D/A 6-2-87

IN THE SUPREME COURT

STATE OF FLORIDA

THOMAS B. FERRIS, Petitioner, vs. RALPH D. TURLINGTON, Commissioner of Education Respondent.	:	Case No. 69,561

RESPONDENT'S ANSWER BRIEF

ON APPEAL FROM
THE DISTRICT COURT OF APPEAL FOR THE FIRST DISTRICT OF FLORIDA

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STATEMENT OF THE CASE AND FACTS

Pursuant to Rule 9.210, Florida Rules of Appellant Procedure, Respondent shall omit the Statement of the Case and Facts with the exception of the areas of disagreement which are set forth as follows:

1. At page 1 of Petitioner's brief, he states that "[t]he Respondent sought to take disciplinary action, including revocation of the Petitioner's teaching certificate, as a penalty for such alleged misconduct." Respondent would object to the characterization of the disciplinary action as a "penalty" but would assert that such disciplinary action is taken with the aim of upholding the professional standards and furthering the goals of education in this state.

2. At page 2 of his brief, Petitioner asserts that the Hearing Officer "concluded, inter alia, that based [of] the evidence of record, the allegations of misconduct against the Petitioner were not supported by the weight of the evidence, and that the Petition had no sexual contact with the alleged victim." The Hearing Officer specifically stated:

> 16. In order to make the findings of fact set forth in paragraphs 1-13 above, it is not essential that this testimony of the minor be rejected as false. There simply is not sufficient evidence in this record to corroborate the minor's testimony. . . . In summary, the evidence, apart from the allegations in this case, is that the Respondent has never made any sexual contact with any minor.

(Page 8, paragraph 16 of the Hearing Officer's Recommended Order at Petitioner's Appendix, Exhibit A, page 10)

3. At page 3 of Petitioner's Brief, he stated that:

> The Commissioner of Education filed exceptions to the Recommended Order on the basis, inter alia, that the Hearing Officer had required corroboration of the student's testimony regarding the claimed sexual assault and on the basis that he had misapplied the standard of proof.

Respondent disagrees with this characterization of the exceptions and would assert that the exceptions filed addressed the Hearing officer's failure to recognize the corroborating testimony presented by Respondent and that the Hearing Officer improperly used a "quantitative" as opposed to a "qualitative" standard in reviewing the evidence. (Hearing Officer's Recommended Order, pages 2 and 7, found at Petitioner's Appendix, Exhibit A, pages 4 and 9)

4. Respondent would note that on February 7, 1984, the Petitioner signed a Negotiation Memorandum in which he agreed to forfeit his Florida teaching certificate at the Court's discretion as one condition of a negotiated plea agreement in which the Court would enter an Order withholding adjudication of guilt on the Respondent's criminal charge. (Transcript of Administrative Hearing, Vol. II, P. 169, 170).

Counsel for Respondent has been informed by the Clerk of this Court that the record in this case will not be submitted until April 10, 1987, and so references are made to Petitioner's Appendix and the Transcript of the Hearing.

During the course of the Respondent's sentencing hearing, the Circuit Court Judge announced in open court that although he did not have the authority to take Respondent's teaching certificate, he would recommend that the Respondent lose his certificate. (Transcript of Administrative Hearing, Vol. II, P. 172, 173).

SUMMARY OF ARGUMENT

The First District Court of Appeal appropriately remanded this case to the Education Practices Commission for remand to the Hearing Officer, pursuant to Section 120.68(9)(b), Florida Statutes, based upon its finding that the Hearing Officer had erroneously interpreted two provisions of law. The only reasonable interpretation of the Hearing Officer's language, and that which was adopted by the First District Court of Appeal, found that the Hearing Officer based his dismissal of the charges against Petitioner upon his erroneous interpretation that a minor victim's testimony must be corroborated in order to find that a teacher engaged in sexual misconduct and that the standard of proof, under the circumstances of this case, is greater than a preponderance of the evidence.

There is no statutory or case law which requires corroboration of a minor victim's testimony in order to find that a teacher engaged in sexual misconduct. Such a corroboration requirement would place an impossible burden of proof upon the state agency in cases such as this where there is no physical evidence available and the essential element of proof would rest on the luck or chance of a third party happening upon the incident.

