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THE NEWS-PRESS

\$1.50 FINAL

SUNDAY, MARCH 27, 2011 | PUBLISHED SINCE 1884

A GANNETT COMPANY

District's paid millions
to suspended workers

Lee's salary expenditures a sensitive issue as budget forces program cuts

BY DAVE BREITENSTEIN
dbreitenstein@news-press.com

SUNDAY EXCLUSIVE
THE NEWS-PRESS
INVESTIGATION

In five-plus years, Lee County schools have paid \$2.4 million for employees to stay home.

That includes \$4,285 to an accounting clerk suspended with pay after he attempted to solicit a prostitute in his school district vehicle. And \$11,500 to a teacher found smoking with a student on campus and \$32,162 to a pair of teachers caught having sex on school grounds.

Standard practice in Lee County is to suspend

school employees accused of misconduct with pay and benefits, pending the outcome of an investigation.

While facing criminal charges such as battery on a pregnant woman, DUI manslaughter and cocaine possession, 236 Lee school workers collected their full salary, retirement benefits and health insurance for an average of three

COMING TUESDAY ON news-press.com

Database: Search suspensions of employees from the Lee, Collier and Brevard County school districts.

Slideshow: Read documents of bus driver Sandra Williams' case as it wound through the system over 10 months.

Memo: Read interim Lee County School Superintendent Larry Tihen's memo about the district's suspension policy.

months.

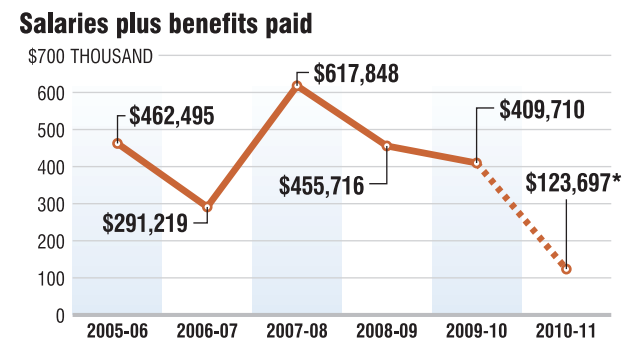
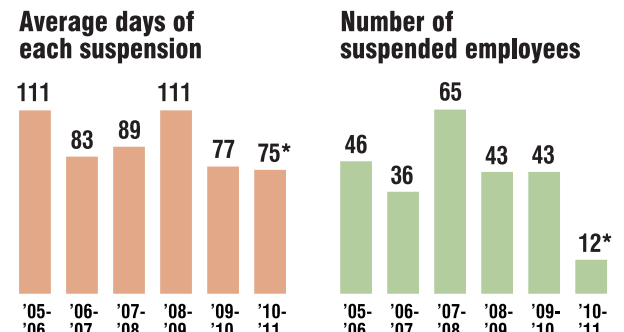
"It's horrendous," said Bonita Springs resident Ron Pure, who monitors spending practices of local agencies. "It's likely indicative of how the school board and administration handle many of their operations — prolonged, ineffective and inefficient."

The News-Press spent five months poring over investigation documents, financial data and court records, and results tell of a school system at odds with its own policies, rules

See **SUSPENSIONS A12**
Also see the investigation process **A13**

Paid employee suspensions in Lee

Since 2005, the average paid suspension lasted three months before an individual was cleared to return, was fired, resigned or was otherwise disciplined. Numbers in the "Days Suspended" column refers to calendar days, which include weekends and non-school days.



SOURCE: LEE COUNTY SCHOOL DISTRICT

THE NEWS-PRESS

THE GAME IS OVER: RENEWAL PROJECT COMES UP SHORT



ANDREW WEST/THE NEWS-PRESS

Red Sox fans still flock to City of Palms Park near downtown Fort Myers. That will end Tuesday, when the Red Sox play their final game in the 19-year-old stadium. The city's hopes that the stadium would revive the surrounding neighborhood never materialized.

