STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOM GALLAGHER, AS COMMISSIONER OF EDUCATION, Petitioner, vs. RONALD R. DESJARLAIS, Respondent.	)	Case No. 00-2767PL

RECOMMENDED ORDER

Robert E. Meale, Administrative Law Judge of the Division of Administrative Hearings, conducted the final hearing in Fort Myers, Florida, on October 2, 2000.

APPEARANCES

For Petitioner: Bruce P. Taylor
Post Office Box 131
St. Petersburg, Florida 33731-0131

For Respondent: Robert J. Coleman
Coleman & Coleman
Post Office Box 2089
Fort Myers, Florida 33902

STATEMENT OF THE ISSUE

The issue is whether Respondent is guilty of deliberately setting his motor vehicle on fire on school grounds and then fraudulently concealing that he did so and whether such conduct is an act involving moral turpitude, in violation of Section 231.28(1)(c), Florida Statutes; personal conduct that seriously reduces the effectiveness of a school board employee, in

violation of Section 231.28(1)(f), Florida Statutes; and in derogation of the following three provisions of the Principles of Professional Conduct for the Education Profession in Florida, in violation of Section 231.28(1)(i), Florida Statutes: the requirement of making a reasonable effort to protect a student from conditions harmful to learning or to protect the student's mental health or physical safety, as required by Rule 6B-1.006(3)(a), Florida Administrative Code; the prohibition against exposing a student to unnecessary embarrassment or disparagement, as prohibited by Rule 6B-1.006(3)(e), Florida Administrative Code; and the requirement of maintaining honesty in all professional dealings, as required by Rule 6B-1.006(5)(a), Florida Administrative Code.

PRELIMINARY STATEMENT

By Administrative Complaint dated June 6, 2000, Petitioner alleged that, on April 19, 1999, Respondent deliberately set his motor vehicle on fire in the parking lot of Cypress Lake High School. The Administrative Complaint alleges that Respondent initially lied to investigators, saying that he did not know how the fire had started, and then later admitted to having set the fire himself.

The Administrative Complaint alleges that Respondent later pleaded no contest to criminal mischief. The circuit court allegedly withheld adjudication and sentenced Respondent to one year's probation, counseling, court costs, and fines.

At the hearing, Petitioner called six witnesses and offered into evidence ten exhibits. Respondent called one witness and offered into evidence six exhibits. All exhibits were admitted.

The court reporter filed the Transcript on October 18, 2000.

FINDINGS OF FACT

1. Respondent has held Florida Educator's Certificate 751546, which covers Spanish, since 1995. The certificate expires June 30, 2002.

2. Since his arrival in Florida in 1995, Respondent has taught Spanish at Cypress Lake High School in Lee County. He taught continuously in this position until terminated on or shortly after April 19, 1999, for the incident described below.

3. Respondent was a popular and effective teacher. He enjoyed good rapport with his students and their parents. He volunteered to run the school Spanish club and helped at football and basketball games.

4. On the morning of April 19, 1999, Respondent drove his 1997 Toyota 4Runner SR5 to work. Respondent claimed that the sport utility vehicle had not given him problems, and he had not had any problems making the payments on the car loan secured by the vehicle.

5. On his way to work, Respondent stopped in a gas station and filled up the tank. He paid for the gasoline with a debit card and proceeded to drive to Cypress Lake High School where he taught.

6. Respondent arrived at Cypress Lake High School at about 6:00 a.m. He parked in the front of the building. He normally parked in the back of the building, but there was some construction activity that had taken place in the rear parking area. Respondent walks with the assistance of a cane, and he would likely avoid debris-filled or disorganized parking areas.

7. At 6:00 a.m., Respondent would unlikely encounter any staff at the school except kitchen staff, who parked in the rear. Three or four teachers, including Respondent, typically arrived by 6:00 a.m., but the great majority of the teachers arrived significantly later. The teachers' day ran from 7:00 a.m. until 2:30 p.m.

8. Likewise, students would not arrive until after 6:30 a.m. The first school bus arrived at 6:40 a.m., but most of the buses did not arrive until 7:00 a.m. School started at 7:20 a.m.

