STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ORANGE COUNTY SCHOOL BOARD,

Petitioner, Case No.: 16-2580TTS

vs.

KIMBERLY HONAKER,

Respondent. /

NOTICE OF FILING FINAL ORDER

Petitioner, ORANGE COUNTY SCHOOL BOARD ("OCSB"), by and through undersigned counsel, hereby gives notice of filing the Final Order issued by The School Board of Orange County, Florida on June 27, 2017 in the above-styled cause.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Tobe Lev, Esquire of Egan, Lev & Siwica, P.A., P.O. Box 2231, Orlando, Florida 32802 at tlev@eganlev.com on this 28th day of June, 2017.

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THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

ORANGE COUNTY SCHOOL BOARD,

Petitioner,

OCSB Case No.: 2017-001HR

DOAH Case No.: 16-2580TTS

vs.

KIMBERLY HONAKER,

Respondent. /

FINAL ORDER

THIS MATTER came to be heard by The School Board of Orange County, Florida ("School Board") on June 22, 2017, on the exceptions filed by Petitioner and Respondent, Kimberly Honaker ("Respondent"), regarding the Recommended Order issued by Administrative Law Judge J. Bruce Culpepper ("ALJ") on March 30, 2017. The School Board having reviewed the complete record and heard argument of counsel and being fully advised in the premises, issues this Final Order.

I. Procedures for Ruling on Exceptions and Adopting Final Order.

Following the receipt of the parties' Exceptions and Responses thereto, the School Board duly noticed a meeting, which was held on Thursday, June 22, 2017, to hear and address the Exceptions to the ALJ's Recommended Order. All parties were timely served notice of this hearing. At the hearing, counsel for the Respondent and counsel for the Superintendent were entitled to and did make oral presentations to the School Board of their arguments and references to the record as to each Exception and Response. An opportunity existed for the members of the School Board to deliberate and discuss before voting.

The School Board reviewed and duly consider the ALJ's Recommended Order, the Exceptions and Response submitted, and the complete record of this above-styled cause. This review was completed prior to voting on the Exceptions. The School Board had also been advised of the appropriate standards of its review of an ALJ's findings of fact and conclusions of law in the Recommended Order, and consulted legal counsel to provide legal advice in the School Board's deliberations and voting on this matter on the Exceptions and adoption of this Final Order.

II. Rulings on Exceptions.

Each of Respondent's nine (9) Exceptions to the proposed Findings of Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are denied.

Each of Petitioner's two (2) Exceptions to the proposed Findings of Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are accepted.

III. Findings of Fact and Conclusions of Law.

The School Board has jurisdiction over the subject matter and the parties hereto. The School Board adopts the Conclusions of Law of the ALJ's Recommended Order except as stated below and finds that they are supported by substantial evidence in the record. The School Board further finds that the proceedings upon which the adopted Conclusions of Law were based complied with the essential requirements of law.

A. Respondent's Exceptions.

Respondent filed Exceptions to certain paragraphs set forth in the Recommended Order of the ALJ pursuant to Section 120.57, Florida Statutes.

1. Respondent's Exception number 1 to pages 44-46 of the Recommended Order that Respondent's off-duty misconduct not rising to the level of criminal misconduct cannot constitute misconduct in office is denied as those legal conclusions are supported by competent substantial

evidence and are supported by the existing law. The record demonstrates that the Respondent pleaded *nolo contendere* to a charge of child neglect under §827.03, Florida Statutes as the Division found that the factual basis for the plea was that she allowed her daughter to be molested by Robert Pruitt ("Mr. Pruitt"). (Petitioner's Exhibit 11.)[1] Mr. Pruitt pleaded guilty to molesting Respondent's daughter. (Petitioner's Exhibit 14.) As described in the Superintendent's response to the Recommended Order, there is also ample evidence on the record based upon the Facebook messages between Mr. Pruitt and Respondent and Respondent's daughter and Mr. Pruitt that inappropriate sexual conduct toward Respondent's daughter by Mr. Pruitt occurred. As for the legal standards, off-duty misconduct can lead to a finding of misconduct in office pursuant to §1012.33(1)(a), Florida Statutes:

> "Even if 'impaired effectiveness' is an issue of proof rather than a standard of severity, we do not think that the issue of proof of 'impaired effectiveness' turns on whether the misconduct occurred on school grounds. Some classroom conduct might not 'speak for itself' just as some off-campus conduct might." Purvis v. Marion County School Board, 766 So.2d 492, 498 (Fla. 5th DCA 2000).

