

**THE SCHOOL BOARD OF OKALOOSA COUNTY, FLORIDA**

OKALOOSA COUNTY SCHOOL BOARD,  
Petitioner,

vs.

DOAH Case No. 18-1005

STEPHEN HALL,  
Respondent.

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**FINAL ORDER**

**THIS MATTER**, came to be heard before THE SCHOOL BOARD OF OKALOOSA COUNTY, FLORIDA (“School Board”) at its Special Meeting conducted on Thursday, December 6, 2018 in Niceville, Florida as governing body of the School District of Okaloosa County, Florida (“District”), for final agency action in accordance with §§120.57(1)(k) and (1), *Florida Statutes*, regarding the Recommended Order issued by Administrative Law Judge James H. Peterson on November 9, 2018. The School Board Members present included Tim Bryant, Dewey Destin, Linda Evanchyk, Dr. Diane Kelley and Dr. Lamar White.

**INTRODUCTION**

The Respondent was employed as a Custodian II by the Petitioner at Choctawhatchee High School. In November 2017 the Superintendent of Schools advised the Respondent that she planned to recommend terminating his employment with the Okaloosa County School District on charges that he violated various School Board policies. In its meeting on December 11, 2017 the School Board voted to terminate the Respondent’s employment.

The Respondent timely requested a formal administrative hearing to contest his termination. The case was referred to the Division of Administrative Hearings of the Florida Department of Administration (“DOAH”) for a hearing before an Administrative Law Judge (“ALJ”).

The hearing was conducted by the ALJ on August 7 and 8, 2018 in Fort Walton Beach, Okaloosa County, Florida. On November 9, 2018 the ALJ entered a Recommended Order. The ALJ determined that the Petitioner had not met its burden of proof to demonstrate just cause for terminating the Respondent, and recommended that the School Board enter a Final Order. The

Recommended Order was forwarded to the School Board in accordance with §120.57(1), *Florida Statutes*. No written exceptions to the Recommended Order were filed by either party.

Upon consideration of the Recommended Order and being otherwise fully advised in the premises, the School Board adjudges as follows:

**IT IS THEREUPON ORDERED** by The School Board of Okaloosa County, Florida, that:

1. The Recommended Order dated November 9, 2018 is incorporated herein by reference, and is adopted as the Final Order of the School Board.

2. The Respondent, Stephen Hall, shall be and is hereby reinstated to employment within the School District and shall receive back pay and reinstatement of any accrued benefits as of the effective date of the Final Order, less any earnings or benefits that Respondent received during the time from the date of his last paid workday to the date of his reinstatement. The Respondent's duty assignment and work location shall be determined by the Superintendent of Schools.

3. This Final Order shall take effect upon filing with the Clerk of The School Board of Okaloosa 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 §120.57(1)(m), *Florida Statutes*.

**DONE and ORDERED** this 6<sup>th</sup> day of December 2018.

THE SCHOOL BOARD OF OKALOOSA  
COUNTY, FLORIDA

By: 

Dr. Lamar White, Chairman

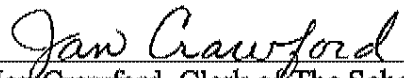
Filed in Official School Board Records the 6<sup>th</sup> day of December 2018.



Jan Crawford, Clerk of The School Board  
of Okaloosa County, Florida

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 6<sup>th</sup> day of December 2018 true and correct copies of the foregoing Final Order were delivered by U. S. first class mail and electronic mail to Attorney for Respondent Mark Levine, Esq., and H.B. Stivers, Esq., Levine & Stivers LLC, 245 East Virginia Street, Tallahassee, Florida 32301, [HB@LevineStiversLaw.com](mailto:HB@LevineStiversLaw.com); Attorney for the Petitioner Robert E. Larkin, III, Esq., Allen, Norton & Blue, PA, 906 North Monroe Street, Tallahassee, Florida 32303-6143, [RLarkin@anblaw.com](mailto:RLarkin@anblaw.com); and Attorney for The School Board of Okaloosa County, Florida C. Jeffrey McInnis, Esq., Anchors Smith Grimsley, PLC, 909 Mar Walt Drive, Suite 1014, Fort Walton Beach, Florida 32547, [jmcinnis@asglegal.com](mailto:jmcinnis@asglegal.com).

  
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Jan Crawford, Clerk of The School Board  
of Okaloosa County, Florida

**NOTICE OF RIGHT TO APPEAL**

Any party adversely affected by this Final Order may seek judicial review pursuant to §120.68, *Florida Statutes*, 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 thirty (30) days of the rendition of this Final Order, with the Superintendent of Schools as Ex-Officio Secretary of the School Board of Okaloosa County, Florida. A second copy of the Notice of Appeal, together with the applicable filing fee, must be timely filed with the appropriate District Court of Appeal.