

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

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. LIVINGSTON WINT - DOAH CASE NO. 18-1212

On February 21, 2018, the School Board took action to suspend Livingston Wint ("Respondent") without pay and initiate dismissal proceedings for just cause, including, but not limited to: violation of School Board Policies 4210, *Standards of Ethical Conduct*; 4210.01, *Code of Ethics*; 4213, *Student Supervision and Welfare*; and 8600, *Transportation*. Respondent timely requested an administrative hearing which was held on May 8, 2018, before Administrative Law Judge, Robert L. Kilbride, of the Division of Administrative Hearings ("DOAH").

On August 10, 2018, the Administrative Law Judge ("ALJ") issued his Amended Recommended Order, recommending that the School Board reinstate Mr. Wint's employment and award him back pay and accumulated benefits since his suspension. In his Amended Recommended Order, the ALJ found that because the employee's conduct occurred during an emergency with "unique circumstances," there was no just cause to terminate his employment.

We recommend that the School Board accept the ALJ's Amended Recommended Order as the School Board's Final Order. Administration is in agreement with this recommendation. A copy of the Amended Recommended Order is being furnished to the Board under separate cover along with a copy of the proposed Final Order for the Board's consideration.

RECOMMENDED: That The School Board of Miami-Dade County, Florida adopt the Amended Recommended Order of the Administrative Law Judge in its entirety as its Final Order in the case of The School Board of Miami-Dade County, Florida v. Livingston Wint, DOAH Case No. 18-1212, and awarding Respondent back pay and accumulated benefits since his suspension.