9. Arriving at 6:00 a.m., Respondent thus joined on the campus no more than a couple of teachers, some of the kitchen staff in the back, and no students.

10. On the morning in question, Respondent took some materials into the office to copy. He had not been inside for very long when a janitor, who was performing his morning trash-collection duties, saw that Respondent's parked vehicle was on fire. Proceeding to the main office, the janitor encountered

Respondent and informed him that his vehicle was on fire. Respondent expressed surprised disbelief.

11. In fact, Respondent was not surprised. Under Petitioner's version of events, Respondent was not surprised because he had set the fire himself. Under Respondent's version of events, he was not surprised because, after he had entered the building, he discovered someone setting fire to Respondent's vehicle.

12. Respondent testified that he had found the library locked, so he was walking to another area to do his copying and drop off his briefcase in his classroom. As he walked by a point from which he could see his parked vehicle, Respondent noticed that the rear right door was open.

13. Respondent testified that he walked directly to his vehicle. As he approached, he smelled gasoline. He then saw a young man on the left side of the vehicle with shoulder-length brown hair and dressed in camouflage beside the car. The man saw Respondent and shouted, "Fuck you, teach." The vehicle then burst into flames, as Respondent was standing on the right side of the vehicle. The man then warned Respondent, "If you tell, your wife and family are next." After uttering this warning, the man ran into the school building and turned down a hall. Respondent testified that he had never seen the man before or since and did not know his identity.

14. The different versions of events coalesce at this point. Authorities summoned to the school extinguished the fire prior to the principal's arrival at school around 6:23 a.m. However, the fire had extensively damaged the vehicle, whose interior had been consumed by flames.

15. Despite the intensity of the flames, which required foam rather than water to extinguish, the first firefighter on the scene testified that the fire had not really been dangerous and that the vehicle's location was well away from the building and any other vehicles. Given the early hour of the fire, only a couple of onlookers were present during the blaze, and they were not students.

16. The first firefighter on the scene is also a deputy sheriff with the Lee County Sheriff's Office. Having noticed a container in the front seat of the vehicle, the firefighter asked Respondent, who was standing by, if anyone might be mad at him. When Respondent said no one was mad at him, the firefighter explained that he had found a container on the passenger side. Respondent asked if he could approach the vehicle and look inside. When the firefighter agreed that he could, Respondent walked around the nearer right side of the vehicle, whose windows were smoky, and approached the left side of the vehicle, whose windows had been broken out. Having crossed in front of the vehicle, Respondent passed up an opportunity to peer into the

driver's window, choosing instead to look into the left rear window.

17. In looking in the left rear window, Respondent saw another container that had been behind the driver's seat, but which the firefighters had not yet found. Respondent explained that he had wanted to look through a window that gave him a view of the front, middle, and back of the interior. However, no one had restricted the number or location of views that he could take of the interior.

18. Respondent then returned to the firefighter, who said that they would conduct an investigation and that Respondent should remain available. Respondent testified that he believed that the investigators would dust the vehicle for fingerprints, and then they would discover the identity of the person who had burned the vehicle. Respondent explained that he did not wish to countermand the order of the arsonist by identifying him or doing anything that would assist the authorities in capturing him.

19. A short while later, after being summoned to the principal's office, Respondent told the principal that "someone apparently torched" the vehicle. Respondent did not assert that a student had set the fire. After speaking with the principal, Respondent returned to the parking lot to speak with the firefighter and an arson investigator from the State Fire Marshall's Office.

20. Upon his arrival, the arson investigator had taken samples from the two containers: one in the front passenger area and one in the right rear passenger area. These samples later proved that the containers, which were large, plastic water jugs, had contained gasoline. The arson investigator did not take a sample from a third jug, which appeared to be the type of jug used to transport swimming pool chlorine.

21. The arson investigator analyzed the burn marks in the interior and determined that the fire started with gasoline in the driver's area, where the damage was greatest. Lacking any evidence of other forms of ignition, the investigator determined that the fire ignited with an open-flame device, such as a lighted match or lighter.

