

Office of Superintendent of Schools
Board Meeting of March 17, 2010

March 3, 2010

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. ANTHONY BURNEY, DOAH Case No. 09-2413

On April 2, 2009, The School Board took action to suspend Anthony Burney, a school security monitor for thirty (30) workdays without pay for just cause including, but not limited to, violations of School Board Rules 6Gx13- 4-1.08, *Violence in the Workplace*, 6Gx13-4A-1.21, *Responsibilities and Duties* and 6Gx13- 4A-1.213, *Code of Ethics*. Mr. Burney requested an administrative hearing. The hearing was held on November 3, 2009 before Administrative Law Judge Eleanor M. Hunter.

In the Recommended Order, the Judge resolved conflicting witness testimony in favor of the Respondent. Accordingly, by Recommended Order entered January 14, 2010, the Judge recommended that the School Board enter a Final Order rescinding its previous decision to suspend the Respondent without pay for a period of thirty (30) workdays and award him back pay and benefits, if any were denied him during the period of his suspension.

We recommend acceptance of the Judge's Recommended Order as The School Board's Final Order.

A copy of the Recommended Order is being furnished to the Board under separate cover with a copy of the proposed Final Order for the Board's consideration.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter a Final Order accepting the Administrative Law Judge's Recommended Order in the case of The School Board of Miami-Dade County, Florida v. Anthony Burney, DOAH Case No. 09-2413 exonerating Respondent of all charges and awarding him back pay and any benefits that may have been accrued during the period of the suspension.

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