



DUVAL COUNTY
PUBLIC SCHOOLS

Office of Legal Services
Brian K. McDuffie, Esq.
Policy & Compliance, Executive Director
1701 Prudential Drive Room 651 | Jacksonville, FL 32207
(904)390-2348
mcduffieb@duvalschools.org
www.duvalschools.org

Via Certified Mail

September 10, 2014

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

FILED
2014 SEP 11 AM 11 33
DIVISION OF
ADMINISTRATIVE
HEARINGS

Re: Duval County School Board (DCSB) vs. Michael Green
DOAH Case No.: 13-3859TTS

Honorable Lawrence P. Stevenson:

The Duval County School Board has reviewed the complete record in DOAH case number 13-3859TTS. Following a Hearing on September 8, 2014, the Board issued the attached Final Order.

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

Respectfully,

Brian K. McDuffie, Esq.
Executive Director, Policy and Compliance

Attachments: Final Order

Cc: Tishia Anita Dunham, Esq.
1087 Lake Forest Boulevard
Jacksonville, FL 32208

Kelly Hebden Papa, Esq.
Assistant General Counsel
Gaby Young, Esq.
Assistant General Counsel
City of Jacksonville
Office of General Counsel
117 West Duval Street, Suite 480
Jacksonville, Florida 32202

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

EVERY SCHOOL. EVERY CLASSROOM. EVERY STUDENT. EVERY DAY.

SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

In Re: Dismissal of Instructional Employee

DUVAL COUNTY SCHOOL BOARD,

Petitioner,

vs

MICHAEL GREEN,

Respondent.

FILED

2014 SEP 11 AM 11 33

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOAH Case No.: 13-3859TTS

FINAL ORDER

This matter came to be heard by the School Board of Duval County, Florida (“School Board”) on September 8, 2014, regarding the Recommended Order issued by Administrative Law Judge Lawrence P. Stevenson (“ALJ”) on June 27, 2014. The Recommended Order by Judge Stevenson recommended that the Petitioner enter a final order terminating the employment of Michael A. Green. The School Board, having reviewed the complete record and heard argument of counsel and being fully advised in the premises, hereby **ORDERED** and **ADJUDGED** as follows:

FACTS

On or about August 30, 2013, Dr. Nikolai P. Vitti, Superintendent of Duval County Public Schools (“District”), issued Respondent, Michael A. Green, a “Notice of Termination of Employment Contract and Immediate Suspension Without Pay” (the “Notice”) based on allegations of conduct which violated Code of Ethics Rules 6A-10.080 and 6A-10.081, Florida Administrative Code, applicable to teachers in Florida.

Respondent challenged his Notice, and a hearing was held by Judge Stevenson, assigned by Florida's Division of Administrative Hearings ("DOAH"). Judge Stevenson was charged with determining whether: (a) the charges in the Notice were supported by substantial and competent evidence; and (b) the termination complied with due process and other protections afforded to Mr. Green under the Duval County Teacher Tenure Act, Laws of Florida, Chapter 21197 (1941), and ss. 1012.22 and 1012.33, Florida Statutes.

The hearing took place on December 18 and 19, 2013, and both parties were represented by counsel. In light of the testimonial and documentary evidence, and argument of counsel,¹ Judge Stevenson issued a Recommended Order on June 27, 2104, which recommended that "the Duval County School Board enter a final order terminating the employment of Michael A. Green as an instructional employee of the School Board."

Neither party filed exceptions to be considered by the School Board at the time of its September 8, 2014, hearing.

An independent examination of the entire record reveals no reason to disturb the ALJ's recommended disposition of this matter, and the School Board finds that the charges contained in the Notice have been sustained by competent 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.
2. Administrative Law Judge Lawrence P. Stevenson's recommendation to enter a final order terminating Michael A. Green's employment for cause is hereby adopted.
3. Mr. Green's employment with Duval County Public Schools is terminated for cause.

¹ The parties' Proposed Recommended Orders were filed on January 22, 2014.

DONE AND ENTERED this 10th day of September, 2014.

THE SCHOOL BOARD OF DUVAL COUNTY,
FLORIDA


Becki Couch, Chairman


School Board Clerk

APPEAL OF FINAL ORDER

This Order may be appealed by filing two copies of a Notice of Appeal accompanied by a filing fee, as provided in §120.68, Florida Statutes and Fla.R.App.P 9.100(b) and (c) within (30) days of the rendition of this Final Order.

Copies to:

Kelly Hebden Papa, Esq.
Assistant General Counsel
Gaby Young, Esq.
Assistant General Counsel
Office of the General Counsel
City of Jacksonville
117 West Duval Street, Suite 480
Jacksonville, Florida 32202
Counsel for Petitioner

Tishia Anita Dunham, Esq.
1087 Lake Forest Boulevard
Jacksonville, Florida 32208
Counsel for Respondent

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