

Dr. Marta Pérez, Member

SUBJECT: AUTHORIZATION FOR THE SCHOOL BOARD ATTORNEY TO CONVEY TO THE UNITED STATES ATTORNEY AND THE UNITED STATES DISTRICT COURT THE CONCERNS OF THE BOARD REGARDING 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 take such measures as are necessary and proper to advise the United States Attorney and the United States District Court of the interest and concerns of the Board in the matter of the United States vs Pasquale "Pat" Tornillo Jr. including an amicus curiae brief if appropriate. Specifically, should this item be approved, it would allow the Board Attorney to convey the Board's concern that any plea agreement with Mr. Tornillo include an obligation on the part of Mr. Tornillo to cooperate in future investigations of matters related to the Miami-Dade County School Board, including its employees.] Added

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.] Added

It is very common for plea agreements in cases of this sort to include an obligation on the part of the defendant to cooperate in future investigations of wrongdoing. However, it appears, based on the best information available, that the plea agreement currently under consideration would not impose such a duty on Mr. Tornillo. Any wrongdoing in which Mr. Tornillo has played a part, or of which he has knowledge, would not necessarily have involved the district. However, in view of Mr. Tornillo's long career and his interaction with the School Board on a variety of levels, there is a significant likelihood that such wrongdoing may have occurred. In the event that such wrongdoing comes to light, it may give rise to civil liability to the district, for which the district could recover damages or restitution.

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

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

1. place on record its concern regarding ongoing and future investigations in the case of United States vs Pasquale "Pat" Tornillo Jr. by whatever form is appropriate including an amicus curiae brief or statement of interest; and] Added
2. authorize the School Board attorney to present the Board's concern to the United States Attorney and the United States District Court, and in particular to request that any plea agreement with Mr. Tornillo include an obligation on the part of Mr. Tornillo to cooperate in future investigations of matters related to the Miami-Dade County School Board, including its employees.

**REVISED
REPLACEMENT 4
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