2. Respondent's Exception number 2 to pages 44-46 regarding Respondent not taking steps to protect her daughter's safety is denied as the finding is supported by competent substantial evidence. As stated in the Superintendent's Response to Respondent's Exceptions, there was ample evidence on the record that Respondent knew that Mr. Pruitt was a pedophile. Respondent and Mr. Pruitt had sex when she was 16 and Respondent was 26. (Respondent Exhibit 31, Page 45.) Respondent told her daughter that she and Mr. Pruitt dated when she was 15, making Mr. Pruitt 25. (Respondent's Exhibit 19, page 153.) Finally, Respondent allowed Mr. Pruitt to move into her home two days after she heard Mr. Pruitt say on an audio recording that he was a pedophile

[1] A plea of *nolo contendere* is construed for all practical purpose as a plea of guilty. Russell v. State, 233 So.2d 148, 149 (Fla. 4th DCA 1971). If a defendant thinks they are not guilty, they should withdraw their guilty plea, plead not guilty and go to trial. Vinson v. State, 345 So. 2d 711, 716 (Fla. 1977).

and that he had sex with both Respondent and her daughter during their visit to Melbourne, Florida. (Petitioner's Exhibit 20.)

3. Respondent's Exception number 3 to page 45 and the ALJ's finding that the audio recording should have alerted Respondent that Mr. Pruitt was a pedophile is denied as the legal conclusion is supported by competent substantial evidence. Mr. Pruitt said in the recording that he is a pedophile. Moreover, Respondent slept with Mr. Pruitt when she was 16 and he was 26. (Respondent's Exhibit 31, page 45.)[2]

4. Respondent's Exception number 4 to page 45 of the Recommended Order that the warning signs were evident that the situation would end badly is supported by competent substantial evidence. Respondent and Mr. Pruitt exchanged Facebook messages in which, among other things:

- Mr. Pruitt told Respondent he wanted to marry her daughter. (Petitioner's Exhibit 24, Bates Page 402).
- Mr. Pruitt asked Respondent if she and her daughter were going to sleep with him. When Respondent responded "yes," Mr. Pruitt asked Respondent if he could touch her daughter's breasts. Respondent said, "If you can find them." (Petitioner's Exhibit 24, Bates Page 403-404).
- Mr. Pruitt asked Respondent if her 13-year-old daughter could have his baby. Respondent responded, "I thought she was your baby." (Petitioner's Exhibit 24, Bates Page 404).
- Mr. Pruitt asked Respondent if he gave her 15 minutes of personal attention in the bedroom, could he continue to touch Respondent's daughter's breasts. (Petitioner's Exhibit 24, Bates Page 412).
- Mr. Pruitt wrote that he thought he could get Respondent's daughter to have sex with him. Respondent said, "of course you could you better realize your power ... take it from her mom." (Petitioner's Exhibit 24, Bates Page 413.)

5. Respondent's Exception number 5 to pages 44-46 regarding the Facebook messages being improperly authenticated is denied as the legal conclusion by the ALJ on this issue

[2] A person who is older than 24 who has sex with a person who is 16 or 17 commits a second-degree felony for unlawful sexual activity with a minor pursuant to §794.05(1), Florida Statutes.

is supported competent substantial evidence. The Facebook messages from the account of Respondent, her daughter, and Mr. Pruitt were obtained by the Apopka Police Department ("APD") pursuant to a search warrant served upon Facebook. Respondent admitted that she conversed with Mr. Pruitt via Facebook in May 2014. (Hearing Transcript: Page 630.) Respondent's daughter admitted that she conversed with Mr. Pruitt via Facebook in May 2014. (Hearing Transcript: Pages 38-39.)

