementary Honor Chorus
  - High School Honor Band
  - Middle School Honor Chorus

Check Number \_\_\_\_\_ Amount \$ \_\_\_\_\_ Quantity of T-shirts: \_\_\_\_\_ Youth Medium

Youth Medium to X-Large T-Shirts=\$8.00 each, 2X-Large= \$10.00

3XL =\$11.50, 4XL =\$13.00

(\*\*T-Shirt is required for Elementary Chorus)

- \_\_\_\_\_ Youth Large
- \_\_\_\_\_ Small (Adult sizes)
- \_\_\_\_\_ Medium
- \_\_\_\_\_ Large
- \_\_\_\_\_ X- Large \_\_\_\_\_ 2XL
- \_\_\_\_\_ 3XL \_\_\_\_\_ 4XL

Check Number \_\_\_\_\_ Amount \$ \_\_\_\_\_

\*\*\*Quantity of Collared: \_\_\_\_\_ Small (Adult sizes)

Collared Shirt \$15.00, 2XL = \$17.00, 3XL=\$18.50, 4XL = \$20.00

(optional)

- \_\_\_\_\_ Medium
- \_\_\_\_\_ Large
- \_\_\_\_\_ X-Large \_\_\_\_\_ 2XL
- \_\_\_\_\_ 3XL \_\_\_\_\_ 4XL



## EXHIBIT 5

*Edrick Rhodes Sworn Statement*

**SCHOOL DISTRICT OF PALM BEACH COUNTY  
OFFICE OF INSPECTOR GENERAL  
SWORN STATEMENT FORM**

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Case #: 16-481

**Statement Of:**

Name: \_\_\_\_\_ Edrick Rhodes \_\_\_\_\_

Address: \_\_\_\_\_ 3300 Forest Hill Blvd. Suite C-2225 West Palm Beach, FL  
33406 \_\_\_\_\_

Phone No.: \_\_\_\_\_ 561-434-8161 \_\_\_\_\_

I, Edrick D Rhodes, make the following statement of my own free will and without any threats made against me or promises extended of reward.

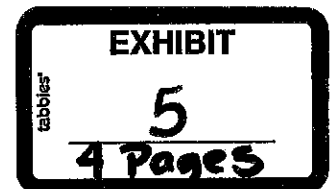
\_\_\_ May 12, 2016 ----- Spotlight on Young Musicians Concert at the Kravis Center.

This is the date the elementary students wore the t-shirts. \_\_\_

May 25, 2016 -----Spotlight Committee recap meeting. \_ (T-shirts were in my office in a mailing white bag behind my chair under desk) There were red Spotlight t-shirts from the previous year and green t-shirts in the small bag. I would guesstimate 10-15 youth size shirts at most. \_\_\_

Note: We have 15 Spotlight Committee members who have specific duties. I've always picked up the trophies, plaques and programs. Another member would handle the shirts. This is where the Inspector General had a concern and made suggestions for the future. I understood and made the changes promptly for this coming year. I will handle all trophy, programs, certificates, and now t-shirt order, pick-up and distribution.

September 25 - 30, 2016 - I was out of the office attending a Department of Education mandated grant meeting. During my absence, everything was moved





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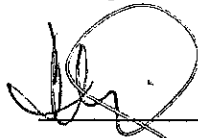
I have read the above statement, initialed errors and corrected mistakes; and, to the best of my knowledge and belief, it is true and correct.

I give permission to the OIG to use this statement as supporting documentation in an adverse action, if necessary, or by any agency for official purposes.

  
 \_\_\_\_\_  
 Signature Estelita D. Rhoads

Subscribed and sworn before me at 16<sup>th</sup> \_\_\_\_\_ on day of March, 2017.

