

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA A&M UNIVERSITY BOARD
OF TRUSTEES,

Petitioner,

v.

DOAH Case No. 08-5576
FAMU Case No. 08-005

NOVELLA FRANKLIN,

Respondent.

FINAL ORDER

On June 23, 2009, Administrative Law Judge, Barbara J. Staros, with the Division of Administrative Hearings, submitted a Recommended Order in the above-styled case. Exceptions were not filed in this case. The matter is now before Florida Agricultural and Mechanical University Board of Trustees (FAMU or Petitioner) for final action.

PRELIMINARY STATEMENT

Respondent, Novella Franklin, during all times material to this proceeding, held the position of Office Manager in the University's Registrar's office. By letter dated September 18, 2008, FAMU notified Respondent of the University's intent to dismiss her from employment and further, informed Respondent that she was placed on leave with pay. The notice provided to Respondent also advised that the University's decision was based on Respondent's violation of FAMU Regulations 1.019(4), 10.111(1), 10.111(2)(b), 10.302(3)(y), and 10.302(3)(cc). The September 18, 2008, letter further advised Respondent of her right to request a predetermination conference where she would have the opportunity to present an oral or written statement, or both, to refute or explain the charges against her. Respondent submitted a written response to the charges and a predetermination conference was held on September 29, 2008. By letter dated October 3, 2008, Respondent was notified by the University that she was dismissed from employment effective at the close of business on October 16, 2008. The notice of dismissal cited the same FAMU Regulations that were cited in the letter of September 18, 2008.

This matter was referred to the Division of Administrative Hearings and a final hearing was held on March 4, 2009. Administrative Law Judge Barbara J. Staros presided over the final hearing. During the hearing, the University and Respondent offered testimony and exhibits. A transcript of the proceedings was filed with the Division of Administrative Hearings on March 19, 2009. Each party submitted a Proposed Recommended Order to the Administrative Law Judge.

STATEMENT OF THE ISSUE

Whether Respondent should be dismissed from employment with Florida A&M University Board of Trustees (FAMU) for the reasons set forth in a termination letter dated October 3, 2008.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FAMU hereby accepts and incorporates by reference the Findings of Fact and Conclusions of Law set forth in the Administrative Law Judge's Recommended Order. A copy of the Recommended Order is attached hereto as Exhibit 1.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED and DIRECTED that the Recommendation of the Administrative Law Judge is ADOPTED.

THEREFORE, the October 3, 2008, letter terminating Respondent from employment is hereby rescinded, and Respondent shall be reinstated to a comparable position with appropriate back pay from the effective date of her termination until the date of reinstatement.

DONE and ORDERED this 15th day of July, 2009.

Cynthia Shepherd Harris for
James H. Ammons 7-15-09
James H. Ammons
President

Filed with FAMU this
15th day of July, 2009.

Abigail V. Raddar
Abigail V. Raddar
FAMU Clerk

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the Agency Clerk of Florida Agricultural and Mechanical University Board of Trustees, Office of the General Counsel, Lee Hall, Suite 300, Tallahassee, Florida 32307, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days of rendition of this Final Order.

Copy: Ms. Novella Franklin, c/o John Londot, Esquire
Roland Gaines, Vice President for Student Affairs
Nellie C. Woodruff, Associate Vice President, Human Resources
Linzie F. Bogan, Associate General Counsel, Director of Labor Relations