

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

In re: FRANK LAY and
ROBERT FREEMAN

Case No. 3:09mc62/MCR

SEALED ORDER

NOTICE AND ORDER OF CRIMINAL CONTEMPT PROCEEDINGS

On January 9, 2009, this court entered a temporary injunction (doc. 48) in Case No. 3:08cv361/MCR/EMT, prohibiting the School Board for Santa Rosa County, Florida ("School Board"); Tim Wyrosdick, Superintendent of the School District of Santa Rosa County, Florida (successor in office to John Rogers); H. Frank Lay, the principal of Pace High School; and all of the School Board's officers and employees, from promoting, endorsing, or causing religious prayers during school-sponsored events.¹ On May 5, 2009, the plaintiffs in that case filed a motion (doc. 86) for an order to show cause why the court should not find Michelle Winkler, a nonparty School Board employee, in contempt of court for violating the temporary injunction, based on her conduct of causing her husband to say a prayer at a school-sponsored event. Within the motion, plaintiffs also made specific reference to another possible willful violation of the temporary injunction by Principal Frank Lay, a party to the action, and Athletic Director Robert Freeman, a nonparty School Board employee. The plaintiff's motion, however, did not seek an order to show cause regarding their conduct. At oral argument on plaintiff's motion, plaintiff again referenced the conduct of Lay and Freeman.

Based on the notice from plaintiffs to the court of Lay and Freeman's conduct, the court, pursuant to its inherent and statutory contempt power, hereby *sua sponte* initiates

¹ By its terms the order became effective on January 19, 2009.

criminal contempt proceedings against Lay and Freeman for willfully violating the court's temporary injunction order. See 18 U.S.C. § 401(3); Fed. R. Crim. P. 42(a).

Criminal contempt proceedings are punitive and serve to vindicate the court's authority through the imposition of a criminal sanction against one who has willfully violated a court order. See *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 828 (1994); *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418, 441 (1911).² While the court's contempt power should be used sparingly, "[t]his power has been uniformly held to be necessary to the protection of the court from insults and oppression while in the ordinary exercise of its duty, and to enable it to enforce its judgments and orders necessary to the due administration of law and the protection of the rights of citizens." *Id.* (internal marks omitted). The court has statutory authority to punish acts in contempt of its orders by fine, imprisonment, or both. See 18 U.S.C. § 401(3).

Consistent with the constitutional privileges and protections attendant to criminal proceedings, Lay and Freeman are entitled to the benefit of a trial during which they will be afforded the presumption of innocence, the privilege against self incrimination, the right to proof of guilt beyond a reasonable doubt, and the right to counsel. See *Bagwell*, 512 U.S. at 826-27; *Gompers*, 221 U.S. at 444; *Romero v. Drummond Co.*, 480 F.3d 1234, 1242-43 (11th Cir. 2007); *United States v. City of Miami*, 195 F.3d 1292 (11th Cir. 1999).

As required by Rule 42(a)(1)(C) of the Federal Rules of Criminal Procedure, the court now gives notice of the essential facts constituting the criminal contempt. The temporary injunction, in relevant part, enjoined the defendants "and their officers, agents, affiliates, subsidiaries, servants, employees, successors, and all other persons or entities in active concert or privity or participation with them" from engaging in the following conduct:

1. Promoting, advancing, aiding, facilitating, endorsing, or causing religious prayers or devotionals during school-sponsored events;

...

² A conviction of criminal contempt under 18 U.S.C. § 401(3) requires the government to prove beyond a reasonable doubt that a specific order was violated and that the violation was willful. *United States v. Bernadine*, 237 F.3d 1279, 1282 (11th Cir. 2001).

4. Permitting school officials to promote their personal religious beliefs and proselytize students in class or during school-sponsored events and activities; and

5. Otherwise unconstitutionally endorsing or coercing religion.

(Order, Jan. 9, 2009, doc. 48.) The order required the defendants to provide a copy of it to all Santa Rosa School District officials, staff, faculty, and other employees and agents.³ On January 28, 2009, after the effective date of the court's temporary injunction and with knowledge of it, Lay asked Freeman to offer a prayer of blessing during a school-day luncheon for the dedication of a new field house at Pace High School. Freeman complied with the request and offered the prayer at the event.⁴ It appears this was a school-sponsored event attended by students, faculty, and community members.

Accordingly, it is **ORDERED**:

1. Frank Lay and Robert Freeman are each required to appear before the court at 9:00 a.m., Central Standard Time, on **September 17, 2009**, to show cause why they should not be held in criminal contempt of court, pursuant to 18 U.S.C. § 401(3) and Fed. R. Crim. P. 42(a). The trial will be held in Courtroom 4 North, United States District Court for the Northern District of Florida, Pensacola Division, located at One North Palafox Street, Pensacola, Florida 32502.

2. Frank Lay and Robert Freeman each have the right to the representation of counsel, the presumption of innocence, the privilege against self incrimination, to prepare a defense and to present witnesses, and to proof of guilt beyond a reasonable doubt before any criminal sanction may be imposed.

3. The court hereby requests that this matter be prosecuted by the United States Attorney's Office for this district. See Fed. R. Crim. P. 42(a)(2). Unless this request is

³ The temporary injunction expired on May 6, 2009, when this court granted permanent injunctive relief by means of a consent decree and order (doc. 94), fashioned by agreement of the parties.

⁴ The motion for an order to show cause directed at Michelle Winkler filed by the plaintiffs in the main action (doc. 86) and attached exhibits (doc. 86-2), are appended to this order. These documents also contain detailed allegations of the violation by Lay and Freeman.

declined in writing by that office by **July 27, 2009**, the court so appoints the United States Attorney's Office to prosecute the contempt.

4. This prosecution will be tried to the court.

5. The clerk shall forward a copy of this order to the United States Marshal Service for prompt service on Frank Lay at 757 South Spencer Field Road, Pace, Florida 32571, and Robert Freeman at 2889 Camp Grace Road, Pace, Florida 32571.

DONE AND ORDERED this 20th day of July, 2009.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

MINOR I. DOE, et al.;

Plaintiffs,

v.