22. The arson investigator asked Respondent some preliminary questions concerning his ownership of the vehicle, whether he had had any problems with the vehicle or with any persons, and how he had learned of the fire. Noticing that his right pant leg had been slightly singed by fire, the investigator asked if Respondent had been near any open flames recently. Respondent replied that he had not. The investigator asked if he could examine Respondent's right hand. After Respondent extended his hand for examination, the investigator noticed that the hair on the hand had been singed and rolled up or beaded, as though it had had contact with accelerent and flame.

23. At this point, the arson investigator informed Respondent of his observations on the pant leg and hand. He asked Respondent if he would prefer to avoid the embarrassment of further interrogation at the school and instead join the investigator at a nearby sheriff's office substation.

24. After Respondent agreed to join the investigator at the substation, the investigator summoned a sheriff's deputy to transport Respondent to the substation. A few minutes later a deputy, in a marked patrol car, arrived at the school and transported Respondent, unhandcuffed, to the substation.

25. Respondent arrived at the substation first. He went to the restroom and removed his socks, replacing them in a way as to conceal a hole that had been burned in one sock, just above the loafer on his right foot. In fact, Respondent had suffered a painful burn on his right foot while standing by the driver's door of his vehicle and starting the fire.

26. At the substation, the arson investigator was joined by the firefighter who had allowed Respondent to view his vehicle and another firefighter, who was also a representative of the State Fire Marshall's Office. The three men then led Respondent into an interview room off the main lobby. The arson investigator summarized the evidence against Respondent and warned him, "We can do this the easy way or the hard way." He added that, if Respondent cooperated, they could go to the state attorney and judge and explain that Respondent had been

cooperative. The arson investigator then read Respondent his Miranda rights, and Respondent responded, "I think I'm going to need a lawyer."

27. The arson investigator and firefighter immediately left the interview room. The other representative of the State Fire Marshall's Office remained in the interview room and spoke with Respondent. The record is undeveloped as to the contents of their conversation. However, after about 20 minutes, Respondent stated that he wanted to speak to the arson investigator.

28. When the arson investigator and firefighter returned to the interview room, Respondent asked to speak a few minutes to the arson investigator alone, and, following this conversation, Respondent agreed to give a statement, although no one again read him his Miranda rights.

29. In an Order Granting Defendant's Motion to Suppress filed on September 26, 2000, in Lee County Circuit Court Case No. 99-1314CF, the trial judge determined that Respondent's Miranda rights had been violated. The court noted that the transporting of Respondent to the substation, rather than questioning him at the school, effectively placed Respondent in custody by the time that he reached the substation, as he had no way to get back to school. The court noted that the record demonstrated that two of the law enforcement officers continued to communicate with Respondent after he had invoked his Miranda rights. The court also noted with disapproval the summarizing of the evidence

against Respondent, which the court characterized as suggesting the details of the crime.

30. The statement inculpates only Respondent, who states that he set the fire after purchasing the gasoline and filling the jugs on his way to school that morning. The closest that the statement comes to an explanation of motive is a statement from Respondent: "I think I need psychological help. I really don't remember doing what I did."

31. In the meantime, back at school, most persons were talking about the incident. Despite the fact that no one had suggested that a student had set the fire, the school was consumed with rumors that a student had done so. Other teachers were upset at the possibility that a student had done this act and were concerned for their safety. Students were distracted all day by the rumors. The principal did what he could do to get people back on task.

32. Later in the day, a representative of the sheriff's office called the principal and informed him that Respondent had been arrested. The principal disseminated this information, which greatly eased the anxiety of the teachers.

33. Still later in the day, Respondent called the principal and said, "I'm sorry." He did not specify for what he was apologizing. He asked the principal to bring his cell phone and briefcase from school to him at the county jail. At Respondent's request, the principal then called Respondent's wife and informed

her that her husband had been arrested for setting his vehicle on fire. She responded that she lacked transportation, but would try to get to the jail.

34. A single article in the local newspaper covered the story the following day. The article noted Respondent's arrest and some of the details of the incidence. There were no other news stories in any media concerning this incident, even when Respondent was sentenced. There was no public reaction to the incident either. Teachers and students remained concerned for Respondent's welfare. The only letter from a parent was supportive of Respondent and opposed his termination, which happened anyway.

