

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**FLORIDA A&M UNIVERSITY BOARD
OF TRUSTEES,**

Petitioner,

v.

**DOAH Case No. 08-5912
FAMU Case No. 08-006**

TRAVIS A. BLUE,

Respondent.

FINAL ORDER

On May 14, 2009, Administrative Law Judge, Ella Jane P. Davis, with the Division of Administrative Hearings submitted a Recommended Order in the above-styled case. A copy of the Recommended Order is attached hereto as Exhibit 1. 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, Mr. Travis Blue, during all times material hereto, was employed by FAMU as the equipment manager for FAMU's football team. On or about November 3, 2008, FAMU notified Respondent of his termination from employment with the University. As set forth in the notice of termination, Respondent was terminated due to his violation of FAMU Regulation 10.111. FAMU took employment action against Respondent as a result of the statements made and behavior exhibited by Respondent on November 1, 2008, towards FAMU Director of Athletics, William Hayes, Jr.

Prior to and during the 2008 FAMU football season, Mr. Hayes conducted a series of meetings commonly referred to as "Game Operations Meetings." The purpose of these meetings was to discuss issues related to home football games. One of the issues frequently addressed by Mr. Hayes during the Game Operations Meetings concerned the number of

people who were entering home football games without having paid the required admission fee. Of particular concern to Mr. Hayes was the athletic field house and how this area was being utilized to facilitate entry into FAMU home football games by individuals who had not paid the required entry fee. Prior to November 1, 2008, Mr. Hayes had learned that a number of the individuals who attended the football games without paying had done so through their possible affiliation with Respondent, Travis Blue. Mr. Hayes discussed this issue with Respondent and communicated to him that unauthorized individuals were not allowed in the field house.

On November 1, 2008, during FAMU's homecoming football game, Mr. Hayes was advised that Respondent had unauthorized people in the field house. Mr. Hayes, during half-time of the football game, went to the area of Respondent's office in the field house. Upon arrival, Mr. Hayes discovered individuals in the area of Respondent's office who appeared to Mr. Hayes to be in the area without appropriate authorization. When Mr. Hayes asked Respondent about the individuals in the area, Respondent became upset and directed profanity and oral threats of physical violence towards Mr. Hayes. Respondent, by his own acknowledgement, "went off" on Mr. Hayes. Because of the commotion, Mr. Edwin Pata, an assistant football coach for FAMU, attempted to restrain Respondent and remove him from the area. However, while attempting to remove Respondent from the immediate area where Mr. Hayes was located, Respondent broke free from the grip of Mr. Pata and again threatened Mr. Hayes. Mr. Pata grabbed Respondent a second time and was successful at removing him from the area.

This matter was referred to the Division of Administrative Hearings and a final hearing was held on February 12, 2009. Administrative Law Judge Ella Jane P. Davis presided over the final hearing. During the final hearing, the University and Respondent offered testimony and exhibits. A transcript of the proceedings was filed with the Division of Administrative Hearings on March 10, 2009. Each party submitted a Proposed Recommended Order to the Administrative Law Judge.

STATEMENT OF THE ISSUE

Whether Respondent may be dismissed from employment with Florida A&M University Board of Trustees (FAMU) for violation of FAMU Regulation 10.111.

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.

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 November 3, 2008, termination of Respondent is hereby ratified.

DONE and ORDERED this 4th day of June, 2009.

*Cynthia Stueber Harris for
James H. Ammons*

James H. Ammons
President

Filed with FAMU this
4th day of June, 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, 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: Mr. Travis Blue, c/o Monica Evans, Esquire
Nellie C. Woodruff, Associate Vice President, Human Resources
Avery D. McKnight, FAMU General Counsel