

GREGORY SUTTON,

Appellant

v.

SOMERSET COUNTY  
BOARD OF EDUCATION,

Appellee.

ORDER OF THE  
STATE BOARD  
OF EDUCATION

Order No. OR 18-05

ORDER

On May 16, 2017, Appellant, Gregory Sutton, appealed the decision of the Somerset County Board of Education (“local board”) to terminate him from his position as Supervisor of Transportation and Operations for the school system after he allowed a disqualified bus driver to operate a school bus to transport students. Appellant claimed in his appeal that the local board terminated him based on race discrimination.

Also in May 2017, the Appellant filed suit in the U.S. District Court for the District of Maryland asserting a claim under Title VII of the Civil Rights Act of 1964 that the local board terminated him based on race discrimination. *See Sutton v. Somerset County Bd. of Educ.*, Civil Action No. ELH-17-504. On July 18, 2017, the State Board stayed the appeal until “such time that the District Court rules on the discrimination claim.” The State Board found that redundant proceedings in multiple venues did not serve the purpose of judicial economy and would be a waste of resources. *See Sutton*, MSBE Order No. OR17-08.

On June 18, 2018, the Honorable Ellen L. Holander, United States District Judge, issued a Memorandum Opinion and Order granting Summary Judgment in favor of the local board. The Judge concluded that “no reasonable jury could find that the [Appellant] was terminated because of his race.” Now that the District Court has ruled on the discrimination claim, the local board asks that the State Board lift the stay in the State Board appeal and issue a final order affirming the decision of the local board upholding the Appellant’s termination. The Appellant, however, asks that the State Board continue the stay because he has appealed the District Court’s decision to the United States Court of Appeals for the Fourth Circuit.

Because the District Court has already ruled on the issues in the State Board appeal, we dismiss the appeal as moot, but without prejudice. The Appellant may refile the appeal to the State Board if he is successful in overturning the decision in his appeal to the Fourth Circuit.

Therefore, it is this 24<sup>th</sup> day of July, 2018 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed as moot. *See* COMAR 13A.01.05.03(C)(2).

MARYLAND STATE BOARD OF EDUCATION  
Signature on File:

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Justin M. Hartings  
President