No.: 3:08-cv-361 MCR/EMT

SCHOOL BOARD FOR SANTA
ROSA COUNTY, FLORIDA; et al.;

Defendants.

**PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE
WHY THE COURT SHOULD NOT FIND CONTEMPT**

COME NOW Plaintiffs by and through the undersigned counsel, and request the Court enter an order commanding Michelle Winkler, an employee of the School Board for Santa Rosa County, Florida, show cause why the Court should not hold her in contempt for violating the Court's preliminary injunction (DE 48), based upon the following:

1. On August 27, 2008, Plaintiffs MINOR I. DOE and MINOR II. DOE filed a Complaint (DE 1) asserting claims pursuant to 42 U.S.C. § 1983 against Defendants. The Plaintiffs alleged that school officials have

used their government positions throughout the School District of Santa Rosa County, Florida, ("School District") to persistently and pervasively promote their personal religious beliefs in the public schools and at school events, in part, by conducting or sponsoring prayer at school events.

2. The Defendants admitted liability for the allegations in the Complaint and for the violations of the U.S. Constitution's Establishment Clause and the Florida Constitution's No-Aid Provision. DE 44 at 5-6.

3. With the Defendants having admitted liability, the Court at a January 9, 2009, case management conference recognized that the Defendants and school officials might continue their policies, practices, and customs of advancing religion in violation of the Establishment Clause and that such violations would cause irreparable harm. *See, e.g., Elrod v. Burns*, 427 U.S. 347, 373 (1976) (citation omitted) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."), *followed by KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1271-72 (11th Cir. 2006). Accordingly, while the parties worked out a consent decree, the Court preliminarily enjoined the Defendants and the School Board's employees from continuing to advance religion. DE 48.

Specifically, the Court enjoined all School Board employees from “[p]romoting, advancing, aiding, facilitating, endorsing, or causing religious prayers or devotionals during school-sponsored events.” *Id.* at ¶ 1.

4. The Court ordered the Defendants to provide a copy of this Order (DE 48) to “all Santa Rosa School District officials, staff, faculty, and other School District employees and agents.” *Id.* at 2. On information and belief, the Defendants complied with the Court’s Order (DE 48) by distributing a copy of the Order to every School Board employee and others. On information and belief, the Defendants demanded each School Board employee sign his or her signature upon receipt of the Order to evidence the receipt of the Order.

5. Notwithstanding the Court’s preliminary injunction effective noon on January 19, 2009 (DE 48) and despite having notice of the Court’s Order, Ms. Winker, a School Board employee, intentionally violated paragraph 1 of that Order in the following manner:

(a) In preparation for the February 20, 2009, Employee of the Year Banquet at Sykes Banquet Hall on Whiting Field (Naval Air Station), District Administrator Jud Crane, Director of Purchasing and

Contract Administrator, requested that Ms. Winkler, an administrative assistant, offer a “thought for the day” at the event. Ex. 86-02 at 8-9.

(b) In light of the Court’s Order, Ms. Winkler asked Mr. Crane if she would be permitted—“off the record”—to offer a prayer. Ex. 86-02 at 8-9. Ms. Winkler explained that she would like to offer the prayer and “will suffer whatever consequences for” it. *Id.* at 8. While Mr. Crane sympathized with Ms. Winkler’s position, after Mr. Crane checked with Defendant Superintendent, Mr. Crane instructed her that she would not be permitted to offer a prayer. *Id.* at 5-7. In response, Ms. Winkler agreed to not offer the prayer, but still present the “thought of the day” because “[they] are in a battle and there are diverse ways to fight it.” *Id.* at 6.

(c) On information and belief, at the Employee of the Year Banquet, when Ms. Winkler was to give her “thought of the day,” she appeared with her husband, who is not a School Board employee, and explained because she was not able to offer a prayer, her husband would offer one in her stead. On information and belief, thereafter, on Ms. Winkler’s prompting her husband offered a prayer at the school-sponsored event. School District students and faculty, the Superintendent, community

members, and one or more member of the School Board were present at the Employee-of-the-Year Banquet. *See* Ex. 86-02 at 17. On information and belief, no one either interceded and stopped Ms. Winkler or her husband or, if this was not possible, explained immediately after the prayer to the audience (and to Ms. Winkler) that the prayer at the school event was inappropriate, violated the Court's order, and will not be accepted within the School District.

(d) In response to this flagrant violation, by memorandum dated March 10, 2009, Linda Novota, a supervisor, explained that Mr. Crane had informed Ms. Winkler that "a prayer could not be given either by an employee or a non-employee," Ms. Winkler had no authority to have her husband offer a prayer, and that she should not do so in the future. Ex. 86-02 at 26. On information and belief, Ms. Winkler refused to acknowledge receipt of the memorandum by signing it. On information and belief, Defendants have taken no further action and Ms. Winkler has received no meaningful discipline by Defendants for her violation of this Court's order.

6. In an unrelated incident—one for which Plaintiffs are not currently seeking contempt, but continue to investigate—School District

leadership likewise failed to properly remediate a violation of the Court's order:

(a) During a school-day luncheon on Wednesday, January 28, 2009, at the Dedication of the new Field House at Pace High School, Defendant Principal Frank Lay asked Robert Earl Freeman, Pace High Athletic Director, to offer a prayer to bless the food. *See* Ex. 86-02 at 1-4 (“In a traditional manner [Mr. Lay] asked Athletic Director, Robert Freeman to bless the food for the adults in attendance. Respectfully he responded to [Mr. Lay’s] request.” *Id.* at 1. “Principal Frank Lay asked [Mr. Freeman] to give thanks for our lunch, which [Mr. Freeman] did.” *Id.* at 2. “[Mr. Lay] asked Robert Freeman to ask a blessing on the food. [Mr. Lay] shared that [he is], and [was] at the date of this incident, aware of the court injunction and aware that this type of action is not permissible under the injunction.” *Id.* at p. 3.).