35. Without regard to Respondent's statement at the substation, the record demonstrates clearly and convincingly that Respondent burned his own vehicle. The facts are clear and convincing without Respondent's testimony at the hearing, and they are clear and convincing with his testimony at the hearing.

36. Without Respondent's testimony, the facts are that Respondent's late-model vehicle burned in the school parking lot one morning before school. A few minutes later, Respondent bore marks of close proximity to fire on his right hand and right pant leg, despite denials of having been near an open fire recently. The morning of the fire, Respondent had fueled his vehicle.

37. With Respondent's testimony, the facts are that Respondent burned his vehicle and then invented a bizarre story

an unknown assailant, for no apparent reason, torched Respondent's vehicle and then threatened harm to Respondent's family, unless Respondent remained silent. In a dated expression, the assailant spoke of a teacher as "teach." The assailant's implicit promise not to harm Respondent's family, if Respondent remained silent, was somehow trustworthy to Respondent, despite the irrationality of this man. And, despite the threat to Respondent's family, Respondent first called the principal, rather than his wife and warn her that some lunatic was on the loose who, if he could not be trusted, might attack her and their family.

38. Eventually, Respondent pleaded no contest to criminal mischief, a misdemeanor. The court withheld adjudication and sentenced Respondent to one year's probation (with early termination after six months), court costs of $209, a fine of $150, and counseling, which he has completed. Respondent wisely never filed a claim for insurance proceeds.

CONCLUSIONS OF LAW

39. The Division of Administrative Hearings has jurisdiction over the subject matter. Section 120.57(1), Florida Statutes. (All references to Sections are to Florida Statutes. All references to Rules are to the Florida Administrative Code.)

40. Section 231.28(1)(c), (f), and (i) provides:

> The Education Practices Commission shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3

> years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that such person:
>
> (c) Has been guilty of gross immorality or an act involving moral turpitude;
>
> (f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board; [and]
>
> (i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules[.]

41. Rule 1.006(3)(a) and (e) provides that each teacher has an "[o]bligation to the student [that] requires that the individual":

> (a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
>
> (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

42. Rule 1.006(5)(a) provides that each teacher has an "[o]bligation to the profession of education [that] requires that the individual . . . [s]hall maintain honesty in all professional dealings."

43. Petitioner must prove the material allegations by clear and convincing evidence. Department of Banking and Finance v. Osborne Stern and Company, Inc., 670 So. 2d 932 (Fla. 1996) and Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

44. Respondent has proved that the Administrative Law Judge must suppress the use of the statement for inculpatory purposes. As the trial judge found, the statement was made in violation of Respondent's Miranda rights. See Criminal Justice Standards and Training Commission v. Blendsoe, DOAH Case No. 97-1922, 1997 WL 1053328 (1997), final order adopting recommended order in toto on February 20, 1998.

45. Petitioner has proved by clear and convincing evidence that Respondent failed to maintain honesty in all of his professional dealings. Respondent set his vehicle on fire on the school campus. When questioned by firefighters and law-enforcement personnel discharging their responsibilities to protect the safety of the school, students, parents, staff, and teachers, Respondent lied. When questioned by the principal discharging his responsibilities to protect the safety of, and promote the purposes of, the school, students, staff, and teachers, Respondent lied. Such dishonesty undermines the integrity of the teaching profession and public confidence in the education profession.

46. Petitioner proved by clear and convincing evidence that Respondent is guilty of personal conduct that seriously reduces

his effectiveness as a school board employee. Trust is an important component of the relationship that must exist among teachers and between administrators and a teacher. Respondent's dishonesty seriously undermines this trust. The absence of any adverse public reaction to Respondent's act of setting his vehicle on fire does not have any bearing on the effect on teachers and administrators of Respondent's subsequent dishonesty.

47. Petitioner did not prove that Respondent's acts and omissions disparaged or embarrassed students. There is no evidence whatsoever that any student felt embarrassment.

