

Office of School Board Attorney
Phyllis O. Douglas, Board Attorney

SUBJECT: APPROVAL OF PAYMENT OF LEGAL FEES TO DORMAIN YOUNG IN ACCORDANCE WITH FLORIDA STATUTE § 230.234

On October 16, 1996, State Attorney Katherine Fernandez Rundle filed two counts of sexual battery on a minor against employee Dormain Young, a security monitor at W.J. Bryan Elementary School. The charges stemmed from an incident that allegedly took place on school grounds on September 24, 1996. Mr. Young was arrested, incarcerated, and later placed on house arrest while he waited for his trial scheduled for April 15, 1997.

On May 27, 1997, the State Attorney's Office decided not to prosecute Mr. Young, the case was closed in Mr. Young's favor, and records pertaining to his arrest on these charges were expunged by court order entered on September 30, 1997. In accordance with § 230.234, Fla.Stat. (1998), Mr. Young has requested reimbursement for the legal expenses he incurred in defending against the charges of having committed a capital felony, which arose out of and in the course of his performance of assigned duties and responsibilities.

Mr. Young incurred \$ 60,000 in legal fees and costs. After reviewing documentation provided by Mr. Young in support of his request for reimbursement, and after consulting with criminal defense counsel regarding the reasonableness of the legal fees and costs expended in this case, reimbursement in the amount of \$60,000 is recommended.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, in accordance with § 230.234, Fla.Stat. (1998), reimburse Dormain Young the amount of \$60,000 as payment for the legal expenses incurred by Mr. Young in defending against charges of sexual battery on a minor, which arose out of and in the course of his performance of his assigned duties and responsibilities as a School Board employee.