

Office of Superintendent of Schools
Board Meeting of July 14, 2004

June 30, 2004

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. DANIEL J. EPSTEIN - DOAH CASE NO. 03-4041

On October 22, 2003, the School Board suspended teacher Daniel J. Epstein from his employment as a teacher with The School Board of Miami-Dade County, Florida, and initiated dismissal proceedings against him for misconduct in office, incompetency, and immorality. A hearing was requested and the case was tried on February 11, 2004, before DOAH Administrative Law Judge Patricia Hart Malono in Miami-Dade County, Florida, via video teleconference.

By recommended order entered May 26, 2004, the Administrative Law Judge sustained the School Board's charge of misconduct in office and recommended that the School Board enter a final order sustaining the employee's suspension without pay and terminating Daniel J. Epstein from employment with the School Board.

Exceptions to the recommended order have been filed on behalf of the employee. Those exceptions, along with the recommended order and complete record in the case, have been forwarded to the School Board members under separate cover. The exceptions challenge some of the Findings of Fact, which, the employee asserts, have led to an erroneous Conclusion of Law. The exceptions seek to have the Administrative Law Judge's recommended order modified and the employee reinstated with back pay.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter a final order in the case of The School Board of Miami-Dade County, Florida v. Daniel J. Epstein, accepting the recommendation of the Administrative Law Judge in DOAH Case No. 03-4041, or accepting the exceptions set forth in Respondent's Exceptions to Recommended Order, filed on behalf of the employee on June 10, 2004.

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