

MEMORANDUM

May 12, 2003

TO: Chair and Members of The School Board of
Miami-Dade County, Florida
Mr. Merrett R. Stierheim, Superintendent of Schools

FROM: Attorney's Office

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. FITZROY
SALESMAN - DOAH CASE NO. 02-1577
(Associated with Agenda Item C-2, School Board Meeting of May 14, 2003)

The attached Agenda Item C-2 is being withdrawn due to the unavailability of Respondent's attorney. This item will be resubmitted for the June 18, 2003 Board meeting.


MELINDA L. MCNICHOLS
Assistant School Board Attorney

MLM/pyc
Attachment

cc: Mark Herdman, Esquire
Mr. Paul Philip
Ms. Virginia Bradford
Johnny Brown, Esquire

Office of Superintendent of Schools
Board Meeting of May 14, 2003

April 30, 2003

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. FITZROY SALESMAN - DOAH CASE NO. 02-1577

On April 17, 2002, the School Board took action to suspend and initiate dismissal proceedings against teacher Fitzroy Salesman from his employment with The School Board of Miami-Dade County, Florida, for misconduct in office and for violation of School Board Rule 6Gx13-4A-1.21, *Responsibilities and Duties*. A hearing was requested and the case was tried on November 19, 2002, before DOAH Administrative Law Judge J. D. Parrish, in Miami, Florida. By recommended order entered March 31, 2003, the Administrative Law Judge sustained the School Board's charges and recommended that the School Board enter a final order sustaining the employee's suspension without pay and terminating his employment as a teacher with the School Board.

Exceptions to the Recommended Order have been filed on behalf of the employee. Those exceptions, the Recommended Order, and complete record in this case, have been forwarded to the School Board members under separate cover. The exceptions seek to have the School Board reject the Administrative Law Judge's Recommended Order.

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. Fitzroy Salesman, DOAH Case No. 02-1577, either adopting the recommendation of the Administrative Law Judge, or adopting the exceptions set forth in the employee's Exceptions to the Recommended Order.

MLM/pyc

C-2
WITHDRAWN
(03/12/03)