The First District Court of Appeal has appropriately adopted a "preponderance of evidence" standard for license disciplinary cases. Such a standard of proof is appropriate in license disciplinary cases because of the balancing of interests between the governmental interest in protecting the health safety and welfare of the citizens of the state through regulation of professionals and the due process protection affored a licensee in the property interest of his license.

The "preponderance of evidence" standard is also supported by the minimum due process requirements enuciated in and applied to all administrative proceedings in the Administrative Procedure Act (APA). Adoption of the APA negated the need for an elevated standard of proof to ensure that all license disciplinary cases are conducted pursuant to minimum due process requirements.

Based upon the aforesaid factors the First District Court of Appeal appropriately remanded this case, pursuant to Section 120.68(9), Florida Statutes so that the evidence could be evaluated under the appropriate standard of proof and with the understanding that no corroboration of the minor victim's testimony was necessarily required.

ARGUMENT

I

THE FIRST DISTRICT COURT OF APPEAL APPROPRIATELY REMANDED THIS CASE TO THE EDUCATION PRACTICES COMMISSION FOR REMAND TO THE HEARING OFFICER, PURSUANT TO SECTION 120.68(9), FLORIDA STATUTES.

The Petitioner, in his brief, seeks reversal of the decision of the First District Court of Appeal in part on the basis of an assertion that the court substituted its own findings of fact and judgement for that of the Hearing Officer. (Petitioner's Brief, page 7)

Contrary to that assertion, the court remanded the case to the Education Practices Commission for remand to the Hearing Officer in order that the testimony of the witnesses and the consideration of the evidence might be evaluated under a correct interpretation of the provisions of law. Turlington v. Ferris, 496 So.2d 177, 178 (Fla. 1st DCA 1986) The court ordered the remand because it found that the Hearing Officer had erroneously interpreted two provisions of law: "that a minor victim's testimony must be corroborated in order to find that a teacher engaged in sexual misconduct, and that the standard of proof, under the circumstances of this case, is greater than a preponderance of the evidence." Ferris, supra at 178

Section 120.68(9), Florida Statutes, provides:

> (9) If the court finds that the agency has erroneously interpreted a provision of law and that a correct interpretation compels a particular action, it shall:

(a) Set aside or modify the agency action, or

(b) Remand the case to the agency for further action under a correct interpretation of the provision of law.

The District Court of Appeal in the instant case therefore, simply and correctly found that the Hearing Officer had erroneously interpreted the controlling law. The court specifically found only that corroboration was not a requirement of the proof in this case and that it was improper to place a burden greater than the preponderance of the evidence on the Commissioner. The District Court of Appeal did not, as Petitioner suggests, substitute its findings of fact or judgement for that of the Hearing Officer. Nothing in the opinion of the First District Court of Appeal would suggest such a conclusion. Therefore, the court appropriately remanded the case pursuant to the provisions of Section 120.68(9)(b), Florida Statutes.

Petitioner would have this Court find that the Education Practices Commission's interpretation of the Hearing Officer's Recommended Order was a "finding of fact" and was supported by competent substantial evidence in the record. (Petitioner's Brief, page 10.) Further, Petitioner would have this Court find that the First District Court of Appeal could not substitute its judgement for that of the Commission's since the Commission's "findings" were based on competent substantial evidence. (Petitioner's Brief, page 8)

However, Petitioner's argument must fail in two respects. First, to prevent a reviewing court from addressing an erroneous interpretation of law simply by classifying the agency's erroneous interpretation of the Hearing Officer's language as a "finding of fact" is to circumvent the express statutory guidelines of Section 120.68(9)(b), Florida Statutes, which allows the court to remand the case to the agency where the agency has erroneously interpreted a provision of law. Petitioner cites Leapley v. Board of Regents, Florida State University System, 423 So.2d 431 (Fla. 1st DCA 1983) in support of the aforesaid argument. In Leapley, a university employee attempted to pursue a grievance proceeding against the university but was advised she could not utilize this proceeding because she was not deemed a member of the applicable bargaining unit. The Hearing Officer found that the employee was a member of the bargaining unit, however PERC subsequently dismissed the employee's grievance, holding that she was not a member of the bargaining unit. Id. at 432. The court reversed, holding that the issue of whether Leapley was a member of the bargaining unit was "essentially a factual determination based upon the circumstances of the case." Leapley, supra at 432.