As for the admissibility of the Facebook posts, given that both Respondent and her daughter admitted to communicating via Facebook, should not be disturbed. "We will not disturb a district court's determination that a particular piece of evidence has been appropriately authenticated unless there no competent evidence in the record to support it." United States v. Mancaluso, 460 Fed.Appx. 862, 870 (11th Cir. 2012). Additionally, since APD received these messages from the accounts of Respondent, her daughter and Mr. Pruitt directly from Facebook in response to a search warrant, that is sufficient to authenticate the evidence. See, State v. Lumarque, 44 So.3d 171, 173 (Fla. 3d DCA 2010), holding "authentication of evidence merely requires a finding that the evidence is what it purports to be." In Lumarque, the Court found that since the evidence was found on the Defendant's computer that was sufficient to authenticate the record even though the person against whom the evidence is introduced may not remember the evidence.[3] Finally, the evidence, even if it was hearsay, was admissible to impeach Respondent and her daughter when they claimed that they did not have any memory of the Facebook messages. See §90.608(1), Florida Statutes. See also, Tarner v. State, 938 So.2d 635, 637 (Fla. 5th DCA

[3] Additionally, the ALJ was entitled to and did reject the testimony of Respondent and her daughter that they did have these messages with Mr. Pruitt. A finder of fact is not required to believe the testimony of any witness, even if unrebutted. City of Orlando Police Department v. Rose, 974 So.2d 554, 555 (Fla. 5th DCA 2008); also Fox v. Department of Health, 994 So.2d 416, 418 (Fla. 1st DCA 2008). The ALJ found that the testimony by Respondent and her daughter that they did not know about these Facebook posts and that Mr. Pruitt was conducting both ends of the conversations was "questionable" and "dubious." (Recommended Order, paragraph 133.)

2006), holding "a statement to impeach a witness is not hearsay because it is not offered to prove the truth of the matter asserted. Rather, it is offered to show why the witness is not trustworthy." Finally, even to the extent that the evidence was hearsay, and it was not proper impeachment evidence, it is admissible under §120.569(1)(g), Florida Statutes as it is evidence that is reasonably prudent persons would commonly rely upon: "Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, **but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida**." (Emphasis added.)

6. Respondent's Exception number 6 to the proposed penalty not sufficiently taking into account mitigating circumstances is rejected. The Respondent cited to §1012.795, Florida Statutes for the mitigating measures the ALJ failed to apply. Section 1012.795, Florida Statutes applies to teacher licensure cases. Section 1012.33, Florida Statutes applies to teacher termination proceedings, which this case is. See Carroll v. Palm Beach County School Board, 347 So.2d 618, 619 (Fla. 4th DCA 1977), holding that a teacher licensure proceeding by the Department of Education and teacher termination proceedings by the School Board are by "separate and distinct" governmental entities conducting separate and distinct proceedings.

7. Respondent's Exception number 7 to page 46 of the Recommended Order that the Respondent's arrest for violating the terms of her pretrial release demonstrated impaired effectiveness is supported by competent substantial evidence and is therefore rejected. Respondent was arrested for violating the terms of her pretrial release when she had dinner with her daughter at King Buffett in Apopka on September 30, 2014. (Petitioner Exhibit 5.) The Court revoked Respondent's bail at a hearing on October 3, 2014. The Court said that Respondent engaged in a "ruse" with her family in order to violate the order of the Court. Because of the arrest, Respondent

was in jail September 30 through November 18, 2014. The fact that she was in jail prevented her from working for a month and a half, even if the School Board wanted her to work. This demonstrates impaired effectiveness. Additionally, the fact that the Respondent engaged in a ruse, or dishonest conduct, to violate a court order gave the School Board credibility issues with the Respondent. This too, demonstrates impaired effectiveness. See Purvis, 766 So.2d at 498:

> "The fact that Purvis was willing to lie under oath is particularly damaging to Purvis' effectiveness as a teacher and coach since it harms his credibility in his dealings with others. The hearing officer's reliance on his teaching and coaching skills and the lack of public scandal are irrelevant to the trust issues articulated by the School Board."

8. Respondent's Exception number 8 to pages 48-50 of the Recommended Order is denied as the findings are legally correct. Rule 6A-5.056(2)(b) defines "misconduct in office" to include a violation of the Principles of Professional Conduct of the Education Profession in Florida, codified at Rule 6A-10.081. Rule 6A-5.056(2)(c) defines "misconduct in office" to include violations of adopted school board rules.

