

---

**From:** Ed Kubec <ekubec@coffeykubec.com>  
**Sent:** Monday, January 14, 2019 4:08 PM  
**To:** Cathy Robine; Christina Gwozdz; David Striebinger; Earl Campbell; Joann Orischak; John R. Dowling; Melvin Campbell; Patricia Fidrych; Rachel Wisniewski; Richard Geier; William Smith  
**Cc:** Herbert.Berg@beaufort.k12.sc.us; Robyn Cushingberry; Maureen Coffey  
**Subject:** Amanda O'Nan  
**Attachments:** Amanda O'Nan\_Beaufort County School Board of Education\_2019\_01\_14.pdf

To the Members of the Beaufort County School District Board of Education:

This firm represents Amanda O'Nan and the attached letter will serve as her initial response to the January 8, 2019 letter from Alice W. Walton, on behalf of the Beaufort County School District ("BCSD"), and her meeting with Interim Superintendent Herbert Berg on the same date whereby Ms. O'Nan was informed that she has been placed on indefinite administrative leave from her position as principal of Hilton Head High School.

We understand that an investigation of Ms. O'Nan has commenced. No details have been provided to Ms. O'Nan as to the governmental agencies or bodies conducting any investigation or as to the specific conduct or actions by Ms. O'Nan under investigation. Accordingly, we request that the Beaufort County School District Board of Education ("Board") provide us with such information. In the meantime, you are hereby informed that no investigator, representative, agent or individual in any manner employed by, retained by, under the direction of or acting on behalf of the BCSD or the Board is to communicate with Ms. O'Nan and her family regarding her employment, the events and circumstances relating to her being placed on administrative leave and any investigation concerning the same. All future communications and correspondence concerning Ms. O'Nan and this matter are to be directed to and through this firm.

We trust that the Board will ensure that said investigation(s) will be conducted in a manner not violative of and consistent with my client's protected rights as a private citizen and as a BCSD employee.

Ed Kubec, Esq.  
CoffeyKubec, LLP  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928  
[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)  
843-422-4488



Ed Kubec, Esq.  
ekubec@coffeykubec.com

**CoffeyKubec, LLP**  
Attorneys at Law  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928

[www.coffeykubec.com](http://www.coffeykubec.com)  
(843) 422-4488

January 14, 2019

To the Members of the Beaufort County School District Board of Education:

This firm represents Elizabeth Amanda O’Nan and this letter will serve as her initial response to the January 8, 2019 letter from Alice W. Walton, on behalf of the Beaufort County School District (“BCSD”), and her meeting with Interim Superintendent Herbert Berg on the same date whereby Ms. O’Nan was informed that she has been placed on indefinite administrative leave from her position as principal of Hilton Head High School (“HHHS”).

As a threshold matter, you are hereby informed that no investigator, representative, agent or individual in any manner employed by, retained by, under the direction of or acting on behalf of the BCSD or the Beaufort County School District Board of Education (“Board”) is to communicate with Ms. O’Nan and her family regarding her employment, the events and circumstances relating to her being placed on administrative leave and any investigation concerning the same. All future communications and correspondence concerning Ms. O’Nan and this matter are to be directed to and through this firm.

The decision to place Ms. O’Nan on administrative leave is, according to Ms. Walton’s letter, based on an unspecified allegation of “unprofessional conduct”. Interim Superintendent Berg was somewhat more forthcoming and told our client that his decision was premised on statements made by DeJuan Holmes published by the Island Packet on January 7, 2019.

These same accusations surfaced two and one-half years ago, and a BCSD investigation conducted at the time cleared Ms. O’Nan of any wrongdoing. Once again, Ms. O’Nan denies any wrongdoing.

