



CRIMINAL DEFENSE
DIVORCE & FAMILY LAW
EDUCATION LAW
CIVIL LITIGATION
APPEALS

Ken Soo
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Memorandum

To: Johnston County Board of Education
From: Kenneth A. Soo, Tharrington Smith, LLP
Re: Code of Ethics Issue: Allegation of Inappropriate Text Messages
Date: October 6, 2022

INTRODUCTION

In August 2022, a School Employee¹ notified Todd Sutton, Chair of the Johnston County Board of Education, of her allegation that Board member Ronald Johnson sent inappropriate text messages concerning the School Employee during school board meetings in April and May 2019. The text messages were aired publicly on a Facebook Live broadcast on August 8, 2022. After receiving the employee’s complaint, Mr. Sutton asked Tharrington Smith pursuant to Board Policy 2610 to determine whether Mr. Johnson’s texts violated Board policy. We conclude that Mr. Johnson failed to comply with the Board’s ethical standards and other duties of Board members when he sent the text messages.

INVESTIGATION

We interviewed the School Employee, who provided screenshots of various text message strings between herself and Mr. Johnson. We also interviewed former school board attorney Jimmy Lawrence, with whom Mr. Johnson exchanged the text messages that appeared on the Facebook live broadcast and were the subject of the School Employee’s allegation. Mr. Johnson, through counsel, proposed responding to this matter through an affidavit. We provided Mr. Johnson with written questions, which he answered by affidavit. Attachment 1. We have redacted the affidavit to protect the privacy of the School Employee.

FACTS

During a Board meeting on April 9, 2019, Mr. Johnson (RJ) and Mr. Lawrence (JL), who was then legal counsel to the Board, had the following exchange of text messages about the desirability of a female school employee:

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F: 919.821.1338

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PO Box 1151 | Raleigh, NC 27602-1151

¹ The complainant is referred to as School Employee throughout this report to protect her privacy.

RJ: She's wearing the hell out of that blue dress
JL: I'm glad you haven't lost your "vision"
RJ: I'm feeling a relationship
JL: Is that all?
RJ: I'm ready right now
JL: You stay on ready

See screenshot of text messages, Attachment 2.

During a Board meeting on May 14, 2019, Mr. Johnson and Mr. Lawrence exchanged the following text messages:

RJ: Open invitation to the one in the purple
JL: Shame on you, she's a mother. Aside from that, I agree.

See screenshot of text messages, Attachment 2.

Mr. Johnson confirmed that the April 2019 text string was about the School Employee.

After the text messages aired on a Facebook Live webcast ("The Dave and Joe Show") on August 8, 2022, the School Employee who Mr. Johnson identified as the subject of the April 2019 texts made a complaint to Mr. Sutton as Board Chair. The School Employee was present at both the April and May school board meetings in her capacity as a school employee. The School Employee was wearing a purple dress at the May meeting. Mr. Johnson did not recall who was the subject of the May text string.

The School Employee reports that she did not see the text messages until they aired on the Facebook Live webcast in August 2022.

The School Employee reports that Mr. Johnson first contacted her midway through the 2019-2020 school year, asking for information about her supervisor and about former Board member Tracie Zukowski. Mr. Johnson and the School Employee were on friendly terms. On January 27, 2020, Ken Soo and Maura O'Keefe of Tharrington Smith shared copies of the April 9 and May 14 text messages with Mr. Johnson as part of a separate investigation. The same day, Mr. Johnson and the School Employee had the following exchange:

RJ: I think I might've let you down too buddy, but it's been for months back.
RJ: I am hoping you will laugh but I will understand if you get pissed with me.
Emp: Oh lord

Emp: Whaaaat is it?!?
RJ: I kind of want to explain in person or over the phone. I don't think it's a big deal but I said something almost a year ago
Emp: Okay, I'll call you when leave
RJ: K.
RJ: If you call I can talk and you not respond
Emp: I can't [REDACTED]
RJ: Call me when you leave
Emp: I will. Trying to get out of here at 5
RJ: Lol brah. . .the one day
Emp: Finally packing up
Emp: Will call you as soon as I'm heading out
RJ: Meet at mayflower real quick
RJ: I'm otw now
RJ: You close
Emp: Otw

See screenshot of text messages, Attachment 3.

