

SUMMARY EXPLANATION AND BACKGROUND

In the case of Yerks v. School Board of Broward County, Florida, Case No. 4D15-4449, the Appellate Court determined that Steven Yerks (“Yerks”) was entitled to an award of attorney’s fees and costs and remanded the case to the Division of Administrative Hearings for a determination as to the amount. This Settlement Agreement is intended to avoid the cost and expense of further litigation by establishing the amount of attorney’s fees and costs and; therefore, finally resolving this matter by way of a reduced payment of fees in the aggregate amount of \$213,000, plus \$4,219.10 in costs for a total of \$217,219.10.

The matter originally stems from Broward County School District v. Steven Yerks, case No. 14-3012TTS (2015), in which Yerks contested an Administrative Complaint recommending that he be terminated from his employment with the school district. Ultimately, the Administrative Law Judge (“ALJ”) recommended that the School Board dismiss the Administrative Complaint and reinstate Yerks with back pay.

At the exceptions hearing, the School Board rejected many of the ALJ's factual findings and conclusions of law. The School Board thus rejected the ALJ's recommendation and terminated Yerks’ employment.

Yerks appealed. In a split opinion, the Appellate Court ordered that Yerks be reinstated. It also determined that YERKS was entitled to an award of attorney’s fees and costs and remanded the case to the Division of Administrative Hearings for a determination as to the amount. Yerks’ attorneys made a demand for \$313,950.25 in fees, plus costs. After party negotiations, Yerks’ attorneys have agreed to settle for \$213,000, plus costs of \$4,219.10, for a total of \$217,219.10.

The parties agreed to invoke the jurisdiction of DOAH to seek a determination of the reasonableness of the fees agreed upon between the parties. After review of a joint stipulation outlining the amounts agreed upon, the ALJ issued a Recommended Order approving the stipulated amounts, and recommending that the School Board issue a final order adopting the amounts reflected in the Joint Stipulation.

No party filed exceptions. The School Board of Broward County, Florida must take final agency action by rendering a Final Order after considering the Recommended Order.

Attached hereto as Exhibit 3 is a Final Order that has been approved as to form and legal content by the General Counsel.

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