What is improper, however, is BCSD’s reactionary handling of this matter. The evening of the Island Packet’s publication, Ms. Walton contacted Ms. O’Nan and told Ms. O’Nan that she was required to meet with Interim Superintendent Berg the following morning at 10:00 a.m. and to “expect the worst”. Ms. O’Nan complied with the directive and, at the meeting, Interim Superintendent Berg demanded that Ms. O’Nan immediately tender her resignation. He coupled the resignation demand with a threat - if Ms. O’Nan refused to resign, she would be put on indefinite leave, be reported to the State Board of Education, have her certificate revoked and her future in education would be over. Interim Superintendent Berg then told Ms. O’Nan she had until 1:30 p.m. - less than 4 hours - to make her decision.

Ms. O’Nan requested a 24-hour period to consult with her legal counsel, but her reasonable request was flatly rejected by Interim Superintendent Berg, who merely repeated his take-it-or-leave-it offer. Prior to noon on January 8th, Ms. O’Nan informed Interim Superintendent Berg that she would not resign. Berg persisted in his demands and Ms. O’Nan repeated her position to him at 1:30 p.m. Ms. O’Nan was then placed on indefinite administrative leave.

The complete lack of procedural and substantive due process afforded to Ms. O’Nan by BCSD and the Interim Superintendent is beyond comprehension. We have been informed that Interim Superintendent Berg’s attempt to coerce Ms. O’Nan into resigning was neither discussed with the Board prior to his actions nor was it approved by the Board. Nevertheless, the Board is responsible for safeguarding, and it is empowered to ensure, that those tasked with managing BCSD personnel are above making unvetted disciplinary decisions - a decision that can be ruinous to Ms. O’Nan’s future and may have an equally negative impact on the future of HHHS - in knee-jerk response to the media’s dubiously voyeuristic foray into the private lives of private citizens.

The BCSD’s actions are impetuous and unjustified and any notion that my client should be forced to vacate her position (pending an investigation or otherwise) because her accused conduct may be somehow detrimental to the BCSD is clearly belied by the facts. These alleged incidents occurred over two and one-half years ago, were publicized by the media and consequently resulted in no impact on HHHS or its reputation. Since then, HHHS, its students and its reputation have flourished under the direction and leadership of Ms. O’Nan. And they will continue to flourish under her leadership despite the recent re-publication of the accusations.

Ms. O’Nan has been the principal for HHHS since 2007. During her tenure the school has emerged from “a dropout factory” to a “top-ranked school not only in the state but in the nation”, as aptly described by one student attending a recent rally in support of Ms. O’Nan. The school’s accomplishments while she has been the principal include:

- Palmetto’s Finest Award
- Palmetto Gold Award for overall performance
- Palmetto Gold Award for closing achievement gaps between minority and non-minority students
- Ranked No. 2 in South Carolina and 240 in the nation in The Washington Post's 2017 annual ranking of "America's Most Challenging High Schools"
- HHHS report card ratings rose two levels during 2011-2012 from “average” to “excellent” and have remained so ever since
- SC School of Excellence in Arts Education Award
- SC Carlisle (Director’s) Cup for athletic distinction for seven consecutive years
- Over 90% graduation rate the last two years and 16,000 annual community service hours by its students.

Disciplinary actions of any teacher or administrator, particularly for one who is so well-respected, dedicated and highly-productive and has given her life’s work to improving HHHS and our community, should be appropriately tailored after careful consideration of all relevant factors. In this instance, just the opposite occurred. Ms. O’Nan was pressured to resign and, when she



rightfully refused, she was placed on indefinite leave based on an irrational decision solely predicated on the histrionics caused by the publication of an accusation lacking any credibility whatsoever – an unsworn, uncorroborated statement made by an individual desperately seeking to regain his former job.

Accordingly, on behalf of Ms. O’Nan and over 2,000 individuals who have signed a Reinstatement Petition (<https://www.change.org/p/students-and-parents-supporting-ms-o-nan-s-reinstatement-at-hhihs-stand-with-ms-o-nan>), we request that BCSD and the Board immediately reinstate Ms. O’Nan to her position as principal of HHHS and cease any efforts by those under its direction and control to seek further disciplinary action against her. Ms. O’Nan and her family have been harmed enough by the media’s unseemly regurgitation of these accusations and the HHHS community supports her, has had enough of the exploitative media and wants to move forward with her as the school’s principal for this semester and beyond.

