

Office of Superintendent of Schools
Board Meeting of February 9, 2022

January 25, 2022

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

SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. JOSE FLEITES
DOAH Case No. 21-0067TTS

On December 9, 2020, the School Board took action to suspend Respondent, Jose Fleites, an electrician with the school district, without pay and initiated dismissal proceedings against him for just cause, including but not limited to Misconduct in Office and violation of School Board Policies *4210, Standards of Ethical Conduct, 4210.01, Code of Ethics, and 8700, Anti-Fraud*, in accordance with §§ 1012.22(1)(f), 1012.33 and 447.209, Fla. Stat., and State Board Rules 6A-5.056 and 6A-10.081, FAC. The conduct which formed the basis for the School Board's action took place between May and July 2019, when Respondent is alleged to have presented Daily Status Forms, for work he had not performed and that he also submitted false or fabricated documents in support of his claims that he had completed several days of work. Respondent timely requested an administrative hearing, which was held on May 20, 2021, before Administrative Law Judge ("ALJ"), Cathy M. Sellers, of the Division of Administrative Hearings ("DOAH").

The ALJ issued her Recommended Order on November 22, 2021. The ALJ recommended that the School Board enter a Final Order upholding Respondent's dismissal from his employment with the school district.

Exceptions to the Recommended Order were timely filed by the Respondent. The Exceptions, along with the Recommended Order, the Petitioner's Response to the Respondent's Exceptions and a complete record of the case, will be forwarded to the School Board under separate cover. The Exceptions seek to have the Respondent's suspension overturned and backpay awarded. The Superintendent's Response seeks to have the suspension upheld and to adopt the Recommended Order of the ALJ as the Final Order of the School Board.

Should you have any questions or concerns with respect to this matter, please do not hesitate to contact me at your earliest convenience.

G-2

RECOMMENDED: That the School Board of Miami-Dade County, Florida reject each of Respondent's Exceptions and adopt the 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. Jose Fleites, DOAH Case No. 21-0067TTS, upholding Respondent's suspension and dismissal from his employment.

OR

That the School Board of Miami-Dade County, Florida adopt the Respondent's Exceptions to the Recommended Order of the Administrative Law Judge in its Final Order in the case of The School Board of Miami-Dade County, Florida v. Jose Fleites, DOAH Case No. 21-0067TTS, and reinstate the Respondent with backpay.