

## **SPECIAL MEETING AUGUST 13, 2007**

The Marysville Exempted Village Board of Education met on the above date with the following members present: Jeffrey Mabee, Thomas Brower, William Hayes and James Scott Johnson. Mr. Roy Fraker was absent.

### **ADOPT THE AGENDA**

Mr. Hayes moved seconded by Mr. Brower to approve the agenda for the special August 13, 2007, meeting.

**Roll call: Hayes, aye; Brower, aye; Mabee, aye; Johnson, aye. Motion carried.**

### **APPROVAL OF MINUTES**

Mr. Brower moved seconded by Mr. Johnson to approve the minutes of the July 23, 2007, regular meeting as presented.

**Roll call: Brower, aye; Johnson, aye; Mabee, aye; Hayes, aye. Motion carried.**

### **EXECUTIVE SESSION**

Mr. Hayes moved seconded by Mr. Brower to move into Executive Session to consider the employment, discipline and/or dismissal of a public employee, as provided in Section 121.22 of the Revised Code

**Roll call: Hayes, aye; Brower, aye; Mabee, aye; Johnson, aye. Motion carried.**

Executive Session began at 5:03 p.m. with the Board and Krista Keim, counsel for Board.

Vincent DePascale, attorney for Mr. Fraker, Robert Fraker, Susan Coats, court reporter, David Phillips, County Prosecutor, Larry Zimmerman, Neal Handler, Dolores Cramer and Steve Ader entered at 5:15 p.m.

Chad Seeberg entered at 5:20 p.m. and left at 5:43 p.m.

Kimberly Toronto-Jones entered at 5:44 p.m. and left at 5:55 p.m.

Break from 6:15 p.m. to 6:20 p.m.

James Moots entered at 6:20 p.m. and left at 6:42 p.m.

Edward Andy James entered at 6:44 p.m. and left at 7:15 p.m.

Break from 7:15 p.m. to 7:20 p.m.

Keith Jones entered at 7:20 p.m. and left at 7:40 p.m.

Melissa Arnold entered at 7:41 p.m. and left at 7:43 p.m.

Janet Shonebarger entered at 7:44 p.m. and left at 7:55 p.m.

Mr. DePascale, Mr. Fraker, Mr. Phillips, Mr. Handler, Mr. Ader, Susan Coats, Mr. Zimmerman, Ms. Cramer left at 8:15 p.m.

Board Members and Krista Keim returned from Executive Session at 9:15 p.m. after having considered the employment, discipline and/or dismissal of a public employee, as provided in Section 121.22 of the Revised Code

Open session began at 9:15 p.m.

### **TERMINATE EMPLOYMENT CONTRACT**

Mr. Brower moved seconded by Mr. Hayes to terminate the employment contract of Robert Fraker, head mechanic, effective immediately, for the following reasons: violation of written rules and regulations as set forth by the Board of Education, incompetency, inefficiency, immoral conduct, neglect of duty, misfeasance, malfeasance, nonfeasance, and/or other good and just cause. **(Refer to 2007-08 Supplemental Minutes, Item #6, 8/13/07) (Resolution #7-20)**

### **RESOLUTION #7-20**

#### **RESOLUTION TO TERMINATE THE CONTRACT OF ROBERT FRAKER.**

WHEREAS, Robert Fraker is currently employed as the Head Mechanic pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, Mr. Fraker was permitted access to a computer in the bus garage (“mechanics’ computer”) for the purpose of conducting business for the Board in connection with his job duties; and

WHEREAS, Mr. Fraker asked technology department personnel to remove internet filters from the mechanics’ computer for the purported purpose of accessing work-related web sites for legitimate reasons, and

WHEREAS, on May 24, 2007, Director of Operations Steve Ader, with assistance from technology department personnel, removed and conducted a search of the mechanics’ computer; and

WHEREAS, that search revealed that, at least since the spring of 2007, web sites that were unrelated to school business, including but not limited to web sites related to an online dating service and sexually-explicit web sites, were accessed on that computer; and