(b) Upon Mr. Lay’s request, Mr. Freeman offered a prayer at the event. Pace High students and faculty and community members were present at the Dedication of the new Field House. In response to Mr. Lay asking Mr. Freeman to pray and Mr. Freeman praying at a school event on

Jan. 28, 2009, Defendant Superintendent instructed Mr. Lay and Mr. Freeman to “avoid this type of action as it not permitted or [sic] as per the attached injunction.” Ex. 86-02 at 3-4. Although the actions of Mr. Lay and Mr. Freeman appear to be in violation of the court’s preliminary injunction, Defendant Superintendent nevertheless ends his “reprimand” by thanking them “for [their] leadership at Pace High School.” *Id.*

(c) This second incident and the leadership’s response evidence the continued practices within the District. Counsel for the Plaintiffs continues to investigate this matter and the culpability of those involved.

7. Counsel for the Plaintiffs is investigating additional issues, which are premature to be brought to the Court’s immediate attention.

WHEREFORE, the Plaintiffs respectfully request this Honorable Court to do the following:

(a) order Michelle Winkler to show cause why the Court should not find her in contempt of the Court’s Order (DE 48) and require her to pay the Plaintiffs’ attorney fees and costs associated with the filing of this motion, along with whatever other action the Court deems appropriate;

(b) order the Defendants to produce any other records or communication relating (1) the Winkler violation, (2) the apparent violation by Mr. Lay and Mr. Freeman, and (3) any other violation of the Court's Preliminary Injunction Order (DE 48);

(c) order the Defendants to prohibit Ms. Winkler from speaking generally to the audience at a school event until such time that she agrees, in writing, to comply with the Court's orders in this matter; and

(d) order the Defendants to identify all circumstances for the period of January 19, 2009, through June 1, 2009, in which a prayer occurred or occurs at a school-sponsored event or on school grounds and explain why these prayers do not violate the Court's Order (DE 48) or the Consent Decree and Order, if approved by the Court.

N.D. FLA. LOC. R. 7.1(B) CONFERENCE COMPLIANCE

Over the course of the past month and one-half, Plaintiffs' counsel has conferred with the Defendants' counsel in a good faith effort to resolve by agreement the issues raised in this motion. In a number of letters and telephone calls, the parties attempted to agree mutually on a proper course of action to remediate these past violation(s) so to ensure they are not repeated. Ultimately, the parties could not agree on remediation as an alternative to this motion. The Defendants oppose the relief sought.

Dated: May 4, 2009

RESPECTFULLY SUBMITTED,

s/ Benjamin James Stevenson

Benjamin James Stevenson (Fla. Bar. No. 598909)
American Civil Liberties Union
Found. of Florida
Post Office Box 12723
Pensacola, FL 32591-2723
bstevenson@aclufl.org
Tel: 786.363.2738
Fax: 786.363.1985

Glenn M. Katon (Fla. Bar. No. 636894)
American Civil Liberties Union
Found. of Florida
Post Office Box 18245
Tampa, FL 33679
gkaton@aclufl.org
Tel: 813.254.0925
Fax: 813.254.0926

Randall C. Marshall (Fla. Bar No.: 181765)
RMarshall@aclufl.org
Maria Kayanan (Fla. Bar No.: 305601)
MKayanan@aclufl.org
American Civil Liberties Union
Found. of Florida
4500 Biscayne Blvd., Suite 340
Miami, Florida 33137
Tel: 786.363.2707
Fax: 786.363.1108

Daniel Mach (D.C. Bar No.: 461652)
dmach@aclu.org
Heather L. Weaver (D.C. Bar No.: 495582)
hweaver@aclu.org
ACLU Program on Freedom of
Religion and Belief
915 15th Street, NW
Washington, DC 20005
Tel: 202.675.2330
Fax: 202.546.0738

Counsel for Plaintiffs

PACE HIGH SCHOOL

4065 Norris Road
Pace, Florida 32571
(850) 995-3600
Fax (850) 995-3620
www.santarosa.k12.fl.us



H. FRANK LAY
Principal
BRAD MARCELLIAT
Assistant Principal
GRADY H. CANNON
Assistant Principal
DANNY RETHERFORD
Assistant Principal

February 4, 2009

Mr. Wyrosdick and Mr. Lynn,

On January 28th, 2009 Pace High School hosted a luncheon for past football booster club members and other adults associated with the school system that were active in the development of our new field house. Culinary class students were in charge of the food preparation and serving. In a traditional manner I asked Athletic Director, Robert Freeman to bless the food for the adults in attendance. Respectfully he responded to my request. I accept full responsibility for this action. My actions were overt and not meant to circumvent any court order or constitutional mandate.


Respectfully,

A handwritten signature in black ink, appearing to read "H. Frank Lay", written over a horizontal line.

H. Frank Lay
Principal

February 3, 2009

On January 28th, 2009, Pace High School held a field house dedication luncheon. It was an adult occasion with school personnel and booster club members. Principal, Frank Lay asked me to give thanks for our lunch, which I did.

A handwritten signature in cursive script that reads "Robert Freeman". The signature is written in black ink and is positioned above the printed name.

Robert Freeman



Timothy S. Wyrosdick
Superintendent of Schools

5086 Canal Street Milton, Florida 32570-6706

Phone: 850/983-5012

Suncom: 689-5012


Cellular: 850/777-7762

Facsimile: 850/983-5013

E-mail: WyrosdickT@mail.santarosa.k12.fl.us

MEMORANDUM

To: Frank Lay, Principal

From: Tim Wyrosdick, Superintendent 

Date: February 5, 2009

Re: Prayer Incident of January 27, 2009

In a meeting at Pace High School with Lewis Lynn, Robert Freeman, yourself and me you gave a narrative of an event that took place on 1/27/09. In this incident you shared that at the "field house" dedication you asked Robert Freeman to ask a blessing on the food. You shared that you are, and were at the date of this incident, aware of the court injunction and aware that this type of action is not permissible under the injunction. You also shared that your action was not intentional in circumventing the court order. In that meeting, I shared that your actions were not appropriate and this type of action should not take place again.

This note is to share with you written instructions to avoid this type of action as it is not permitted as per the attached injunction. Please refrain from taking action again that would replicate this incident or others that would constitute a violation of the court order.

