

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

| | | |
|-------------------------------|---|------------------|
| PINELLAS COUNTY SCHOOL BOARD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 10-1152 |
| |) | |
| ERIC W. FERRIER, |) | |
| |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

FINAL ORDER

THIS CAUSE having come before the School Board of Pinellas County, Florida, at its regular meeting held at 10:00 a.m. on September 28, 2010, after due notice as required by law; the Administrative Law Judge, Robert E. Meale, having submitted his Recommended Order to the School Board pursuant to Section 120.57(1)(k), Florida Statutes; the School Board having received the record in the case, and being otherwise fully advised in the premises;

IT IS THEREUPON ORDERED by the School Board of Pinellas County, Florida, that:

1. The Motion to Strike filed with the School Board on September 03, 2010, is granted.
2. Each of the Exceptions to the Recommended Order is denied. Specifically the Exceptions to the ALJ’s findings of fact are denied because each finding of fact is supported by competent substantial evidence. The Exceptions to the ALJ’s conclusions of law are denied because the ALJ’s legal conclusion that the School Board may terminate an instructional employee for violations of school board policies 3140(A) 9 “Incompetence as evidenced by inability or lack of fitness to discharge the required duty”, 3140(A) 9a “Failure to perform the duties of the position”, 3140(A) 19 “Failure to correct performance deficiencies”, is a reasonable interpretation of the law.

3. In all other respects, the Recommended Order dated July 29, 2010, a copy of which is attached hereto and incorporated by reference, be, and the same hereby is, adopted as the Final Order of the School Board.

4. The Respondent, Eric W. Ferrier, is hereby terminated as an employee of the School Board of Pinellas County, Florida, effective the end of the workday, September 28, 2010.

DONE AND ORDERED this 28th day of September, 2010.

THE SCHOOL BOARD OF PINELLAS COUNTY,
FLORIDA

By: Janet R. Clark
Janet R. Clark, Chairperson

Attest: Julie M. Janssen
Julie M. Janssen, Ed.D, Superintendent

CERTIFICATE OF SERVICE

I hereby certify that this Final Order was filed with me on this 28th day of September, 2010, and a conformed copy of the same was furnished on said date by hand delivery to Laurie A. Dart, Attorney for the Petitioner, and by regular U.S. Mail, postage prepaid, to Eric W. Ferrier, Pro Se Respondent, 6846 – 81 Avenue North, Pinellas Park, FL 33781, and sent via e-mail to Eric Ferrier at: eferrier1221@yahoo.com.

Deborah E. Beaty
Deborah Beaty
Clerk of the School Board

NOTICE

All parties have the right of judicial review of this Final Order in accordance with Section 120.68, Florida Statutes. In order to appeal, a party must file a notice of appeal with Deborah Beaty, the Clerk of the School Board, 301 4th Street S.W., Largo, FL 33770, within thirty (30) days of the rendition of this order (which occurred on the date such Final Order was filed with the clerk as set forth above), and must also file a copy of the notice, accompanied by filing fees, with the Clerk of the Second District Court of Appeal, 1005 East Memorial Blvd., Lakeland, FL 33801, tel. (863) 499-2290. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure, and specifically, Rule 9.110 of such Florida Rules of Appellate Procedure.