

7-15-03

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

DR. JAMES W. BROWDER, Ed.D.,
SUPERINTENDENT OF SCHOOLS
FOR LEE COUNTY,

Petitioner,

v.

JOSEPH SIMMONS

Respondent.

AT

Case No.: 03-0005
DOAH Case No.: 03-1498

TKW-clw

FILED
2003 JUN 21 P 12:59
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came on to be heard on this the 12th day of August, 2003, before the School Board of Lee County, Florida, and said School Board finds:

1. That the Respondent is employed by the School District as a bus driver.
2. That allegations of misconduct were made against the Respondent in the 2002-2003 school year.
3. That the allegations were investigated by the School District and a determination was made that the School District had probable cause to discipline the Respondent for the misconduct.
4. That the Superintendent thereafter filed a Petition for Termination of Employment regarding the Respondent with the School Board.
5. That the Respondent requested a due process hearing regarding the allegations in the Petition.

6. That the matter was referred to the Division of Administrative Hearings (DOAH), in accordance with Board Policy 1.80, pursuant to the Respondent's request for a hearing.

7. That the Board suspended the Respondent without pay and benefits on March 24, 2003, pending receipt of a recommended order from the Administrative Law Judge (ALJ) assigned to the case by DOAH.

8. That a hearing was held by DOAH on June 26th, 2003.

9. That the ALJ issued a Recommended Order dated July 15, 2003.

10. That the ALJ found in the Recommended Order, among other things, that the Respondent was absent without leave in violation of the S.P.A.L.C. Agreement and said violation subjects him to termination.

11. That the Recommended Order recommends the Board enter a final order terminating the Respondent's employment.

12. That neither the Respondent nor the Superintendent has filed exception(s) to the ALJ's Recommended Order.

13. That the Board accepts the ALJ's findings of fact, conclusions of law and recommended penalty.

14. That the Respondent received notice of the August 12, 2003, meeting via letter dated August 4, 2003, from the Staff Attorney.

15. That the Respondent did not appear at the August 12, 2003, meeting.

16. That it has the appropriate record(s) before it.

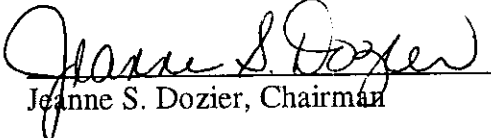
It is accordingly **ORDERED** as follows:

17. The Board adopts the ALJ's recommended order as the final order of the School District.

18. That the Respondent is hereby terminated as an employee of the School District of Lee County, Florida.

19. This Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 1005 E. Memorial Boulevard, Lakeland, Florida 33801, telephone number (863) 499-2290. The appeal must be filed within thirty (30) days of the date of this Order by filing a Notice of Appeal with the School Board and a second copy with the District Court of Appeals. For further information, contact J. Paul Carland, II, Staff Attorney, 2055 Central Avenue, Fort Myers, Florida 33901-3988, telephone number 335-1447.

ENTERED in this the 12th day of August, 2003.


Jeanne S. Dozier, Chairman