As Red Sox leave town,
city ponders its errors

BY DAN DELUCA
ddeluca@news-press.com

Hailed as the first baseball spring training complex built as a tool for urban renewal, City of Palms Park's purpose extended far beyond simply bringing the Boston Red Sox to Fort Myers.

Proponents of the sparkling edifice — which opened to glowing reviews March 5, 1993 — promised it would revitalize the city's central corridor and downtown district by stimulating construction of hotels, office buildings and restaurants, creating tens of millions of dollars in tax base.

The advocates maintained that development boom and the economic windfall it generated would justify the \$51.5 million in bonds the city shouldered to pay the facility's construction costs.

Two decades later, it's clear those bullish financial fantasies never were realized. In fact, the taxable value of the stadium's neighborhood has declined 29.2 percent from \$22.5 million in 1991 — the year before construction on City of

SUNDAY EXCLUSIVE

Palms Park began — to \$15.9 million in 2010.

The facility proved to be such a financial hardship for Fort Myers that in 2003, facing a bill of more than \$2.1 million in annual loan payments, taxes and operating, maintenance and improvement expenses, the city transferred the stadium's deed to Lee County. The move freed the city from every debt except the annual mortgage.

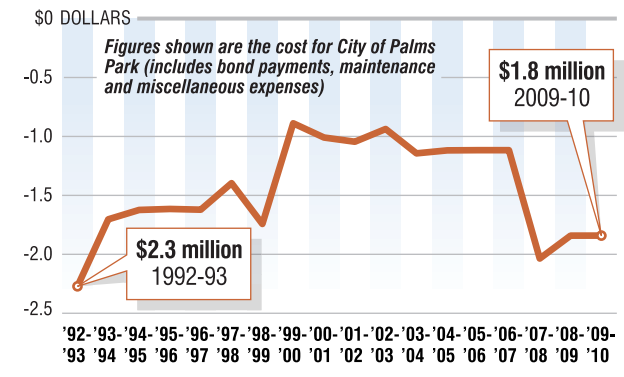
On Tuesday, the Red Sox will conclude their 19th and final spring training season at City of Palms. Next spring, they'll move into a state-of-the-art, \$77.7 million complex on Daniels Parkway in southeast Lee County, paid for by tourist tax funds.

The Red Sox will be gone from downtown Fort Myers, but they'll leave the city with lasting memories, along with a bill for \$23.5 million — the amount outstanding on the facility, which won't be paid off until Dec. 1, 2022.

See **CITY OF PALMS A15**

City of Fort Myers fiscal year
losses on City of Palms Park

In millions of dollars



SOURCE: CITY OF FORT MYERS

THE NEWS-PRESS

INSIDE /
C6-7

A farewell to a stadium: The News-Press looks back at 19 years of memories at City of Palms Park in a special two-page tribute to the spring training home of the Red Sox.



Jobs Project
results show
difficulty
of market

BY YVONNE AYALA MCCLELLAN
ymcclellan@news-press.com

Southwest Florida is still an employer's market.

It's simple supply and demand: For every opening there seem to be hundreds of applicants.

Just ask Sandie Peterson of Markham Norton Mosteller Wright & Co.

For one administrative position recently, she had more than 700 applicants.

Since January, The News-Press has been trying to connect local job seekers and businesses through The Great Jobs Project. The six-month-long initiative highlights a local job seeker and has run in conjunction with other coverage of the local job market.

Now in mid-swing, the project

See **JOBS A3**

THE NEWS-PRESS

GREAT
JOBS
PROJECT

The Great Jobs Project is an initiative of The News-Press Media Group. We hope to improve the success rate for job seekers in Southwest Florida using our wide range of resources.

• **In Business:** Read this week's job seeker profile of Donald Macchioni.



Inside, A28-30:
Classified ads
for employment
news-press.com/jobsproject

News Digest

Geraldine Ferraro dies

Geraldine Ferraro joined Walter Mondale on the Democratic ticket in 1984, becoming the first woman to run for vice president.



