

8-26-03

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BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

AT

SCHOOL BOARD OF PAM BEACH
COUNTY, FLORIDA,

FSR - CWS

Petitioner,

DOAH CASE#: 03-0126
JUDGE: FLORENCE S. RIVAS

vs.

CHERLYN KELSON

Respondent.

FINAL ORDER

THIS CAUSE, came before the School District of Palm Beach County (hereinafter referred to as "School Board") pursuant to Section 120.569 and 120.570(1) Fla. Sta., on October 13, 2003 in West Palm Beach, Florida for the purpose of reviewing the Recommended Order of the Administrative Law Judge, hearing exceptions to the Administrative Law Judge's Recommended Order, and Petitioner's response to Respondent's Exceptions. (Copies of which are attached hereto as Exhibits A, B and C, respectively) in the above style cause.

Jean Marie Nelson, Senior Counsel, Personnel, represented the Petitioner. Neither Respondent nor her counsel, Andrew DeGraffenreidt, were present for the hearing on their Exceptions. Upon review of the Recommended Order, the argument of the Petitioners, and after review of the complete record in this case, the Board makes the following findings and conclusions.

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RULINGS ON EXCEPTIONS

The Board reviewed and considered the four Exceptions filed by the Respondent in this matter and rejects Respondent's Exceptions one through four.

FINDINGS OF FACTS

1. The findings of facts set forth in the Recommended Order are approved, adopted and incorporated herein by reference in its entirety.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1) Fla. Sta.
2. The conclusion of law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

WHEREFORE, IT IS ORDERED AND ADJUGED, that Cherlyn Kelson's termination of employment for unsatisfactory performance as set forth in the petition for suspension and termination dated November 26, 2002 is hereby upheld. This final Order shall take affect upon being filed with Clerk of the School District of Palm Beach County, Florida.

DONE AND ORDERED this 23 day of October, 2003.

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SCHOOL DISTRICT OF PALM BEACH COUNTY

ARTHUR G. JOHNSON, PH.D, SUPERINDENT

for THOMAS LYNCH, CHAIRMEN

NOTICE OF RIGHT TO JUDICIAL REVIEW

Any party was adversely affected by this final order is entitled to Judicial review pursuant to Section 120.68 Fla. Sta. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of Appeal with the agency clerk of the School District of Palm Beach County and a second copy, accompanied by filing fees prescribed by law, with the 4th District Court of Appeal or with the District Court of Appeal in the Appellate District, where the party resides. The notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 23rd day of October, 2003 to: Andrew DeGraffenreidt, Esq., at Post Office Box 21289, West Palm Beach, Fl 33416. (561/588-3000); Florence Snyder, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Appalachee Parkway, Tallahassee, Florida 32399-3060,

By:

JEAN MARIE NELSON, ESQ. Fla. Bar No.: 0147532