  
 \_\_\_\_\_  
 Signature

  
 \_\_\_\_\_ ID# 200  
 OIG Investigator





**School District of Palm Beach County  
School Police Department  
3330 Forest Hill Boulevard, Suite B-127  
West Palm Beach, FL 33406  
(561) 434-8300**

**VICTIM RIGHTS PACKET**

1/12

Officer: Bahruth # 1162

Case #: 17002265

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**YOUR RIGHTS AS A VICTIM OR WITNESS**

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal and juvenile justice systems. As a victim or witness, you have certain rights within the system. This Packet is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the State Attorney's Office (SAO) and/or the appropriate law enforcement agency (LEA) handling your case.

**CRIMINAL JUSTICE PROCESS**

The stages of the criminal justice system are as follows:

**CRIME COMMITTED**- After a crime is reported to law enforcement, an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

**ARREST**- Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to ensure they will show up in court. In some cases the suspect(s) are released on the scene with a Notice to Appear in court. (or)

**INTAKE** - Victim reports a crime to the local State Attorney's Office. If probable cause is found, the State Attorney's Office may choose to file charges and summon the suspect into court.

**FIRST APPEARANCE** - Of an Adult occurs within 24 hours of an arrest if the suspect(s) is still in jail. Each suspect kept in jail must appear before a Judge who establishes whether charges are reasonable. The Judge will also consider whether a bond should be set and if so how much. The Judge will also consider conditions of release and appoint a defense attorney if the suspect cannot afford one. In the event of a juvenile arrest, the juvenile may be held in secure detention for up to 21 (twenty-one) days. A juvenile has no right to a jury trial.

**FILING OF FORMAL CHARGES** - The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports, and within 21 days in certain circumstances.

**ARRAIGNMENT**- The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

**TRIAL PREPARATIONS**- The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

**TRIAL** - The prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

**PLEA**- Defendant pleads guilty or no contest without a trial.

**SENTENCING**- If the defendant is found guilty; the Judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the defendant should receive.

# APPENDIX 1

*Response from Edrick Rhodes*

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AUG 07 2017

INSPECTOR GENERAL

Investigative Report - Edrick Rhodes (Response)  
Case No. 16-481

Allegation 2: The Subject participated and/or headed Race for the Arts although she was "legally banned from handling any District monies in the future"

As discussed in the OIG interview that was held between August 24 through August 26, 2016, in regards to Race for the Arts, I did not have any involvement with the operation of the program. Although this allegation was substantiated, I would like to continue to emphasize that I did not have any involvement with the operations of Race for the Arts.

Allegation 4: No explanation provided as to what happened to the Spotlight shirts ordered for students that missed rehearsal.

During my interview with the OIG that was held between August 24 through August 26, 2016, it was brought to my attention that the previous Spotlight t-shirt order form required better clarity; regarding the t-shirt students wear for the Spotlight concert and the rehearsal attendance rule. New policies were addressed and changed regarding Spotlight t-shirt orders for students that missed rehearsal. Revised Spotlight t-shirt documents regarding policy and guidelines were forwarded for review and vetted by the School District of Palm Beach County Legal Department on February 3, 2017. Once I received approval from the Legal Department, revised policies were implemented and put into effect immediately. See attachment of revised Elementary Spotlight On Young Musicians Program Guidelines Document. As suggested by the OIG, Spotlight On Young Musicians program operations have been revised. As stated in the School District of Palm Beach County Office Of Inspector General Sworn Statement Form I submitted on March 16, 2017, I handle all trophy, programs, certificates, and t-shirt orders, pick-up and distribution.

**ELEMENTARY SPOTLIGHT ON YOUNG MUSICIANS**

**PROGRAM GUIDELINES DOCUMENT**

Student Name \_\_\_\_\_

Student School \_\_\_\_\_

Performing Group

Friday, May 5, 2017

Elementary Chorus

I give permission for \_\_\_\_\_ to participate in the 2017 *Spotlight on Young Musicians* program.