Let me take this opportunity to thank you for your honesty and character in which you assisted in describing the incident. As well, let me thank you for your leadership at Pace High School.

attachment

cc: office file

DISTRICT 1
Diane Scott

DISTRICT 2
E. Hugh Winkles

DISTRICT 3
Diane Coleman

DISTRICT 4
JoAnn Simpson

DISTRICT 5
Ed Gray, III



Timothy S. Wyrosdick
Superintendent of Schools

5086 Canal Street Milton, Florida 32570-6706

Phone: 850/983-5012

Suncom: 689-5012

Cellular: 850/777-7762

Facsimile: 850/983-5013

E-mail: WyrosdickT@mail.santarosak12.fl.us

MEMORANDUM

To: Robert Freeman

From: Tim Wyrosdick, Superintendent *SW*

Date: February 5, 2009

Re: Prayer Incident of January 27, 2009

In a meeting at Pace High School with Lewis Lynn, Frank Lay, yourself and me you shared information concerning an event that took place on 1/27/09. When Frank Lay shared that he had asked you to say a blessing at the "field house" dedication, you responded that you did so.

This note is to share with you written instructions to avoid this type of action as it is not permitted as per the attached injunction. Please refrain from taking action again that would replicate this incident or others that would constitute a violation of the court order.

Let me take this opportunity to thank you for your honesty and character in which you assisted in describing the incident. As well, let me thank you for your leadership at Pace High School.

attachment

cc: office file

DISTRICT 1
Diane Scott

DISTRICT 2
E. Hugh Winkles

DISTRICT 3
Diene Coleman

DISTRICT 4
JoAnn Simpson

DISTRICT 5
Ed Gray, III

MAR/17/2009/TUE 08:56 AM SRC PURCHASING DEPT.

FAX No. 8509835133

P. 003

SREY banquet

Page 1 of 1

Crane, Jud

From: Wyrosdick, Tim
Sent: Wednesday, January 28, 2009 9:53 PM
To: Crane, Jud
Subject: RE: SREY banquet

No devotion and no invocation.... a short moment of silence is appropriate. Unless in our next principals meeting paul green gives different guidance, tim

From: Crane, Jud
Sent: Fri 1/23/2009 2:44 PM
To: Wyrosdick, Tim
Cc: Harrell, Joseph
Subject: SREY banquet

Tim,

Historically we have done a short devotion and invocation at the SREY banquet. Since it is a ticketed event where attendance is not mandatory, would we be allowed to continue, or do I need to change it to a thought for the day and moment of silence? Is this a Paul Green question?

Jud

PS. Same for the picnic...

3/16/2009

Crane, Jud

From: Crane, Jud
Sent: Thursday, January 29, 2009 9:30 AM
To: Winkler, Michelle S.
Subject: RE: Banquet Prayer

I'm happy that you will still participate. I am in the same boat as you - and frankly, so is the superintendent.

Here is how we will proceed. You will be called up to give the "thought for the day". Say things about our hard working employees, remembering the theme of "Santa Rosa's Most Wanted". Please keep your comments fairly short, 2 or 3 minutes or so. When you conclude, ask everyone to stand for a moment of silence. After 20 - 30 seconds, simply say "Thank you, you may be seated" and depart the stage.

Thanks so much. I'll be praying for you!

Jud

From: Winkler, Michelle S.
Sent: Thursday, January 29, 2009 9:25 AM
To: Crane, Jud
Subject: RE: Banquet Prayer

To be honest, my first inclination is to withdraw - but we are in a battle and there are diverse ways to fight it. So I will accept.

Thanks
Michelle

You cannot help people permanently
by doing for them what they could & should do for themselves.
-Abraham Lincoln-
Michelle S. Winkler
Berryhill Administrative Complex
6751 Berryhill Street
Milton, FL 32570
850-983-5150 phone
850-983-6053 fax
winklerm@mail.santarosa.k12.fl.us
Have A Super Wonderful Day!

From: Crane, Jud
Sent: Thursday, January 29, 2009 8:00 AM
To: Winkler, Michelle S.
Subject: RE: Banquet Prayer

Hi Michelle,

I have gotten the word that we will not be allowed to have a devotion or invocation. We can have a "thought of the day" which cannot be religious, and a moment of silence.

Based on that, I assume you will withdraw. However, please confirm.

Thanks,

3/16/2009

MAR/17/2009/TUE 08:56 AM SRC PURCHASING DEPT. FAX No. 8509835133

P. 005

Page 2 of 2

Jud

From: Winkler, Michelle S.
Sent: Monday, January 26, 2009 8:05 AM
To: Crane, Jud
Subject: Banquet Prayer

Jud,
This is the prayer God gave me –
if it cannot be prayed in its entirety,
I would prefer that someone else be selected
to give the prayer.
I simply cannot compromise my LORD.
Like Daniel, Hananiah, Mishael and Azariah.
I simply won't bow down to another god.

With my greatest respect for your position –
Michelle

You cannot help people permanently
by doing for them what they could & should do for themselves.

-Abraham Lincoln-

Michelle S. Winkler
Berryhill Administrative Complex
6751 Berryhill Street
Milton, FL 32570
850-883-5150 phone
850-883-5053 fax
winklerm@mail.santarosa.k12.fl.us

Have A Super Wonderful Day!

3/16/2009

Crane, Jud

From: Crane, Jud
Sent: Friday, January 23, 2009 3:02 PM
To: Winkler, Michelle S.
Subject: RE: Devotion and invocation at SREY banquet

Send it to me. I'm with you...but I'll get it cleared...

From: Winkler, Michelle S.
Sent: Friday, January 23, 2009 2:55 PM
To: Crane, Jud
Subject: RE: Devotion and invocation at SREY banquet

I'm still on, and being unfearful of the current events,
with your "off the record" permission,
I would like to use the prayer that I had
prayed about and received from God
and will suffer whatever consequences for.
I will email you a copy on Monday and you
let me know what you say.
I respect whatever decision you make.

Thanks, Michelle

I cannot be silent as God is my very life
and Christ is who I am.