WHEREAS, witnesses from the bus garage confirmed that Mr. Fraker repeatedly displayed sexually-explicit images on the mechanics' computer; and

WHEREAS, since the computer was removed from his office, Mr. Fraker had received over 200 e-mails from the online dating service in his school e-mail account; and

WHEREAS, Mr. Fraker's computer use violates Board Policy EDE; and

WHEREAS, in 2006, Mr. Fraker used his position to allow his son to sell scrap metal from the bus garage at a recycling yard and failed to deposit the proceeds from that transaction with the Treasurer; and

WHEREAS, Mr. Fraker inappropriately touched at least one female employee, made repeated sexual jokes and flirtations toward female employees, used graphic verbal commentary relating to employees' bodies, and employed sexually derogatory terms in reference to females in violation of Board Policy ACAA; and

WHEREAS, in April 2007, Mr. Fraker used his position to gain a discount in the purchase of tires for his personal use; and

WHEREAS, Mr. Fraker's conduct provides grounds for the termination of his contract for violation of written rules and regulations as set forth by the Board of Education, incompetency, inefficiency, dishonesty, immoral conduct, neglect of duty, misfeasance, malfeasance, nonfeasance, and/or other good and just cause pursuant to Ohio Revised Code Section 3319.081; and

WHEREAS, as a result of the above, the Superintendent has recommended that the Board of Education terminate the contract of Mr. Fraker; and

WHEREAS, the Superintendent provided Mr. Fraker with full, written specification of the grounds for such consideration on August 9, 2007; and

WHEREAS, Mr. Fraker has been given a full opportunity to respond to the grounds here specified by rebutting same or otherwise explaining his actions to the Superintendent in a preliminary meeting on August 9, 2007 and in front of the Board on August 13, 2007; and

WHEREAS, the Board of Education has considered the recommendation of the Superintendent, submitted after the Superintendent had a full opportunity to consider Mr. Fraker's rebuttal and explanation, and has considered everything presented to it at the August 13, 2007 hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Marysville Exempted Village School District that the Board terminates the contract of employment of Mr. Fraker effective immediately. The Treasurer shall, within ten days of today's date, furnish Mr. Fraker with written notice signed by the Treasurer, denoting the Board's termination of his employment contract due to violation of written rules and regulations as set forth by the Board of Education, inefficiency, dishonesty, neglect of duty, misfeasance, malfeasance, nonfeasance, and/or other good and just cause in accordance with Ohio Revised Code Section 3319.081. Said written notice shall include a copy of this Resolution which constitutes full specification of the grounds upon which the contract termination is based.

BE IT FURTHER RESOLVED that it is hereby found and determined that all formal action of the Board of Education concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and any of its committees that resulted in such formal meetings open to the public, when required by law, were in full compliance with the law.

**Roll call: Brower, aye; Hayes, aye; Mabee, aye; Johnson, aye. Motion carried.**

### **STAFF RESIGNATIONS**

Mr. Mabee moved seconded by Mr. Johnson to accept staff resignations.

- a) Accept the retirement resignation of Linda Overly as teacher, effective at the conclusion of the 2006-07 contract year.
- b) Accept the resignation of Clifford Lewis as teacher, effective July 24, 2007.
- c) Accept the resignation of Tonya Stevens as building aide, effective with the 2007-08 contract year.
- d) Accept the resignation of Roberta Widman as bus driver, effective August 3, 2007.
- e) Accept the resignation of Jennifer Luke as bus driver, effective with the 2007-08 contract year.

**Roll call: Mabee, aye; Johnson, aye; Brower, aye; Hayes, aye. Motion carried.**

Mr. Hayes moved seconded by Mr. Johnson to adjourn at 9:20 p.m.

**Roll call: Hayes, aye; Johnson, aye; Brower, aye; Mabee, aye. Motion carried.**