



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2019-12-10 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	I. OFFICE OF THE SUPERINTENDENT
DEPARTMENT	Office of Chief of Staff

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input type="radio"/> Yes <input checked="" type="radio"/> No

ITEM No.:

I-6.

TITLE:

Broward County School Board v. David Michael Stokes

REQUESTED ACTION:

Approve a Final Order adopting the Recommended Order of Dismissal entered on October 16, 2019, by Cathy M. Sellers, Administrative Law Judge, in the matter of Broward County School Board v. David Michael Stokes, Case No. 18-4451TTS, before the State of Florida Division of Administrative Hearings.

SUMMARY EXPLANATION AND BACKGROUND:

See Supporting Docs for Summary Explanation and Background.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction Goal 2: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:

There is no financial impact to the District.

EXHIBITS: (List)

(1) Summary Explanation and Background (2) Proposed Final Order

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Douglas G. Griffin	Phone: 754-321-2050
Name:	Phone:

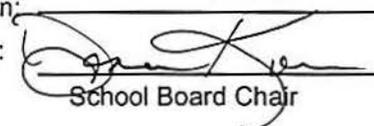
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Signature

Jeffrey S. Moquin
12/3/2019, 5:34:07 PM

Approved In Open Board Meeting On: **DEC 10 2019**

By: 
School Board Chair

SUMMARY EXPLANATION AND BACKGROUND

At approximately 2:50 AM, on September 15, 2017, Broward Sheriff's Office deputies arrested DAVID MICHAEL STOKES (hereinafter "STOKES"), when he was found with two minor females, I.V. (a former student of Stokes), and B.C., in a closed park. Both minors appeared visibly intoxicated. STOKES had provided the two minors with alcohol (Vodka and Tequila) and Coricidin Cough and Cold medicine (Triple "C" pills). On another occasion, STOKES was hanging out with I.V. and D.R., also a minor, when STOKES attempted to penetrate I.V.'s vagina with his penis. In accordance with Broward County School Board (hereinafter "School Board") Policy 4.9, termination is recommended.

The Administrative Complaint was served on STOKES and he timely requested a hearing. Subsequent to the Board's action, the matter was transferred to the Division of Administrative Hearings (hereinafter "DOAH") to assign an Administrative Law Judge (hereinafter "ALJ") to conduct the final hearing challenging the School Board's discipline. Said hearing was continued four (4) times to accommodate the resolution of the criminal case pending against STOKES. Thereafter, the ALJ issued an Order to Show Cause why the proceeding should not be dismissed, and STOKES failed to timely respond.

On October 16, 2019, the Administrative Law Judge entered a Recommended Order of Dismissal as Moot and relinquished jurisdiction to the School Board based on the resolution of the pending criminal case on September 25, 2019, wherein STOKES was sentenced to twelve (12) months of probation. As conditions of his probation, STOKES is required to surrender his Florida Education Certificate and cannot be employed supervising children ages 18 years of age or younger.

The Assistant General Counsel recommends that the School Board adopt the Recommended Order of Dismissal as Moot. The School Board's decision is final and any subsequent requests for hearing should be denied.

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

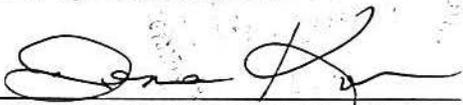
THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as "THE SCHOOL BOARD") at its meeting conducted on December 10, 2019, to consider: (1) the Recommended Order Of Dismissal as Moot entered on October 16, 2019, by Cathy M. Sellers, Administrative Law Judge (ALJ)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

IT IS THEREUPON ADJUDGED that:

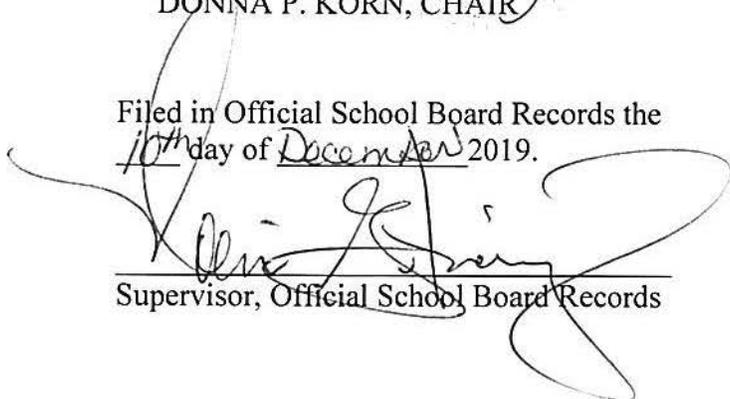
1. No party filed exceptions.
2. The SCHOOL BOARD adopts the Recommended Order of Dismissal as Moot in its entirety, which is incorporated herein by reference (see Recommended Order of Dismissal as Moot attached hereto as Exhibit "A").
3. The SCHOOL BOARD hereby terminates the employment of Respondent,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

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida, this 10th day of December, 2019.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 
DONNA P. KORN, CHAIR

Filed in Official School Board Records the
10th day of December 2019.


Supervisor, Official School Board Records

Copies Furnished to:

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ROBERT W. RUNCIE, Superintendent of Schools
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The School Board of Broward County, Florida
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Fort Lauderdale, Florida 33301

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
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 16th day of October, 2019.

COPIES FURNISHED:

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