NATION, A19



A12 | THE NEWS-PRESS, NATION & WORLD, SUNDAY, MARCH 27, 2011 ***

“It’s best for investigations not to drag on. That’s much more efficient than coming up with ways to keep them busy.”
— Greg Adkins, chief human resources officer

SUSPENSIONS

Continued from A1

that keep employees on the payroll after the district — and in some cases, the courts — reach a guilty verdict.

Since July 2005, paid suspensions have lasted between one day and 856 calendar days, a figure that includes weekends, holidays, semester breaks and other non-school days.

All the while, those exiled employees earned \$83 to \$61,229 in salary and benefits.

Chief Human Resources Officer Greg Adkins said the district’s hands are tied. State law, school board policy and union contracts spell out provisions for suspensions and disciplinary action, and all protect the employee’s rights.

“We live in America, and people are innocent until proven guilty,” Adkins said. “Many of our employees live paycheck to paycheck, and we wouldn’t want to arbitrarily suspend someone without pay without having all the facts.”

But as investigations stretch from days to weeks, and weeks to months, paychecks keep coming. A review of two comparable school systems, Collier and Brevard counties, found that Lee not only suspends a higher proportion of its work force, but its paid suspensions last four to five times longer.

As education funding grows tight and taxpayers demand more government accountability, Lee schools are scrutinizing expenditures to stave off a budget crisis, including all but eliminating field trips, implementing a hiring freeze and reducing energy consumption by raising classroom temperatures.

Shortening the duration of paid suspensions, however, has not been on the agenda, but interim Superintendent Larry Tihen issued a seven-page memo Thursday to explain information that may or may not appear in The News-Press.

“That’s ridiculous,” he said. “That’s asinine beyond belief.”

Sandra Williams acknowledges the court case and suspension were prolonged.

“I still don’t know why it took so long,” said Williams, now working as an independent contractor delivering The News-Press. She plans to submit another application to the school district, and wants to drive a bus again.

benefits.

- Bus driver Sandra Williams served a 10-month paid suspension after being charged with battery and burglary. Her paychecks kept coming through her trial, conviction and three months in jail en route to \$21,957 in salary and benefits. She later was fired.
- Eddie Smith, a food service worker at South Fort Myers High, was caught stealing plasticware from the cafeteria. He collected \$5,545 in salary and benefits during a four-month paid suspension. He received a letter of reprimand and a three-day unpaid suspension.

After hearing the numbers, school board member Don Armstrong was appalled.

“That’s ridiculous,” he said. “That’s asinine beyond belief.”

Sandra Williams acknowledges the court case and suspension were prolonged.

“I still don’t know why it took so long,” said Williams, now working as an independent contractor delivering The News-Press. She plans to submit another application to the school district, and wants to drive a bus again.

Comparisons

For a reference point, The News-Press gathered suspension records from Lee, Collier and Brevard school systems. Only Lee was able to attach values to benefits, so only base salaries are listed below.

Lee employs 8,998 full-time workers, according to the Florida Department of Education, and suspended 246 employees — counting the 10 multiple offenders twice — since July 2005. That number does not include ongoing cases. Workers on paid suspension earned \$1.9 million in gross pay.

Brevard County schools, headquartered in Melbourne, have an almost identical work force of 8,952 employees. It suspended 71 employees with pay between July 2005 and June 2010, and doled out \$167,897 in base salaries. Paid suspensions there lasted an average of 19 days.

“Brevard does not like to pay employees not to work, so we complete investigations as quickly as possible,” said Joy Salamone, director of human resources services and labor relations.

That district employs no investigators, instead giving principals authority to conduct investigations of school-based offenses, while Salamone handles inquiries of district-level workers.

Collier employs 5,446 people, and although the district was able to pull only four years of data, from July 2006 to June 2010, its records show 25 employees suspended with pay at a cost of \$63,123. The average paid suspension in Collier lasted less than 24 days, including weekends and non-school days.

