

Office of School Board Attorney
Luis M. Garcia, Interim School Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
CHARLES KELLY, DOAH Case No. 08-4344**

At its regularly scheduled meeting of August 4, 2008, the School Board took action to suspend without pay and initiate dismissal proceedings against Charles R. Kelly, an Administrative Assistant for Property Control with this School District, for just cause including, but not limited to, violation of School Board Rules 6Gx13- 4A-1.21, *Responsibilities and Duties*; 6Gx13- 4A-1.213, *Code of Ethics*; and 6Gx13- 4A-1.212, *Conflict of Interest*. Mr. Kelly timely requested a hearing on the matter.

The parties have reached a Settlement Agreement pending Board approval that will resolve the issues in this case. Upon consultation with the Superintendent's Office, and with its approval, this office recommends that the Settlement Agreement be accepted in its entirety, the essential terms of which include reinstatement of Respondent with approximately three months of back pay.

Acceptance and approval of the Settlement Agreement, forwarded under separate cover, will obviate the need for further legal action by the School Board, and is in the best interests of the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the Settlement Agreement in the case of The School Board of Miami-Dade County, Florida v. Charles Kelly, DOAH Case No. 08-4344, reinstating Respondent with approximately three months of back pay as more specifically outlined in the Settlement Agreement.