

Office of Superintendent of Schools
Board Meeting of November 17, 1999

November 4, 1999

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: TOM GALLAGHER, AS COMMISSIONER OF EDUCATION v. RICHARD V. POWELL, DOAH CASE NO. 97-5828, AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. RICHARD V. POWELL, DOAH CASE NO. 98-2357

On May 13, 1998, the School Board suspended Respondent Richard V. Powell from his position as a teacher at John F. Kennedy Middle School and initiated dismissal proceedings against him for just cause, including, but not limited to, misconduct in office and willful neglect of duty. The School Board's case was consolidated with the Florida Department of Education's case against the Respondent. A hearing was requested and the case was tried on March 22, through March 24, 1999, before Administrative Law Judge Patricia Hart Malono of the Division of Administrative Hearings ("DOAH").

By recommended order entered October 11, 1999, the Administrative Law Judge sustained the School Board's charges of misconduct in office and of violating School Board rules, and recommended that the School Board enter a final order sustaining Respondent's suspension and dismissing him from employment as a teacher with the Miami-Dade County Public Schools.

Respondent's exceptions to the Administrative Law Judge's Recommended Order were due on October 26, 1999. On that same day, Respondent's counsel filed with DOAH a Motion for Enlargement of Time to File Exceptions to Recommended Order. On October 27, 1999, the same motion was filed with the Clerk of the School Board. In his motion, Respondent's counsel advised that they will no longer be representing the Respondent and as such, request a thirty (30) day extension of time in order for the Respondent to obtain new counsel and file exceptions to the Recommended Order. Due to the time constraints mandated by § 120.569(2)(j), Fla.Stat. (1999), and in order to avoid any further delays in the rendition of the Final Order, it is recommended that a twenty-five (25) day enlargement of time be granted. If a twenty-five (25) day extension is granted, Respondent's exceptions will be due by November 22, 1999.

RECOMMENDED: That The School Board of Miami-Dade County, Florida grant the Respondent a twenty-five (25) day enlargement of time to file Exceptions to the Administrative Law Judge's Recommended Order in DOAH Case No. 98-2387, up to and including November 22, 1999.

JB:LMG:mg