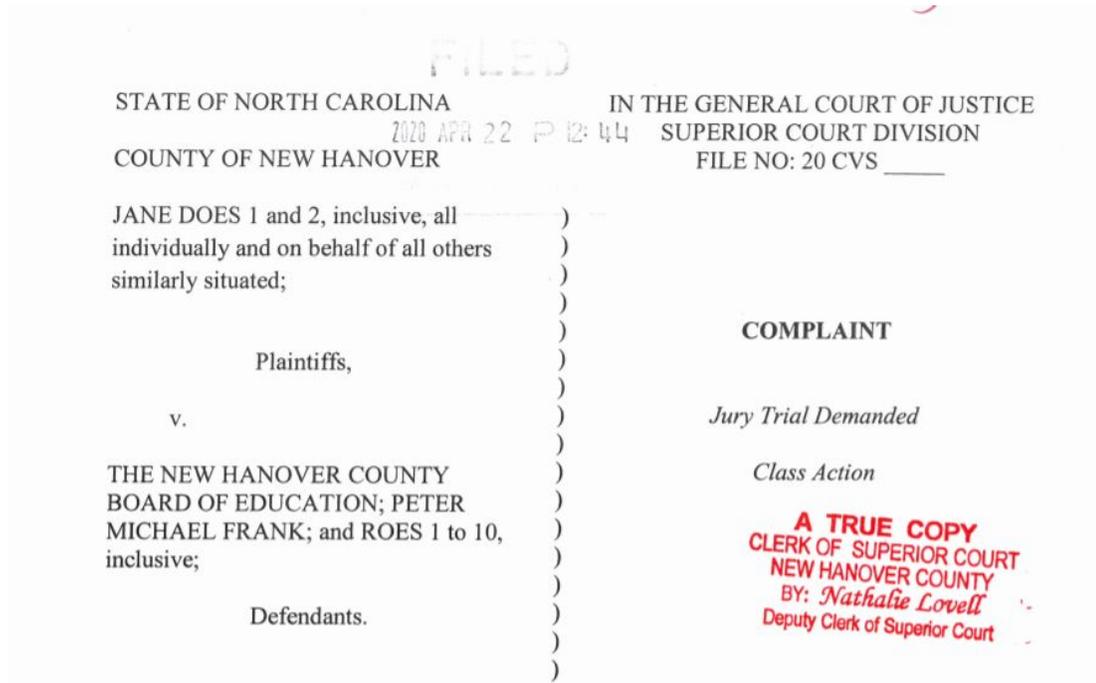


New lawsuit asks New Hanover County Schools to end 'culture of permissiveness'

By Benjamin Schachtman - April 23, 2020



Editor's note: This article contains some graphic material that may be disturbing to some readers.

WILMINGTON — A new lawsuit filed this week takes aim at New Hanover County Schools alleged 'culture of permissiveness,' which allowed convicted sexual predator Michael Earl Kelly and alleged predators Peter Michael Frank and Nicholas Lavon Oates to abuse minor students.

The lawsuit names Frank, a band teacher at Roland Grise Middle School, and the New Hanover County School Board as defendants. In addition, it includes placeholder 'Roes' — as-of-yet unnamed administrators who, although with the board, are accused of concealing information about the sexual misconduct of Frank and others and failing to uphold their "legal and moral obligations" to protect the students in their care.

The case was filed by The Rhine Law Firm and the Lea/Shultz Law Firm on behalf of two female victims who allege sexual abuse by Frank. As with the previous lawsuit filed by those firms — representing the victims and alleged victims of Kelly — this lawsuit uses pseudonyms to protect the identity of the victims. Also like the Kelly civil case, the Frank filing could potentially become a class-action suit, allowing other victims of Frank to join the suit.

Unlike the previous lawsuit, this complaint does not name Dr. Tim Markley or Dr. James 'Rickie' Holliday, although attorneys note that the district's top two administrators — along with General Counsel Wayne Bullard and Assistant Superintendent and Head of Human Resources Dr. John Whelmers — have all resigned. All of these former administrators are likely included in the ongoing SBI investigation into whether or not there was a criminal failure to report potential sexual abuse to law enforcement or a related obstruction of justice.

Allegations against the Board of Education

While part of the lawsuit makes direct allegations against Frank, the deeper purpose the suit, according to the attorneys who filed it, is to push the Board of Education to reform its policies. The main thrust of this argument is that, while Kelly, Oates, and Frank are all responsible for their own alleged crimes — Kelly is already serving decades in prison for his — the Board is ultimately responsible for the policies and the culture of NHCS that has apparently allowed repeated offenses over years, if not decades.

"This culture of permissiveness must stop for the safety and well-being of our current and future students," as the complaint puts it.

This pattern was already being established when Peter Michael Frank was arrested in January on a dozen felony child sexual abuse charges; Frank was the third NHCS employee in two years to be arrested on similar charges.

As disturbing as the initial charges were, the case became even more upsetting when a search warrant revealed additional alleged victims — and clear evidence that the administration had known about Frank's behavior for two decades. Despite repeated incidents with minor students, Frank was 'counseled' by NHCS instead of fired — the only disciplinary action against him apparently didn't involve students.

Related: [Wilmington teacher kept photos of female students, NHCS counseled him repeatedly on 'inappropriate relationships'](#)

Frank's alleged misconduct and crimes and the administration's handling of them have obvious similarities to the Kelly case. [Parents and students say they reported Kelly up to 20 years before he was finally arrested](#). During the criminal investigation, Kelly apparently told the FBI and other law enforcement agents that he had been investigated by NHCS in 2006, but that nothing had been reported to law enforcement — a violation of state law.

The district and board have declined to comment on pending litigation, including the Kelly and Frank cases.

It's worth noting that Board Chairwoman **Lisa Estep suggested in late January that the Board would consider releasing some of Frank's personnel record to help answer questions** about why he was not fired for earlier incidents — to date, that has not happened.

Allegations against Frank

The lawsuit also includes allegations specifically against Frank from two victims who are both part of the ongoing criminal investigation. Frank is currently being held in the New Hanover County detention facility awaiting trial on almost 30 charges from a total of seven victims.

It's worth noting that while the charges against Frank are disturbing, attorneys point to the flagrancy of the alleged behavior and the lack of follow-through when Frank was investigated by the school — which apparently handled things internally without contacting law enforcement.

The complaint alleges that Frank abused Jane Doe 1 between 1998 to 2000; although the victim's age is not listed, fellow students were between 12 and 14. According to the complaint, Frank, who was in his late 20s at the time, began a flirtatious relationship with the student. Allegedly this “quickly turned into a sexual relationship.”

That relationship was allegedly not secretive.

According to the complaint, Frank's relationship with Jane Doe 1 was “common knowledge” and on class trips, the two would sit together “like boyfriend and girlfriend.”

In addition to these public displays, Jane Doe 1 wrote notes to fellow students with “explicit references to Frank” that “came into the knowledge of responsible teachers.” Frank was also investigated after it was learned that Jane Doe 1 had visited his home, at his request. There was apparently no follow-up, nor does it appear law enforcement was notified.

In the case of Jane Doe 2, Frank allegedly engaged in similar flirtatious behavior, encouraging sexualized behavior from the 13-year-old student. Frank also allegedly asked for topless photographs from the student, and apparently received them.

Below: The initial complaint filed in the lawsuit.

[Jane Doe v. NHCS Board of E...](#) by [Ben Schachtman](#) on Scribd

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