In his responses to our questions, Mr. Johnson said the purpose of the meeting was not to discuss the text messages, but that Mr. Johnson and the School Employee had agreed to meet so that he could help her with a personal matter. The School Employee reports that at the Mayflower meeting on January 27, 2020, Mr. Johnson said that he and Mr. Lawrence had texted about her and what she was wearing at a school board meeting the year before. Mr. Johnson did not show the School Employee the texts at the meeting.

At a school board meeting following the January 27 meeting in the Mayflower parking lot, Mr. Johnson sent the School Employee a text message asking, "Where's the blue dress." See screenshot of text message, Attachment 4.

The School Employee reports that she first saw the 2019 texts between Mr. Johnson and Mr. Lawrence after they aired on the August 8, 2022, Facebook Live webcast. Mr. Johnson said that he showed the School Employee the text messages some time after the January 2020 meeting at the Mayflower, but that he cannot remember the date.

The day after the text messages were aired on the Facebook Live webcast in August 2022, the School Employee initiated the following text message exchange with Mr. Johnson:

Emp: So the texts in the infamous Facebook live last night are what you told me about/apologized for a while ago. . .?
RJ: Yes

RJ: Jimmy Lawrence text thread
Emp: Of course I hadn't read them until now
RJ: I'm sorry [REDACTED], these people are after me pretty hard

See text string, Attachment 5.

FINDINGS

Mr. Johnson's text messages concern the appearance and desirability of a school employee. Mr. Johnson's sending of the texts while present in his official capacity at a school board meeting violated Board policies concerning the duties of members and the requirement for a respectful work environment. Mr. Johnson's subsequent text to the School Employee asking "where's the blue dress" was inconsistent with Board policy.

The School Employee in this case attended the school board meetings as part of her job duties. No school employee should be the subject of such remarks in the workplace. Mr. Johnson's role as a Board member attending an official meeting increases the impact of such remarks. As described in the policies cited below, a Board member serves as an example for others to follow. Also, Board members have power over employment decisions including pay, job assignment, working conditions, dismissal, and demotion.

Mr. Johnson's conduct in starting and continuing a series of salacious comments during a school board meeting demonstrated a lack of respect for a school employee, set an improper example for conduct in the workplace, and undermined the Board's authority to enforce its standards for treatment of school employees. In doing so, Mr. Johnson violated Board policy as discussed below.

Board Policy 1010, Board Authority and Duties, includes the following as one of the "most significant duties" of board members: "[T]aking steps necessary to help ensure legal compliance of Board and school system functions."

The Board's Code of Ethics for School Board Members (Policy 2120, new manual) includes the following requirements for board member conduct:

- "[T]he need to uphold the integrity and independence of the board member's office" (Sec. A.2);
- "[T]he need to avoid impropriety in the exercise of the Board's and board member's official duties" (Sec A.3);
- "[M]odel civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the Board" (Sec. B.4); and

- “[T]ake no private action that will compromise the Board or administration” (Sec. B.16).

Mr. Johnson’s repeated text strings about the appearance and desirability of an employee on duty at a Board meeting damaged the integrity of his office in violation of Policy 2120(A.2).

Mr. Johnson’s text messages constituted impropriety in the exercise of his office and thus violated Policy 2120(A.3).

Mr. Johnson’s text messages set an example of incivility to a school employee in violation of Policy 2120(B.4).

Mr. Johnson’s salacious text messages during a Board meeting about an employee present in her official role compromised the Board’s mission of providing a respectful workplace that complies with law and Board policy in violation of Policy 2120(B.16).