Inclusion in a bargaining unit is a factual issue which can be proven by testimony and documentary evidence establishing the criteria of the membership under the terms of the contract or agreement and the job discription of the

affected employee bringing her under the criteria of the bargaining unit. Such a "factual issue" is determined by the credibility and weight attributed to the evidence and is distinguishable from the instant case where the Commission's interpretation of the Hearing Officer's Recommended Order was not based upon the credibility and weight of differing interpretations of the Hearing Officer's Order or upon any testimony regarding the Hearing Officer's thoughts and rational in writing his Order.

Secondly, Petitioner has asserted that Respondent argued that the Hearing Officer inappropriately required corroboration of the minor victim's testimony and a higher standard of proof than "preponderance of evidence" when Respondent filed his exceptions to the Hearing Officer's Recommended Order. (Petitioner's brief, page 9) Contrary to Petitioner's assertions, however, the only exceptions filed by Respondent concerned the Hearing Officer's failure to recognize the corroborative evidence presented by Respondent and the Hearing Officer's erroneous use of a "quantitative" as opposed to a "qualitative" standard in reviewing the evidence. (Respondent's Appendix, page 2 and 7) Since the Commission did not address the issue of the erroneous interpretations of law subsequently cited by the First Distrit Court of Appeal, it could not have made a "finding of fact" regarding these legal issues. Therefore, the First District Court of Appeal apropriately remanded this case pursuant to Section 120.68(9), Florida Statutes.

II

THE FIRST DISTRICT COURT OF APPEAL WAS CORRECT IN FINDING THAT NO CORROBORATION OF THE MINOR VICTIM'S TESTIMONY IS REQUIRED IN THE ADMINISTRATIVE PROCEEDING IN ORDER TO FIND THAT A TEACHER ENGAGED IN SEXUAL MISCONDUCT.

The Hearing Officer's first erroneous interpretation of law was to conclude that a minor victim's testimony must be corroborated in order to find that a teacher engaged in sexual misconduct. Specifically the Hearing Officer found, and the Commissioner adopted the finding, that:

> 16. In order to make the findings of fact set forth in paragraphs 1-13 above, it is not essential that this testimony of the minor be rejected as false. There simply is not sufficient evidence in this record to corroborate the minor's testimony.

(Petitioner's Appendix, Exhibit A, page 10)

The above language indicates that the Hearing Officer did not go through the process of weighing the credibility of the minor against that of the teacher; he merely dismissed the testimony of the minor as uncorroborated regardless of its truth or falsity and eliminated consideration of the testimony necessary to support the Commissioner's case.

It is not, however, necessary to have corroborative evidence that a sexual battery has occurred. Neither Chapter 120, Florida Statutes nor Rule 22I, F.A.C., the provisions governing administrative hearings, make any requirement for corroboration of a victim's testimony to sustain a sexual battery charge.

Section 794.022, Florida Statutes, does provide some guidelines and with regard to proof of criminal sexual battery, and provides in part: "The testimony of the victim need not be corroborated in a prosecution under s. 794.011." It is a well-established principle of law that criminal cases require a higher standard of proof, that of proof beyond a reasonable doubt, than that which is required in administrative cases. See The Florida Bar v. Rayman, 238 So.2d. 594 (Fla. 1970) It is illogical to require corroboration of the victim's testimony and, therefore, a higher standard of proof in administrative cases than in the criminal cases where no corroboration is required.

The very nature of a sexual battery case speaks of secrecy and isolation from observation by third persons. In those cases where there is no physical evidence available, it would often place an impossible burden upon the state or licensing agency to require corroboration and ignore the credibility of the witnesses so that the proof would be dependent upon the chance or luck of a third person happening upon the incident. Further, it should be noted that the 5th District Court of Appeal, in the related case of Ferris v. Austin, 487 So.2d 1163 (Fla. 5th DCA 1986), did not suggest that there must be corroboration of the victim's testimony and

simply, although erroneously, found, after ignoring the plain language of the Hearing Officer, that the Hearing Officer had not required corroboration of the victim's testimony and had "found insufficient evidence to support the minor's testimony, as opposed to the persuasive effect of the testimony presented on behalf of Ferris." Austin, 487 So.2d at 1166.

Petitioner, on the other hand, asserts that corroboration may be required in administrative disciplinary cases, citing Robinson v. Florida Board of Dentistry, 447 So.2d 930 (Fla. 3rd DCA 1984).

