

## RESIGNATION AGREEMENT

This document outlines the terms of the Resignation Agreement ("Agreement") of Thomas H. Payne, PN# 22634, hereinafter known as "Payne" from the Duval County School Board. The agreed-upon terms are:

1. Payne, pursuant to this Agreement, resigns his position as a teacher with the Duval County School Board ("DCSB"), effective August 28, 2009, retroactive to July 4, 2007.
2. Payne, by his signature below, promises that he will avoid having any direct or indirect contact with John Williams, DCSB's District Director of Professional Staffing, in the future and that he will take no action which is intended to harm John Williams. Payne makes this promise because he has been asked to do so, and through his signature below pledges to honor it.
3. Payne remains eligible for any and all unused retirement benefits accrued as an employee of DCSB.
4. Payne agrees that he will not apply for or seek employment with DCSB or any agency of DCSB in the future.
5. The parties agree that the acceptance of Payne's resignation through the Board's approval of this Agreement, and the implementation of same, will fulfill any and all obligations of DCSB with respect to Payne's Professional Services Contract and the tenure law.
6. Payne hereby acknowledges that he has conferred with his counsel, David Hertz, Esq., concerning his decision to sign this Agreement and takes this action knowingly and intentionally.

Respectfully submitted.

  
THOMAS H. PAYNE

Date: August 28, 2009

APPROVED FOR DCSB:

Vick Reynolds  
VICKI REYNOLDS/  
Chief Human Resource Officer

8/31/09  
DATE:

FOURTH JUDICIAL CIRCUIT OF FLORIDA  
PRETRIAL INTERVENTION PROGRAM  
DEFERRED PROSECUTION AGREEMENT

NAME: THOMAS HENRY PAYNE  
ADDRESS: 2737 Rainbow Circe, Florida

CASE NO.: 09MM640AXXX

It being alleged that you have committed an offense against the State of Florida on or about May 1, 2007, to-wit: Making Threats and it further appearing after an investigation of the offense and into your background, that at this time the interest of the State of Florida, and your interest, will be best served by the following procedures:

**THEREFORE**, on the authority of Harry L. Shorstein, State Attorney in and for the Fourth Judicial Circuit, prosecution will be deferred for a period of twelve (12) months from January 1, 2009 provided you abide by the following conditions:

1. You will refrain from violating any criminal law.
2. You will notify the State Attorney of any change of residence.
3. You are hereby restrained and enjoined from having direct or indirect contact with John Williams, with the exception of work or employment related contact.

The State Attorney may, during the period of deferred prosecution, revoke and/or modify the conditions of your deferred prosecution by prosecuting you for this offense if you violate any of these conditions.

By signing this deferred prosecution agreement, the defendant continues to maintain his waiver of a right to a speedy trial under the Constitution of Florida and of the United States of America, and under the Florida Rules of Criminal Procedure, in the course for which prosecution is being deferred. Further, the defendant agrees that any applicable statute of limitations is tolled during the period of this agreement. This waiver is given freely and voluntarily.

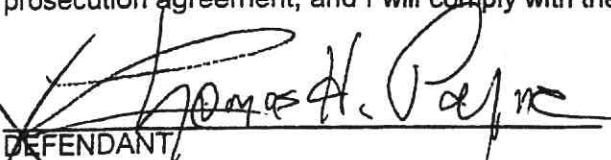
  
\_\_\_\_\_  
PROJECT DIRECTOR

2/11/09  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ASSISTANT STATE ATTORNEY

1/27/09  
\_\_\_\_\_  
DATE

I hereby state that the above has been explained to me. I understand the conditions of my deferred prosecution agreement, and I will comply with them. I fully understand the charge against me.

  
\_\_\_\_\_  
DEFENDANT

2/11/09  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
COUNSEL FOR DEFENDANT

\_\_\_\_\_  
DATE

DCSB Ex. 13

S.A. CASE NO.: 08MM131321AD

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT IN AND FOR DUVAL COUNTY, FLORIDA

STATE OF FLORIDA

CLERK NO.:

vs.

DIVISION: P

THOMAS HENRY PAYNE

INFORMATION FOR:

- 1) MAKING THREATS

IN THE NAME OF AND BY AUTHORITY OF THE STATE OF FLORIDA, HARRY L. SHORSTEIN, State Attorney for the Fourth Judicial Circuit of the State of Florida, in and for Duval County, charges that:

COUNT 1

THOMAS HENRY PAYNE on or between May 1, 2007 and May 2, 2007, in the County of Duval and the State of Florida, did communicate or cause to be communicated, either orally or in writing, a threat to do physical harm to the person or property of John Williams, contrary to the provisions of Section 614.120, Jacksonville Municipal Code.


HARRY L. SHORSTEIN, STATE ATTORNEY  
FOURTH JUDICIAL CIRCUIT

By: Stephen W. Siegel, Bar No. 0897086  
Assistant State Attorney  
Fourth Judicial Circuit of Florida, in and for Duval County

STATE OF FLORIDA )  
COUNTY OF DUVAL )

Personally appeared before me, Stephen W. Siegel, Bar No. 0897086, Assistant State Attorney, for the Fourth Judicial Circuit of the State of Florida, in and for Duval County, who is personally known to me, and who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, and that this prosecution is instituted in good faith, and hereby certifies that testimony under oath has been received from the material witness(es) for the offense.

