

FILED
FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY
BOARD OF TRUSTEES, TALLAHASSEE, FLORIDA
2011 JUN 23 4 11 PM

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

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

v.

**DOAH Case No. 10-1444
FAMU Case No. 10-001**

COLIN ANDERSON,

Respondent.

FINAL ORDER

On or about March 8, 2011, Administrative Law Judge Lawrence P. Stevenson 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 Petitioner's 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 agency action.

PRELIMINARY STATEMENT

Respondent, Colin Anderson, worked for Florida Agricultural and Mechanical University (FAMU), during the period October 10, 2008 through June 30, 2009, as a Coordinator, Statistical Research. Additionally, on June 30, 2009, Respondent accepted an Other Personal Services (OPS) appointment to work as an adjunct instructor in the FAMU Department of Economics for the period August 24, 2009 through December 11, 2009. Respondent's final date of employment as Coordinator, Statistical Research, was July 9, 2009 and he worked for one week as an OPS adjunct instructor commencing on August 24, 2009. Due to an error on the part of FAMU, Respondent, though having ceased employment on July 9, 2009, continued to receive regular bi-

weekly gross pay of \$2,107.28 from FAMU through the pay period ending October 18, 2009. Administrative error on the part of FAMU also resulted in Respondent, pursuant to his OPS appointment, receiving regular bi-weekly gross pay of \$250.00 through the pay period ending October 18, 2009.

By correspondence dated January 6, 2010, the University informed Respondent that he had been overpaid in the amount of \$14,190.41. Respondent disputed the University's contention and timely filed a petition for an administrative hearing. On or about March 17, 2010, the matter was referred to the Division of Administrative Hearings. (DOAH) Administrative Law Judge Lawrence P. Stevenson 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 DOAH on July 13, 2010. Respondent and the University each submitted a Proposed Recommended Order to the Administrative Law Judge.

STATEMENT OF THE ISSUE

Whether FAMU overpaid Respondent in the amount of \$14,190.41 for the pay periods between July 10, 2009 and October 15, 2009, and, if so, whether Respondent should be required to reimburse FAMU for the overpayments.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

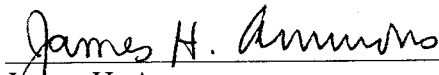
FAMU hereby accepts and incorporates by reference the Findings of Fact and Conclusions of Law set forth in the Administrative Law Judge's Recommended Order.

ORDER

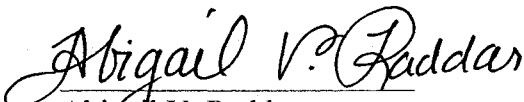
Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED and DIRECTED that the Recommendation of the Administrative Law Judge is ADOPTED.

THEREFORE, Respondent is directed to repay \$14,190.41 to the University and the University is authorized to recoup the salary overpayments from Respondent.

DONE and ORDERED this 20th day of June, 2011.


James H. Ammons
President

Filed with FAMU this
20th day of June, 2011.


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 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: Mr. Colin Anderson
Cynthia Hughes Harris, Provost and Vice President, Academic Affairs
Nellie C. Woodruff, Associate Vice President, Human Resources
Avery McKnight, General Counsel
Claudia Llado, Clerk, Division of Administrative Hearings