CONCLUSION

This report is provided to the Board pursuant to Policy 2610. Any consideration by the Board of Mr. Johnson’s performance in office must take place in open session as required by G.S. § 143-318.11. However, any discussions or proceedings in this matter should be conducted in a way that protects the School Employee from retaliation for making a complaint.

Attachment 1

AFFIDAVIT OF RONALD JOHNSON

I, RONALD JOHNSON, being first duly sworn, do hereby depose and say:

1. I am an adult over age 18, have never been adjudged incompetent, suffer from no mental or emotional illness, and make this affidavit of my own free will, stating facts of which I have personal knowledge.

2. I am providing this affidavit in response to being informed that I am the subject of an investigation into whether I sexually harassed a Johnston County school system employee by the name of [REDACTED].

3. My responses to the following questions appear below each question:

Tharrington Smith (TS) Question 1.

Did you have the following text exchange with Jimmy Lawrence while attending a board meeting or work session on April 9, 2019?

Ron Johnson (RJ): She's wearing the hell out of that blue dress

Jimmy Lawrence (JL): I'm glad you haven't lost your "vision"

RJ: I'm feeling a relationship"

JL: Is that all?

RJ: I'm ready right now

JL: You stay on ready

Ron Johnson (RJ) Response to Question 1:

Yes.

TS Question 2:

Did you have the following text exchange with Jimmy Lawrence while attending a board meeting on May 14, 2019?

RJ: Open invitation to the one in the purple

JL: Shame on you. She's a mother. Aside from that, I agree

RJ Response to Question 2:

Yes.

TS Question 3: During the meeting in the parking lot on January 27, 2020?

Who were you talking about in the messages on April 9, 2019, and May 14, 2019?

RJ Response to Question 3:

The person wearing the blue dress referenced in the April 9, 2019 texts was [REDACTED].

I do not know the identity of the person in purple referenced in the May 14, 2019 texts.

TS Question 4:

After Maura O'Keefe and I showed you the April 9, 2019, and May 14, 2019, text messages on January 27, 2020, did you text a school employee who was described in the messages asking to meet her at the Mayflower restaurant?

RJ Response to Question 4:

Yes, I texted [REDACTED] but the purpose of the meeting was not to discuss the text messages; in fact, [REDACTED] and I have exchanged numerous texts and phone calls. I considered us very close personal friends and she has shared many intimate details about herself with me. We planned on meeting so [REDACTED]. I was leaving my mother's house [REDACTED] and she was on the way home. Mayflower is where we decided to meet because it was in close proximity to our respective locations. [REDACTED] wanted information about the sexual harassment case, mainly the identity of the employee at The Glenn Building. At this same meeting, she also air dropped me a video of a [REDACTED] teacher using the "N" word in her class.

TS Question 5:

Did you meet with the school employee in the parking lot of the Mayflower restaurant?

RJ Response to Question 5:

Yes, and see response to TS Question 4.

TS Question 6:

What was said during the meeting in the parking lot on January 27, 2020?

RJ Response to Question 6:

See response to TS Question 4. As stated there, the reason for meeting at the Mayflower was so I could assist [REDACTED] with a personal matter. [REDACTED]

During the meeting, [REDACTED] asked specifically about the sexual harassment allegations and wanted to know the identities of the women. I did not reveal any identities of the victims. She also wanted to know who my source was in the Glenn Building providing me with information.

TS Question 7:

During the meeting in the parking lot or at any other time, did you show the text messages to the school employee?

RJ Response to Question 7:

I did not show her the text messages during our meeting in the parking lot on January 27, 2020.

However, I did eventually show her the messages on a different occasion which took place at her home. I don't recall the exact day, but I know it was the same day she told me about [REDACTED]. I also recall that it was in the afternoon and that [REDACTED].

