

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

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT  
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.  
SAYDEL MAS, DOAH CASE NO. 08-4213; Third DCA No. 3D09-1933**

At its regularly scheduled meeting of August 4, 2008, the School Board took action to suspend and initiate dismissal proceedings against Saydel Mas, Coordinator I, Capital Improvement Projects. The charges included, among other things, violations of School Board Rules 6Gx13-4A-1.21, Responsibilities and Duties, 6Gx13-4A-1.213, Code of Ethics, 6Gx13-4A-1.212, Conflict of Interest, and 6Gx13-6A-1.112, Acceptable Use Policy for the Network.

The employee, Saydel Mas, timely requested a hearing before the Division of Administrative Hearings (“DOAH”) challenging his dismissal from employment. An evidentiary hearing was held on January 30, 2009. The Administrative Law Judge (“ALJ”) assigned to the case, after determining that the conduct engaged in by the Respondent was not improper, issued a Recommended Order dismissing the Notice of Specific Charges. Although the Recommended Order was clear as to requiring the dismissal of the charges, it was silent as to re-instatement and back-pay or other appropriate remedy. Mas appealed the Final Order to the Third District Court of Appeals, which reversed the Final Order and remanded the case back to DOAH requesting DOAH to rule on Mas’ exceptions and enter an Order providing Mas an appropriate remedy.

In an effort to amicably resolve this matter, the parties have now reached a Settlement Agreement pending Board approval that will resolve all issues involved in the administrative case and those which were the subject of the appeal. This office recommends that the Settlement Agreement be accepted in its entirety, the terms of which include reinstatement of Mas to his previous position and back-pay for one year. Acceptance and approval of the Settlement Agreement, forwarded under separate cover, is in the best interests of the School Board, and will obviate the need for further litigation of this matter.

**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. Saydel Mas*, DOAH Case No. 08-4213; 3d DCA Case No. 3D09-1933, providing for the reinstatement of the Respondent to his prior position with back-pay for the period of one-year.