

**BEFORE THE SCHOOL BOARD OF SARASOTA COUNTY, FLORIDA**

**SARASOTA COUNTY SCHOOL BOARD,**

**Petitioner,**

**DOAH Case No. 22-000484**

**v.**

**GAREN SCHAEFER,**

**Respondent,**

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**FINAL ORDER**

This action came before the School Board of Sarasota County, Florida ("School Board") for hearing following: (1) issuance of the Recommended Order<sup>1</sup> dated January 25, 2023 by Administrative Law Judge Lynne A. Quimby-Pennock in *Sarasota County School Board v. Garen Schaefer*, DOAH Case # 22-000484 pursuant to Florida Statute 120.57(1)(k), ("Recommended Order"), (2) the submission of 15 written exceptions to the Recommended Order by Respondent (collectively "Exceptions")<sup>2</sup>, and (3) with consideration of the written responses to Respondent's exceptions filed by Petitioner ("Response to Exceptions")<sup>3</sup>. The administrative proceedings that led to issuance of the Recommended Order were based on an underlying action taken by Petitioner that affected the Respondent's substantial interests and involved disputed issues of material fact.

The School Board conducted this hearing ("Hearing") so that it could: (1) address the merits of adopting the Recommended Order, including the recommendations therein, (2) evaluate the merits of Respondent's Exceptions, and (3) enter this Final Order in accordance with Florida Statute 120.57(1).

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<sup>1</sup> The Recommended Order is attached hereto as **Exhibit 1**.

<sup>2</sup> Respondent's Exceptions are attached hereto as **Composite Exhibit 2**.

<sup>3</sup> Petitioner's Response to Exceptions is attached as **Exhibit 3**.

The Hearing occurred as scheduled at the School Board's chambers on April 05, 2023. At the Hearing, the School Board was represented by counsel who advised the School Board regarding its procedural obligations regarding the application of Florida Statute 120.57 to the Recommended Order and Respondent's Exceptions. The School Board retained separate and independent counsel that: (1) represented Petitioner at the underlying administrative proceedings that were the subject of the Recommended Order, (2) appeared at the Hearing to represent the interests of Petitioner, and (3) advocated on Petitioner's behalf at the Hearing regarding both the merits of adopting the Recommended Order, including the recommendations contained therein, and Respondent's Exceptions. At all phases of this administrative case, Respondent was represented by counsel who appeared telephonically for the April 5, 2023 Hearing.

Prior to the Hearing, each School Board member was provided with all record documents outlined in Florida Statute 120.57(1)(f) and the School Board's rulings regarding each of Respondent's Exceptions and the Recommended Order were made based on the entire record as a whole and argument made at the Hearing by Petitioner and Respondent. Prior to the Hearing, the School Board distributed a copy of the Hearing's written agenda to Respondent<sup>4</sup>. The Hearing's agenda consisted of 15 separate agenda items – one for each of the 15 specific Exceptions including the penalty. At the Hearing, Respondent's Exceptions were addressed in the order that they appeared in the Hearing's agenda.

The Hearing was held in person at its scheduled time and was conducted as a public hearing in conformance with the requirements of Florida Statute 286.011. All School Board members were present at the Hearing and each School Board member voted on each individual agenda item. The Hearing lasted for about 1 hour. Counsel for Respondent made a brief opening statement prior to the School Board's consideration of the Hearing agenda, waived oral argument prior to the School

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<sup>4</sup> A copy of the Hearing's agenda is attached hereto as **Exhibit 4**.

Board's consideration of each of Respondent's Exceptions 1-14, and made argument prior to the School Board's determination regarding the Recommended Order's penalty and the recommendation contained therein. Counsel for Petitioner made a brief opening statement prior to the School Board's consideration of the Hearing agenda, made oral argument prior to the School Board's consideration of each of Respondent's Exceptions 1-14, and made argument prior to the School Board's determination regarding the Recommended Order's penalty and the recommendation contained therein. The Hearing was audibly recorded by the School Board Clerk. At the Hearing, the School Board ruled individually on each of the 15 agenda items.

Upon due consideration by the School Board, it is ordered and adjudged that:

1. The entire Recommended Order dated January 25, 2023, including its Findings of Fact, Conclusions of Law, and the recommendations made therein, is adopted, and incorporated herein by reference, without modification.

2. Respondent's employment with the School Board of Sarasota County, Florida, is hereby terminated as of the date of this Final Order.

3. Each of Respondent's 15 Exceptions to the Recommended Order are rejected, based on the unanimous vote of each School Board member regarding each of the Exceptions, as outlined below.

4. Respondent's Exceptions are specifically rejected, as followed:

a. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 1**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 1 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- b. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 2**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 2 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- c. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 3**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 3 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- d. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 4**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 4 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- e. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 5**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 5 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- f. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 6**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 6 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- g. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 7**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 7 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- h. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 8**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 8 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- i. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 9**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 9 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- j. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 10**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 10 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- k. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 11**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by



counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 11 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

1. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 12**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 12 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- m. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 13**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

counsel for Petitioner and Respondent regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 13 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- n. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 14**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 14 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;
- o. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 15**. This exception challenged the Recommended Order's Recommendation of termination. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by counsel for Petitioner and Respondent regarding this specific Exception, the School Board rejected Respondent's Exception

contained in Hearing Agenda Item 15 pursuant to Florida Statute 120.57(1)(L) and accepted the recommended penalty of termination without change;

5. Moreover, to the extent any of the evidentiary rulings of the Administrative Law Judge could be considered erroneous, any error was harmless.

6. This is a Final Order is appealable to the Second District Court of Appeals as permitted and in accordance with the Florida Rules of Appellate Procedure and Ch. 120, Florida Statutes. Any appeal must be filed within thirty (30) days of rendition of this final order in accordance with Rule 9.110(c) of the Florida Rules of Appellate Procedure.

**DONE AND ORDERED** this \_\_\_\_ day of April 2023, at Sarasota, Florida.

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**Bridget Ziegler, Chair**  
**School Board of Sarasota County**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided via email or certified mail to:

Counsel for Respondent Melissa Mihok at [MMihok@pcc.law](mailto:MMihok@pcc.law)

Counsel for Petitioner Rob Robinson at [rob@rob-robinson.law](mailto:rob@rob-robinson.law)

Dated: April \_\_, 2023

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By: \_\_\_\_\_  
Michael R. McKinley