TS Question 8:

To your knowledge, had the school employee seen the April 9, 2019, and May 14, 2019, text message exchanges between you and Mr. Lawrence before the messages were aired on Facebook Live (the "Dave and Joe" show) on or about August 8, 2022?

RJ Response to Question 8:

Yes, [REDACTED] definitely saw them on the occasion described in response to TS Question 7. I remember showing it to her and when I did, she laughed and stated "aww you even put the little dress emoji at the end." After this occasion, the phrase "wearing the hell out of" became a running joke between us both of us made on multiple occasions, including but not limited to the following:

I can recall the following jokes being made:

[REDACTED]: "Dr. Smith is wearing the hell out of that wig."

Ronald: "[REDACTED] is wearing the hell out of that shirt." (" [REDACTED] is [REDACTED].")

On one specific occasion I wore a pair of blue shoes and she stated, "you are wearing the hell out of those shoes." I said just like your blue dress and [REDACTED] replied, "that dress wasn't even blue."

TS Question 9:

- a. During the meeting in the parking lot, did you tell the school employee to wear the blue dress again?
- b. Did you say anything about a blue dress during the meeting in the parking lot and, if so, what?

RJ Response to Question 9:

- a. I do not recall telling [REDACTED] on that occasion or any other occasion to wear the blue dress again (which she indicated was not actually blue), but the blue dress was a running joke between us. While I don't recall making any specific comments about the blue dress or [REDACTED] wearing a blue dress other than those comments described above, [REDACTED] and I have sent hundreds of text messages and have spoken for hours in person and on the phone since that meeting.
- b. The meeting occurred approximately 3 years ago, outside of normal working hours, the blue dress was not a topic of conversation to my recollection. It was mainly about [REDACTED] and who my source of information was at the Glenn Building.

TJ Question 10:

At a subsequent school board meeting, did you send the school employee a text message asking “where’s the blue dress?” or words to that effect?

RJ Response to Question 10:

I have looked through my texts but do not see any messages about a blue dress with [REDACTED]. As stated above, the “blue dress” and the phrase “wearing the hell out of” were running jokes between us which we both made. I don’t have any text messages about a blue dress with [REDACTED] on my phone that I can find other than the ones previously described.

TJ Question 11:

Did the school employee contact you on or about August 9, 2022, asking whether the messages on the “Dave and Joe Show” were the ones you had told her about? Did you confirm that they were?

RJ Response to Question 11:


I reconfirmed on or about August 9, 2022, that the messages on the “Dave and Joe Show” were the ones I previously showed her and about which we had joked. She may have forgotten, but I did in fact, prior to that date, tell [REDACTED] about the text messages and I showed her the specific text thread at her residence on the occasion described above. I cannot recall the specific date, but I estimate the number of occasions on which I hung out at [REDACTED]’s house to be approximately 15 different occasions.

On the occasion I shared them with [REDACTED], I told her about the text messages and she asked to see them. I believe [REDACTED] and I had a brother/sister type relationship. We were very close. She has become standoffish with me lately (since May) because I will not support a certain political candidate that she supports and whom she asked me to support.

On August 9, 2022, at 3:53 pm, [REDACTED] and I exchanged text messages about the FB Live Video regarding the blue dress comments.

Further the affiant sayeth not.

This the 16th day of September 2022.

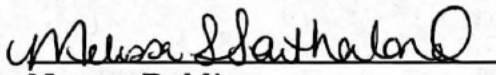


Ronald Johnson

SWORN TO AND SUBSCRIBED before me

By RONALD JOHNSON

this 16 day of September, 2022.