Sincerely,

*Ed Kubec*

Ed Kubec, Esq.

cc: Dr. Herbert Berg, Interim Superintendent (via e-mail)

---

**From:** Orischak, Josephine A <Josephine.Orischak@beaufort.k12.sc.us>  
**Sent:** Monday, January 14, 2019 4:57 PM  
**To:** Ed Kubec  
**Subject:** Re: Amanda O'Nan  
**Attachments:** image001.png

Received.

**JoAnn Orischak**  
*Beaufort County Board of Education*  
*District 11*  
*Hilton Head Island*  
*C. (843) 338-1737*

Sent from my iPad

On Jan 14, 2019, at 4:08 PM, Ed Kubec <[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)> wrote:

To the Members of the Beaufort County School District Board of Education:

This firm represents Amanda O'Nan and the attached letter will serve as her initial response to the January 8, 2019 letter from Alice W. Walton, on behalf of the Beaufort County School District ("BCSD"), and her meeting with Interim Superintendent Herbert Berg on the same date whereby Ms. O'Nan was informed that she has been placed on indefinite administrative leave from her position as principal of Hilton Head High School.

We understand that an investigation of Ms. O'Nan has commenced. No details have been provided to Ms. O'Nan as to the governmental agencies or bodies conducting any investigation or as to the specific conduct or actions by Ms. O'Nan under investigation. Accordingly, we request that the Beaufort County School District Board of Education ("Board") provide us with such information. In the meantime, you are hereby informed that no investigator, representative, agent or individual in any manner employed by, retained by, under the direction of or acting on behalf of the BCSD or the Board is to communicate with Ms. O'Nan and her family regarding her employment, the events and circumstances relating to her being placed on administrative leave and any investigation concerning the same. All future communications and correspondence concerning Ms. O'Nan and this matter are to be directed to and through this firm.

We trust that the Board will ensure that said investigation(s) will be conducted in a manner not violative of and consistent with my client's protected rights as a private citizen and as a BCSD employee.

Ed Kubec, Esq.  
CoffeyKubec, LLP  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928  
[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)  
843-422-4488  
<image001.png>

<Amanda O'Nan\_Beaufort County School Board of Education\_2019\_01\_14.pdf>

---

**From:** Cushingberry, Robyn L <Robyn.Cushingberry@beaufort.k12.sc.us>  
**Sent:** Monday, January 14, 2019 5:40 PM  
**To:** Ed Kubec  
**Subject:** RE: Amanda O'Nan

Mr. Kubec,

The email address that you sent have for William Smith, is not the Board member. It is a teacher at Hilton Head High School. The Board member William Smith's email address is [William.smith2@beaufort.k12.sc.us](mailto:William.smith2@beaufort.k12.sc.us)

If you want me to forward this email to him, or do you want to send it from you?

Let me know.

Robyn

**Robyn L. Cushingberry**  
*Executive Assistant to the Board*  
Beaufort County School District  
2900 Mink Point Blvd  
Post Office Box 309  
Beaufort, South Carolina 29901  
[robyn.cushingberry@beaufort.k12.sc.us](mailto:robyn.cushingberry@beaufort.k12.sc.us)  
(843) 322-2357 Phone  
(843) 812-9761 Cell  
(843) 322-2342 Fax

#### **Mission**

*The Beaufort County School District through a personalized learning approach will prepare graduates who compete and succeed in an ever- changing global society and career market place.*

