

FILED

2011 NOV 16 A 11: 15

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

November 15, 2011

Honorable Lawrence P. Stevenson  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Re: Duval County School Board (DCSB) vs. Michael Brown  
DOAH Case No.: 11-1040

Honorable Lawrence P. Stevenson:

The Duval County School Board has reviewed the record in DOAH case number 11-1040 and issued the enclosed Final Order.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,



Sonita Young  
Executive Director, Policy and Compliance

Enclosure

cc: Derrel Q. Chatmon  
Chief, Labor & Employment Law  
City of Jacksonville  
Office of General Counsel  
117 West Duval Street, Suite 480  
Jacksonville, Florida 32202

David A. Hertz, Esquire  
Duval Teachers' United  
1601 Atlantic Boulevard  
Jacksonville, Florida 32207

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

STATE OF FLORIDA  
DUVAL COUNTY SCHOOL BOARD

In Re: Dismissal of Instructional Employee

November 15, 2011

**FILED**  
2011 NOV 16 A 11: 16  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DUVAL COUNTY SCHOOL BOARD,

Employer/Petitioner,

vs.

MICHEAL BROWN,

Employee/Respondent.

DOAH CASE NO.: 11-1040

**FINAL ORDER OF DISMISSAL**

On February 15, 2011, the Superintendent of Duval County Public Schools issued to Michael Brown a Notice of "Termination of Employment Contract and Immediate Suspension Without Pay" ("Notice") based on his "misconduct in office" and/or progression of discipline.

Mr. Brown challenged his termination and, at his request, the above-styled case was opened and a hearing was held by an Administrative Law Judge ("ALJ") assigned by the State of Florida's Division of Administrative Hearings ("DOAH"). In sum, it was the ALJ's mission to determine: (a) whether the charges in the Notice of Termination are supported by competent and substantial evidence supporting misconduct in office or progression to disciplinary termination of employment; and (b) whether the termination complied with due process and other protections afforded to Mr. Brown under the Duval County Teacher Tenure Act, Laws of Florida, Chapter 21197 (1941)("Tenure Act"), Chapter 120 of the Florida Statutes, and the Collective Bargaining Agreement between the School

District and Duval Teachers United.

The hearing took place on April 28, 2011. The Duval County School Board was represented by Derrel Q. Chatmon, from the Office of General Counsel. Mr. Brown was represented by David Hertz. Throughout the hearing, the ALJ took evidence and heard sworn testimony of witnesses presented by the Duval County School Board. Mr. Brown did not present any witnesses, but did testify on his own behalf. In light of the testimonial and documentary evidence, the argument of counsel, and both parties' proposed recommended orders, the Honorable Lawrence P. Stevenson issued a Recommended Order on September 12, 2011 which recommends the entry of a final order terminating Mr. Brown's employment as an instructional employee of the School Board.

An independent examination of the entire record before us reveals no reason to disturb the ALJ's recommended disposition of this matter, and the Board finds that the charges contained in the February 15, 2011 Notice have been sustained by competent and substantial evidence of record.

Therefore, in light of the foregoing, it is ORDERED that:

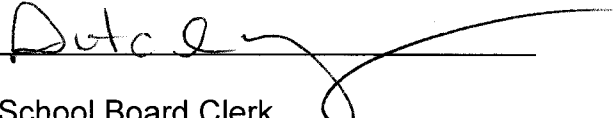
1. Administrative Law Judge Lawrence P. Stevenson's Findings of Fact and Conclusions of Law are hereby ADOPTED in their entirety, and all exceptions to the same are hereby REJECTED AND DENIED.

2. Administrative Law Judge Lawrence P. Stevenson's recommendation to enter a final order terminating Mr. Brown's employment for violating Florida Administrative Code Rules 6B-1.001(2) and 6B-1.006(3)(a)&(e) and/or progressive discipline since his 2009 fifteen (15) day suspension is hereby ADOPTED.

3. Mr. Brown's employment with Duval County Public Schools is TERMINATED for cause.

Entered this 15<sup>th</sup> day of November, 2011 by majority vote of the Duval County School Board.

  
School Board Chairperson

  
School Board Clerk

#### NOTICE OF RIGHT TO APPEAL

Pursuant to §120.68, Fla. Stat., and associated provisions of Florida's Administrative Procedure Act, Employee/Respondent has the right to appeal this Final Order to the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida or to Florida's First District Court of Appeal.<sup>1</sup> In order to exercise this right, Employee/Respondent must file a notice of appeal or petition for review in accordance with the Florida Rules of Appellate Procedure within thirty (30) days after rendition of this Final Order. Failure to timely file a notice of appeal or petition for review as described herein shall constitute a waiver of Employee/Respondent's right to appeal.

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<sup>1</sup> An appeal may also be filed where the appellant resides if outside of the appellate district where DCSB maintains its headquarters.

Copies to:

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