

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

GREGORY K. ADKINS, Ed.D.,
SUPERINTENDENT OF SCHOOLS
FOR LEE COUNTY,

Petitioner,

v.

Case No. 16-0007
DOAH Case No. 16-3301

ORLANDO TORRES,

Respondent.

FINAL ORDER

THIS CAUSE came to be heard on this the 6th day of December, 2016, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Respondent is employed by the School Board as a Security Specialist at East Lee County High School. Respondent is an "educational support employee," as defined by § 1012.40(1)(a), Florida Statutes, and is a member of the Support Personnel Association of Lee County ("SPALC"). His employment is governed by the collective bargaining agreement between SPALC and the School Board of Lee County.

2. On February 4, 2016, Professional Standards & Equity received information that Respondent reportedly violated Board policy and the SPALC contract by allegedly making inappropriate

comments and sexual advances toward female students at East Lee County High School.

3. Professional Standards and Equity initiated an investigation into the allegations and determined that Respondent made inappropriate comments and remarks of a sexual nature, on numerous occasions, in the presence of or directed towards at least three female high school students.

4. The comments included suggestions that Respondent was interested in the students sexually, and caused the students extreme discomfort, embarrassment, and created an inhospitable learning environment.

5. As a result of the allegations and subsequent investigation, on March 11, 2016, Respondent attended a pre-determination conference with his union representative, Suzan Rudd. Respondent was provided an opportunity to respond to the foregoing allegations and denied each and every allegation.

6. Following the pre-determination conference, a determination was made regarding Respondent's employment. On April 19, 2016, Respondent was notified via letter that he was being recommended for termination and suspended without pay pursuant to School Board Policy 1.12.

7. On June 14, 2016, the School Board considered the Petition for Termination and took action to suspend the Respondent without pay. The Petition was then forwarded to the Division of Administrative Hearings and a Final Hearing was set.

8. The Final Hearing took place on September 7 and 8, 2016, before Administrative Law Judge (ALJ) John D.C. Newton, II.

9. The ALJ issued his Recommended Order on October 31, 2016.

10. The ALJ found in his Recommended Order that the School Board established "just cause" to terminate Respondent's employment.

11. On the basis of these findings, the ALJ recommended that the School Board enter a final order terminating Respondent from his position as an employee with the School District of Lee County.

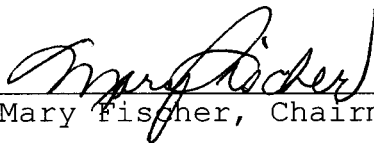
ACCORDINGLY, the Board adopts the ALJ's findings of fact, conclusions of law and the recommended penalty and incorporates them into this Final Order by reference.

It is ORDERED as follows:

12. Respondent's employment with the School District of Lee County is terminated effective end of the day December 6, 2016.

13. This Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 1005 E. Memorial Boulevard, Lakeland, Florida 33802, telephone number (863) 499-2290. The appeal must be filed within thirty (30) days of the date of this Order by filing a Notice of Appeal with the School Board and a second copy with the District Court of Appeals. For further information, contact Robert Dodig, Jr., Staff Attorney, 2855 Colonial Boulevard, Fort Myers, Florida 33966, telephone number (239) 335-1447.

ENTERED on this the 6th day of December, 2016.



Mary Fischer, Chairman

Copies to:

Robert Dodig, Jr., Staff Attorney
Robert J. Coleman, Esq., Attorney for Respondent
Division of Administrative Hearings
Personnel File