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**The School Board of Escambia County**  
75 North Pace Blvd.  
Pensacola, Florida 32505  
Telephone: (850)469-6362 / Facsimile (850)469-6303

Jeff Bergosh  
District 1

Gerald Boone, Chair  
District 2

Linda Moultrie  
District 3

2011 MAR 24 A 11:30  
Patricia Hightower  
District 4

DIVISION OF ADMINISTRATIVE HEARINGS  
Bill Slayton, Vice Chair  
District 5

Donna Sessions Waters  
General Counsel

March 22, 2011

Clerk of the Division  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

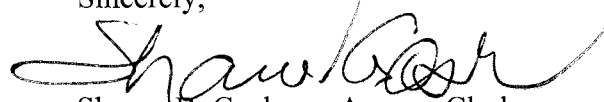
Re: Escambia County School Board vs. William Dale Kite; Case No. 10-8012

Dear Clerk:

In connection with the above referenced matter, enclosed for docketing and filing please find the Final Order Adopting the Findings of Fact and Conclusions of Law of the Administrative Law Judge.

Thank you for your attention to this matter. Please do not hesitate to contact this office should you have any questions or concerns regarding this matter.

Sincerely,



Sharon B. Goshorn, Agency Clerk  
Escambia County, Florida School District

SBG/  
Enclosures

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FILED

2011 MAR 24 A 11:30

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

ESCAMBIA COUNTY SCHOOL BOARD,  
Petitioner,

vs.

Case No. 10-8012

WILLIAM DALE KITE,  
Respondent.

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**FINAL ORDER ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS  
OF LAW OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to notice, a formal hearing was held in this matter on October 27, 2010, before the Division of Administrative Hearings by Administrative Law Judge Robert S. Cohen in Pensacola, Florida. The subject matter of the hearing was whether Respondent ingested cocaine subsequent to his entry into a Return to Work Agreement with Petitioner on or about August 17, 2009.

Judge Cohen issued a Recommended Order on December 17, 2010. Judge Cohen concluded that Petitioner failed to prove by a preponderance of the evidence that Respondent ingested cocaine at any time after August, 2009, and therefore has not proved that it had just cause to terminate his employment. Judge Cohen made findings of fact and conclusions of law, which are supported by the record.

Pursuant to Section 120.57, Florida Statutes, the School Board of Escambia County hereby adopts the findings of fact and conclusions of law contained in the Recommended Order, which is specifically incorporated by reference and attached. The reinstatement of Respondent to his former position, awarding him back pay, and

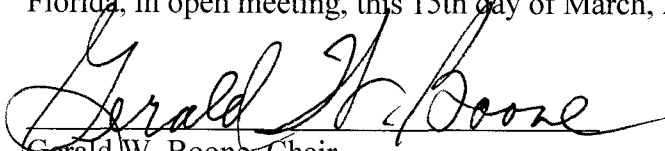
APPROVED  
ESCAMBIA COUNTY SCHOOL BOARD

MAR 15 2011

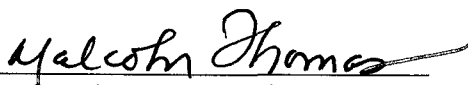
MALCOLM THOMAS, SUPERINTENDENT  
WITNESSED BY RECORDING SECRETARY

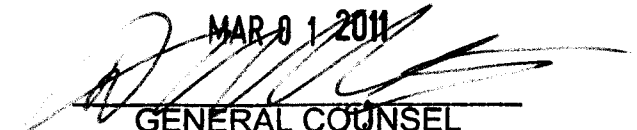
awarding him those benefits to which he would have been entitled as an employee had he not been terminated, is hereby GRANTED.

**ADOPTED** by the School Board of Escambia County, Florida, at Pensacola, Florida, in open meeting, this 15th day of March, 2011.

  
Gerald W. Boone, Chair

**APPROVED FOR LEGAL CONTENT**  
FOR March 2011 AGENDA

Attest:   
Malcolm Thomas, Superintendent

  
MAR 01 2011  
GENERAL COUNSEL  
ESCAMBIA COUNTY SCHOOL BOARD

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S.

Mail this 22<sup>nd</sup> day of March, 2011 to:

Robert S. Cohen, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060

Joseph L. Hammons, Esquire, The Hammons Law Firm, 17 West Cervantes Street, Pensacola, FL 32501

Anthony D. Demma, Esquire, Meyer, Brooks, Demma and Blohm, P.A., 131 North Gadsden St., Tallahassee, FL 32301

Dr. Eric J. Smith, Commissioner of Education, Turlington Building, Suite 1514, 325 West Gaines Street, Tallahassee, FL 32399-0400

Deborah K. Kearney, General Counsel, Department of Education, Turlington Building, Suite 1244, 325 West Gaines Street, Tallahassee, FL 32399-0400.



Sharon B. Goshorn, Agency Clerk  
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Pensacola, FL 32505  
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