**From:** Ed Kubec [mailto:ekubec@coffeykubec.com]  
**Sent:** Monday, January 14, 2019 4:08 PM  
**To:** Robine, Cathy G <Cathy.Robine@beaufort.k12.sc.us>; Gwozdz, Christina S <Christina.Gwozdz@beaufort.k12.sc.us>; Striebinger, David R <David.Striebinger@beaufort.k12.sc.us>; Campbell, Earl <earl.campbell@beaufort.k12.sc.us>; Orischak, Josephine A <Josephine.Orischak@beaufort.k12.sc.us>; Dowling, John R <John.Dowling@beaufort.k12.sc.us>; Campbell, Melvin P <Melvin.Campbell@beaufort.k12.sc.us>; Fidrych, Patricia <Patricia.Fidrych@beaufort.k12.sc.us>; Wisnefski, Rachel K <Rachel.Wisnefski@beaufort.k12.sc.us>; Geier, Richard P <Richard.Geier@beaufort.k12.sc.us>; Smith, William E <William.Smith@beaufort.k12.sc.us>  
**Cc:** Berg, Herbert M <Herbert.Berg@beaufort.k12.sc.us>; Cushingberry, Robyn L <Robyn.Cushingberry@beaufort.k12.sc.us>; Maureen Coffey <mcoffey@coffeykubec.com>  
**Subject:** Amanda O'Nan

To the Members of the Beaufort County School District Board of Education:

This firm represents Amanda O'Nan and the attached letter will serve as her initial response to the January 8, 2019 letter from Alice W. Walton, on behalf of the Beaufort County School District ("BCSD"), and her meeting with Interim

Superintendent Herbert Berg on the same date whereby Ms. O’Nan was informed that she has been placed on indefinite administrative leave from her position as principal of Hilton Head High School.

We understand that an investigation of Ms. O’Nan has commenced. No details have been provided to Ms. O’Nan as to the governmental agencies or bodies conducting any investigation or as to the specific conduct or actions by Ms. O’Nan under investigation. Accordingly, we request that the Beaufort County School District Board of Education (“Board”) provide us with such information. In the meantime, you are hereby informed that no investigator, representative, agent or individual in any manner employed by, retained by, under the direction of or acting on behalf of the BCSD or the Board is to communicate with Ms. O’Nan and her family regarding her employment, the events and circumstances relating to her being placed on administrative leave and any investigation concerning the same. All future communications and correspondence concerning Ms. O’Nan and this matter are to be directed to and through this firm.

We trust that the Board will ensure that said investigation(s) will be conducted in a manner not violative of and consistent with my client’s protected rights as a private citizen and as a BCSD employee.

Ed Kubec, Esq.  
CoffeyKubec, LLP  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928  
[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)  
843-422-4488





---

**From:** Ed Kubec <ekubec@coffeykubec.com>  
**Sent:** Monday, January 14, 2019 5:59 PM  
**To:** Cushingberry, Robyn L  
**Subject:** RE: Amanda O'Nan

Robyn:

Please forward my e-mail and letter to Mr. Smith and my apologies for the e-mail address error. Typically I would do so personally, but I've just been informed that the Board is represented by legal counsel. Thank you.

Ed Kubec, Esq.  
CoffeyKubec, LLP  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928  
[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)  
843-422-4488



**From:** Cushingberry, Robyn L <Robyn.Cushingberry@beaufort.k12.sc.us>  
**Sent:** Monday, January 14, 2019 5:40 PM  
**To:** Ed Kubec <ekubec@coffeykubec.com>  
**Subject:** RE: Amanda O'Nan

Mr. Kubec,  
The email address that you sent have for William Smith, is not the Board member. It is a teacher at Hilton Head High School. The Board member William Smith's email address is [William.smith2@beaufort.k12.sc.us](mailto:William.smith2@beaufort.k12.sc.us)

If you want me to forward this email to him, or do you want to send it from you?  
Let me know.  
Robyn

**Robyn L. Cushingberry**  
*Executive Assistant to the Board*  
Beaufort County School District  
2900 Mink Point Blvd  
Post Office Box 309  
Beaufort, South Carolina 29901  
[robyn.cushingberry@beaufort.k12.sc.us](mailto:robyn.cushingberry@beaufort.k12.sc.us)  
(843) 322-2357 Phone  
(843) 812-9761 Cell  
(843) 322-2342 Fax