Sworn to and subscribed before me this 23 day of December, 2008.

By: 

JIM FULLER, Clerk of the Circuit Court, Fourth Judicial Circuit of Florida, In and For Duval County, and Clerk of the County Court, In and For Duval County, Florida.

FILED THIS \_\_\_\_\_

BY DEPUTY CLERK 

Dkt 2007-018177 Ct Date January 20, 2009 Ct Rm Ct Time 9:00 AM  
Race/Sex White/Male DOB 04/06/1955 SSN

Bond Amount \$ \_\_\_\_\_ Judge's Signature: \_\_\_\_\_

MCL NO: J61412A, D

## Chapter 614 PUBLIC ORDER AND SAFETY\*

\*State law references: Vessels and water safety, F.S. Ch. 327; assault and battery, F.S. Ch. 784; exposure of sexual organs, F.S. § 800.03; arson and criminal mischief, F.S. Ch. 806; gambling, F.S. Ch. 849; loitering or prowling, F.S. § 856.021; open house parties, F.S. § 856.015; obstructing highway, F.S. § 861.01; affrays, F.S. § 870.01.

- Sec. 614.101. Carnivals on streets.
- Sec. 614.102. Reserved.
- Sec. 614.103. Reserved.
- Sec. 614.104. Reserved.
- Sec. 614.105. Reserved.
- Sec. 614.106. Loitering, soliciting, begging, etc.. in public offices or buildings open to the public.
- Sec. 614.107. Loitering for purposes of prostitution.
- Sec. 614.108. Reserved.
- Sec. 614.109. Welding torches to be screened when used in public.
- Sec. 614.110. Reserved.
- Sec. 614.111. Reserved.
- Sec. 614.112. Damaging private property.
- Sec. 614.113. Conduct in public stadium.
- Sec. 614.114. Crossing or tampering with police barricades.
- Sec. 614.115. Detention: reasonable cause.
- Sec. 614.116. Reserved.
- Sec. 614.117. Obstructing public passages.
- Sec. 614.118. Refusal to disperse.
- Sec. 614.119. Profanity in public place.
- Sec. 614.120. Making threats.
- Sec. 614.121. Reserved.
- Sec. 614.122. Assault.
- Sec. 614.123. Fighting.
- Sec. 614.124. Indecent exposure.
- Sec. 614.125. Reserved.
- Sec. 614.126. Unlawful to fish from posted City property; Parks, Recreation, Entertainment, and Conservation Department to post property: waste disposal.
- Sec. 614.127. Reserved.
- Sec. 614.128. Disorderly house--Gambling.
- Sec. 614.129. Alcoholic beverages and drugs at open parties.
- Sec. 614.130. Fraudulent accosting.
- Sec. 614.131. Reserved.
- Sec. 614.132. Regulations on operation of boats.
- Sec. 614.133. Prohibited activities in City parks.
- Sec. 614.134. Offenses involving sexually transmissible diseases: screening.
- Secs. 614.135, 614.136. Reserved.
- Sec. 614.137. Reserved.
- Sec. 614.138. Certain activities prohibited: definitions.
- Sec. 614.139. Commercial washing of motor vehicles in right-of-way.
- Sec. 614.140. Graffiti prohibited.
- Sec. 614.141. Aerosol containers of paint.
- Sec. 614.142. Unlawful sign messages.
- Sec. 614.142.1. Unauthorized persons on parking lot.
- Sec. 614.143. Accosting or intimidating another; obstructing pedestrian or vehicular traffic.
- Sec. 614.144. Restriction on public solicitation.
- Sec. 614.145. Regulation of the operation of motorized watercraft at Huguenot Memorial Park.
- Sec. 614.146. Unlawful to fish, seine, cast or use drag nets from property owned, leased, licensed or otherwise controlled by Jacksonville Port Authority except where permitted and posted to do so by Jacksonville Port Authority.
- Sec. 614.147. Prohibited commercial activities on the water.

### **Sec. 614.101. Carnivals on streets.**

It shall be unlawful and a class C offense to hold or conduct an unauthorized carnival, an unauthorized fair or an unauthorized street festival in or upon a street, park or other public space in the City.

(Code 1965, § 38-11; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1)

**Note:** Former § 330.101.

**Sec. 614.120. Making threats.**

It shall be unlawful and a class D offense for a person to communicate or cause to be communicated, either orally or in writing, a threat to do physical harm to the person or property of another.

(Ord. 72-208-160, § 1; Ord. 83-591-400, § 1)

**Note:** Former § 330.121.

**Sec. 614.121. Reserved.**

**Editor's note:** The provisions of former § 614.121, relative to public intoxication, were deleted as part of the Super Supplement to the Code. Former § 614.121 derived from Ord. 72-209-177, § 1; Ord. 83-591-400, § 1.

**Note:** Former § 330.122.

**Sec. 614.122. Assault.**

It shall be unlawful and a class D offense for a person to commit an assault upon another person.