Rule 10.081(2)(c)(13) requires a teacher to report all pleas of *nolo contendere* and all cases of adjudication being withheld on felony charges within 48 hours of final judgment. Respondent had a judgment entered against her on November 18, 2015, after her *nolo contendere* plea in which she was sentenced to 54 days in jail, 200 hours of community service and 2 years of probation. (Petitioner Exhibit 9.) Respondent did not report her *nolo contendere* plea and adjudication being withheld on the charge of child neglect until January 5, 2015, when her counsel informed the School Board. (Petitioner Exhibit 32.) The failure to self-report the plea was a violation of Rule 6A-10.081(2)(c)(13) and was therefore a violation of the Principles of Professional Conduct. A violation of the Principles of Professional Conduct justifies a finding of misconduct in office to warrant dismissal.

Respondent also violated School Board Management Directive A-10, which also requires employees to self-report arrests within 48 hours as well as convictions, which the Management Directive defines to include pleas of *nolo contendere* along with adjudication being withheld. Respondent did not self-report her arrest on September 30, 2014, within 48 hours of the arrest. (Hearing Transcript: Page 356.) Once the School Board proved a violation of Management Directive A-10, it proved a violation of an adopted School Board rule, which is just cause for dismissal for misconduct in office. See Orange County School Board v. Ginchereau, 2013 WL 5966272, *8 (Fla. DOAH 2013)(Recommended Order), adopted *in toto* by Orange County School Board v. Ginchereau, 2014 WL 228982 (2014)(Final Order).

9. Respondent's Exception number 9 to the ALJ's failure to consider the mitigating factors in Rule 6B-11.007(2) is denied. Again, these mitigating factors apply to teacher licensure cases, not teacher termination matters under §1012.33(1)(a), Florida Statutes. See also paragraph 6 above.

B. Superintendent's Exceptions.

The Superintendent filed two Exceptions to certain paragraphs set forth in the Recommended Order of the ALJ, pursuant to Section 120.57, Florida Statutes. Both are granted because the School Board's substituted legal conclusions or interpretation of administrative rule are more reasonable than that which was rejected or modified.

1. Superintendent's Exception number 1 to paragraphs 134-137 of the Recommended Order, which found that the Respondent did not commit immorality. The legal conclusions in those paragraphs are based upon a finding by the ALJ that Respondent's daughter was not molested. Legal conclusions by an ALJ may be rejected by the School Board "without limitation." Abrams, 73 So.2d at 294.

The ALJ legally erred in not giving preclusive effect to the plea of *nolo contendere* by Respondent, in which the Court found that the factual basis for her plea was that she allowed her daughter to be molested by Mr. Pruitt. (Petitioners Exhibit 11, pages 10-11.) The ALJ also legally erred when he failed to give preclusive effect to Mr. Pruitt's plea of guilty to molesting Respondent's daughter. (Petitioner Exhibit 14.)

It was legal error for the ALJ to allow the question of whether Respondent's daughter was molested to be litigated as those questions were conclusively decided in the criminal cases. See McGraw v. Department of State, Division of Licensing, 491 So.2d 1193, 1195 (Fla. 1st DCA 1986) holding "[t]o the extent the appellant sought to relitigate the question of his guilt of the subject offense, such is improper." See also, Florida Bar v. Vernell, 374 So.2d 473, 475 (Fla. 1979), holding that a member of the bar was not entitled to a trial *de novo* in front of a bar disciplinary committee to demonstrate his misdemeanor convictions were erroneous.

Respondent's principal, Kelly Pelletier ("Principal Pelletier"), testified that she thought Respondent's conduct in pleading *nolo contendere* to the charge of child neglect brought the public education system into disgrace. (Hearing Transcript: Page 393.) Additionally, Principal Pelletier also testified that her parents would have a "cow" if the Respondent returned to teach and that she would not be able to place children in a class with Respondent. (Hearing Transcript: Page 392.)

