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October 24, 2019

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. Dalton B. Baker, Jr.*
DOAH Case Number: 18-3337

Dear Ms. Llado:

Administrative Law Judge Garnett W. Chisenhall previously rendered a Recommended Order in the above-referenced matter. Thereafter, the Emerald Coast Utilities Authority (ECUA) entered a Final Order. 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

BSO:mlc

Enclosure

cc: Sharon Harrell (w/encl.)
Kimberly Scruggs (w/o encl.)

2019 OCT 28 PM 1:34
DIVISION OF
ADMINISTRATIVE HEARINGS

EMERALD COAST UTILITIES AUTHORITY

EMERALD COAST UTILITIES
AUTHORITY,

Petitioner,

v.

DOAH Case No.: 18-3337

DALTON B. BAKER, JR.,

Respondent.

FINAL ORDER

Emerald Coast Utilities Authority (hereinafter "ECUA") terminated Dalton B. Baker, Jr. (hereinafter either "Baker" or "Respondent") from his employment with ECUA via a letter dated June 13, 2018. Baker 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 20, 2018 in Pensacola, Florida, before Garnett W. Chisenhall, Administrative Law Judge with the Florida Division of Administrative Hearings.

On September 18, 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 expired without any being received.

1. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Mr. Baker violated Section B-3 of ECUA's Human Resources Manual and Employee Handbook (hereinafter referred to as the "Manual") (attendance records) in reference to his time sheets for May 24, 2018 and May 31, 2018. (Recommended Order at ¶ 35).

2. In his Recommended Order, the Administrative Law Judge expressly found that the preponderance of the evidence demonstrates that Baker violated Section B-13 A(33) (violation of ECUA rules or guidelines) in reference to his time sheets for May 24, 2018 and May 31, 2018. (Recommended Order at ¶ 49).


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.

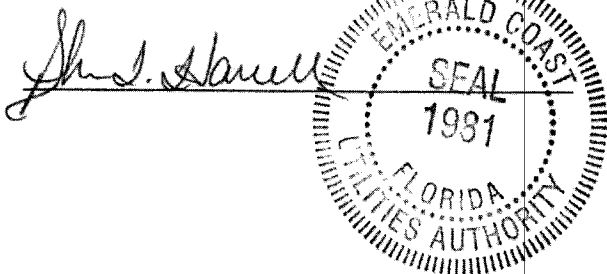
B. The Administrative Law Judge's summarized findings in paragraphs 1 - 2, above, (and the paragraphs of the Recommended Order cited therein) are all supported by competent and substantial evidence, and are hereby adopted and made a part of and incorporated into this Order.

C. I further find that the termination of Respondent is appropriate and warranted. Accordingly, the termination of the employment of Dalton B. Baker, Jr. is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 24th day of October, 2019.


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

[SEAL]



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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