Although Lee sidelines more employees, the proportion of workers suspended in a given school year is about 0.5 percent. The \$2.4 million in salary and benefits also represents a speck of an expenditure for a district that’s put \$7.5 billion toward public education in five years.

Florida’s 2011-12 budget outlook has government agencies concerned. Gov. Rick Scott’s proposal calls for \$52.1 million in cuts to Lee schools alone.

“We’re going to have to

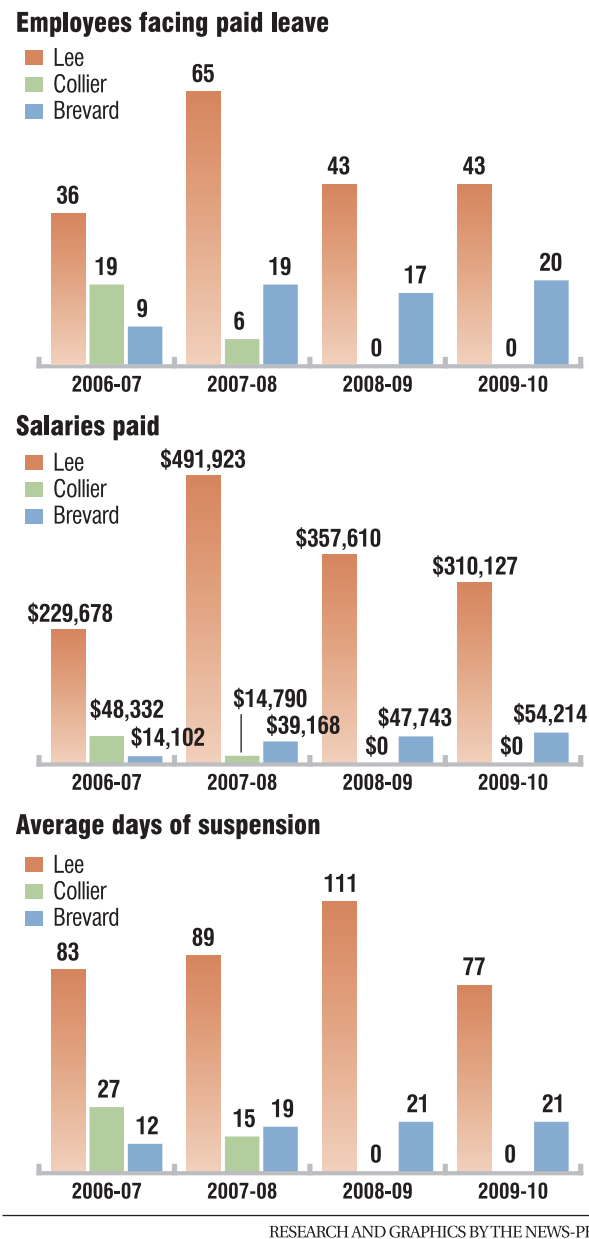


PHOTOS BY TERRY ALLEN WILLIAMS/THE NEWS-PRESS

Greg Adkins, head of the Lee County School District Human Resource Department, meets with a lawyer and investigators involved with keeping tabs on district employees who may be charged with breaking the law or school regulations. The district has paid \$2.4 million in pay and benefits to employees on paid suspension in five-plus years.

Paid suspensions in Lee, Collier and Brevard schools

Each school district sets its own policies governing paid suspensions, but Lee suspends far more employees with pay than Collier or Brevard, and those suspensions last much longer.



Drawers full of files are kept on Lee County School District employees, some of whom collect full pay and benefits despite being suspended.

for them to still be involved in the process.”

Donzelli, who used to work for Broward schools, believes that’s a poor idea.

“You don’t want bad apples mixing with good apples,” he said. “When you’ve got someone with an ax to grind, you have potential for problems.”

The district allows suspended employees to pursue alternative employment in the private sector, thus collecting two salaries at the same time.