Paragraphs 134-137 are hereby eliminated from the Recommended Order. In its place is this finding that "The Respondent committed immorality as defined in Rule 6A-5.056(1) as Respondent's conduct in allowing her daughter to be molested by Robert Pruitt is inconsistent with public conscience and good morals. Additionally, Respondent's conduct in allowing her daughter to be molested brought Respondent and the system of public education into disgrace.

Teachers such as Respondent are held to higher moral standards of conduct that the public at large. Florida Department of Education v. Lecount, 1990 WL 749456 at *7 (Fla. DOAH 1990). Respondent failed to uphold any moral standard with her conduct allowing her daughter to be molested, much less the high moral standard required by law."

2. Superintendent's Exception number 2 to paragraphs 138-141 of the Recommended Order is granted because the School Board's substituted legal conclusions or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Under §1012.33(1)(a), Florida Statutes, it is just cause to terminated the Respondent if she was "**convicted** or found guilty of, or entering a plea of guilty to, **regardless of adjudication of guilt**, any crime involving moral turpitude." (Emphasis added.) Pursuant to Rule 6A-5,056(8), Florida Administrative Code, crimes of moral turpitude include all crimes listed in §1012.315, Florida Statutes. Pursuant to §1012.315(1)(kk), Florida Statutes, instructional personnel are ineligible for employment if they have been convicted of child neglect pursuant to §827.03, Florida Statutes.

First, the Florida Department of Education ("DOE") has defined "convictions" to include *nolo contendere* pleas along with withholds of adjudication. DOE requires all teachers who plead *nolo contendere* and who have adjudication withheld on felony charges to report such dispositions to the teacher's employer within 48 hours. See Rule 6A-10.081(2)(c)(13) which requires that teachers:

> "**Shall self-report within forty-eight (48)** hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. **In addition, shall self-report any** conviction, finding of guilt, **withholding of adjudication**, commitment to a pretrial diversion program, or **entering of a plea of** guilty or **Nolo Contendere** for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment." (Emphasis added.)

The School Board, in its Management Directive A-10 which mirrors Rule 6A-10.081(2)(c)(13), defines "convictions" as "any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea or Nolo Contendere for any criminal offense other than a minor traffic offense." It is clear that both DOE and this School Board have construed "conviction" as referenced in §1012.33(1)(a), Florida Statutes as inclusive of *nolo contendere* pleas and withholds of adjudication. Both DOE and school boards have held that *nolo contendere* pleas along with withheld adjudication is considered a conviction. See Davis v. Pam Stewart, 2014 WL 1378273 (Fla. DOAH 2014)(Final Order), the DOE adopted the ALJ's findings that *nolo contendere* pleas along with adjudication withheld to the charges of battery and marijuana possession are considered convictions. In Palm Beach County School Board v. Lawrence, 2002 WL 254230 (Fla. DOAH 2002), citing Peel v. State, 150 So.2d 281, 291 (Fla. 2d DCA 1963), cert. denied 380 U.S. 986 (1965), the ALJ held that "a plea of nolo contendere has the same effect as a guilty plea in the criminal case in which it is entered." In Indian River County School Board v. Krystoforski, 2016 WL 2607708, *5 (Fla. DOAH 2016), the ALJ ruled that a teacher who pleaded *nolo contendere* and adjudication was withheld to the charge of driving while his license suspended was convicted for the purpose of the School Board policy that no employee who pleaded guilty to a felony would be retained in employment.

The DOE and the School Board's interpretation is entitled to deference unless it is clearly erroneous or if it amounts to an unreasonable construction. Purvis, 766 So.2d at 498-499. The School Board's interpretation is not clearly erroneous, as demonstrated in Davis, Lawrence and Krystoforski. Therefore, it must be upheld.

Additionally, *nolo contendere* pleas with adjudication being withheld is considered a conviction under Florida law. See Montgomery v. State, 897 So.2d 1282, 1286 (Fla. 2005)

holding "When these provisions are considered as a whole, the logical inference is a no contest plea, where adjudication was withheld, is included as a conviction because the statute does not distinguish between guilty pleas and nolo contendere pleas."[4] See also, State v. Mason, 879 So.2d 301, 303 (Fla. 5th DCA 2008) holding "Almost universally in the criminal sentencing context, 'conviction' has been defined by the Legislature or construed by the Courts to include no contest pleas followed by withheld adjudication." The *nolo contendere* plea is the functional equivalent of a guilty plea. "A plea of nolo contendere admits the facts for the purpose of the pending prosecution. It raises no issue of law or fact under the accusation." Vinson, 345 So.2d at 713.

