

6-9-04

SUPERINTENDENT OF SCHOOLS OF ESCAMBIA COUNTY, FLORIDA

JOE BERNARD,

Petitioner,

v.

JIM PAUL, SUPERINTENDENT OF SCHOOLS OF ESCAMBIA COUNTY,

Respondent.

AT

DOAH CASE NO. 03-3167

FILED
2004 JUL 19 A 11:46
DIVISION OF ADMINISTRATIVE HEARINGS

PMR-CUT

FINAL ORDER DISMISSING PETITION

Petitioner, Joe Bernard filed a petition for relief alleging that he has suffered an injury protected by Chapter 120, Florida Statutes, when the Respondent, the superintendent of education of Escambia County, acting pursuant to his statutory authority, Section 1012.22(1)(a)(3), Florida Statutes, refused to re-nominate the Petitioner for Employment.

Mr. Bernard's petition was transmitted to the Division of Administrative Hearings for a formal hearing. An evidentiary hearing was held in Pensacola, Florida, on January 29, 2004, before Administrative Law Judge P. Michael Ruff. A Recommended Order was entered by Judge Ruff on June 9, 2004, recommending that Mr. Bernard's petition be denied. The Petitioner did not file exceptions to the Recommended Order.

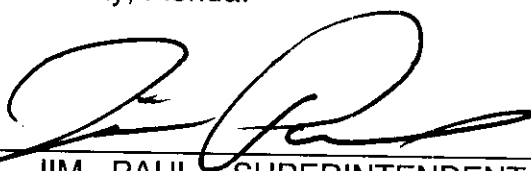
I find that the Administrative Law Judge's findings of fact are supported by competent substantial evidence. Accordingly, I adopt the Administrative Law Judge's findings of fact.

I find that the Administrative Law Judge correctly applied the law to the facts.

Accordingly, I adopt the Administrative Law Judge's conclusions of law.

The petition for relief are hereby DISMISSED with prejudice. The parties have a right to seek judicial review of this Order, by filing a notice of appeal within 30 days of the date of this order. An explanation of the right of appeal is found in section 120.68, Florida Statutes and in Rule 9.110, Florida Rules of Appellate Procedure.

DONE AND ORDERED on this the 7 day of July 2004,
by the Superintendent of Schools of Escambia County, Florida.


By: JIM PAUL, SUPERINTENDENT OF
SCHOOLS OF ESCAMBIA COUNTY, FLORIDA

Copies furnished to:

R. John Westberry, Esquire
1108-A North 12th Avenue
Pensacola, Florida 32501
Attorney for Superintendent Paul

Michael J. Demarko, Esquire
Post Office Box 12721
Pensacola, Florida 32591-2721
Attorney for Joe Bernard

Todd M. LaDouceur, Esquire
King & LaDouceur, P.A.
1622 North 9th Avenue
Pensacola, Florida 32503
Attorney for Joe Bernard

Ellen Odom, Esquire
215 West Garden Street
Pensacola, Florida 32502
Attorney for the Escambia County School Board