“They’re suspended with pay, and what they do in that time is not our business,” Adkins said. “But if we want them back, we want them back. We’re not going to work around their schedule.”

Solutions

In Thursday’s memo, Tihen outlined three options board members might consider:

- Adding staff: The district’s two investigators, Craig Baker and Christine Christensen, don’t merely investigate. They also handle drug testing, harassment claims, fingerprinting, disability accommodations, substitute teachers and screening of job applicants.
- They are clearly understaffed,” said Bob Rushlow, president of the Support Personnel Association of Lee County.
- Bolstering the investigative staff would cost money up front, but the district could recoup those expenses by shortening the time it pays suspended workers.

“We’ve cut our staff, so maybe that’s why investigations are taking longer,” Tihen said. “I’m not saying the solution is hiring more people, but also looking at the process itself.”

- Delegating authority: School board members could allow the superintendent to suspend employees without pay once it’s clear an individual

did something wrong, even if all the T’s aren’t crossed and I’s dotted. Collier and Brevard give their superintendents that authority.

If an employee later is cleared, he or she must be granted retroactive pay, according to Florida law.

Jason Brooks, director of research and communications at the New York-based Foundation for Education Reform and Accountability, suggests Lee pursue an avenue to recoup salaries earned by employees on paid suspensions who ultimately are convicted, acknowledging that might require a change in state law.

“It’s not looking out for what’s best for students or the taxpaying public,” Brooks said.

Neither is a plan to suspend employees without pay before a definitive outcome, said Mark Castellano, president of the Teachers Association of Lee County.

“These are people we’re talking about,” he said. “So in the meantime, they’ll lose their home and put their family on the streets, and they later say, ‘Whoops, so sorry, we’ll give you back pay.’ But you’re already three months behind on your mortgage.”

- Differentiate employees: The Lee district affords the same due process to all employees. Florida law spells out time-consuming grievance procedures for teachers and administrators, but support staff isn’t afforded as much protection.

School board member Armstrong believes all of the ideas warrant further discussion from the board.

“In some cases, I realize, if we don’t scrutinize every last detail, we could ruin somebody’s career, and that’s what we have to be concerned about,” he said. “But this is still taxpayers’ money.”

Findings

Through a public-records request, The News-Press paid Lee schools \$1,354 to comb through its suspension records to provide data and reasons for suspensions. The district charged another \$308 for a reporter to review 10 investigative files.

Records show:

- The average paid suspension lasted 93 days.
- Suspended employees collected an average salary and benefits worth \$9,596.
- Teachers were suspended the most, with 83 occurrences, followed by 50 bus drivers and 24 custodians.
- Ten employees were suspended with pay twice, and in seven instances, the second suspension cost at least twice as much.
- A total of 22,877 days were lost due to paid suspensions. That figure includes weekdays and weekends.

The \$2.4 million spent on suspended employees’ salaries and benefits does not include the cost of substitute teachers, replacement bus drivers and temporary workers hired to take their place.

Several suspensions are worth noting:

- Teacher Robert Williams had the longest paid suspension at two years and four months. He was accused of falsifying certification documents. Lee schools eventually fired Williams after he collected \$55,774 in salary and

benefits.

Although Lee sidelines more employees, the proportion of workers suspended in a given school year is about 0.5 percent. The \$2.4 million in salary and benefits also represents a speck of an expenditure for a district that’s put \$7.5 billion toward public education in five years.

Florida’s 2011-12 budget outlook has government agencies concerned. Gov. Rick Scott’s proposal calls for \$52.1 million in cuts to Lee schools alone.

“We’re going to have to

look under every rock and every corner to find money,” said Lee board member Jeanne Dozier, who is in Tallahassee to lobby legislators.

Reassignment

School board policy permits the district to reassign teachers and administrators accused of wrongdoing, rather than suspend them with pay.

However, the district does not reassign most employees because suitable positions are not available, according to communications director Joe Donzelli.

