

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

THE SCHOOL BOARD OF MIAMI-DADE  
COUNTY, FLORIDA,

Petitioner,

CASE NO. 10-9452

v.

LUIS G. GUERRERO,

Respondent.

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**FINAL ORDER OF THE SCHOOL BOARD  
OF MIAMI-DADE COUNTY, FLORIDA**

**THIS CAUSE** having come for hearing before The School Board of Miami-Dade County, Florida, at its regular meeting of October 19, 2011, for the purposes of hearing the Exceptions to the Administrative Law Judge's Recommended Order and for adoption of a Final Order in the case of Miami-Dade County School Board v. Luis G. Guerrero, DOAH Case No. 10-9452, and having reviewed the record as defined by Fla. Stat. §120.57(1)(f), the Administrative Law Judge's findings of fact and conclusions of law as stated in the Amended Recommended Order dated August 4, 2011 are hereby adopted as the Final Order of the School Board.

As to the Respondent's Exceptions to the Amended Recommended Order, they are rejected as follows:

1. Reject the exception to the issuance of the Amended Recommended Order by Administrative Law Judge Robert E. Meale due to Judge Eleanor Hunter's retirement. The issuance of the Amended Recommended Order did not depart from the essential requirements of law and was authorized pursuant to Fla. Stat. § 120.57(1)(a) and 120.569(2)(g).

2. Reject the exception to paragraph 8. The findings of fact contained in paragraph 8 were based on competent substantial evidence.

3. Reject the exception to paragraph 9. The findings of fact contained in paragraph 9 were based on competent substantial evidence.

4. Reject the exception to paragraph 10. The findings of fact contained in paragraph 10 were based on competent substantial evidence.

5. Reject the exception to paragraph 11. The findings of fact contained in paragraph 11 were based on competent substantial evidence.

6. Reject the exception to paragraph 13. The findings of fact contained in paragraph 13 were based on competent substantial evidence.

7. Reject the exception to paragraph 16. The findings of fact contained in paragraph 16 were based on competent substantial evidence.

8. Reject the exception to paragraph 17. The findings of fact contained in paragraph 17 were based on competent substantial evidence.

9. Reject the exception to paragraph 18. The findings of fact contained in paragraph 18 were based on competent substantial evidence.

10. Reject the exception to paragraph 19. The findings of fact contained in paragraph 19 were based on competent substantial evidence.

11. Reject the exception to paragraph 20. The findings of fact contained in paragraph 20 were based on competent substantial evidence.

12. Reject the exception to paragraph 21. The findings of fact contained in paragraph 21 were based on competent substantial evidence.

13. Reject the exception to paragraph 22. The findings of fact contained in paragraph 22 were based on competent substantial evidence.

14. Reject the exception to paragraph 23. The findings of fact contained in paragraph 23 were based on competent substantial evidence.

15. Reject the exception to paragraph 24. The findings of fact contained in paragraph 24 were based on competent substantial evidence.

16. Reject the exception to paragraph 25. The findings of fact contained in paragraph 25 were based on competent substantial evidence.

17. Reject the exception to paragraph 26. The findings of fact contained in paragraph 26 were based on competent substantial evidence.

18. Reject the exception to paragraph 27. The findings of fact contained in paragraph 27 were based on competent substantial evidence.

19. Reject the exception to paragraph 28. The findings of fact contained in paragraph 28 were based on competent substantial evidence.

20. Reject the exception to paragraph 29. The findings of fact contained in paragraph 29 were based on competent substantial evidence.

21. Reject the exception to paragraph 30. The findings of fact contained in paragraph 30 were based on competent substantial evidence.

22. Reject the exception to paragraph 31. The findings of fact contained in paragraph 31 were based on competent substantial evidence.

23. Reject the exception to paragraph 32. The findings of fact contained in paragraph 32 were based on competent substantial evidence.

24. Reject the exception to paragraph 33. The findings of fact contained in paragraph 33 were based on competent substantial evidence.

25. Reject the exception to paragraph 34. The findings of fact contained in paragraph 34 were based on competent substantial evidence.

26. Reject the exception to paragraph 35. The findings of fact contained in paragraph 35 were based on competent substantial evidence.

27. Reject the exception to paragraph 36. The findings of fact contained in paragraph 36 were based on competent substantial evidence.

28. Reject the exception to paragraph 37. The findings of fact contained in paragraph 37 were based on competent substantial evidence.

29. Reject the exception to paragraph 38. The findings of fact contained in paragraph 38 were based on competent substantial evidence.

30. Reject the exception to paragraph 39. The findings of fact contained in paragraph 39 were based on competent substantial evidence.

31. Reject the exception to paragraph 45. The findings of fact contained in paragraph 45 were based on competent substantial evidence, and the conclusions of law were supported by competent substantial evidence.

32. Reject the exception to paragraph 46. The findings of fact contained in paragraph 46 were based on competent substantial evidence, and the conclusions of law were supported by competent substantial evidence.

33. Reject the exception to paragraph 47. The findings of fact contained in paragraph 47 were based on competent substantial evidence, and the conclusions of law were supported by competent substantial evidence.

34. Reject the exception to the recommended penalty.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Administrative Law Judge's Amended Recommended Order is incorporated by reference in its entirety, in this Final Order of the School Board.

**IT IS FURTHER ORDERED AND ADJUDGED** that Respondent's employment is terminated effective as of the date of his suspension and that Respondent shall not be entitled to any back-pay for the period of said suspension.

**DONE AND ORDERED** this 1<sup>st</sup> Day of November 2011.

**THE SCHOOL BOARD OF MIAMI-DADE  
COUNTY, FLORIDA**

By: Perla T. Hantman  
Ms. Perla Tabares Hantman, Chair

Filed with the Clerk of The School Board of  
Miami-Dade County, Florida this 1<sup>st</sup> Day of  
November, 2011.

**APPEAL OF FINAL ORDER**

This Final Order may be appealed by filing two (2) copies of a notice of appeal accompanied by a filing fee, as set out in section 120.68(2), Florida Statutes and the Florida Rules of Appellate Procedure 9.110(b) and (c), within thirty (30) days of the rendition of this Final Order.