By attaching my signature, I agree to the following:

- I am responsible for the \$8 non-refundable participation fee.
- I understand that the student named above must attend all rehearsals to be eligible to participate in the final performance and receive a *Spotlight on Young Musicians* t-shirt.
- I give permission to photograph, list the student's name in the program, and/or record the student named above.
- **I also understand that the student named above will remain at the performance until the entire *Spotlight on Young Musicians* concert has concluded. The concert begins at 7:00 PM and will conclude around 9:00 PM.**

**2017 Rehearsal Dates for Elementary Chorus and Orff Ensemble:**

Date	April 1	April 8	April 22	April 29	May 4	May 5
Group	Orff ONLY	Orff and Chorus	Orff and Chorus	Orff and Chorus	Orff and Chorus	Orff and Chorus
Time	9:00am-12:00noon	Orff 12-1pm Chorus 1-5pm	Orff 12-1pm Chorus 1-5pm	Orff 12-1pm Chorus 1-5pm	Tech Rehearsal TBA	Concert arrival time TBA
Location	North Grade Elementary	North Grade Elementary	North Grade Elementary	North Grade Elementary	Kravis Center	Kravis Center

My student is in \_\_\_\_\_ grade. My student is \_\_\_\_\_ inches tall.

My student's t-shirt size is (circle one)- Youth Medium, Youth Large, Adult Small, Adult Medium, Adult Large, Adult X-Large

Signature: \_\_\_\_\_  
Parent or Guardian

Please print student's name below as you would like it to appear on the *Spotlight on Young Musicians* certificate:

\_\_\_\_\_

**Please retain one copy for your records and return the original to student's music teacher.**

## APPENDIX 2

*Response from Annette Johnson*

*Law Offices of*  
**SALNICK & FUCHS, P.A.**

Michael Salnick\*  
Jack K. Fuchs\*\*  
Gregory S. Salnick+  
Lisa Viscome+

1645 Palm Beach Lakes Boulevard  
10th Floor – Suite 1000  
West Palm Beach, Florida 33401

(561) 471-1000  
Fax: (561) 659-0793

- \* Board Certified Criminal Trial Lawyer: Florida Bar, National Board of Trial Advocacy
- \* Also Member: Colorado, District of Columbia New York Bars, U.S. District Court Southern & Middle Districts of Florida, District of Colorado
- \*\* Member: U.S. District Court Southern District of Florida, District of Colorado
- + Member: U.S. District Court Southern District of Florida

[www.palmbeachcriminallawfirms.com](http://www.palmbeachcriminallawfirms.com)

**RECEIVED**  
AUG 08 2017  
INSPECTOR GENERAL

**MEMO**

**DATE:** July 26, 2017

**FROM:** MICHAEL SALNICK

**TO:** Lung Chiu, Inspector General

**RE:** Office of Inspector General Case 16-481  
Spotlight on Young Musicians/Race for the Arts

---

**Inspector General Chiu,**

**This letter is written on behalf of our client Annette Johnson in response to the draft report submitted as a result of the above referenced investigation. Mrs. Johnson has not been an employee of the Palm Beach County School District since 2005. The agreement which is referenced in the investigation dates back to 2005 and was clearly null and void at all times during this investigation.**

**ALLEGATION NUMBER 2**

**With respect to allegation number 2, it appears the investigator has done everything possible to “stretch” the facts to fit the allegation. There is no proof**

that Mrs. Johnson handled any money whatsoever. Her request for reimbursements is certainly fair considering she advanced her own funds. There were many times that Mrs. Johnson purchased items and did not request reimbursement but rather donated that amount to the event. To suggest anything improper regarding this causes one to make inferences that are not supported by the facts

There is a statement on page 8 of the report stating "The Subject provided the OIG with a log of related to the school disbursements. [sic] The OIG compared the information provided with the disbursements from the internal account. The OIG noted a discrepancy of \$155.00, it appears one of the schools should have received \$310.00 but instead received \$155.00. It should be noted the accuracy of the Subject's log was not verified as there are no District records to support the information." After reviewing the records that Mrs. Johnson provided the OIG, Dreyfoos School of the Arts did not have enough points for the two categories of their entries individually, and in the spirit of kindness both entries were combined so that Dreyfoos could receive some funds split between the two entries. Ten is the number needed to be reached. Each entry had only 8. Combining the two entries equaled 16 so they could then earn 1 portion to split.