It’s also a security issue.

“There’s no way I could have these individuals with me in the building while I’m investigating them,” said Ranice Monroe, director of professional standards.

Some bus drivers, custodians and other support staff accused of minor

offenses are reassigned to positions at other schools or departments while they’re investigated.

Trying to force a teacher to cut grass or sweep floors, for example, would violate a teacher’s contract, chief human resources officer Adkins said. Placing an employee on unfamiliar turf necessitates more supervision, which Adkins likens to bringing aboard an intern who has to learn the ropes.

“It’s best for investigations not to drag on,” Adkins said. “That’s much more efficient than coming up with ways to keep them busy.”

Across Alligator Alley in Fort Lauderdale, Broward County schools reassign most employees to administrative offices, a textbook warehouse and schools.

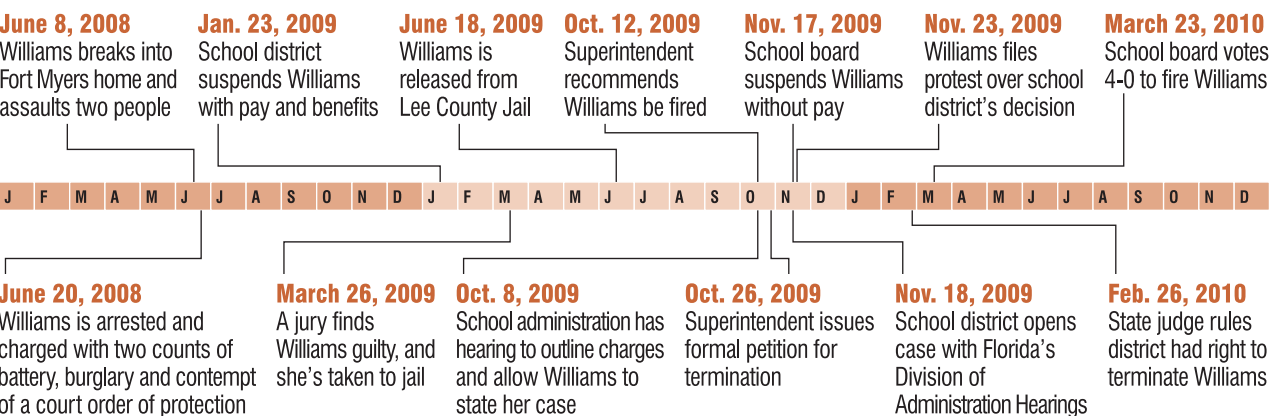
“They’re put to work,” said public relations specialist Nadine Drew. “If they’re going to be paid by the district, it makes sense

How one case lingered

The News-Press picked one case, that of former bus driver Sandra Williams, who was hired by the district May 17, 2001, to illustrate the lengthy investigatory and suspension process. A timeline follows.



Sandra Williams



Top 10 paid suspension recipients

Lengthy investigations lead to lengthy employee suspensions in Lee County schools. Here are the 10 individuals who earned the most salary and benefits while suspended since July 2005.

NAME	POSITION	ALLEGATION	LOCATION	DAYS SUSPENDED	SALARY AND BENEFITS	OUTCOME
Joanne Delaney	Teacher	Sexual assault against a female colleague	Gulf Middle	368	\$61,229.23	Returned to work
Robert Williams	Teacher	FDLE Investigation	SWF Criminal Justice Academy	856	\$55,773.96	Fired
Joel Wolfson	Teacher	Inappropriate comments to students	ALC High	246	\$49,450.20	Retired
Vonnie Rumsey	Procurement Agent	Accepting gifts from vendors	Procurement	238	\$44,624.63	Not reappointed
Eric Zuspenn	Teacher	Failure to report child abuse	North Fort Myers High	296	\$43,394.47	Returned to work
Shawn Sawyer	Teacher	Harassment (colleagues)	Mariner Middle	314	\$41,255.81	Returned to work
James Reynolds	Teacher	Misconduct	Fort Myers High	53	\$40,560.65	Returned to work
Jean Frenette	Teacher	Inappropriate comments	Island Coast High	204	\$39,604.72	Written reprimand, not reappointed
James Gatch	Teacher	Arrest - Possession of Cocaine	Mariner High	234	\$37,722.89	Suspended without pay
David McNabb	Teacher	Arrest - Felony Sexual Assault	Tropic Isles Elementary	249	\$37,435.00	Fired