48. Petitioner did not prove that Respondent's acts and omissions endangered anyone. The firefighter testified that the fire was not especially dangerous. Although parked in the closest space to the building, the vehicle was sufficiently far from the building never to have endangered the structure. Because of the early hour, the fire did not endanger anyone, except possibly the firefighters, one of whom, again, disclaimed any especial danger.

49. The closest issue is whether Respondent's acts and omissions constitute moral turpitude or gross immorality. These are fact questions. See, e.g., Bush v. Brogan, 725 So. 2d 1237 (Fla. 2d DCA 1999).

50. The first question under moral turpitude is whether the act of setting fire to the vehicle is an act of moral turpitude.

Initially, the State of Florida charged Respondent with second-degree arson, under Section 806.01(2), which prohibits anyone from "willfully and unlawfully" from setting fire to, among other things, a vehicle. The record does not establish the circumstances surrounding the setting of the fire, so it is impossible to determine that Respondent's act constituted arson.

51. Even if Respondent's act were to constitute arson or an act reasonably similar to arson, it is unclear as to whether Respondent's act would involve moral turpitude. Undoubtedly, arson is a serious crime, properly included in the list of crimes that are wrong in themselves or mala in se, as opposed to those crimes that are mala prohibita, or wrong merely because they are prohibited by statute. Arson is a crime that is malum in se. Coleman v. State of Florida, 119 Fla. 653, 656, 161 So. 89, 90 (Fla. 1935). However, a breach of the peace also is a crime that is malum in se. Id.

52. Assuming that a breach of the peace is not ordinarily a crime involving moral turpitude, then either not all crimes that are mala in se are necessarily crimes involving moral turpitude or, if they are, the list of crimes that involve moral turpitude changes over time, depending on social conditions. As for the latter possibility, see Nelson v. Department of Business and Professional Regulation, 707 So. 2d 378, 380 (Fla. 5th DCA 1998) (Sharpe, J., concurring: "Even though different generations may not be involved in this case (licensees and members of the

Department), I submit that our population has become sufficiently diverse that the term "moral turpitude" no longer carries a sufficient warning to indicate what activities are proscribed. Further, what is contrary to morals has changed over time, and can vary from community to community."). Thus, for example, at times when or in places where the social fabric is especially thin, the crime of a breach of the peace, due to the likelihood of ensuing violence, may be a crime involving moral turpitude. Likewise, arson in setting a fire in a crowded urban area (especially when structures were made of thatch and organized firefighting was nonexistent) implies a greater repudiation of the social bond than does than arson in setting a fire to a boat in the middle of the Gulf of Mexico and isolated from other boats. Of course, the result is different when arson is, as is typically the case, part of an act of fraud or violence. Cf. The Florida Bar v. Cohen, 583 So. 2d 313 (Fla. 1991)(Court rejected bar examiner's recommendation of one-year suspension and imposed disbarment for arson followed by fraudulent collection of $30,000 in insurance proceeds).

53. The factual determination of whether Respondent's act in setting fire to his motor vehicle, in the circumstances presented by this case, constitutes moral turpitude is thus complicated and does not lend itself to resolution by recourse to the body of knowledge with which each person in our society is expected to possess. The factual record on this point is

insufficiently developed to support a determination that Petitioner proved by clear and convincing evidence that the setting of the fire constitutes moral turpitude or gross immorality.

54. Another close question is whether Respondent's dishonesty following the fire constitutes moral turpitude. Dishonesty may involve moral turpitude. See, e.g., Pearl v. Florida Board of Real Estate, 394 So. 2d 189, 190 (Fla. 3d DCA 1981). However, the Pearl court quoted with approval the following definitions of moral turpitude, and they do not encompass all acts of dishonesty:

> According to Black's Law Dictionary, moral turpitude is: An act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. Black's Law Dictionary 1160 (rev. 4th ed. 1968).
>
> The Supreme Court of Florida has defined moral turpitude: Moral turpitude involves the idea of inherent baseness or depravity in the private social relations or duties owed by man to man or by man to society. (citations omitted).

