

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SCHOOL BOARD ATTORNEY

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March 30, 2010

Eleanor M. Hunter, Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-1550

FILED  
2010 APR - 1 A 11:47  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**RE: Broward County School Board vs. Brian Duda  
Before the State of Florida Division of Administrative Hearings  
Case No. 09-2807**

Dear Judge Hunter:

For the Division's file, enclosed please a Final Order concerning the above-referenced matter, which was considered at the February 17, 2010 School Board meeting.

Cordially

  
Edward J. Marko

EJM:jcf

Enclosure

C: Carmen M. Rodriguez, Esq.  
Melissa C. Mihok, Esq.  
Gracie Diaz, Acting Associate Superintendent – Human Resources  
David Golt, Executive Director - Professional Standards/SIU  
Becki Brito, Director – Instructional Staffing

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

BROWARD COUNTY SCHOOL BOARD,

DOAH CASE NO: 09-2807  
SBBC Agenda: 021710H01

Petitioner,

vs.

BRIAN DUDA,

Respondent.

FILED  
2010 APR - 1 A 11:47  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**FINAL ORDER**

This cause coming on to be heard before The School Board of Broward County, Florida (hereinafter referred to as "The School Board") at its meeting conducted on February 17, 2010, to consider (1) the Recommended Order rendered on December 15, 2009, by Eleanor M. Hunter, Administrative Law Judge of the State of Florida, Division of Administrative Hearings, consisting of Findings of Fact, Conclusions of Law, and a Recommendation, recommending that The School Board issue a final order upholding Respondent's suspension and terminating his employment with the School Board; (2) Respondent's Exceptions to Recommended Order; and (3) Petitioner's Response to Respondent's Exceptions to the Recommended Order. The School Board having heard oral argument presented by counsel on behalf of all parties, and having considered the record, 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. 11 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

2. Respondent's second Exception as to Findings of Fact No. 13 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

3. Respondent's third Exception as to Findings of Fact No. 15 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

4. Respondent's fourth Exception as to Findings of Fact No. 18 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

5. Respondent's fifth Exception as to Findings of Fact No. 62 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

6. Respondent's sixth Exception as to Findings of Fact No. 12 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

7. Respondent's seventh Exception as to Findings of Fact No. 45 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

8. Respondent's eighth Exception as to Findings of Fact No. 53 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

9. Respondent's ninth Exception as to the factual portions of Findings of Fact No. 63 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

10. Respondent's tenth Exception as to the factual portions of Findings of Fact No. 64 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

11. Respondent's eleventh Exception as to the remaining portion of Findings of Fact No. 63 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

12. Respondent's twelfth Exception as to the remaining portion of Findings of Fact No. 64 of the Recommended Order is rejected in that competent substantial evidence exists to support the Findings of Fact contained in the Recommended Order.

13. Respondent's thirteenth Exception as to the Conclusions of Law No. 76 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. 77 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 fifteenth Exception as to the Conclusions of Law No. 80 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.

16. Respondent's sixteenth Exception as to the Conclusions of Law No. 81 of the Recommended Order is rejected in that competent substantial evidence exists to support the Conclusions of Law contained in the Recommended Order.

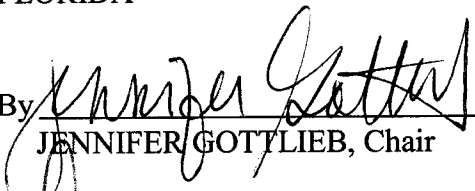
17. Respondent's request to reject or reduce the Administrative Law Judge's recommended penalty is rejected in that there is competent substantial evidence in the record to justify the recommended penalty of termination.

18. The Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are adopted by The School Board in their entirety.

19. The Administrative Law Judge's Recommendation contained in the Recommended Order is affirmed and The School Board of Broward County, Florida upholds the suspension and terminates the employment of Brian Duda with The School Board.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 26 day of March 2010.

THE SCHOOL BOARD OF BROWARD COUNTY,  
FLORIDA

By   
JENNIFER GOTTLIEB, Chair

Filed in Official School Board Records the 26<sup>th</sup> day  
March 2010.

  
Supervisor, Official School Board Records

**Copies Furnished:**

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**APPEAL OF FINAL ORDER**

THIS FINAL ORDER may be appealed by filing Notices of Appeal and a filing fee, as set forth in § 120.68(2), Florida Statutes, and Rules 9.110(b) and (c), Florida Rules of Appellate Procedure, within thirty (30) days of the entry of this Final Order.