You cannot help people permanently
by doing for them what they could & should do for themselves.
-Abraham Lincoln-
Michelle S. Winkler
Berryhill Administrative Complex
6751 Berryhill Street
Milton, FL 32570
850-983-5150 phone
850-983-5053 fax
winklem@mail.santarosa.k12.fl.us
Have A Super Wonderful Day!

From: Crane, Jud
Sent: Friday, January 23, 2009 2:47 PM
To: Winkler, Michelle S.
Subject: Devotion and invocation at SREY banquet

Hi Michelle,

MAR/17/2009/TUE 08:56 AM SRC PURCHASING DEPT.

FAX No. 8509835133

P. 007

Just making sure you are still on for the banquet. In light of current events, we may have to change to a "thought for the day" and moment of silence. I'll let you know.

Jud

8-2

Gracious, Loving, Heavenly Father –

I love the way
You have created each of us
with a purpose
which includes the need
to serve one another
in ways
that bring encouragement
and inspire each of us
to help one another to excel.

Tonight
we celebrate some of those
who are an inspiration to us
and in whose deeds
we have been blessed.

There is a Tree (Christ),
on which grows
the fruits of life;
love, joy, peace,
patience, kindness, goodness,
gentleness, faithfulness and self-control.

May we each
eat freely from that tree
and thereby extend
the same grace and mercy
to one another
as You have faithfully
committed Yourself
to lavish on us.

Thank You, Father God –
In Jesus' holy and precious name –
Amen.

Planning Committee Members

Bauldree, Regenia	Freeman, Carolyn	Leber, Elizabeth
Caudell, Debbie	Gabbard, Renee	Lewis, Debby
Chavers, Rhonda	Glass, Sue	Lewis, Kathie
Collins, Gail	Hines, Jennifer	McCray, Landra
Collins, Stephanie	Hinson, Melody	Phillips, Starlan
Crane, Jud	Holmes, Anita	Quroz, Karen
Cribbs, Susie	Hulson, Michele	Scheler, Suzy
Dahlgren, Lisa	Johnson, Lucile	Smith, Cheryl
DeLeon, Jesse	Kelley, Linda	Soululo, Renee
Dooley, Rebecca	Ketterer, Brona	Spino, Merelle
Davis, Kay	Keyster, Mary	Therel, Sharon
Dunlap, Mary Jane	Klicrease, Theresa	Vaughan, Jeanie
Ellis, Linda	Krischick, Ruth	Ward, Cathy
Fisher, Cindy	Langton, Kristen	West, Patty
Fitzgerald, Richard	Lambeth, Cindy	Whitfield, Craig

Responsibilities of Committee Members Include:
Selection and Announcement of Winners, Decorations, and Awards

Monetary Awards/Special Presentations

Danny Cantley, Santa Rosa County Association of School Administrators
Cathy Furdon, Santa Rosa Educational Foundation
Rhonda Chavers, Santa Rosa Professional Educators
Jud Crane, SREY Committee, Years of Service Recognition for 30 and 35 Year Employees

Door Prize/Donations

Art N Sole Photography – Lisa Dahlgren	Ryan's Buffett – Pace
Ci Ci's Pizza – Pace	Southern Management
Durham School Services	STOA Architects
La Hacienda – Pace, Milton	Target – Pace
LCL Financial, Inc. – Paul Kent	Texas Roadhouse – Milton
Lowes - Pace	Wal-Mart – Gulf Breeze
Ruby Tuesdays – Pace	

Photography
Art N Sole Photography

Dessert
Sodexo

Video/Sound System
Dennis Boyce & Lisa Dahlgren

Please do not remove any of the table decorations.
They are on loan and not for personal keepsakes!


A special thanks to each of you for being with us this evening.

Santa Rosa District Schools

Employee of the Year

Awards Ceremony and Banquet 2009

Honoring



Friday, February 20, 2009
6:30 p.m.
Sikes Hall—Whiting Field

School Related Employee of the Year Nominees

- | | |
|--|------------------|
| 1. ADMIN SUPPORT COMPLEX | Sandy King |
| 2. AVALON MIDDLE | Judy O'Mary |
| 3. BAGDAD ELEMENTARY | Rebecca Rummel |
| 4. BENNETT C. RUSSELL ELEMENTARY | Cindy Lacey |
| 5. BERRYHILL ADMINISTRATIVE COMPLEX | Steve Sutherland |
| 6. BERRYHILL ELEMENTARY | Bonnie Forrest |
| 7. CANAL STREET OFFICES | Sharon Threet |
| 8. CENTRAL HIGH | Megan Holland |
| 9. CHUMUCKLA ELEMENTARY | Alice Cody |
| 10. COMMUNITY SCHOOL | Tracy Johnson |
| 11. DATA PROCESSING | Ronnie Wade |
| 12. EAST MILTON ELEMENTARY | Lori Weekly |
| 13. GULF BREEZE ELEMENTARY | Ginny Papizza |
| 14. GULF BREEZE HIGH | Sharon Lang |
| 15. GULF BREEZE MIDDLE | Catherine Sharp |
| 16. HOBBS MIDDLE | Cynthia Schad |
| 17. HOLLEY NAVARRE INTERMEDIATE | Linda Nelson |
| 18. HOLLEY NAVARRE MIDDLE | Tammy Gazoo |
| 19. HOLLEY NAVARRE PRIMARY | Connie Polts |
| 20. JAY ELEMENTARY | Nelda White |
| 21. JAY HIGH | Jennifer Gunn |
| 22. KING MIDDLE | Kathie Lewis |
| 23. LOCKLIN TECHNICAL CENTER/SANTA ROSA ADULT SCHOOL | Jennifer Hines |
| 24. MILTON HIGH | Katrina Roberts |
| 25. MUNSON ELEMENTARY | Kelley Archer |
| 26. NAVARRE HIGH | Tana Varner |
| 27. ORIOLE BEACH ELEMENTARY | Tina Lee |
| 28. PACE HIGH | Chris Vance |
| 29. PEA RIDGE ELEMENTARY | Melody O'Kelly |
| 30. SIMS MIDDLE | Patty West |
| 31. SS DIXON INTERMEDIATE | Renee Caraway |
| 32. SS DIXON PRIMARY | Barbara Baker |
| 33. TR JACKSON PRE-K | Christine Wyatt |
| 34. WEST NAVARRE INTERMEDIATE | Lisa Secordine |
| 35. WEST NAVARRE PRIMARY | Amy Eastwood |
| 36. WOODLAWN BEACH MIDDLE | Sherry Gibson |

