

BEFORE THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA

ST. LUCIE COUNTY SCHOOL BOARD,
Petitioner,

v.

DOAH Case No. 13-0410TTS

JOHN CONTOUPE,
Respondent.

FINAL ORDER

THIS CAUSE came before The School Board of St. Lucie County, Florida (“School Board”), as governing body of The School District of St. Lucie County, Florida (“District”), for final agency action in accordance with Section 120.57(1)(k) and (1), Florida Statutes.

Appearances

For Petitioner: Leslie Jennings Beuttell, Esquire
David Miklas, Esquire
Richeson & Coke, P.A.
317 South Second Street
Post Office Box 4048
Fort Pierce, Florida 34948-4048

For Respondent: Thomas L. Johnson, Esquire
Nicholas Anthony Caggia, Esquire
Law Office of Thomas Johnson, P.A.
510 Vonderburg Drive, Suite 309
Brandon, Florida 33511

Introduction

The Respondent John Contoupe is a teacher employed by the Petitioner St. Lucie County School Board. The Petitioner, by and through the Superintendent of Schools, sought to discipline the Respondent for just cause in accordance with Section 1012.33(1)(a), Fla. Stat., and School Board Policy 6.301 for alleged (i) misconduct in office in violation of School Board

Policy 6.301(3)(b)(vii) and Fla. Admin. Code Rule 6A-5.056(2) (2012), (ii) immorality in violation of Fla. Admin. Code Rule 6B-4.009(2) (1983), (iii) gross insubordination in violation of Fla. Admin. Code Rule 6B-4.009(4) (1983), and (iv) being convicted or found guilty of, regardless of adjudication of guilt, any crime involving moral turpitude in violation of Fla. Admin. Code Rule 6A-5.056(8) (2012).

The Respondent requested a formal administrative hearing and one was held on June 7 and August 23, 2013, before an Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings of the Florida Department of Administration. On November 7, 2013, the ALJ entered a Recommended Order finding the Respondent guilty of misconduct in office and violating School Board Policy 6.301(3)(b)(vii) and Fla. Admin. Code Rule 6A-5.056(2) (2012), not guilty of immorality, not guilty of gross insubordination, and not guilty of a crime involving moral turpitude. Recommended Order at pp. 13-25. He recommended that the School Board enter a Final Order finding the Respondent guilty of misconduct in office, not guilty of the other alleged violations, and terminating the Respondent’s employment. Recommended Order at pp. 25-26. The Recommended Order has been forwarded to the School Board in accordance with Section 120.57(1), Florida Statutes, and is attached to and made a part of this Final Order.

Neither party filed exceptions to the Recommended Order. On November 27, 2013, the Superintendent as Petitioner filed a motion (“Superintendent’s Motion”) requesting that the School Board adopt the Recommended Order and enter a Final Order finding the Respondent guilty of violating School Board Policy 6.301(3)(b)(vii) and Fla. Admin. Code Rule 6A-5.056(2) (2012), and terminating the Respondent’s employment.

* * *

Determination

The School Board met on January 14, 2014, in Fort Pierce, St. Lucie County, Florida, to take final agency action. Upon consideration of the Recommended Order and the Superintendent's Motion, the School Board adopts the findings of fact, conclusions of law, and recommendation set forth in the Recommended Order.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Respondent John Contoupe be, and he is hereby, (a) found guilty of violating School Board Policy 6.301(3)(b)(vii) and Fla. Admin. Code Rule 6A-5.056(2) (2012), (b) found not guilty of immorality, gross insubordination, and a crime involving moral turpitude, and (c) terminated from his employment with The School Board of St. Lucie County, Florida, as of the effective date of this Final Order. This Final Order shall take effect upon filing with the Superintendent of Schools as Secretary to THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA.

A copy of this Final Order shall be provided to the Division of Administrative Hearings within 15 days of filing, as set forth in Section 120.57(1)(m), Fla. Stat.

DONE AND ORDERED this 14th day of January, 2014.

THE SCHOOL BOARD OF ST. LUCIE COUNTY,
FLORIDA

By: Deborah A. Hawley
DEBORAH A. HAWLEY, Chair

Attest: Genelle Zoratti Yost
GENELLE ZORATTI YOST, Superintendent and
Ex-Officio Secretary to
The School Board of St. Lucie County, Florida

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NOTICE OF RIGHT TO APPEAL

Any party adversely affected by this Final Order may seek judicial review pursuant to Section 120.68, Fla. Stat., and Fla. R. App. P. 9.030(b)(1)(C) and 9.110. To initiate an appeal, one copy of a Notice of Appeal must be filed, within the time period stated in the Fla. R. App. P. 9.110, with the Superintendent as Ex-Officio Secretary of The School Board of St. Lucie County, Florida, 4204 Okeechobee Road, Fort Pierce, Florida 34947. A second copy of the Notice of Appeal, together with the applicable filing fee, must be filed with the appropriate District Court of Appeal.

Attachment: Recommended Order

Copies furnished to:

Leslie Jennings Beuttell, Esquire
David Miklas, Esquire
Thomas L. Johnson, Esquire
Nicholas Anthony Caggia, Esquire
Daniel B. Harrell, Esquire
Clerk, Division of Administrative Hearings