The ALJ legally erred when he did not hold that Respondent's plea of *nolo contendere* with adjudication being withheld was a conviction for the purpose of §1012.33(1)(a), Florida Statutes. The School Board finds that the ALJ's citation to Clarke v. U.S., 184 So.3d 1107 (Fla. 2016) is misplaced. In that case, the statute at issue (§790.23(1), Florida Statutes) made it illegal for a person to possess a firearm if they had been "convicted of a felony in the courts of this state." The Florida Supreme Court held that convictions under that statute did not encompass withholds of adjudication because withholds of adjudication were not included in the statute. "Notably, section 790.23, at issue in this case, does not expressly include withheld adjudications within the definition of conviction of a felony for purposes of the 'felon in possession' offense. Id. At 1113-1114. The statute at issue in Clarke is materially different than §1012.33(1)(a), Florida Statutes, which defines conviction to include those cases "regardless of adjudication of guilt."

Paragraphs 138-141 are hereby eliminated from the Recommended Order. In its place is this finding that "The Respondent was convicted of a crime of moral turpitude pursuant to §§1012.33(1)(a) and 1012.315(1)(kk), Florida Statutes and Rule 6A-5.056(8). Respondent

[4] The statute referred to is §921.0021(2), Florida Statutes, which defines conviction as "a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld."

pleaded *nolo contendere* and adjudication was withheld on the charge of child neglect pursuant to §827.03, Florida Statutes. *Nolo contendere* pleas with adjudication withheld is considered a conviction under Florida law. Montgomery v. State, 897 So.2d 1282, 1286 (Fla. 2005); also State v. Mason, 879 So.2d 301, 303 (Fla. 5th DCA 2008). Pleas of *nolo contendere* along with adjudication being withheld is sufficient to justify employees being terminated from employment. See Davis v. Pam Stewart, 2014 WL 1378273 (Fla. DOAH 2014)(Final Order). See also, Palm Beach County School Board v. Lawrence, 2002 WL 254230 (Fla. DOAH 2002), citing Peel v. State, 150 So.2d 281, 291 (Fla. 2d DCA 1963), cert. denied 380 U.S. 986 (1965). See further, Indian River County School Board v. Krystoforski, 2016 WL 2607708, *5 (Fla. DOAH 2016)."

Based on the foregoing, it is therefore **ORDERED and ADJUDGED** that:

1. The School Board finds no reason to deviate from the penalty recommended by the Administrative Law Judge of termination of Respondent's professional service contract and her employment with the Orange County School Board.

2. The School Board hereby adopts and incorporates the Recommended Order of Administrative Law Judge J. Bruce Culpepper except for paragraphs 134-141 which will be modified as noted in Section B.1 and B.2 above. Respondent's professional service contract and employment is hereby terminated effective June 27, 2017.

DONE AND ORDERED This 27th day of June, 2017.

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

Kathleen D. Gordon for

William Sublette, Chairman

Filed in the official School Board records with the Clerk of the School Board of Orange County, Florida this 27th day of June, 2017.

Deborah McGill, Clerk
The School Board of Orange County, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2017, a true and correct copy of the foregoing has been served upon Tobe Lev, Esquire of Egan, Lev & Siwica, P.A., P.O. Box 2231, Orlando, Florida 32802 via electronic mail at tlev@eganlev.com and upon John C. Palmerini, Esquire, Orange County School Board, 445 W. Amelia Street, Orlando, Florida 32801 at john.palmerini@ocps.net.

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA

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NOTICE OF RIGHT TO APPEAL

This Final Order constitutes final agency action. Any party who is adversely affected by this Final Order has the right to seek judicial review of the Final Order pursuant to Section §120.68, Florida Statutes, by filing two (2) 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 thirty (30) days of the rendition of this Final Order with the Clerk of the School Board.