

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

**SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. BRIAN HOLT, DOAH Case
No. 22-001873**

Respondent Brian Holt, a paraprofessional III, assigned to Brentwood Elementary School was employed by the District for approximately thirteen (13) years. On December 11, 2019, the School Board suspended Respondent and initiated dismissal proceedings against him for just cause, including but not limited to, violation of School Board Policies 4121.01, *Employment Standards and Fingerprinting of All Employees*, 4210, *Standards of Ethical Conduct*, and 4210.01, *Code of Ethics*; accordance with §§ 1001.32 (2), 1012.22(1)(f), 1012.32, 1012.40, 435.04, 435.06, and 447.209, Florida Statutes. As a result of the allegations against him, Respondent was charged with two counts of lewd and lascivious molestation, which are disqualifying offenses under § 435.04, Fla. Stat. (2022). Upon being suspended, Respondent requested an administrative hearing before the Division of Administrative Hearings (DOAH) to contest his suspension and dismissal from employment.

During the course of his disciplinary case, Respondent filed a petition before DOAH to hold his administrative case in abeyance pending the conclusion of his criminal cases, which were the underlying cause of his dismissal from employment. On November 19, 2021, and April 20, 2022, respectively, both criminal cases were closed when they were *nolle prossed* by the State Attorney's Office. Based on the conclusion of Respondent's criminal cases, no legal or evidentiary basis exists to proceed with administrative action against the Respondent and the grounds for Respondent's dismissal from employment have been similarly eliminated. It is therefore recommended that Respondent be reinstated to employment with backpay. Reinstatement of Respondent to his former position is in the School Board's best interests and will obviate the need for further litigation of this matter. District administration is in agreement with this recommendation.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, rescind the dismissal from employment of the Respondent in the case of THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA v. BRIAN HOLT, DOAH Case No. 22-001873, reinstating Respondent to his position as a Paraprofessional III and providing backpay for the period of his suspension.

G-6