

**BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

BROWARD COUNTY SCHOOL BOARD,

DOAH CASE NO.: 09-2762

SBBC Agenda: 081611H01

Petitioner,

vs.

RUSSELL PITTMAN,

Respondent.

---

**FINAL ORDER**

This cause coming on to be heard before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA at its meeting conducted on August 16, 2011, to consider (1) the Recommended Order, entered on December 22, 2010, by the Honorable Stuart M. Lerner, Administrative Law Judge of the State of Florida, Division of Administrative Hearings, consisting of Findings of Fact, Conclusions of Law, and a Recommendation, (2) Respondent's Exceptions to the Recommended Order; and (3) Petitioner's Response to Respondent's Exceptions to the Recommended Order.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, having reviewed the entire record and transcript, and having heard oral argument presented by the representatives on behalf of the parties, and being fully advised in the Premises:

IT IS THEREUPON ORDERED AND ADJUDGED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, that:

1. Respondent's first Exception as to Findings of Fact No. 8 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

2. Respondent's second Exception as to Findings of Fact No. 20 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

3. Respondent's third Exception as to Findings of Fact No. 21 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

4. Respondent's fourth Exception as to Findings of Fact No. 25 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

5. Respondent's fifth Exception as to Findings of Fact No. 29 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

6. Respondent's sixth Exception as to Findings of Fact No. 31 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

7. Respondent's seventh Exception as to Findings of Fact No. 33 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

8. Respondent's eighth Exception as to Findings of Fact No. 36 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

9. Respondent's ninth Exception as to Findings of Fact No. 39 of the Recommended Order is rejected in that competent substantial evidence exists in the record to support the Findings of Fact contained in the Recommended Order.

10. Respondent's tenth Exception as to the Conclusions of Law No. 61 of the Recommended Order is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.

11. Respondent's eleventh Exception as to the Conclusions of Law No. 62 of the Recommended Order is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.

12. Respondent's twelfth Exception as to the Conclusions of Law No. 63 of the Recommended Order is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.

13. Respondent's thirteenth Exception as to the Conclusions of Law No. 64 of the Recommended Order is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.

14. Respondent's fourteenth Exception as to the Conclusions of Law No. 65 of the Recommended Order is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by

competent substantial evidence.

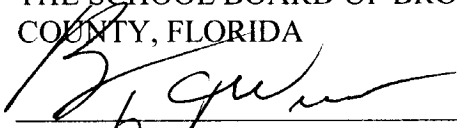
15. Respondent's request to reject or reduce the Administrative Law Judge's recommended penalty is rejected in that there is competent substantial evidence in the record to justify the recommended penalty of termination.

16. The Administrative Law Judge's Recommended Order is adopted by The School Board in their entirety.

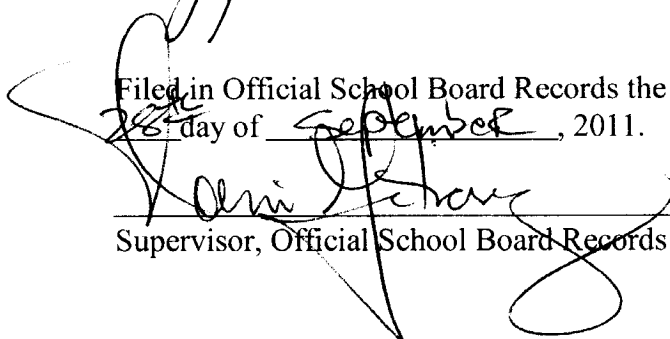
WHEREFORE, based on the foregoing, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA sustains the suspension and Russell Pittman without pay and hereby terminates his employment with The School Board of Broward County, Florida.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 28<sup>th</sup> day of September, 2011.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

  
By: Benjamin J. Williams, Chair

Filed in Official School Board Records the  
28<sup>th</sup> day of September, 2011.

  
Supervisor, Official School Board Records

Copies furnished to:

Donnie Carter, Interim Superintendent of Schools  
Office of the Superintendent  
The School Board of Broward County, Florida  
600 Southeast Third Avenue – 10<sup>th</sup> Floor  
Fort Lauderdale, Florida 33301

Carmen M. Rodriguez, Esq.  
Palmetto Bay Centre  
15715 S. Dixie Hwy, Ste 411  
Palmetto Bay, Florida 33157

Steve Rossi, P.A.  
Sole Building, Ground Floor - Ste 2  
533 N.E. 3<sup>rd</sup> Ave.  
Ft. Lauderdale, Florida 33301

STATE OF FLORIDA, DIVISION OF  
ADMINISTRATIVE HEARINGS  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

batista allwork litigation 2011 final orders pittman-russell final order-final  
fritz allwork doah employment 2011 pittman-russell-pittman-russell final order-final

### **APPEAL OF FINAL ORDER**

Pursuant to Section 120.68, Fla. Sta., a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2<sup>nd</sup> Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.