In Robinson, sanctions had been imposed against a dentist for alleged substandard treatment of a patient. The only expert testimony offered by the state in proof of its charges was that of the subsequent treating dentist who, at the time of the administrative hearing, had not completed his treatment of the patient, thereby maintaining a financial interest in the outcome of the hearing, and who had extracted the teeth which Dr. Robinson tried to save. Robinson, supra at 932.

Contrary to Petitioner's assertion, the court in Azima v. Department of Professional Regulation, 473 So.2d 761 (Fla. 1st DCA 1985), recognized the limitations of Robinson and refused to expand the application of Robinson beyond the four corners of that case. In so holding the court stated:

> In Robinson, the district court reversed an order which imposed sanctions against a dentist for alleged substandard treatment of a patient.

> The expert testimony against Dr. Robinson consisted solely of the opinions of Dr. Beard, the dentist who succeeded Dr. Robinson in treating the patient. The court found that where the successor had an interest in seeing his recommended treatment recognized as "correct" and had a continuing financial interest in the patient, his testimony, without more, could not support a license suspension.
>
> We find that the facts before us differ from those in Robinson in several significant respects. First, four different local physicians testified against the appellant. Thus, their testimony presented a much broader cross-section of the local medical community than was made available in Robinson. Moreover, the "interests" of the testifying physicians here were different from those present in Robinson. Unlike Dr. Beard, these physicians did not recommend totally different courses of treatment but instead testified that Dr. Azima's care was substandard by his failure to perform or have performed certain tests to safeguard his patients' health. Additionally, there was no suggestion that any of the physicians were continuing to treat these patients and, accordingly, there is no showing of continued financial interests in the patients on the part of the witnesses.

Azima, 473 So.2d at 2. The instant case is also distinguishable from Robinson, in that the minor victim's testimony did not involve a standard of care nor did it involve the "interests" discussed in Robinson. Most importantly, however, is the fact that the instant case involved a "one-on-one" situation not observed by third persons as distinguished from the Robinson case where experts could be brought in "after-the-fact" to observe the patient and medical records and render an opinion on the standard of care. Therefore, the Robinson case fails to create any requirement for corroboration of the victim's testimony in administrative sexual battery cases.

The thrust of Petitioner's argument on the aforesaid issue is irrelevant to the instant case because the Court did not attempt to substitute it's determination of fact and judgment for that of the Hearing Officer's. Petitioner would have the Court find that the minor victim's testimony lacked the credibility to counter the evidence and testimony offered by Petitioner. The Hearing Officer did not address the credibility of the witnesses; instead, he required corroboration before he would even test the credibility of the testimony of the victim. Therefore, the First District Court of Appeal remanded the case back to the Education Practices Commission for further remand to the Hearing Officer so that he might address the credibility of the witnesses and the weight to be given their testimony under the appropriate standard of proof, with the understanding that corroboration of the minor's testimony was not required.

III

THE APPROPRIATE STANDARD OF PROOF IN LICENSE DISCIPLINARY CASES IS A "PREPONDERANCE OF EVIDENCE"

The second erroneous application of a provision of law which the First District Court of Appeal correctly cited was the Hearing Officer's conclusion "that the standard of proof, under the circumstances of this case, was greater than a preponderance of the evidence." Ferris, 496 So.2d at 178. Contrary to Petitioner's assertion, the Hearing Officer's language does not show that Respondent failed to prove its case under any possible standard of proof. The Hearing Officer's Recommended Order provides:

> 11. Until the court decision in Bowling v. Department of Insurance, 394 So.2d 165 (Fla. 1st DCA 1981), charges to support the revocation of a license had to be proven by clear and convincing evidence. Walker v. Florida State Board of Optometry, 322 So.2d 612 (Fla. 3rd DCA 1975). In a proceeding brought to suspend or revoke a real estate license on charges of dishonest conduct, it was determined that the dishonesty must be proven by clear and convincing evidence. Reid v. Florida Real Estate Commission, 188 So. 2d 846 (Fla. 2nd DCA 1966). There is confusion since the Bowling decision, in that it is not clear whether the clear and convincing standard was adopted, or whether some higher or lesser standard was intended. Nevertheless, Bowling does state that, "in a proceeding under a penal statute for suspension or revocation of a valuable business or professional license, the term competent substantial evidence takes on vigorous implications that are not so clearly present on other occasions for agency action under Chapter 120. When

> the proceeding may result in the loss of a valuable business or professional license, the critical matters in issue must be shown by evidence which is indubitably as 'substantial' as the consequences." Bowling, supra, at 172.
>
> 12. The evidence presented against the Respondent falls short of the clear and convincing standard, and short also of the standard of Bowling, supra, in that the quantity and quality of the competent evidence lacks the substantiability of the consequences. Thus, the Respondent is not guilty of the charges in the Administrative Complaint, and is not guilty of the charges in the School Board's notice. He should be reinstated with pay.

