

FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY
BOARD OF TRUSTEES,
TALLAHASSEE, FLORIDA

FILED
2010 JUL 13 A 11:26
DIVISION OF
ADMINISTRATIVE
HEARINGS

FLORIDA A&M UNIVERSITY BOARD
OF TRUSTEES,
Petitioner,

v.

FAMU Case No. 09-001
DOAH Case No. 09-0430

ALBERT CLAYTON SMITH,
Respondent.

FINAL ORDER

This matter is before Florida Agricultural and Mechanical University Board of Trustees ("FAMU," "Petitioner," or the "University") for final agency action.¹ By letter dated December 1, 2008, Albert Clayton Smith, Respondent, was notified by FAMU that, pursuant to FAMU BOT Regulation 10.111, his employment with the University was terminated "effective immediately." Pursuant to Section 120.57(1), Florida Statutes, Respondent requested a disputed-fact hearing to protest the termination of his employment and the cause was referred to the Division of Administrative Hearings (DOAH) on or about January 26, 2009. Respondent's request for hearing was assigned DOAH case number 09-0430. On or about April 21, 2009, Respondent filed a motion seeking to hold the DOAH case in abeyance pending resolution of a pending felony charge related to the instant matter. Multiple orders were issued by DOAH directing that the case be held in abeyance, the last of which was entered on January 8, 2010. On or about March 15, 2010, Respondent dismissed with DOAH his request for a

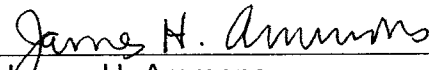
¹ FAMU is identified as Petitioner in that the University generally carries the burden of proof in employment termination proceedings.

disputed fact hearing and by Order entered March 17, 2010, DOAH closed its file and relinquished jurisdiction to FAMU.

Accordingly, Respondent's effective date of dismissal from employment with the University is December 1, 2008.

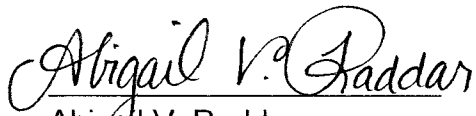
Respondent may seek judicial review of this Final Order pursuant to Florida Rule of Appellate Procedure 9.190, applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review within thirty (30) days of the date this Final Order is filed with the Agency Clerk.

DONE and ORDERED this 12th day of July, 2010.



James H. Ammons
President

Filed with the Agency this
12th day of July, 2010.



Abigail V. Raddar
Agency Clerk

Copy: Teresa Hardee, CFO and Vice President, Administrative and Financial Services
Avery D. McKnight, FAMU General Counsel
Linzie F. Bogan, Associate General Counsel, Director of Labor Relations
Nellie C. Woodruff, Associate Vice President, Human Resources
Claudio Llado, DOAH Clerk