#### **Mission**

*The Beaufort County School District through a personalized learning approach will prepare graduates who compete and succeed in an ever- changing global society and career market place.*

**From:** Ed Kubec [<mailto:ekubec@coffeykubec.com>]

**Sent:** Monday, January 14, 2019 4:08 PM

**To:** Robine, Cathy G <[Cathy.Robine@beaufort.k12.sc.us](mailto:Cathy.Robine@beaufort.k12.sc.us)>; Gwozdz, Christina S <[Christina.Gwozdz@beaufort.k12.sc.us](mailto:Christina.Gwozdz@beaufort.k12.sc.us)>; Striebinger, David R <[David.Striebinger@beaufort.k12.sc.us](mailto:David.Striebinger@beaufort.k12.sc.us)>; Campbell, Earl <[earl.campbell@beaufort.k12.sc.us](mailto:earl.campbell@beaufort.k12.sc.us)>; Orischak, Josephine A <[Josephine.Orischak@beaufort.k12.sc.us](mailto:Josephine.Orischak@beaufort.k12.sc.us)>; Dowling, John R <[John.Dowling@beaufort.k12.sc.us](mailto:John.Dowling@beaufort.k12.sc.us)>; Campbell, Melvin P <[Melvin.Campbell@beaufort.k12.sc.us](mailto:Melvin.Campbell@beaufort.k12.sc.us)>; Fidrych, Patricia <[Patricia.Fidrych@beaufort.k12.sc.us](mailto:Patricia.Fidrych@beaufort.k12.sc.us)>; Wisniewski, Rachel K <[Rachel.Wisniewski@beaufort.k12.sc.us](mailto:Rachel.Wisniewski@beaufort.k12.sc.us)>; Geier, Richard P <[Richard.Geier@beaufort.k12.sc.us](mailto:Richard.Geier@beaufort.k12.sc.us)>; Smith, William E <[William.Smith@beaufort.k12.sc.us](mailto:William.Smith@beaufort.k12.sc.us)>

**Cc:** Berg, Herbert M <[Herbert.Berg@beaufort.k12.sc.us](mailto:Herbert.Berg@beaufort.k12.sc.us)>; Cushingberry, Robyn L <[Robyn.Cushingberry@beaufort.k12.sc.us](mailto:Robyn.Cushingberry@beaufort.k12.sc.us)>; Maureen Coffey <[mcoffey@coffeykubec.com](mailto:mcoffey@coffeykubec.com)>

**Subject:** Amanda O'Nan

To the Members of the Beaufort County School District Board of Education:

This firm represents Amanda O'Nan and the attached letter will serve as her initial response to the January 8, 2019 letter from Alice W. Walton, on behalf of the Beaufort County School District ("BCSD"), and her meeting with Interim Superintendent Herbert Berg on the same date whereby Ms. O'Nan was informed that she has been placed on indefinite administrative leave from her position as principal of Hilton Head High School.

We understand that an investigation of Ms. O'Nan has commenced. No details have been provided to Ms. O'Nan as to the governmental agencies or bodies conducting any investigation or as to the specific conduct or actions by Ms. O'Nan under investigation. Accordingly, we request that the Beaufort County School District Board of Education ("Board") provide us with such information. In the meantime, you are hereby informed that no investigator, representative, agent or individual in any manner employed by, retained by, under the direction of or acting on behalf of the BCSD or the Board is to communicate with Ms. O'Nan and her family regarding her employment, the events and circumstances relating to her being placed on administrative leave and any investigation concerning the same. All future communications and correspondence concerning Ms. O'Nan and this matter are to be directed to and through this firm.

We trust that the Board will ensure that said investigation(s) will be conducted in a manner not violative of and consistent with my client's protected rights as a private citizen and as a BCSD employee.

Ed Kubec, Esq.  
CoffeyKubec, LLP  
1 Corpus Christi Place, Suite 105  
Hilton Head Island, SC 29928  
[ekubec@coffeykubec.com](mailto:ekubec@coffeykubec.com)  
843-422-4488

