

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MARION COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 20-1528

MICHAEL HICKMAN,

***AMENDED AS TO TYPE OF
HEARING ONLY**

Respondent.

*AMENDED NOTICE OF HEARING BY ZOOM CONFERENCE

A hearing will be held in this case on August 5, 2020, at 9:00 a.m., or as soon thereafter as can be heard by **Zoom conference**, which can be accessed via the internet, cellphone, or landline. Witnesses, parties, representatives, and/or attorneys, shall be available at the time of the hearing and must be in a quiet place away from noises and distractions at their home, work, or other place of their choosing. Testimony will not be taken from anyone driving a motor vehicle. The Administrative Law Judge will be at a Tallahassee site. Continuances will be granted only by order of the Administrative Law Judge for good cause shown.

ISSUE: As stated in the Administrative Complaint dated December 10, 2019.

AUTHORITY: Chapter 120, Florida Statutes; and Florida Administrative Code Chapter 28-106, Parts I and II.

The parties shall arrange to have all witnesses and evidence available at the time of hearing. Subpoenas will be issued by the Administrative Law Judge upon request of the parties. Registered e-filers shall request subpoenas through eALJ. All subpoenas previously issued and served shall remain in full force and effect for this hearing date as to any witness who is provided with a copy of this Notice. All parties have the right to present oral argument and to cross-examine opposing witnesses. All parties have the right to be represented by counsel or other qualified representative, in accordance with Florida Administrative Code Rule 28-106.106. As with any hearing, the failure to appear may constitute a waiver of the right to present evidence, or be grounds for closure of the file without further proceedings.

Most hearings are open to the public. Any member of the public who wants to observe the proceedings may, seven days or fewer from the date of the final hearing, contact the office of the undersigned and provide an email address to which the Zoom invitation may be forwarded. Members of the public may observe, but may not participate in the proceedings.

The Zoom invitation shall be provided to counsel for each party. It shall be the responsibility of counsel to provide their clients, client representatives, and witnesses with the invitation, which will allow them to access the hearing. It shall be the responsibility of the party retaining the court reporter to provide the reporter with the invitation.

At least 15 minutes before the commencement of the hearing, the parties and the court reporter are instructed to join the Zoom conference by one of the following two methods:

1. **Computer or Cellphone with Web Camera** – If there is stable access to the internet and either a computer or cellphone with a camera, access the hearing by following the link provided in the invitation. Each participant will be prompted to download/run the Zoom application and enter the Meeting ID and Password provided in the invitation. The participants should immediately enable their computer audio and then start their web camera through the "Start Video" icon in the tool bar along the bottom of the Zoom window. **If you have stable internet access and a computer/cell phone with a camera, this is the preferred method for attending the hearing.**

2. **Cellphone or Landline without Camera** – If a participant does not have stable internet access and/or a computer/cellphone with a camera, they may participate in the hearing by telephone by dialing the number provided in the invitation and entering the Meeting ID and Password provided in the invitation from a cellphone or landline.

The following procedures shall apply to the Zoom hearing:

1. Make sure your computer and/or cellphone is fully charged.
2. In order to avoid multiple disruptions, limit participants speaking over each other, and to provide the best overall audio quality, participants are asked to mute their microphones when not speaking. The mute/unmute feature is located at the left-hand side of the bottom of the Zoom window, if using the Zoom application; or by pressing *6, if participating by telephone.

3. Each witness shall be sworn in remotely by the undersigned. Witnesses will need their driver license number or state identification card number, which will be redacted in any transcript of the proceedings.

4. On or before August 4, 2020, the parties shall provide the Administrative Law Judge with copies of all of the proposed exhibits. A **notice of filing** the proposed exhibits shall be **filed electronically through the eALJ system** and shall be served on all parties. The **proposed exhibits**, along with a copy of the electronically filed notice of filing, shall be **submitted by mail or hand-delivery** to the Division of Administrative Hearings and shall be served on all parties. The exhibits will not be considered until they are admitted into evidence during the final hearing.

5. The Zoom recording feature will not be used. The agency shall be responsible for preserving the testimony at the final hearing. Fla. Admin. Code R. 28-106.214.

July 30, 2020



SUZANNE VAN WYK
Administrative Law Judge
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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Judge's secretary no later than ten days prior to the hearing. The Judge's secretary may be contacted at (850) 488-9675, via 1-800-955-8771 (TTY), 1-800-955-1339 (ASCII), or 1-800-955-8770 (Voice) Florida Relay Service.