Welcome

Kristi Jernigan, Assistant Principal, Jay High School

Pledge of Allegiance

Gloria Ryane and Janna Ellis, Jay High School

National Anthem

Krista Harris, Jay High School

Thought of the Day / Moment of Silence

Michelle Winkler

Dinner

Recognition of Past School Related Employees of the Year

1990 Della Allen	1997 Brenda Godwin	2004 Margaret Rotenberry
1991 John McArthur	1998 Christine Adams	2005 Jon Tivush
1992 Jerry D. Davis	1999 Fred VonAxelson	2006 Jesse DeLeon
1993 Carol Gibson	2000 Stephanie Collins	2007 Cindy Lambeth
1994 Ricky Cabariss	2001 Mary Catherine Bostic	2008 Pat Helms
1995 Ann Brown	2002 Donna Weekley	
1996 Sarah Barker	2003 Regina Marek	

Entertainment

Larry Hobbs and the Cowpoke String Band

Recognition of Nominees

Tim Wyrosdick, Superintendent of Schools

Brenda Godwin, 1997 School Related Employee of the Year
and
Stephanie Collins, 2000 School Related Employee of the Year

Presentation of Santa Rosa County's 2009 Employees of the Year

Sandra Brooks Food Service	Gladys Rowell School Related
Silvestro Chairot Custodial	Phyllis Gonzales Transportation

Closing Remarks

SANTA ROSA'S MOST WANTED
2009 EMPLOYEES-OF-THE-YEAR

KRISTI - GOOD EVENING AND WELCOME TO AN EVENING WHERE WE WILL CELEBRATE SANTA ROSA'S MOST WANTED - THE EMPLOYEES WHO DO SUCH AN OUTSTANDING JOB PROVIDING THE SUPPORT FOR OUR TEACHERS AND ADMINISTRATORS NEED TO ENSURE A QUALITY EDUCATION FOR THE STUDENTS OF SANTA ROSA COUNTY. TONIGHT'S BANQUET IS TO RECOGNIZE YOU AND THE CONTRIBUTION YOU MAKE. WE HOPE THIS EVENING WILL BE VERY SPECIAL AND THAT YOU WILL LEAVE HERE KNOWING HOW MUCH YOU ARE APPRECIATED BY THOSE WHO WORK WITH YOU.

BEFORE WE GET STARTED, THE FIRE MARSHALL HAS ASKED THAT WE MAKE YOU AWARE OF THE EXITS IN CASE OF AN EMERGENCY. PLEASE TAKE A MOMENT TO LOCATE THE EXIT DOOR LOCATED CLOSEST TO YOUR TABLE.

JAY HIGH STUDENTS GLORIA RANYE AND JANNA ELLIS WILL NOW LEAD US IN THE PLEDGE OF ALEGENCE AND MARGARET ARNOLD, MUSIC TEACHER FROM RHODES ELEMENTARY, WILL OFFER HER RENDITION OF THE NATIONAL ANTHEM.

PLEASE HOLD YOUR RIGHT HAND OVER YOUR HEART IN SALUTE FOR THE PLEDGE ALLEGIANCE AND NATIONAL ANTHEM.

-(PLEDGE OF ALLEGIANCE)

I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

(STAR SPANGLED BANNER)

PLEASE BE SEATED. THANK YOU GLORIA, JANNA AND MARGARET!

STONE'S STUDIO WILL BE TAKING PHOTOS OF THE EVENT TONIGHT. PHOTOGRAPHS TAKEN WILL BE POSTED ON STONE'S WEB SITE AND WILL BE AVAILABLE FOR SALE ONLINE.

NOW WE WILL HAVE A DRAWING AND ANNOUNCING OF THE WINNERS OF THE DOOR PRIZES. DOOR PRIZES HAVE BEEN PROVIDED BY THE VERY GENEROUS VENDORS LISTED IN YOUR PROGRAM.

ASSISTING IN THE DRAWING OF THE WINING NUMBER WILL BE THE GAIL COLLINS. GAIL, PLEASE STAND. IF YOUR NAME IS CALLED, YOU CAN

PICK UP YOUR PRIZE FROM HER. WE WILL HAVE MORE DRAWINGS
THROUGHOUT THE EVENING.

DRAWING 1 (SEE DOOR PRIZE SHEET)

I NOW INTRODUCE MICHELLE WINKLER, BERRYHILL ADMINISTRATIVE
CENTER, WHO WILL OFFER THE THOUGHT FOR THE DAY AND LEAD US IN A
MOMENT OF SILENCE.

(SILENCE)

THANK YOU MICHELLE.

PLEASE REMAIN AT YOUR TABLES UNTIL DIRECTED TO THE BUFFET LINES
BY OUR TABLE MONITORS, SUSIE CRIBBS, DEBBIE LEWIS AND MERELLE
SPINO. ENJOY YOUR MEAL!

(EAT, EAT, EAT)

DOOR PRIZE DRAWING 2 AND 3 DURING MEAL TIME (SEE DOOR PRIZE
SHEET)

(CALL JUD CRANE TO THE STAGE)

JUD: THE DISTRICT RECOGNIZES THE YEARS OF SERVICE OF OUR SCHOOL RELATED EMPLOYEES. EARLIER THIS YEAR EACH SCHOOL AND DEPARTMENT HONORER EMPLOYEES WITH 5, 10, 15, 20, 25,30 AND 35 YEARS OF SERVICE. TONIGHT WE WOULD LIKE TO PUBLICLY RECOGNIZING THOSE EMPLOYEES WHO HAVE BEEN WITH THE DISTRICT 30 YEARS. WILL THE FOLLOWING EMPLOYEES PLEASE STAND.

