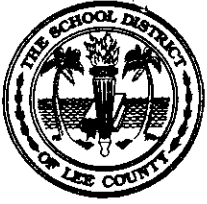


7-15-05



# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TJY (239) 335-1512

FILED

2005 AUG 15 P 12: 26

DIVISION OF ADMINISTRATIVE HEARINGS

ELINDA C. SCRICCA, Ph.D.  
CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
VICE CHAIRMAN • DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

JANE E. KUCKEL, Ph.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

August 11, 2005

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

AT

**RE: Patricia Banks**  
**District Case No. 05-0006 / DOAH Case No. 04-4509**

LPS closed

Dear Mr. Coleman:

The School Board, at its meeting on August 11, 2005, officially acted on the petition to terminate Patricia Banks. The Board approved the Administrative Law Judge's Recommended Order and reinstated Ms. Banks effective August 8, 2005, with full back pay and benefits retroactive to December 16, 2004. Enclosed please find a copy of the Final Order of the School Board dated August 11, 2005.

Please contact my office if you have any questions.

Respectfully,

Jason L. Odom, Esq.  
Attorney for the Petitioner

JLO/dl

Enclosure

- c: Gregory Adkins, Ed.D., Executive Director, Human Resources and Employee Relations
- Georgianna McDaniel, Director, Personnel Services
- Derrick Donnell, Ed.D., Director, Professional Standards, Equity and Recruitment
- Armando DeLeon, Director, Transportation South / Special Needs
- Division of Administrative Hearings
- Personnel File

**DISTRICT VISION**

TO BE A WORLD-CLASS SCHOOL SYSTEM

**DISTRICT MISSION**

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

FILED

2005 AUG 15 P 12:26

DIVISION OF ADMINISTRATIVE HEARINGS

JAMES W. BROWDER, Ed.D., )  
 SUPERINTENDENT OF SCHOOLS )  
 FOR LEE COUNTY, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 PATRICIA BANKS, )  
 )  
 Respondent. )

Case No.: 05-0006  
 DOAH Case No.: 04-4509

FINAL ORDER

THIS CAUSE came to be heard on this 11<sup>th</sup> day of August, 2005, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. The Respondent is employed by the School Board of Lee County as a bus operator, which is an "educational support employee" classification, as defined by Section 1012.40(1)(a), Florida Statutes. Additionally, the terms and conditions of the Respondent's employment are covered by a collective bargaining agreement between the School Board and the Support Personnel Association of Lee County.

2. On or about September 20, 2004, Louis Karnbach, Director of Transportation, notified the Human Resources Division that the Respondent had been arrested for allegedly stealing a computer from a Wal-Mart store. Following her arrest, the Respondent was charged by the State of Florida with

felony larceny. As of the date of this Final Order, the criminal charges against the Respondent are pending.

3. Based upon the allegation, the Respondent was suspended with pay and benefits on September 28, 2004, pending an investigation to be conducted by the School District, pursuant to Sections 1012.22(1)(f) and 1012.40(2)(c), Florida Statutes.

4. On October 12, 2004, an Investigative Summary was completed detailing the information obtained by the School District during its investigation

5. On October 19, 2004, a predetermination conference was held with the Respondent and her attorney. The Respondent was advised that the purpose of the conference was to give her the opportunity to address the allegations and the information obtained by the District during its investigation.

6. On or about October 21, 2004, the Respondent was notified that the School District determined probable cause existed to impose discipline. The Respondent was also advised that a recommendation would be made to the Superintendent that she be terminated.

7. The Respondent, through her attorney, requested an administrative hearing on the Petition, pursuant to School Board Policy 1.80 and Section 7.093 of the SPALC Agreement.

8. On December 16, 2004, the School Board suspended the Respondent without pay and benefits, pending the outcome of administrative hearing requested by the Respondent.

9. An administrative hearing on the Petition was held on March 8, 2005, before Lawrence P. Stevenson, Administrative Law Judge (ALJ).

10. On July 15, 2005, the ALJ issued a Recommended Order, in which he recommended that the School Board enter a final order dismissing the Petition for Termination of Employment, and reinstate the Respondent to her former position, with back pay and benefits.

11. No exceptions to the Recommended Order have been filed by the parties; therefore the Recommended Order has been incorporated into this Final Order by reference.

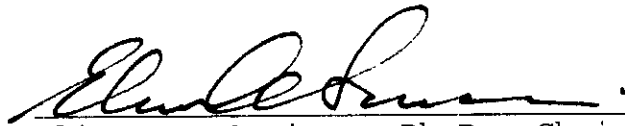
IT IS ACCORDINGLY ORDERED AS FOLLOWS:

The Petition for Termination is dismissed. The Respondent shall be reinstated to her former position, effective August 8, 2005, with back pay and benefits retroactive to December 16, 2004.

This Final Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 1005 E. Memorial Boulevard, Lakeland, Florida 33802, 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 Jason L. Odom, Attorney for Petitioner, c/o The School District of Lee County, 2055 Central Avenue, Fort Myers, Florida 33901-3916, telephone number (239) 335-1447.

ENTERED on this the 11<sup>th</sup> day of August, 2005.

  
\_\_\_\_\_  
Elinor C. Scricca, Ph.D., Chairman

Copies to:

Jason L. Odom, Attorney for Petitioner  
Robert J. Coleman, Attorney for Respondent  
Division of Administrative Hearings  
Personnel File