55. Additionally, the clear prohibition contained in Rule 6B-1.006(5)(a) against dishonesty in professional dealings suggests that dishonesty in general may not involve moral turpitude in every case. Cf. The Florida Bar v. Mogil, 763 So. 2d 303, 311 (Fla. 2000).

56. In this case, Respondent's dishonesty is ameliorated by the fact that, only a few hours after lying about the fire, he made a full and accurate confession to the authorities and thereby ended the damage that his dishonesty had caused. On the facts of this case, Petitioner has failed to prove that Respondent's dishonesty involves moral turpitude.

57. Rule 6B-11.007(2) sets forth the disciplinary guidelines, but this rule does not address the present violation of the requirements of maintaining effectiveness as an employee of the school board and honesty in professional dealings. The rule addresses these violations in such contexts as altering an educator's certificate or students' records. The only rule partly addressing the present situation is Rule 6B-11.007(2)(g), which covers the commission of criminal acts in violation of Section 231.28(c) or (f). Of course, Respondent's criminal act, for which he was convicted, was for criminal mischief (not rising to the level of arson) in setting the fire; Respondent was not convicted for lying about his act for a few hours. However, lying during an investigation is a criminal act, and this rule, which most closely applies to the present case, calls for a range of penalty from a reprimand to suspension for a misdemeanor.

58. Rule 6B-11.007(3) sets forth the various factors of aggravation and mitigation. Obvious mitigating factors are that this is Respondent's only discipline and no one was, or was likely to be, injured by the act of setting the fire or lying

about it for a few hours. The most important factor, though, is stated at Rule 6B-11.007(3)(s): "[p]resent status of physical and/or mental condition contributing to the violation . . .."

59. Setting fire to a motor vehicle on school grounds, even though well before school starts, and then lying about it, even for only a few hours, suggest serious instability. Respondent's fantastic fabrication concerning his decision to abide by the demands of an addled arsonist suggests that Respondent has not accepted responsibility for his bizarre behavior. At the same time, Respondent's unwise choice to advance this fabrication precludes informed analysis of his current condition, thus leaving undisturbed the obvious inference that Respondent, himself, may be disturbed and may not have made serious progress in addressing the source or sources of his problems.

60. The proper disposition of this case is a suspension that will provide Respondent with sufficient time to address his underlying problems and will provide the Education Practices Commission with an opportunity, upon Respondent's reapplication, to determine the success that Respondent has had in dealing with these problems. A four-year suspension seems too long, especially given Respondent's enthusiastic record as a teacher and the fact that the day of April 19, 1999, seems to stand in puzzling isolation from the four years preceding that date.

61. However, the post-suspension, automatic-reinstatement provisions of Section 231.28(4)(a) state:

> A teaching certificate which has been suspended under this section is automatically reinstated at the end of the suspension period, provided such certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate. . . .

62. Thus, a suspension ending on or prior to June 30, 2002, would deprive the Education Practices Commission of the chance to determine for itself Respondent's suitability to return to teaching.

RECOMMENDATION

It is

RECOMMENDED that the Education Practices Commission enter a final order suspending the educator's certificate held by Respondent through July 2, 2002.

DONE AND ENTERED this 31st day of October, 2000, in Tallahassee, Leon County, Florida.

ROBERT E. MEALE
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 31st day of October, 2000.

COPIES FURNISHED:

Kathleen M. Richards, Executive Director
Florida Education Center
Department of Education
325 West Gaines Street
Room 224-E
Tallahassee, Florida 32399-0400

Jerry W. Whitmore, Chief
Bureau of Educator Standards,
Department of Education
325 West Gaines Street
Suite 224-E
Tallahassee, Florida 32399-0400

Michael H. Olenick, General Counsel
Department of Education
The Capital, Suite 1701
Tallahassee, Florida 32399-0400

Bruce P. Taylor
Attorney for Petitioner
Post Office Box 131
St. Petersburg, Florida 33731-0131

Robert J. Coleman
Coleman & Coleman
Post Office Box 2089
Fort Myers, Florida 33902

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this recommended order. Any exceptions to this recommended order must be filed with the agency that will issue the final order in this case.