- RICKY CABANISS - MANINTENANCE DEPARTMENT
- MARY LAMBETH - TRANSPORTATION DEPARTMENT
- ROBERT LAND - DATA PROCESSING
- JAMES WALKER - TRANSPORTATION DEPARTMENT

THE FOLLOWING EMPLOYEES HAVE BEEN WITH THE DISTRICT 35 YEARS. PLEASE STAND AND BE RECOGNIZED AS WE CALL YOUR NAME:

- DIANE SIMMONS - TRANSPORTATION DEPARTMENT
- CHARLEEN TAYLOR - EAST MILTON ELEMENTARY SCHOOL

LET'S HAVE A ROUND OF APPLAUSE FOR THESE FINE EMPLOYEES WHO HAVE SERVED THE DISTRICT SO WELL...

KRISTI: THERE ARE A NUMBER OF PEOPLE HERE WE WOULD LIKE TO
RECOGNIZE AND GIVE A SPECIAL THANK YOU FOR THE PART THEY PLAY IN
THE SUCCESSES OF OUR COUNTY SCHOOL SYSTEM. WITHOUT THESE
PEOPLE, WE WOULD NOT HAVE A SCHOOL SYSTEM THAT IS KNOWN
STATEWIDE AS THE BEST DISTRICT IN THE STATE!

SUPERINTENDENT OF SCHOOLS, MR TIM WYROSDIC AND HIS WIFE,
VANESSA.

DISTRICT 1 BOARD MEMBER: DIANE SCOTT AND HER HUSBAND RICK

DISTRICT 2 BOARD MEMBER: HUGH WINKLES AND HIS WIFE LISA

DISTRICT 3 BOARD MEMBER: DIANE COLEMAN

DISTRICT 4: BOARD CHAIRMAN: JOANN SIMPSON AND HER HUSBAND
JAMES

DISTRICT 4: MR. ED GRAY

LET US GIVE THESE PEOPLE A ROUND OF APPLAUSE FOR THE CONCERN
AND SUPPORT THEY GIVE US, ALLOWING US TO DO OUR JOBS WELL
(APPLAUSE)

ALSO, WE ARE PLEASED TO HAVE WITH US TONIGHT MS. CATHY PURDON, SANTA ROSA EDUCATIONAL FOUNDATION, AND MR. DANNY CARNLEY, REPRESENTING THE SANTA ROSA COUNTY ASSOCIATION OF SCHOOL ADMINISTRATORS, AND MS. RHONDA CHAVERS WITH THE SANTA ROSA PROFESSIONAL EDUCATORS. WE WILL HEAR MORE FROM THESE FINE FOLK LATER AS THEY PRESENT MONETARY AWARDS TO OUR WINNERS FOR THIS YEAR.

THIS IS THE TWENTYITH YEAR THE SCHOOL HAS SPONSORED A BANQUET FOR EMPLOYEES OF THE YEAR. YOU CAN SEE IN YOUR PROGRAM THE LIST OF THOSE WHO HAVE BEEN HONORED EACH YEAR STARTING IN 1990. TONIGHT WE ARE PLEASED TO INTRODUCE SOME OF THEM WHO ARE JOINING US. AS I CALL YOUR NAME, PLEASE STAND AND REMAIN STANDING, SO THAT YOU CAN BE RECONIZED AND HONORED. PLEASE HOLD YOUR APPLAUSE UNTIL ALL PAST WINNERS HAVE BEEN RECOGNIZED.

1990 - DELLA ALLEN

1991 - JOHN MCARTHUR

1992 - JERRY D. DAVIS

1993 - THE LATE CAROL GIBSON

1994 - RICKY CABANISS

1995 - ANN BROWN

1996 - SARAH BARKER

1997 - BRENDA GODWIN

1998 - CHRISTINE ADAMS

1999 - THE LATE FRED VONAXELSON

2000 - STEPHANIE COLLINS

2001 - THE LATE MARY CATHERINE BOSTIC

2002 - DONNA WEEKLEY

2003 - REGINA MAREK

2004 - MARGARET ROTTENBERRY

2005 - JOHN THRUSH

2006 - JESSE DELEON

2007 - CINDY LAMBETH

2008 - PAT HELMES

LETS GIVE A ROUND OF APPLAUSE TO THESE WINNERS FROM YEARS
PAST. YOU MAY BE SEATED.

TONIGHT WE HAVE THE BEST IN COUNTY AND WESTERN MUSIC THAT MONEY CAN BUY....WELL, AT LEAST THAT WE COULD AFFORD! LET'S HEAR A WARM WELCOME TO LARRY HOBBS AND THE COWPOKE STRING BAND!

BAND PLAYS

THANK YOU COWBOYS - AND COWGIRL - FOR THAT WONDERFUL MUSIC!

AND NOW WHAT WE ALL CAME HERE TO DO: RECOGNIZE THOSE OUTSTANDING EMPLOYEES AT EACH OF OUR SCHOOLS.

WILL THE NOMINEES PLEASE TAKE YOUR CHAIR TO THE LEFT OF THE STAGE, AND AS THEY DO, WILL WILL HAVE OUR FINAL DOOR PRIZE DRAWING.

DRAWING 4 (SEE DOOR PRIZE SHEET)

ASSISTING ME IN HONORING THIS GROUP WILL BE BRENDA GODWIN, 1997 SCHOOL RELATED EMPLOYEE OF THE YEAR, AND STEPHANIE COLLINS, 2000 SCHOOL RELATED EMPLOYEE OF THE YEAR. THE CERTIFICATES OF AWARD WILL BE PRESENTED TO OUR HONORED EMPLOYEES BY SUPERINTENDENT WYROSDICK, ASSISTED BY RENEE SOUTULLO.