(Petitioner's Appendix, Exhibit A, page 13)

The only reasonable interpretation of the aforesaid language is that the Hearing Officer required a greater standard of proof than "preponderance of evidence" in the instant case. In so holding, the First District Court of Appeal stated:

> Although the record contains competent substantial evidence which would support either a finding that appellee committed the sexual battery or a finding that he did not, the hearing officer's recommendation is based upon incorrect interpretation of the law in two respects: that a minor victim's testimony must be corroborated in order to find that a teacher engaged in sexual misconduct, and that the standard of proof, under the circumstances of this case, is greater than a preponderance of the evidence.

Ferris, 496 So.2d at 2. (emphasis added)

Since the holding in Bowling v. Department of Insurance, 394 So.2d 165 (Fla. 1st DCA 1981), there has been much confusion as to the appropriate standard of proof in license disciplinary cases. Although Bowling laid to rest the pre-APA standard of "clear and convincing proof," the court held:

> Bach and Poirier illustrate that the violation of a penal statue is not to be found on loose interpretations and problematic evidence, but the violation must in all its implications be shown by evidence which weighs as "substantially" on a scale suitable for evidence as the penalty does on the scale of penalties. In other words, in a world ensnarled by false assumptions and hasty judgements, let the prosecutor's proof be as serious-minded as the intended penalty is serious.

Bowling, supra at 172. This standard of proof enunciated in Bowling has been interpreted by some to be a "sliding scale" and to mean that different standards of proof may be applied in different disciplinary cases with a higher standard of proof required in cases where the licensing agency seeks revocation or suspension of the license than in cases where the agency seeks a lesser penalty such as a monetary fine.

However, Respondent asserts that a thorough reading of Bowling, and the cases cited therein, indicate that a different interpretation is more appropriate. Bowling and the cases cited therein, involved disciplinary action based upon prohibited standards of conduct not defined by statute or rule. The courts distinguished these cases wherein the

disciplinary proceedings were based upon such incipient policy from the "conventional" administrative cases involving disciplinary proceedings based upon standards of conduct defined by statute or rule. Bowling, 394 So.2d at 171. These incipient policy cases found the conventional types of evidence to be insufficient to constitute competent substantial evidence and required an additional showing of a "record foundation" for the standards of conduct. See Anheuser-Busch v. Department of Business Regulation, 393 So.2d 1177 (Fla. 1st DCA 1981) and McDonald v. Department of Banking and Finance, 346 So.2d 569 (Fla. 1st DCA 1977).

The Court in Bowling was not setting a "sliding scale" for one license disciplinary case as compared to another but was merely trying to distinguish between the type of proof offered and the elements required to be proven in license disciplinary cases as compared to that offered and proven in other administrative cases. The instant case supports this interpretation because the court held that under the circumstances of this case, involving revocation of a teaching certificate, the appropriate standard of proof was a "preponderance of evidence." Turlington v. Ferris, 496 So.2d 177, 178 (Fla. 1st DCA 1986). This case is particularly pursuasive because it was decided by the same court which decided Bowling.

Further, the use of a single standard of proof in license disciplinary cases is analogous to the use of one standard of proof in all criminal cases. Before a criminal conviction may be had, the state must prove a person guilty beyond a

reasonable doubt -- regardless of whether the defendant is charged with petty theft or first degree murder, regardless of whether the possible penalty is probation or death. Only after a determination of guilt does - or should - the issue of the appropriate penalty become a focus of, or factor in the proceedings. Then, and only then, does the tribunal evaluate the crime or conviction in light of aggravating and mitigating circumstances which, while often irrelevant to guilt, are relevant to penalty. Likewise, only one standard of proof should be applied in all license disciplinary cases, regardless of whether the ultimate penalty imposed is a monetary fine or revocation of the license.