#### ALLEGATION NUMBER 4

Allegation number 4 deals with "no explanation provided as to what happened to the Spotlight shirts ordered for students that missed rehearsals." It is evident from the investigation that very specific information was provided regarding the t-shirts in question. As stated in the investigative draft, the extra shirts were given back to the district. Specifically, they were given to a gentleman named Edrick Rhodes, who acknowledges receiving the shirts. Apparently when he went to a conference his office was to be painted and was cleared out. It was only after that the shirts were deemed to be missing. Mrs. Johnson did what she was supposed to in turning over the remaining shirts. Whatever happened to them after she was no longer responsible for them, nor were in her care and control, should not result in a substantiated allegation. Ms. King clearly stated in the OIG's draft investigation that the committee made the decision to not give the shirts to students who missed rehearsals and that she told the teachers in February of 2016 of this policy. It was the responsibility of the teachers to let their students and parents know the consequences of missing rehearsals. Mrs. Johnson did nothing wrong, she turned the shirts over to a school district employee, and if he lost or misplaced them once he had them she should not be

held accountable. She ordered the shirts by sending in the numbers and sizes to the printing company she was given from the District. She filled the orders once the shirts were in and gave them to the teachers the night before the event, as confirmed by Ms. King's statement. It would certainly assist this investigation to go back and speak to Mr. Rhodes about the disappearance of the extra shirts and the funds.

### RECOMMENDATIONS FROM OIG

Mrs. Johnson agrees that clear written procedures and guidelines for Spotlight need to be established. The fact that there are not clear written procedures and guidelines is certainly not the fault of Mrs. Johnson. With respect to the "procedure" for students receiving or not receiving t-shirts, you should talk to the teachers, as they were all advised that if a student missed a rehearsal they would not get a t-shirt. This was decided by committee and not Mrs. Johnson. Mrs. Johnson has no say or control on where the internal funds for Spotlight on Young Musicians are housed. To attribute anything improper or wrong she has done with respect to this is certainly inappropriate. The funds raised from the Race for the Arts have been housed at Forest Hill High School since its inception. The Race is a partnership with the Arts for a Complete Education and the School District; therefore the funds are not strictly District Funds. The money does get split between public and private schools who participate, and the committee (comprised of music, drama and art teachers from public and private schools, parents, community members who support the arts, and an honorary member the District's Secondary Education Fine Arts Program Planner) felt it was a good place to have the money for bookkeeping purposes. It was never stated that the money could no longer be housed there if Mrs. Johnson was no longer in the district.


Mrs. Johnson has participated in the Spotlight program for 25 years and Race for the Arts for almost 17 years. This was her way to make a difference. She has done everything she can for the enrichment of students and the betterment of the community. To put her in a position where her teaching certificate might be considered for some sort of discipline based upon the facts of this investigation is, in my opinion, absurd. I believe that the draft of the investigative report needs to be changed to reflect those matters referenced above.

As a parent of students educated in Palm Beach County it is appalling to think that one would waste their time on a matter such as this and indirectly accuse someone who has devoted so much of her life to her students. I would hope that



some logic prevails here and that this matter be laid to rest with nothing inappropriate attributed to Mrs. Johnson.

Very truly yours,



Michael Salnick

cc: Elizabeth McBride  
Chuck Shaw  
Debra L. Robinson, M.D.  
Marcia Andrews  
Frank Barbieri, Jr., Esq.  
Karen M. Brill  
Barbara McQuinn  
Erica Whitfield