(Ord. 72-210-161, § 1; Ord. 83-591-400, § 1)

**Note:** Former § 330.123.

**Sec. 614.123. Fighting.**

It shall be unlawful and a class D offense for a person, while in a public place, to engage in a fight or mutual combat with another person or persons; provided, that this Section shall not apply to duly authorized or licensed boxing or wrestling contests.

(Ord. 72-211-191, § 1; Ord. 83-591-400, § 1)

**Note:** Former § 330.124.

**Sec. 614.124. Indecent exposure.**

It shall be unlawful and a class D offense for a person to expose or exhibit his sexual organs in a vulgar or indecent manner:

(a) In a public place.

(b) On the private premises of the person so as to be seen from a public place or other private premises.

(Ord. 72-212-192, § 1; Ord. 83-591-400, § 1)

**Note:** Former § 330.125.

**Sec. 614.125. Reserved.**

**Editor's note:** The provisions of former § 614.125, relative to smoking in the Coliseum and public libraries, were deleted as part of the Super Supplement to the Code. Former § 614.125 derived from Ord. 73-448-117, § 1; Ord. 83-591-400, § 1.

**Note:** Former § 330.128.

# FLORIDA DEPARTMENT OF EDUCATION



**RECEIVED**  
FEB 04 2010

Dr. Eric J. Smith  
Commissioner of Education

STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

*Members*

PETER BOULWARE

DR. AKSHAY DESAI

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

LINDA K. TAYLOR

OFFICE OF  
PROFESSIONAL STANDARDS



January 22, 2010

Mr. Thomas Payne  
2737 Rainbow Circle North  
Jacksonville, Florida 32217

# 22634

*Reassigned  
7/4/07*

CERTIFIED MAIL

**RE: Finding of Probable Cause**  
Case No.: 067-3897  
DOE No.: 839701

Dear Mr. Payne:

Pursuant to the provisions of Sections 1012.796 and 1012.795, Florida Statutes, and Rule 6A-4.037, Florida Administrative Code (Rules of the State Board of Education), I find that probable cause exists to justify sanctions against your Florida Educator Certificate. Penalties levied against you may include reprimand, fine, probation, restriction of the scope of practice, suspension not to exceed five years, revocation not to exceed ten years or the permanent revocation of your Educator Certificate.

An Administrative Complaint and Election of Rights (appeal) form are enclosed. Please complete and sign the enclosed Election of Rights form and return the fully executed form to the Bureau of Professional Practices Services, 325 West Gaines Street, 224E Tallahassee, FL 32399-0400. Should you have any questions regarding this matter, contact the Office of Professional Practices Services at (850) 245-0438.

Please govern yourself accordingly.

Sincerely,

Handwritten signature of Dr. Eric J. Smith.

Dr. Eric J. Smith

mwl/wj

ENCLOSURES

cc: David Hertz

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

DR. ERIC J. SMITH, as  
Commissioner of Education,

Petitioner,

vs.

CASE NO. 067-3897

THOMAS H. PAYNE,

Respondent.

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against THOMAS H. PAYNE. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.315, 1012.795, and 1012.796, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

**JURISDICTION**

1. The Respondent holds Florida Educator's Certificate 839701, covering the area of Social Science, which is valid through June 30, 2013.
2. At all times pertinent hereto, the Respondent was employed as a Social Science Teacher at Darnell-Cookman Middle School in the Duval County School District.

**MATERIAL ALLEGATIONS**

3. On or about May 1, 2007, Respondent became upset during a counseling session with a mental health therapist. Respondent told the therapist that if he were to lose his job he would kill the Director of Professional Standards for his district. Respondent refused to recant his threat when encouraged to do so by the therapist. Respondent was arrested and charged with one count of Corruption by Threat Against a Public Servant.



4. On or about December 23, 2008, the state attorney's office reduced the charge to, Making Threats.

5. On or about February 11, 2009, Respondent entered into a deferred prosecution agreement with the state attorney's office.

6. On or about August 28, 2009, Respondent entered into a resignation agreement with the district whereby Respondent agreed to resign from his teaching position effective retroactively to July 4, 2007.

The Petitioner charges:

### STATUTE VIOLATIONS

**COUNT 1:** The Respondent is in violation of Section 1012.795(1)(d), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

**COUNT 2:** The Respondent is in violation of Section 1012.795(1)(g), Florida Statutes, in that Respondent has been found guilty of personal conduct which seriously reduces his effectiveness as an employee of the school board.

**COUNT 3:** The Respondent is in violation of Section 1012.795(1)(j), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

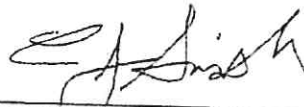
### RULE VIOLATIONS

**COUNT 4:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(c), Florida Administrative Code, in that Respondent has made malicious or intentionally false statements about a colleague.

(SIGNATURE ON FOLLOWING PAGE)

**WHEREFORE**, based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; determining the Respondent to be ineligible for certification; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 22<sup>nd</sup> day of January, 2010.



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DR. ERIC J. SMITH, as  
Commissioner of Education  
State of Florida