Prior to the Administrative Procedures Act (APA), Chapter 120, Florida Statutes, provided no statutory due process guidelines for license disciplinary cases but merely addressed the rule-making process. Some courts applied a "clear and convincing" standard of proof in administrative disciplinary cases in order to satify the due process protection accorded a licensee's property interests. See Reid v. Florida Real Estate Commission, 188 So.2d 846, 851 (Fla. 2nd DCA 1966)

However, in 1961, the legislature adopted the APA, therein statutorially setting forth minimum due process guidelines for administrative cases including license disciplinary cases. With the minimum due process requirements enunciated and applied to all administrative disciplinary cases, the need for a higher standard of proof, to ensure that minimum due process requirements were satisfied, was negated.

Although the case of Florida Bar v. Rayman, 238 So.2d 594 (Fla. 1970), is cited by Amicus FTP-NEA to support the argument that the APA did not invalidate any possible requirement for an elevated standard of proof in license disciplinary cases, that case is clearly distiguishable from the instant case now before this Court. (FTP-NEA amicus brief, page 9) Rayman involved disciplinary proceedings against an attorney; proceedings which are governed by the Integration Rule of the Florida Bar and not the APA. Rayman, and the other attorney disciplinary cases cited by Petitioner, may be cited to show the seriousness of license disciplinary cases but are clearly distinguishable from the instant case which is governed by the APA. See Petitioner's brief, page 25.

Contrary to Petitioner's assertion, the license disciplinary cases are not comparable to the civil penalty cases wherein the courts have found a higher standard of proof, that of "clear and convincing" evidence, necessary to protect the fundamental rights of life and liberty. See Addington v. Texas, 441 US 418 (1979) (State involuntary commitment proceedings). Although property interests are valuable rights, subject to due process protection, Respondent would assert that the property rights of licensed professionals are distinguishable from and less valuable than the fundamental rights of life and liberty.

The courts of other states have also found the "preponderance of evidence" standard to be the appropriate standard of proof in license disciplinary cases. See S&F Corporation v. Bilandic, 378 N.E. 2d 1137, 1139 (Ill. App. 1978); In re Polk License Revocation, 449 A2d 7, 15 (N.J. 1982); Proposed Disciplinary Action Against Dentist License of Schultz, 375 N.W. 2d 509 (Minn. App. 1985); Cerminaro v. Board of Regents of State of New York, 508 N.Y.S.2d 693, 695 (N.J. A.D. 3 Dept. 1986). In Polk, the court balanced the due process requirements necessary to protect the property rights of a licensed professional against the governmental interest in assuring the health and welfare of the people of the state through regulation of its professionals and held:

> Action of the State Board of Medical Examiners in requiring that charge in license revocation proceedings against physician be established by a preponderance of evidence rather than by clear and convincing evidence operated to fairly allocate the risk of mistake between the contesting parties and sufficiently reduced for both the risk of an erroneous determination and, as such, was not violative of due process.

Polk, supra at 15.

In summary, Respondent asserts that the only reasonable interpretation of the Hearing Officer's language below was that a higher standard of proof than "preponderance of evidence" was applied to the evidence in this case. Respondent further asserts that the First District Court of

Appeal was correct in holding that a "preponderance of evidence" is the appropriate standard of proof in this license disciplinary case.

The "preponderance of evidence" standard of proof is appropriate for license disciplinary cases because of the statutory due process protection of the Adminstrative Procedure Act (APA) and the balancing interests between the governmental protection of the health, safety, and welfare of the citizens of the state through regulation of professionals and the due process protection of the professional's property right in his license.

Respondent would assert that in light of the balancing interests and the statutory protection afforded by the APA, the property right accorded a license, although less valuable than the fundamental rights of life and liberty, is afforded adequate due process protection under the "preponderance of evidence" standard of proof.

CONCLUSION

Respondent respectfully requests this Court to enter an Opinion affirming the Opinion of the First District Court of Appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail to JOHN J. CHAMBLEE, JR., Esquire, and SUSAN E. HICKS, Esquire, Chamblee and Miles, 202 Cardy Street, Tampa, Florida 33606, Attorney for Petitioner, Pamela L. Cooper, Esquire, 911 East Park Avenue, Post Office Box 1547, Tallahassee, Florida 32302, Attorney for FTP-NEA, and Thomas W. Young, III, Esquire, 208 West Pensacola Street, Tallahassee, Florida 32301, Attorney for FEA/United, this 10th day of April, 1987.

Cecilia Bradley
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Counsel