

**THE SCHOOL BOARD OF HERNANDO COUNTY**

**IN RE:**

**DOAH Case No.: 2020-0612**

DOUGLAS WISEMAN,  
\_\_\_\_\_ /

**FINAL ORDER BY SCHOOL BOARD  
AFTER CONSIDERATION OF EXCEPTIONS  
TO RECOMMENDED ORDER**

**THIS CAUSE** came to be heard before the full School Board of Hernando County, Florida on the 13<sup>th</sup> day of October 2020 upon timely filed exceptions to the Administrative Law Judge's (ALJ's) Recommended Order by Administration and by the Employee. At the hearing, Gregory Hearing, Esquire presented arguments supporting the exceptions filed by the Administration, and Mark Herdman, Esquire presented arguments supporting exceptions file by the Employee, Mr. Wiseman.

After reviewing all submissions, considering the arguments of counsel, and hearing the statements and representations of Mr. Wiseman at hearing, a motion was made and seconded by Board Members to accept the Superintendent's recommendation for termination of Mr. Wiseman's employment with the Hernando County School District. Thereafter, the motion passed by a four-to-one vote.

By this ruling, the Board accepts the exceptions as submitted by Administration, which take issue with paragraphs 34 and 35 of the Recommended Order. The School Board is the body which ultimately has the authority to accept or reject recommendations originating with the Superintendent for the termination of an employee's employment relationship with the District for violation of School

Board Policies and for the application of such Policies.<sup>1</sup> The Board accepts the Administration's recommendations to modify the ALJ's Recommended Order, as follows:

A. Paragraph 34 shall be amended to state, "As for the recommended penalty, the Board's revised disciplinary policy classifies a positive drug test as a "Group IV" offense punishable by termination."

B. Paragraph 35 shall be amended to state, "In accordance with the unlawful drug test and the School Board's violation policies, the Superintendent was within his right to recommend Respondent's termination of employment to the School Board."

C. The unnumbered paragraph which recommends that the School Board issue a written reprimand to the Employee is hereby amended to be removed in its entirety, and replaced with "the School Board accepts the Superintendent's recommendation for termination of the Employee's employment with the School Board."

The Board rejects the exceptions as submitted by the Employee.

The School Board adopts the ALJ's Recommended Order as amended above.

This Final Order represents final School Board action on this matter

**DONE** and **ENTERED** on this the 27 day of October 2020.



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Susan Duval, Chairperson

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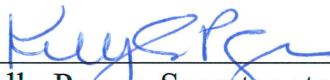
<sup>1</sup> See generally, § 1012.23 Fla. Stat. (2019); § 1012.27(5), Fla. Stat. (2018); School Board Policy 4139.01; and § 120.57(1)(l), Fla. Stat. (2016).

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A Party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the with the office of the Hernando County School Board and General Counsel within 30 days of rendition of the order to be reviewed, and a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the District Court of Appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing was sent to Gregory Hearing, Esquire, Special Counsel for School Board (Administration) via email to [Gregory.Hearing@Gray-Robinson.com](mailto:Gregory.Hearing@Gray-Robinson.com) and [Matthew.Bowles@Gray-Robinson.com](mailto:Matthew.Bowles@Gray-Robinson.com), and Mark Herdman, Esquire Counsel for Douglas Wiseman via email to [Mark@HerdSakLaw.com](mailto:Mark@HerdSakLaw.com), this 28 day of October 2020.

  
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Kelly Pogue, Secretary to the School Board  
and General Counsel