

Office of Superintendent of Schools  
Board Meeting of March 12, 2003

March 7, 2003

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: PROVISION OF DEFENSE COUNSEL TO DR. ALVIN L. BRENNAN IN  
THE CASE OF KIM WALTON v. ALVIN BRENNAN, Circuit Court Case No.  
03-2533-CA 04**

The above styled lawsuit was filed in the State Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida and served on February 21, 2003 on Dr. Alvin Brennan, the Principal at Lake Stevens Middle School. The lawsuit alleges that Defendant, among other things, had Plaintiff, a parent of a student at the school, arrested and maliciously prosecuted on charges of aggravated assault.

The acts alleged in the Complaint to have been committed by Defendant arose out of and in the course of the performance of Dr. Brennan's assigned duties and responsibilities as a school principal. Pursuant to School Board Rule 6Gx13-1C-1.02 and the authority under § 1012.26, Fla. Stat. (2002), we are requesting that the School Board authorize the provision of legal representation for Dr. Brennan.

This item does not appear in the published agenda. Good cause exists to vary from the agenda in order to properly and timely provide the employee with a legal defense in this case.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Office of the School Board Attorney to provide for the defense of Dr. Brennan in the case of Kim Walton v. Alvin Brennan, Circuit Court Case No. 03-2533-CA 04.

**GOOD CAUSE**

**C-2**

LMG/nc

**MEMORANDUM**

March 7, 2003

**TO:** Chair and Members of The School Board of Miami-Dade County, Florida  
Mr. Merrett R. Stierheim, Superintendent of Schools

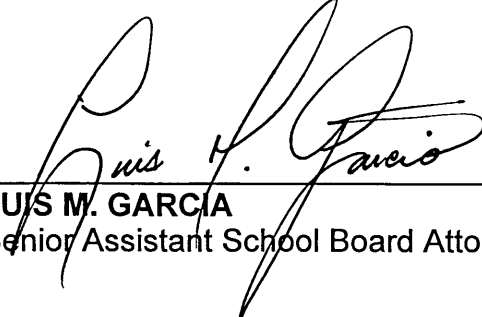
**FROM:** Attorney's Office

**SUBJECT:** KIM WALTON v. ALVIN BRENNAN, Circuit Court Case No. 03-2533-CA 04  
(Associated with Agenda Item C-2, School Board Meeting of March 12, 2003)

This lawsuit, filed against Dr. Alvin Brennan, the principal at Lake Stevens Middle School was served on February 21, 2003. Plaintiff, the parent of a student at the school, alleges that Dr. Brennan, among other things, had Plaintiff arrested and maliciously prosecuted on charges of aggravated assault. The acts alleged to have been committed arose out of and in the course of the performance of Dr. Brennan's assigned duties and responsibilities as a school principal.

Accordingly, pursuant to School Board Rule 6Gx13-1C-1.02, Dr. Brennan delivered his suit papers to the Office of the School Board Attorney with the request for the provision of legal counsel. We are placing Dr. Brennan's request for the provision of legal representation along with our recommendation that the request be approved, on the Agenda for the School Board meeting of March 12, 2003. In the meantime, we will be filing a response to Plaintiff's Complaint, in order to timely respond as required by law.

Should you have any questions or concerns regarding this case, please do not hesitate to contact me at your earliest convenience.



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**LUIS M. GARCIA**  
Senior Assistant School Board Attorney

cc: Dr. Alvin Brennan  
Mr. Scott Clark (w/attachment)  
Ms. Carmen Rivero