

UNIVERSITY OF FLORIDA BOARD OF TRUSTEES

UNIVERSITY OF FLORIDA
BOARD OF TRUSTEES,

Petitioner,

DOAH Case No. 06-3319

vs.

UFBOT Case No. 06-001AH

J. CHRIS SACKELLARES,

Respondent.

FILED

2008 MAY 22 A 11:44

DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

The University of Florida has received the Recommended Order in these proceedings. After due and careful consideration of the Recommended Order, the record, the parties' proposed recommended orders, and Respondent's Exceptions to the Recommended Order, the University hereby adopts the Recommended Order issued by Administrative Law Judge Suzanne F. Hood on December 7, 2007, which is attached hereto and incorporated herein by reference, as its Final Order. Dr. Sackellares will receive back pay for the period of August 16 to February 16, the period of his employment pending his appeal of the disciplinary action. The disciplinary action imposed against Dr. Sackellares is upheld.

Response to Exceptions

J. Chris Sackellares has filed exceptions to the recommended order. The exceptions are numbered 1-3 with additional paragraphs setting forth an argument and conclusions. Although the exceptions are also in the nature of arguments, they have all been considered as if they were in proper form. Each exception is denied for the following reasons:

1. Dr. Sackellares takes exception to Conclusion of Law No. 78 and Findings of Fact Nos. 14, 24, 33, 37, 41, and 46 in his first exception. Findings of Fact 14, 24, 33, 37, 41, and 46

are all based on substantial competent evidence in the record. Conclusion of Law No. 78 is based on the facts found by the hearing officer.

2. Dr. Sackellares takes exception of Conclusion of Law No. 79 in his second exception. Dr. Sackellares' "carelessness and/or failure to follow established policies and procedures" resulting in a disclosure of PHI was supported by substantial competent evidence in the record.

3. Dr. Sackellares takes exception to a statement in Conclusion of Law No. 84 that there was no evidence that the University deprived him of employment benefits until he voluntarily resigned on February 16, 2007, in his third exception. Conclusion of Law No. 84 indicates that Dr. Sackellares was deprived of pay, but not of employment benefits. There was no evidence that he was deprived of employment benefits.

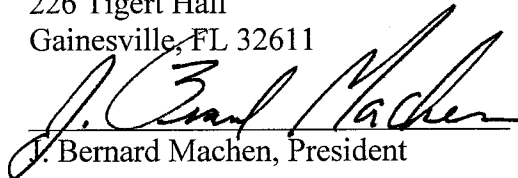
4. Respondent's requests for further relief in the "Conclusion" of his Exceptions are denied.

Notice of Rights

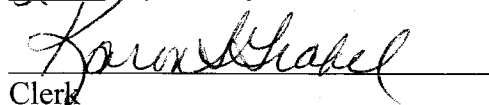
Respondent is hereby notified of his right to seek judicial review of this final order under Section 120.68, Florida Statutes, within thirty (30) days after rendition of this Order by filing a Notice of Appeal in accordance with the Florida Rules of Appellate Procedure with the Clerk of the University of Florida, 123 Tigert Hall, P.O. Box 113125, Gainesville, Florida 32611, and with the Clerk of the First District Court of Appeal, 301 Martin Luther King, Jr. Boulevard, Tallahassee, Florida 32399-1850, or other appropriate appellate district, together with any filing fees as may be prescribed by law.

DONE AND ORDERED this 20th day of May, 2008.

OFFICE OF THE PRESIDENT
University of Florida
226 Tigert Hall
Gainesville, FL 32611


J. Bernard Machen, President

FILED with the Clerk of the
University of Florida this
20th day of May 2008.


Clerk

Copies furnished to:

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The Honorable Ann Cole, Clerk
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