THE NEWS-PRESS

District policies among many reasons for delays

BY DAVE BREITENSTEIN
dbreitenstein@news-press.com

Lee County schools have clear-cut policies covering employee investigations, but those procedures are holding up the disciplinary process.

When principals or department heads learn of allegations of an employee's inappropriate behavior — on or off the clock — they notify Lee's office of professional standards and equity. Employees also are compelled to self-report certain arrests and convictions.

Investigators Craig Baker and Christine Christensen, along with department director Ranice Monroe, start gathering facts and interviewing witnesses. Baker and Monroe previously worked as investigators for the Florida Department of Education; Christensen was in human resources in the private sector.

If "the alleged act of misconduct affects the health, safety or welfare of a student," district policy requires that individual immediately be suspended with pay.

Since the 2005-06 school year, the district has launched 652 investigations, some of which quickly were dismissed. As of Wednesday, the district had 25 open cases.

Once fact-finding is complete, district staff discuss findings with the suspended worker and legal counsel or union representative. An employee in the clear immediately can return to work, while one the district wants to fire remains on paid leave for at least 22 more days, per

school board policy. After that point, board members can schedule a vote to fire or suspend without pay, if that individual plans to file a protest with Florida's Division of Administrative Hearings.

Lee employees have fought for their jobs in state court 33 times since July 2005, records show. Judges sided with the district in a majority of cases. By comparison, eight employees of Collier schools and eight from Brevard requested an administrative hearing during the same period.

Lee staff attorney Robert Dodig said the district pays for the judge and court reporter no matter which party prevails. That's why the district may decide in April or May to fire someone, but keep that employee on the payroll until the school year ends in June.

"It's less costly to allow their contract to expire rather than fight it," Dodig said.

One key delay is when law enforcement is involved. Greg Adkins, the district's chief human resources officer, points to the case of teacher Robert Williams as an example. His suspension lasted more than two years as the state attorney's office, Florida Department of Law Enforcement and Glades County Sheriff's Office investigated Williams' law enforcement credentials. In the end, the district fired Williams.

"We don't have access to police reports, and the state attorney doesn't always share information with us," Dodig said. "We are sitting here knowing

about an arrest, but we have no evidence."

The delays take an emotional toll on employees, Rushlow said.

James "J.R." Moore, a bus driver in Lee since 1992, was suspended with pay Nov. 22 after refusing to allow a child covered with red ants to enter his bus, citing safety concerns for fellow riders. So Moore sent the child home with an adult who chaperoned students at the bus stop.

"Even though I was 100 percent OK, I was still worried," Moore said.

At first, Moore thought it would be nice to have what amounted to a few days of paid vacation. But as the weeks passed, Moore's mind began to race. Was there something else they were investigating? Did he say the wrong thing to somebody?

"I didn't know why it was taking so long, and that's why I was worried," Moore said. "It was paranoia."

He was cleared for a return Jan. 24, and continues driving the same bus. The reason for his suspension: releasing a student into the custody of an unauthorized individual. Moore collected \$5,844 in salary and benefits during his two-month suspension.

Of the 246 suspensions since July 2005, the suspended employee resigned, was fired or not reappointed in 105 cases. Dodig said that's a testament Lee's policies are working, even if suspensions last longer than administration would like.

"That's what people care about — are their kids safe?" Dodig said.

WHAT SCHOOL BOARD IS SAYING

"I don't want to suspend someone who is accused without pay if they may not be guilty. We have to err on the side of caution, but do it expeditiously."

