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2009 DEC 14 A 10: 55

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December 10, 2009

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

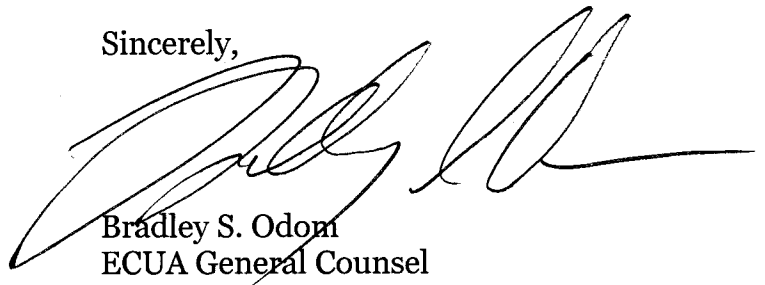
Claudia Llado  
Clerk of the Division  
State of Florida  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Re: *Emerald Coast Utilities Authority v. Otis Paul Whatley*  
*DOAH Case Number: 09-4671*

Dear Ms. Llado:

Administrative Law Judge Harry L. Hooper rendered a Recommended Order in the above-referenced matter on November 24, 2009. Subsequent thereto, the Emerald Coast Utilities Authority (ECUA) entered a Final Order on December 9, 2009. 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.)

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**FILED**

EMERALD COAST UTILITIES  
AUTHORITY,

Petitioner,

v.

DOAH Case No.: 09-4671

OTIS PAUL WHATLEY,

Respondent.

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**FINAL ORDER**

Petitioner, Emerald Coast Utilities Authority (hereinafter "ECUA"), terminated Respondent, Otis Paul Whatley (hereinafter "Whatley"), from his employment with ECUA effective at the close of business on August 14, 2009. Whatley 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 November 5, 2009 in Pensacola, Florida, before Harry L. Hooper, Administrative Law Judge with the Florida Division of Administrative Hearings.

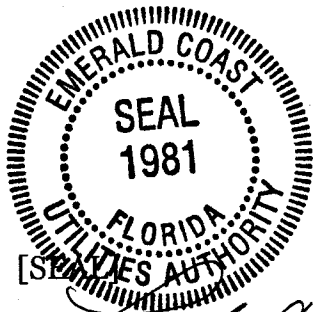
On November 24, 2009 Judge Hooper submitted his Recommended Order, finding that Whatley submitted false entries on his time sheet and thereby claimed to have worked overtime hours which he did not actually work. Additionally, Judge Hooper concluded that the falsification of overtime records engaged in by Whatley constituted "Conduct Unbecoming an ECUA Employee" and "Falsification of Records," as described in both ECUA Employee Handbook and the ECUA Human Resources Policy Manual.

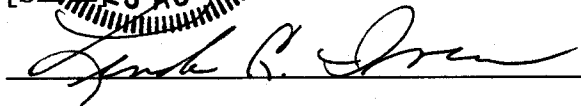
The parties were subsequently afforded the opportunity to present written exceptions to the Recommended Order prior to the rendering of this Final Order. The time-frame within which to submit those written exceptions has expired, and none have been received.

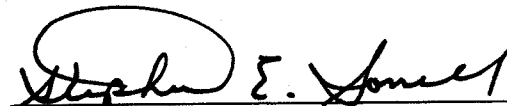
BASED ON THE FOREGOING, it is ORDERED:

1. That the November 24, 2009 Recommended Order 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 in its entirety.
2. The termination of the employment of Otis Paul Whatley is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 9<sup>th</sup> day of December, 2009.



  
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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:

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