

KIEVIT, ODOM & BARLOW
ATTORNEYS AT LAW
635 WEST GARDEN STREET
PENSACOLA, FLORIDA 32502

ROBERT W. KIEVIT*
BRADLEY S. ODOM**
RICHARD D. BARLOW
*Of Counsel
**Also licensed in Alabama

TELEPHONE: (850) 434-3527
FACSIMILE: (850) 434-6380
E-MAIL: email@koblaw.com

October 10, 2007

Claudia Llado
Clerk of the Division
State of Florida
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

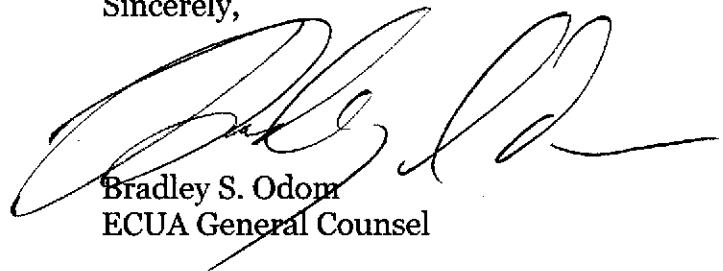
Re: *Emerald Coast Utilities Authority v. John Crosby*
DOAH Case Number: 07-1154

FILED
2007 OCT 15 P 12:50
DIVISION OF
ADMINISTRATIVE
HEARINGS

Dear Ms. Llado:

Administrative Law Judge P. Michael Ruff rendered a Recommended Order in the above-referenced matter on Friday, August 31, 2007. Subsequent thereto, the Emerald Coast Utilities Authority (ECUA) entered a Final Order on October 3, 2007. Pursuant to Section 120.57(1)(m) you are hereby being provided a copy of that Final Order. Should you have any questions please do not hesitate to contact me.

Sincerely,



Bradley S. Odom
ECUA General Counsel

BSO:cab

Enclosure

cc: Linda Iversen (w/o encl.)

**BEFORE THE
EMERALD COAST UTILITIES AUTHORITY**

EMERALD COAST UTILITIES
AUTHORITY,

Petitioner,

v.

JOHN CROSBY,

Respondent.

2007 OCT 15 P 12:50
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

DOAH Case No.: 07-1154

FINAL ORDER

Petitioner, Emerald Coast Utilities Authority (hereinafter "ECUA"), terminated Respondent, John Crosby (hereinafter "Crosby"), from his employment with ECUA by way of a letter dated March 1, 2007. Crosby timely requested a hearing, and the case was forwarded to the Florida Division of Administrative Hearings. A formal hearing was conducted in this cause on July 26, 2007 in Pensacola, Florida, before P. Michael Ruff, Administrative Law Judge with the Florida Division of Administrative Hearings.

On August 31, 2007 Judge Ruff submitted his Findings of Fact and Recommended Conclusions of Law, finding that Crosby installed a straight pipe device in the water meter box at his property on 319 West Clay Street Pensacola, Florida, and on that water line in order to avoid the metering and proper billing of water used by him or others on his property, that he had engaged in the unauthorized use of ECUA property or equipment by retaining possession of an ECUA-issued straight pipe device without authorization and used it to secure for himself free unmetered water at his property, and that he had engaged in outside employment without having secured approval in accordance with ECUA's Human Resources Policy Manual. Accordingly,

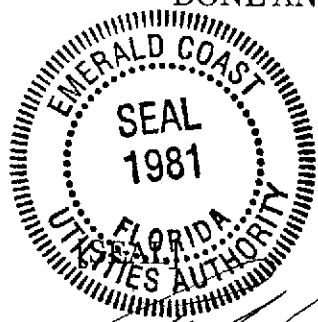
Judge Ruff concluded that the preponderant, persuasive evidence established that Crosby had committed conduct amounting to a violation of the Code of Ethics embodied in Section A-5(B) of the Human Resources Policy Manual; had committed conduct unbecoming an ECUA employee for purposes of Section F-4(4); was guilty of theft for purposes of Section F-4(27); had violated ECUA rules or policies for purposes of Section F-4(33); had violated Section F-4(19); and had violated Section A-9(5) by engaging in outside employment without having secured proper approval.

The parties were subsequently afforded the opportunity to present written exceptions or comments on to the Findings of Fact and Recommended Conclusions of Law prior to the rendering of this Final Order. None have been received.

BASED ON THE FOREGOING, it is ORDERED:

1. That the August 31, 2007 Findings of Fact and Recommended Conclusions of Law submitted to the Emerald Coast Utilities Authority by the Administrative Law Judge be, and is hereby, made a part of and incorporated in this Order, with the following correction: ECUA is not a Regional Water Supply Authority for purposes of Sections 163.01 and 373.1962, Florida Statutes (2006), as stated in the first numbered paragraph under Findings of Fact. Otherwise, the Report is adopted in its entirety.
2. The termination of the employment of John Crosby is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 3rd day of October, 2007.



A handwritten signature in black ink, appearing to read "John Crosby", is written over a horizontal line.

A handwritten signature in black ink, appearing to read "Stephen E. Sorrell", is written over a horizontal line.

Stephen E. Sorrell, P.E., M.P.A.
Executive Director
Emerald Coast Utilities Authority

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF ECUA, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, WITH THE CIRCUIT COURT OF ESCAMBIA COUNTY. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

COPIES FURNISHED:

Ronnie L. Williams, Esq.
814 Saint Francis Street
Mobile, Alabama 36602-1226

John Griffin, Esq.
Carson & Adkins
2958 Wellington Circle, North, Suite 200
Tallahassee, Florida 32308-6885

Tina Shelton
Emerald Coast Utilities Authority
9255 Sturdevant Street
Pensacola, Florida 32514