

State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

CERTIFIED MAIL (7160 3901 9848 7259 9170)
RETURN RECEIPT REQUESTED

Nicholas B. Cox
Regional Director

April 9, 2009

Mr. Lynn Marshall

[Redacted address]

Dear Mr. Marshall:

This letter is to notify you that the Department of Children and Families, SunCoast Region, hereby immediately revokes and terminates the May 8, 2008 limited temporary exemption from employment disqualification granted you to work in the Pioneer Camps operated by the City of St. Petersburg.

This termination/revocation is effective immediately. Our decision is based upon information provided by the [Redacted] and is in accordance with the terms of our May 8, 2008 Agreement with you.

On December 14, 2007, a background screening performed by the [Redacted] you were ineligible for a position as a caretaker of children, disabled adults or elderly persons based upon your [Redacted]. Subsequently, you requested an exemption from employment disqualification from the Department of Children and Families pursuant to § 435.07, Florida Statutes. In determining whether to grant this exemption, the burden is upon the employee to demonstrate, by clear and convincing evidence, that the employee should not be disqualified from employment. The Department considered your [Redacted] disqualifying offense, as well as your criminal and personal history since that event in evaluating your rehabilitation and whether you would present a danger if your continued employment was allowed. The Department was very concerned by the serious nature of the disqualifying offense and by your continued criminal activity and [Redacted] prior to and subsequent to the disqualifying [Redacted]. Of particular concern to the Department was your admission that you have a [Redacted] and that your original offenses were all [Redacted]. You presented many letters of support from the City of St. Petersburg and from the parents of child campers, as well as [Redacted]

Department of Children & Families
Region 23

SunCoast Region, 9393 North Florida Avenue, Tampa, Florida 33612-7236

assurances that you were actively participating in [REDACTED]

Despite these assurances, the Department did not feel your [REDACTED] sufficient to outweigh the concerns occasioned by your admittedly life-long struggle with [REDACTED]. As a result of the City's support of your application, the Department entered an Agreement with you, providing you a temporary, limited exemption to work only with the City of St. Petersburg's Pioneer Camp.

The City of St. Petersburg has provided recent information which indicates that you are [REDACTED]. It also has advised that your position with the City of St. Petersburg's Pioneer Camp has been suspended or terminated. The Department has determined that your actions are in violation of our May 8, 2008 Agreement, that you have failed to maintain your [REDACTED] or the full period of our agreement, and that your continued employment will present a danger to children or vulnerable adults if allowed.

This letter is to further advise that your request for an exemption from employment disqualification due to your [REDACTED] has been denied. This decision means you are not eligible for employment, licensure or registration in positions having contact with children or vulnerable adults in programs regulated by the Department of Children and Families.

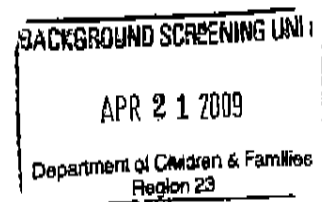
The Department considered all available information regarding your criminal history, the disqualifying offenses and the information you provided to support your exemption application. The Department's denial is due to the serious nature of the offense, the lack of sufficient evidence of rehabilitation, and your failure to sustain your burden of demonstrating by clear and convincing evidence that you should be permitted to hold a position of special trust with children or persons with developmental disabilities

NOTIFICATION OF HEARING RIGHTS

If you believe the Department's decision is in error, you may request an administrative hearing to contest the decision. Your request for an administrative hearing **MUST BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS OF THE DATE YOU RECEIVED THIS LETTER.** If you do not request a hearing within 21 days, you will lose the right to a hearing.

You must submit your request for an administrative hearing to the Department at the following address:

Jennifer Lima-Smith, Chief Legal Counsel
Department of Children and Families
9393 North Florida Avenue
Tampa, Florida 33612

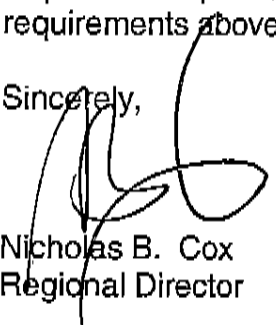


Please note that a request for an administrative hearing must comply with section 120.569(2) (c), Florida Statutes, and Rules 28-106.201(2), Florida Administrative Code. Those provisions require a petition for administrative hearing to include:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

Section 120.569, Florida Statutes, and rule 28-106.201(4), Florida Administrative Code, require that a petition be dismissed if it is not in substantial compliance with the requirements above.

Sincerely,



Nicholas B. Cox
Regional Director

Enclosure: Request for Administrative Hearing