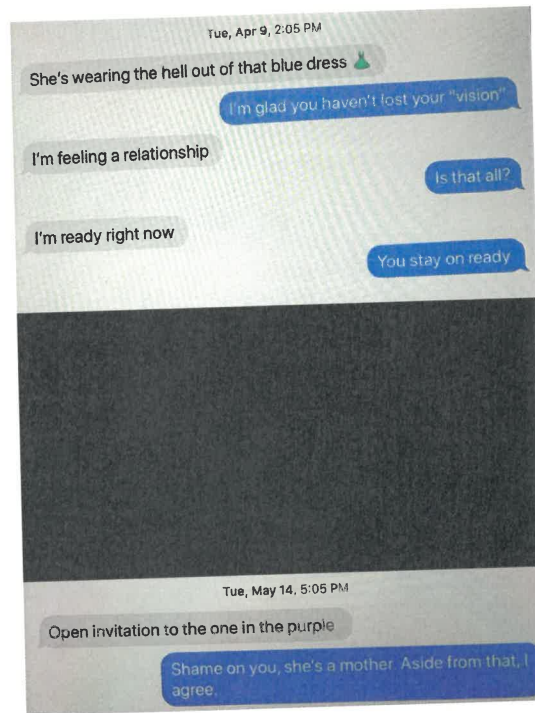


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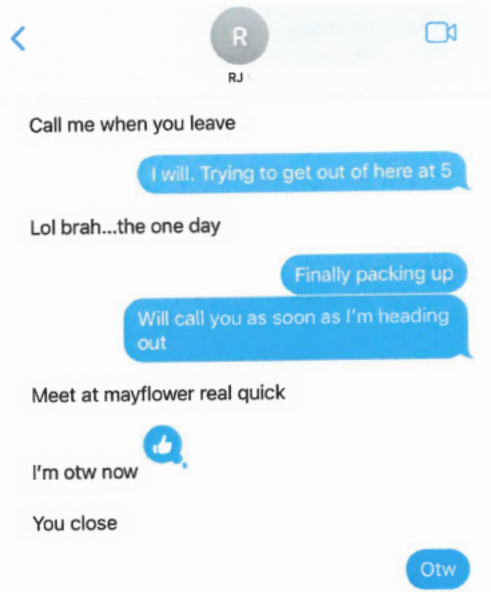
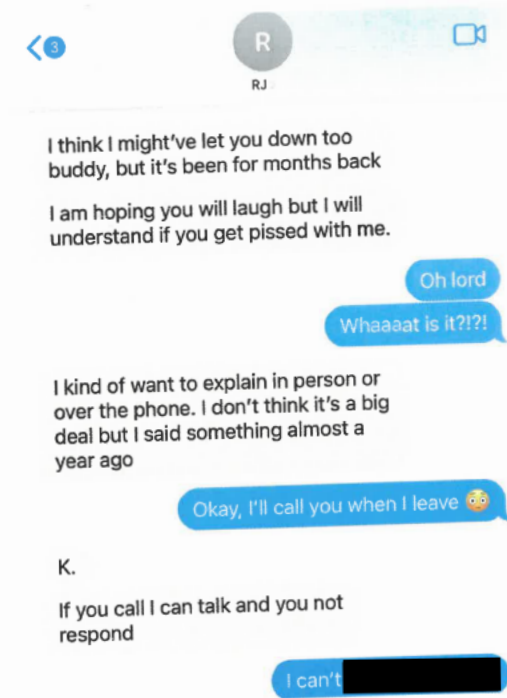


My Commission Expires: June 20, 2024

Attachment 2



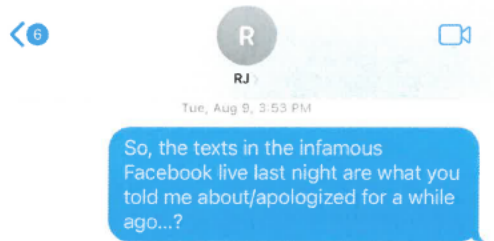
Attachment 3



Attachment 4



Attachment 5



Yes

Jimmy Lawrence text thread

Of course I hadn't read them until now

I'm sorry [REDACTED] these people are after me pretty hard