

September 9, 2003

Dr. Marta Pérez, Member

**SUBJECT: AUTHORIZATION FOR THE SCHOOL BOARD ATTORNEY TO PETITION THE COURT TO FILE AN AMICUS CURIAE BRIEF OR IN THE ALTERNATIVE SUBMIT A STATEMENT OF INTEREST TO THE UNITED STATES ATTORNEY IN THE MATTER OF THE UNITED STATES VS PASQUALE "PAT" TORNILLO JR.**

**COMMITTEE: BUSINESS AND FINANCIAL SERVICES**

This agenda item proposes that the Miami-Dade County School Board authorize the School Board Attorney to petition the court to file an amicus-curiae brief or in the alternative submit a statement of interest to the United States Attorney in the matter of the United States vs Pasquale "Pat" Tornillo Jr. Specifically, should this item be approved it would allow for the Board Attorney to convey the Board's concern that any plea agreement under consideration not foreclose the ability of appropriate law enforcement and governmental entities from conducting further investigations on the subject matter of the case against Mr. Tornillo.

Amicus curiae is a legal term of art meaning "friend of the court". An "amicus curiae" or "amicus" brief allows a non-party to a case with an interest in its subject matter or outcome the ability to file a brief in the case advocating a particular outcome. An amicus brief also sets forth its own rationale and interests for advocating a particular outcome. A statement of interest to the United States Attorney or amicus brief in this case would allow the Board to express its concerns in order to preserve and further the Board's interests.

Revised

It appears, based on what has been discussed in the public arena that the plea agreement currently under consideration may impede further investigations of wrongdoing by Mr. Tornillo, which may involve the School District. If any wrongdoing has occurred against the district, then the district and its taxpayers should be able to seek restitution. The intent of this agenda item is to authorize the School Board Attorney to petition the Court to file an amicus curiae brief or in the alternative submit a statement of interest to the United States Attorney voicing the Board's concern that under the plea agreement under consideration, further or future investigations in order to determine if any wrongdoing or criminal acts may have been committed against the School District may not be allowed.

**ACTION PROPOSED BY  
DR. MARTA PÉREZ:**

That The School Board of Miami-Dade County,  
Florida:

1. discuss and consider the School Board's interest in filing an amicus curiae brief with the Court or in the alternative a statement of interest with the United States Attorney setting forth the Board's concern involving ongoing and future investigations in the case of United States vs Pasquale "Pat" Tornillo Jr.; and
2. authorize the School Board attorney to petition the court to file an amicus-curiae brief or in the alternative submit a statement of interest to the United States Attorney in the matter of the United States vs Pasquale "Pat" Tornillo Jr.

Added

Revised