

**EMERALD COAST UTILITIES AUTHORITY**

EMERALD COAST UTILITIES  
AUTHORITY,

Petitioner,

v.

ROBERT D. BOYD, SR.,

Respondent.

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DOAH Case No.: 18-331

DIVISION OF  
ADMINISTRATIVE HEARINGS

2018 OCT 23 PM 2:10

FILED

**FINAL ORDER**

Emerald Coast Utilities Authority (hereinafter "ECUA") terminated Robert D. Boyd, Sr. (hereinafter either "Boyd" or "Respondent") from his employment with ECUA via a letter dated June 22, 2018. Boyd timely requested a hearing regarding that termination, and the case was forwarded to the Florida Division of Administrative Hearings. A formal hearing was held on August 22, 2018 in Pensacola, Florida, before Garnett W. Chisenhall, Administrative Law Judge with the Florida Division of Administrative Hearings.

On September 21, 2018 Administrative Law Judge Chisenhall submitted a Recommended Order. The parties were subsequently afforded the opportunity to present written argument prior to the rendering of this Final Order. The time-frame within which to present submissions has expired, and none have been received.

1. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Mr. Boyd violated Section B-3 of ECUA's Human Resources Manual and Employee Handbook (hereinafter referred to as the "Manual") (attendance records) on April 27, 2018; May 16, 2018; May 17, 2018; May 24, 2018; and May 31, 2018. (Recommended Order at ¶ 54).

2. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(4) (conduct unbecoming an ECUA employee) on April 27, 2018; May 8, 2018; May 12, 2018; May 16, 2018; May 17, 2018; May 24, 2018; and May 31, 2018. (Recommended Order at ¶ 56).

3. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(13) (misrepresentation) on April 27, 2018; May 12, 2018; May 16, 2018; May 17, 2018; May 24, 2018; and May 31, 2018. (Recommended Order at ¶ 58).

4. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(17) (leaving work without authorization) on May 16, 2018; May 24, 2018; and May 31, 2018. (Recommended Order at ¶ 60).

5. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(18) (loafing) on April 27, 2018; May 12, 2018; May 16, 2018; May 17, 2018; May 24, 2018; and May 31, 2018. (Recommended Order at ¶ 62).

6. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(21) (neglect of duty) on May 12, 2018. (Recommended Order at ¶ 64).

7. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(26) (substandard quantity of work) on May 12, 2018. (Recommended Order at ¶ 66).

8. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(27) (theft) on May 8, 2018. (Recommended Order at ¶ 68).

9. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-37 (idling vehicle) on May 12, 2018. (Recommended Order at ¶ 70).

10. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Boyd violated Section B-13 A(33) (violation of ECUA rules or guidelines) on the multiple dates listed above. (Recommended Order at ¶ 72).

BASED ON THE FOREGOING, it is ORDERED:

A. The words "within the guidelines of Escambia County Civil Service Rules" are stricken from paragraph 1 of the Administrative Law Judge's Findings of Fact section of the Recommended Order in light of Chapter 2004-422, Laws of Florida, which repealed Civil Service.

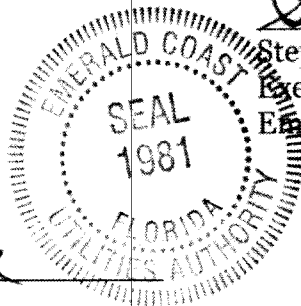
B. The Administrative Law Judge's summarized findings in paragraphs 1 - 10, above, (and the paragraphs of the Recommended Order cited therein) are all supported by competent and substantial evidence, and are hereby adopted and made a part of and incorporated into this Order.

C. I further find that the termination of Respondent is appropriate and warranted. Accordingly, the termination of the employment of Robert D. Boyd, Sr. is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 9<sup>th</sup> day of October, 2018.

[SEAL]

*Sh. I. Hance*



*Stephen E. Sorrell*  
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 FEE AS PRESCRIBED BY LAW, WITH THE CIRCUIT COURT OF 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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