— Tom Scott, school board chairman



"It shocked me, and I'm concerned about the statistics. But everyone is innocent until proven guilty. We want to give our employees the benefit of the doubt."

— Mary Fischer, school board vice chairwoman



"We don't want to give anybody a paid vacation. It's taxpayer money, and we need to keep that in mind. We have a responsibility to our constituents to spend their money wisely."

— Don Armstrong, school board member



"This is not something we can let go. We have to look at all available options, and quickly."

— Jeanne Dozier, school board member



"I'm very surprised at the number and the dollar amount. It is something we need to have a conversation about."

— Jane Kuckel, school board member



PUBLIC-RECORDS REQUEST

Florida's public-records law requires government agencies to provide documents, data, videotapes and transcripts that involve finances, personnel actions, investigation materials, contracts and other items. Public records aren't always free, though, as many agencies charge for staff time and copies. Below is what The News-Press requested for this story and how much it was charged.

DATA

Request: A list of names, dates of birth, job titles and locations, dates of suspensions, and salary and benefit data for each suspended Lee County school employee, starting July 1, 2005
Date requested: Oct. 12
Date provided: Jan. 20
Cost: \$782.06
(Note: Brevard County charged \$49.08 for the same information, and Collier County provided the data at no cost.)

REASONS

Request: A list of allegations and outcomes for each suspended Lee employee
Date requested: Jan. 24
Date provided: March 1
Cost: \$571.62

REVIEW

Request: A review of investigatory files of 10 suspended Lee employees
Date requested: Feb. 7
Date provided: March 21
Cost: \$308.48

Navy training linked to at least three dolphin deaths in California

The Associated Press

SAN DIEGO — A Naval training exercise that included an underwater blast off San Diego's coast has been linked to at least three dolphin deaths this month, prompting a probe into whether the military violated the federal law that protects marine mammals.

Navy officials, who reported the deaths of the long-beaked common dolphins after the March 4 detonation off the coast, say they were following proper procedures and will continue

with the training.

The National Marine Fisheries Service plans to look again at the Navy's pending request to disturb marine mammals between Imperial Beach and Coronado, where it conducts amphibious and special warfare training, agency leaders told the San Diego Union-Tribune on Friday.

The Navy's application, in the works for years, says it does not anticipate any dolphin deaths due to training. But after March 4, the fisheries service opened an enforcement case to

determine whether the Navy violated the Marine Mammal Protection Act of 1972, designed to safeguard dolphins, whales and similar creatures.

Besides the three reported to the fisheries service, two dead dolphins were found later, but it's not clear if they were injured by the Navy exercises.

Environmentalists have called on the Navy to suspend activities involved in the deaths and conduct a transparent investigation.

But Navy officials said the program it calls "mis-

sion-critical" would continue. They said they were following proper procedures on the day of the blast and are conducting their own investigation to see if changes are necessary.

"We have an excellent track record in our training and have exacting standards that we apply to try to prevent these types of incidents," Cmdr. Greg Hicks, a spokesman for the Navy's Third Fleet, said. "We do our best to protect marine life while conducting essential training."

Hicks said there were no

dolphins in view when the training countdown began, and when they were seen it was too late to stop safely.

He could not say how many underwater blasts the Navy has performed at the site in recent years. Documents show the Navy's permit request for underwater explosives involves as many as 415 "small" detonations during 311 training events a year.

Underwater explosives are important for clearing obstacles out of harbors so ships can enter. When the Navy practices with them

offshore, Hicks said, observers look for dolphins, seals, whales and similar creatures that might swim into the danger zone.

Michael Jasny of the Natural Resources Defense Council, which once sued the Navy to minimize sonar damage to whales, said the Navy doesn't have the best environmental record when it comes to ocean life.

"There is training and there is training safely with full safeguards for the protection of the environment," Jasny said. "They haven't always done that."

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