

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. ERIC COOPER - DOAH CASE NO. 06-3043**

On August 2, 2006, the School Board suspended Eric Cooper and initiated dismissal proceedings against him for just cause, including, but not limited to willful neglect of duty; deficient performance of job responsibilities; and violation of School Board Rules 6Gx13- 4A-1.21, *Responsibilities and Duties*; 6Gx13-4A-1.213, *Code of Ethics*, and 6Gx13- 4E-1.01, *Absences and Leaves*, in accordance with sections 1001.32(2), 1012.22(1)(f), 1012.40, 1012.67 and 447.209, Florida Statutes (2006) and the DCSMEC contract. A hearing was requested and held on November 9, 2006, before Administrative Law Judge Robert Meale in Miami-Dade County, Florida. By Recommended Order entered April 2, 2007, the Administrative Law Judge recommended that the School Board enter a final order terminating Eric Cooper's employment.

Exceptions to the Recommended Order were filed by the Respondent. The Recommended Order and the complete record of the case were forwarded to the School Board members on or about May 18, 2007 for the June 13, 2007 Board meeting. In addition, under separate cover, the Respondent's Exceptions along with the Administration's Response to the Exceptions were provided to the Board prior to the June Board meeting. At said meeting, Mr. Cooper consented to waive the 90-day statutory deadline for the Board to enter a final order in this case. The Board then voted to postpone to this matter to a time certain, until the July 11, 2007, Board meeting.

Respondent's Exceptions seek to have the Administrative Law Judge's Recommended Order rejected and thereby reinstate Respondent to his job position as a Journeyperson (Mason). The Administration is in support of the Recommended Order.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida take one of the following actions in the case of The School Board of Miami-Dade County, Florida v. Eric Cooper - DOAH Case No. 06-3043:

- (1) Adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order; or
- (2) Adopt the Exceptions to the Recommended Order filed by the Respondent and enter a Final Order consistent with those Exceptions, stating with particularity its reasons and citing to the record to justify the change in the penalty.