

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

DOAH CASE No.: 18-4451TTS

vs.

RSBM Agenda: 12-10-19 I-6

DAVID MICHAEL STOKES,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as “THE SCHOOL BOARD”) at its meeting conducted on December 10, 2019, to consider: (1) the Recommended Order Of Dismissal as Moot entered on October 16, 2019, by Cathy M. Sellers, Administrative Law Judge (ALJ) of the State of Florida Division of Administrative Hearings.

IT IS THEREUPON ADJUDGED that:

1. No party filed exceptions.
2. The SCHOOL BOARD adopts the Recommended Order of Dismissal as Moot in its entirety, which is incorporated herein by reference (see Recommended Order of Dismissal as Moot attached hereto as Exhibit “A”).
3. The SCHOOL BOARD hereby terminates the employment of Respondent, DAVID MICHAEL STOKES.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida, this _____ day of _____, 2019.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By _____
DONNA P. KORN, CHAIR

Filed in Official School Board Records the
_____ day of _____ 2019.

Supervisor, Official School Board Records

Copies Furnished to:

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STATE OF FLORIDA, DIVISION OF
ADMINISTRATIVE HEARINGS
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

APPEAL OF FINAL ORDER

Pursuant to Section 120.68, Florida Statutes, a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 110 South Tamarind Avenue, West Palm Beach, Florida 33401. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 18-4451TTS

DAVID MICHAEL STOKES,

Respondent.

RECOMMENDED ORDER OF DISMISSAL AS MOOT

This cause came before the undersigned on the Order to Show Cause issued in this proceeding on October 8, 2019.

By way of background, this proceeding has been pending at the Division of Administrative Hearings for nearly 14 months and has been continued four times to accommodate resolution of the criminal case pending against Respondent, David Michael Stokes. On September 30, 2019, Petitioner, Broward County School Board, filed a Status Report providing an update in this proceeding. The Disposition Order entered by the County Court for Broward County, Florida, on September 25, 2019, in Case No. 17008350MM10A, the criminal case against Respondent, was attached as an exhibit. Pursuant to the Disposition Order, Respondent was sentenced to 12 months of probation. As conditions of his probation, Respondent is required to surrender his Florida Education Certificate and cannot be employed supervising children ages 18 years of age or younger.

The Status Report also stated that "as soon as practicable after the Rosh Hashanah holiday," the parties would confer and inform the undersigned as to whether Respondent continues to request a hearing in this matter. When the parties failed to provide an updated status as represented in the Status Report, the undersigned issued an Order to Show Cause on October 8, 2019, giving the parties seven days to show cause why this proceeding should not be dismissed as moot as a result of Respondent's sentence imposed by the Disposition Order. The parties did not timely file respond to the Order to Show Cause.




The probation conditions in the Disposition Order render Respondent unable to remain employed by Petitioner in his current position as a middle school teacher. Accordingly, this proceeding, in which Respondent has challenged Petitioner's proposed agency action to terminate his employment as teacher, has been rendered moot by the disposition of the criminal case against Respondent, and, thus, is being dismissed on that basis.

Accordingly, it is hereby ORDERED that:

1. This proceeding before the Division of Administrative Hearings has been rendered moot.
2. The file of the Division of Administrative Hearings is closed.
3. Jurisdiction is relinquished to Petitioner, Broward County School Board, for final agency action.

DONE AND ORDERED this 16th day of October, 2019, in Tallahassee, Leon County, Florida.



CATHY M. SELLERS
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 16th day of October, 2019.

COPIES FURNISHED:

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