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September 11, 2015

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

Re: *Emerald Coast Utilities Authority v. Jerome Bess*
DOAH Case Number: 15-1889

DIVISION OF
ADMINISTRATIVE
HEARINGS

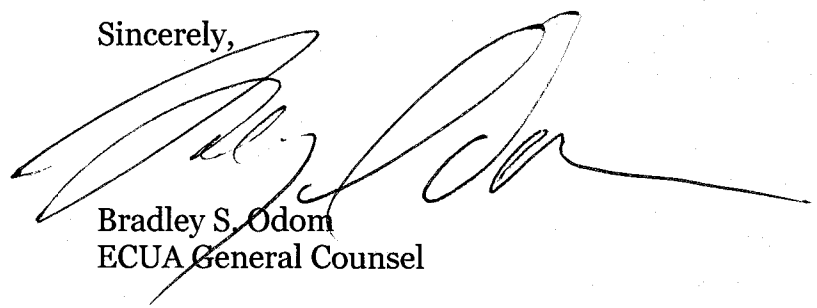
2015 SEP 14 PM 2 01

FILED

Dear Ms. Llado:

Administrative Law Judge Mary Li Creasy rendered a Recommended Order in the above-referenced matter on August 20, 2015. Subsequent thereto, the Emerald Coast Utilities Authority (ECUA) entered a Final Order on September 10, 2015. Pursuant to Section 120.57(1)(m) you are hereby being provided a copy of that Final Order. Should you have any questions please do not hesitate to contact me.

Sincerely,



Bradley S. Odom
ECUA General Counsel

BSO:cab

Enclosure

cc: Linda Iversen (w/encl.)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
2015 SEP 14 PM 2 02
DIVISION OF
ADMINISTRATIVE
HEARINGS

EMERALD COAST UTILITIES
AUTHORITY,

Petitioner,

v.

Case No.: 15-1889

JEROME BESS,

Respondent.

_____ /

FINAL ORDER

Petitioner, Emerald Coast Utilities Authority (hereinafter "ECUA"), terminated Respondent, Jerome Bess (hereinafter "Bess"), from his employment with ECUA effective March 23, 2015 by way of a letter dated March 24, 2015. Bess timely requested a hearing, and the case was forwarded to the Florida Division of Administrative Hearings. A formal administrative hearing was conducted in this matter on August 4, 2015 in Pensacola, Florida, before Mary Li Creasy, Administrative Law Judge with the Florida Division of Administrative Hearings.

On August 20, 2015 Judge Creasy submitted a Recommended Order, which included Findings of Fact and Conclusions of Law. In her Recommended Order, Judge Creasy made the factual finding that Bess "regularly ran personal errands on ECUA time regardless of whether work orders were pending, whether his co-workers objected or expressed concern, and after receiving discipline for doing the same." (emphasis in original). Judge Creasy further concluded that Respondent violated section B-13A(4) (conduct unbecoming an ECUA employee), section B-13A(9) (excessive tardiness), section B-13A(17) (leaving the workstation without authorization), section B-13A(18)

(loafing), section B-13A(19) (unauthorized use of the ECUA property or equipment), section B-13A(21) (neglect of duty), and a section B-13A(33) (violation of the ECUA rules or guidelines or state or federal law), of ECUA's Human Resources Manual and Employee Handbook.

The parties were afforded the opportunity to submit written exceptions to the Recommended Order. The time-frame within which to submit any submissions has expired, and none have been received.

BASED ON THE FOREGOING, it is ORDERED:

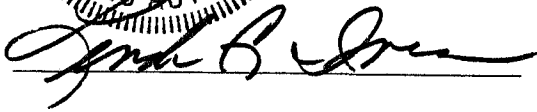
1. The Recommended Order is adopted in its entirety. Moreover, the August 20, 2015 Findings of Fact and Conclusions of Law submitted to the Emerald Coast Utilities Authority by the Administrative Law Judge are hereby made a part of and incorporated in this Final Order as if fully set forth herein.


2. In accordance with the Administrative Law Judge's recommendation, I affirmatively find that Jerome Bess violated section B-13A(4) (conduct unbecoming an ECUA employee), section B-13A(9) (excessive tardiness), section B-13A(17) (leaving the workstation without authorization), section B-13A(18) (loafing), section B-13A(19) (unauthorized use of the ECUA property or equipment), section B-13A(21) (neglect of duty), and a section B-13A(33) (violation of the ECUA rules or guidelines or state or federal law), of ECUA's Human Resources Manual and Employee Handbook.

3. Accordingly, the termination of Jerome Bess is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 10th day of September, 2015.






Stephen E. Sorrell, P.E., M.P.A.
Executive Director
Emerald Coast Utilities Authority

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF ECUA, AND A SECOND COPY ALONG WITH FILING FEES AS PRESCRIBED BY LAW, WITH THE CIRCUIT COURT ESCAMBIA COUNTY. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

COPIES FURNISHED:

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