SUPERINTENDENT WYROSDICK AND MRS. SOUTULLO, WILL YOU PLEASE COME TO THE STAGE. (SUPERINTENDENT WYROSDICK WILL STAND ON THE STAGE IN FRONT OF THE PODIUM, RENEE SOUTULLO WILL HAND HIM THE APPROPRIATE CERTIFICATE AND LAPEL PIN. SUPERINTENDENT WYROSDICK AND THE NOMINEE WILL POSE FOR THE PHOTOGRAPHER. (NOTE: SUPERINTENDENT WILL MAKE SURE THEY STAY FOR THE PHOTO, AND UNTIL THE ANNOUNCER FINISHES READING ABOUT THEM) BRENDA AND STEPANIE WILL TAKE TURNS ANNOUNCING THE NOMINEES

(AWARDS PRESENTED)

KRISTI - AND NOW FOR THE SPECIAL RECOGNITION OF THE EVENING, OUR EMPLOYEES OF THE YEAR WILL BE INTRODUCED BY SUPERINTENDENT WYROSDICK.

EMPLOYEES OF THE YEAR

(SUPERINTENDENT WYROSDICK WILL COME TO THE PODIUM AND MRS. SOUTULLO WILL HAND HIM THE PLAQUES, CERTIFICATE, AND LAPEL PIN FOR EACH FINALIST AND THE WINNER.

NOTE: THIS IS A LOT TO HOLD AND POSE FOR A PICTURE,

SUPERINTENDENT WYROSDICK MAY NEED TO HELP THEM HOLD IT ALL FOR THE PICTURE)

(SUPERINTENDENT WYROSDICK ANNOUNCES EMPLOYEES OF THE YEAR)

TRANSPORTATION EMPLOYEE OF THE YEAR - PHYLLIS GONZALES

SCHOOL RELATED EMPLOYEE OF THE YEAR - GLADYS ROWELL

FOOD SERVICE EMPLOYEE OF THE YEAR - SANDRA BROOKS

CUSTODIAL EMPLOYEE OF THE YEAR - SILVESTRO CHAIROT

(SUPERINTENDENT WILL RETIRE FROM THE STAGE. EMPLOYEES OF THE YEAR WILL STEP TO THE REAR AND COME FORWARD FOR EACH PRESENTATION)

KRISTI: MR. DANNY CARNLEY, REPRESENTING THE SANTA ROSA COUNTY ASSOCIATION OF SCHOOL ADMINISTRATORS, WILL NOW MAKE A PRESENTATION TO OUR EMPLOYEES OF THE YEAR.

(DANNY MAKES PRESENTATION FROM SRCASA)

KRISTI: MS. CATHY PURDON, REPRESENTING THE EDUCATIONAL FOUNDATION OF SANTA ROSA COUNTY WILL NOW MAKE A PRESENTATION TO OUR HONOREES.

(CATHY PURDON MAKES PRESENTATION FROM SREF.)

KRISTI: PRESENTING OUR FINAL AWARDS IS MS. RHONDA CHAVERS, PRESIDENT SANTA ROSA PROFESSIONAL EDUCATORS,

(RHONDA CHAVERS MAKES PRESENTATION FROM SRPE.)

KRISTI: I'D LIKE TO GIVE OUR EMPLOYEES OF THE YEAR AN OPPORTUNITY TO MAKE A FEW COMMENTS. WE WILL START WITH PHYLLIS GONZALES, TRANSPORTATION EMPLOYEE OF THE YEAR.

PHYLLIS SPEAKS

KRISTI: GLADYS ROWELL, SCHOOL RELATED EMPLOYEE OF THE YEAR

GLADYS SPEAKS

KRISTI: SANDRA BROOKS, FOOD SERVICE EMPLOYEE OF THE YEAR

SANDRA SPEAKS

KRISTI: SILVESTRO CHAIROT, CUSTODIAL EMPLOYEE OF THE YEAR

SIL SPEAKS

LET US GIVE ANOTHER ROUND OF APPLAUSE FOR PHYLLIS GONZALES,
GLADYS ROWELL, SANDRA BROOKS AND SILVERSTRO CHAIROT, AND ALL
THE NOMINEES FOR THE 2009 SCHOOL-RELATED-EMPLOYEE-OF-THE YEAR!
(APPLAUSE)

AN EVENT OF THIS PROPORTION JUST DOESN'T HAPPEN. IT TAKES THE
EFFORTS OF MANY PEOPLE TO PULL IT ALL TOGETHER. YOU WILL FIND
THE MEMBERS OF THE COMMITTEE LISTED IN YOUR PROGRAM. I WOULD
LIKE TO ASK ALL OF THOSE WHO SERVED ON THIS COMMITTEE TO
STAND.

LET US GIVE THE COMMITTEE A RESOUNDING ROUND OF APPLAUSE IN
APPRECIATION OF A JOB WELL DONE.

PHOTOGRAPHY WAS PROVIDED BY STONE'S STUDIO, AND DESSERT WAS PROVIDED BY SODEXO FOOD SERVICES.

AGAIN THANKS TO THE DOOR PRIZE CONTRIBUTORS AS LISTED IN YOUR PROGRAM.

SPECIAL THANKS TO LISA KOSTIC FOR THE VIDEO AND DENNIS BOYCE FOR THE SOUND SYSTEM.

THANK YOU FOR SPENDING YOUR EVENING WITH US AND HONORING THESE DESERVING EMPLOYEES, ----- GOOD NIGHT AND GOD BLESS.

MEMORANDUM

March 10, 2009

TO: Michelle Winkler
Clerical Assistant
Berryhill Administrative Complex

FROM: Linda S. Novota
Director Exceptional Student Education

SUBJ: School and Religious Allowances

This letter is a follow-up to a meeting with you on Monday, February 24th regarding your actions at the School Related Employee of the Year (SREY) Banquet on Friday, February 20, 2009. You as a representative of the Santa Rosa School Board, employed at the Berryhill Administrative Complex, and having been informed by Judson Crane, Director of Purchasing and coordinator of the SREY event, that the SREY activity was a Santa Rosa School system event, under the court order, as explained by the School Board attorney, a prayer could not be given either by an employee or a non-employee. As an employee, you had no authority to use your position to provide an opportunity for a non-employee, your husband, to give a prayer. By doing so, Santa Rosa School district has been exposed to potential liability for violating the court's order.

Accordingly, you are directed to take no similar action in the future, not withstanding your personal feelings.

The employee's signature below indicates receipt of this memorandum only, not necessarily in agreement with its contents.

_____/_____
Employee Signature Date