

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DESOTO COUNTY SCHOOL BOARD,

Petitioner,

v.

Case No. 12-2333TTS

JOHN B. SCULLEY,

Respondent.

FINAL ORDER

On June 26, 2012, Petitioner DeSoto County School Board ("the Board") voted unanimously to terminate Respondent John B. Sculley's ("Sculley") employment, finding that just cause existed based upon facts it had reviewed. Sculley timely filed a request for a formal administrative hearing before the Division of Administrative Hearings to contest the Board's decision. An administrative hearing was held in Arcadia, Florida, on October 29, 2012, before R. Bruce McKibben, a duly-appointed Administrative Law Judge.

Appearances on behalf of the Parties were as follows:

For Petitioner:

Shaina Thorpe, Esquire
Allen, Norton, and Blue, P.A.
324 Hyde Park Avenue, Suite 225
Tampa, Florida 33606

For Respondent:

Mark Herdman, Esquire
Herdman and Sakellarides, P.A.
29605 U.S. Hwy 19, North, Suite 110
Clearwater, Florida 33761

At the hearing, the Board called six witnesses, Anthony Bobo, Adrian Cline, Debra Giacolone, Kathy Haugan, Robert Hrstka, and Raymond Klejmont. The Board's Exhibits 1 through 14 were accepted into evidence. Sculley presented one witness, Dr. Roosevelt Johnson. Respondent offered Exhibits 1 through 4 into evidence, each of which was accepted. The Recommended Order was entered on January 7, 2013. No exceptions were filed.

STATEMENT OF THE ISSUE

As stated in the Recommended Order, the issue presented was whether just cause exists to terminate the employment of Respondent, John B. Sculley. Petitioner, DeSoto County School Board, alleged that Sculley violated Florida Administrative Code Rule 6A-5.056(2), i.e., that he was incompetent in the performance of his duties as a school psychologist.

FINDING OF FACT

The Administrative Law Judge's Findings of Fact in paragraphs 1 through 24 are supported by competent, substantial evidence and are adopted and incorporated as if fully set forth herein.


CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 1012, Florida Statutes.
2. The Conclusions of Law in paragraphs 25 through 34 of the Recommended Order are fully supported in law, and are adopted and incorporated as if fully set forth herein.

Based upon the foregoing Finding of Fact and Conclusions of Law, it is
ORDERED that the Recommended Order is adopted in its entirety and
incorporated herein by reference. It is further

ORDERED that the Board's termination of Sculley's employment, effective June
26, 2012, is SUSTAINED.

DONE AND ORDERED this 12 day of February, 2013.



RODNEY HOLLINGSWORTH
Chair
DeSoto County School Board
530 LaSalona Ave.
Arcadia, Florida 34266

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.100(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DESOTO COUNTY SCHOOL BOARD, 530 LASALONA AVE., ARCADIA, FLORIDA 34266, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

Copies Furnished to:

R. Bruce McKibben
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Mark S. Herdman, Esquire
Herdman and Sakellarides, P.A.
Suite 110
29605 U.S. Highway 19, North
Clearwater, Florida 33761

Shaina Thorpe, Esquire
Allen, Norton and Blue, P.A.
Suite 225
324 South Hyde Park Avenue
Tampa, Florida 33606

Karyn Gary, Superintendent
DeSoto County School Board
530 LaSolona Avenue
Post Office Drawer 2000
Arcadia, Florida 34266

Lois Tepper, Interim General Counsel
Department of Education
Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399-0400

Dr. Tony Bennett, Commissioner
Department of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, Florida 32399-0400

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