

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

vs. Petitioner,

DOAH CASE No.: 19-2949FC  
RSBM Agenda: 07-23-19-HH-1

STEVEN YERKS,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as "THE SCHOOL BOARD") at its meeting conducted on July 23, 2019, to consider the Recommended Order entered on June 4, 2019, by the Honorable Robert E. Meale, Administrative Law Judge (ALJ) of the State of Florida Division of Administrative Hearings.

IT IS THEREUPON ADJUDGED that:

1. No party filed exceptions.
2. THE SCHOOL BOARD will pay Two Hundred Seventeen Thousand Two Hundred Nineteen Dollars and Ten Cents (\$217,219.10), to Robert F. McGee, P.A., which represents (1) legal fees in the amount of Two Hundred Thirteen Thousand Dollars (\$213,000) and (2) Four Thousand Two Hundred Nineteen Dollars and Ten Cents (\$4219.10) in costs.
3. Except as otherwise noted herein, THE SCHOOL BOARD adopts the Recommended Order in its entirety, along with the Joint Stipulation referred to therein, incorporating both herein by reference (see Recommended Order with Joint Stipulation attached hereto as composite Exhibit "A").

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this \_\_\_\_\_ day of

\_\_\_\_\_ 2019.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By \_\_\_\_\_  
HEATHER P. BRINKWORTH, CHAIR

Filed in Official School Board Records the  
\_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Supervisor, Official School Board Records

Copies Furnished to:

DOUGLAS G. GRIFFIN, ESQUIRE  
Office of the General Counsel  
The School Board of Broward County, Florida  
600 Southeast Third Avenue – 11<sup>th</sup> Floor  
Fort Lauderdale, Florida 33301

ROBERT F. MCKEE, ESQUIRE  
Robert F. McKee, P.A.  
Suite 301  
1718 East 7th Avenue  
Tampa, Florida 33605

ROBERT W. RUNCIE, Superintendent of Schools  
Office of the Superintendent  
The School Board of Broward County, Florida  
600 Southeast Third Avenue - 10th Floor  
Fort Lauderdale, Florida 33301

STATE OF FLORIDA, DIVISION OF  
ADMINISTRATIVE HEARINGS  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

## **APPEAL OF FINAL ORDER**

Pursuant to Section 120.68, Florida Statutes, a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 110 South Tamarind Avenue, West Palm Beach, Florida 33401. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.

fritz\allwork\agenda\2019\07-23-19-hh-1 yerks final order\final order.doc

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 19-2949FC

STEVEN YERKS,

Respondent.

\_\_\_\_\_ /

RECOMMENDED ORDER

On May 31, 2019, The School Board of Broward County, Florida remanded Case No. 14-3012TTS to the Division of Administrative Hearings (DOAH) for entry of a recommended order, pursuant to a joint stipulation executed on May 31, 2019.

On June 4, 2019, the Administrative Law Judge entered an Order Accepting Remand, and the case was renumbered as set forth above.

The joint stipulation seeks a recommended order to be issued to The School Board of Broward County, Florida, recommending the issuance of a final order directing The School Board of Broward County, Florida, to pay the attorneys' fees and costs described in the joint stipulation.

Based on the foregoing, it is

**EXHIBIT "A"**

RECOMMENDED that The School Board of Broward County, Florida, enter a final order incorporating the provisions of the joint stipulation.

DONE AND ENTERED this 4th day of June, 2019, in Tallahassee, Leon County, Florida.



---

ROBERT E. MEALE  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 4th day of June, 2019.

COPIES FURNISHED:

Robert Runcie, Superintendent  
Broward County School Board  
600 Southeast Third Avenue, 10th Floor  
Fort Lauderdale, Florida 33301-3125

Richard Corcoran  
Commissioner of Education  
Department of Education  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
(eServed)

Matthew Mears, General Counsel  
Department of Education  
Turlington Building, Suite 1244  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
(eServed)

Robert F. McKee, Esquire  
Robert F. McKee, P.A.  
Post Office Box 75638  
Tampa, Florida 33675  
(eServed)

Douglas G. Griffin, Esquire  
School Board of Broward County  
600 Southeast Third Avenue, 11th Floor  
Fort Lauderdale, Florida 33301-3125  
(eServed)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**BROWARD COUNTY SCHOOL  
BOARD,**

**CASE NO. 14-3012TTS**

**Petitioner/Employer,**

**vs.**

**STEVEN YERKS,**

**Respondent/Employee.**

---

**JOINT STIPULATION**

Petitioner, BROWARD COUNTY SCHOOL BOARD (“Petitioner”), and Respondent, STEVEN YERKS (“Respondent”), agree to the matters outlined below and jointly move the ALJ for entrance of a Recommended Order pursuant to this Joint Stipulation, in lieu of proceeding with an evidentiary hearing, and in support thereof state and stipulate to the following:

1. By order dated May 10, 2017, in case no. 4D15-4449, the Fourth District Court of Appeals, granted an award of attorney’s fees and costs to Respondent and remanded the case to the lower tribunal for a determination as to the amount (“Attorneys’ Fees Award”).
2. There is no factual dispute with respect to the amount of either reasonable attorneys’ fees or costs incurred by Respondent. Petitioner and Respondent stipulate that Respondent incurred reasonable attorney's fees and costs in the course of any and all proceedings relating to the Division of Administrative Hearings (DOAH), Case No. 14-003012TTS, relating to the Fourth District Court of Appeals (DCA), Case No. 4D15-4449, as well as any and any other proceedings or matters covered by the Attorneys’ Fees Award as follows:

**EXHIBIT "A"**



- A. Respondent incurred reasonable attorneys' fees in the amount of two hundred and thirteen thousand dollars (\$213,000), representing a total of seven hundred and ten (710) hours at the rate of three hundred dollars (\$300) per hour.
- B. Respondent incurred reasonable costs in the amount of four thousand two hundred and nineteen dollars and ten cents (\$4,219.10).
3. The Respondent does not object remanding to DOAH the issue of quantifying the amount of attorneys fees and costs to be assessed against the Petitioner

WHEREFORE, based on the forgoing, the parties jointly request that:

1. The ALJ accept this Joint Stipulation in lieu of an evidentiary hearing; and
2. The ALJ enter a Recommended Order determining the amount of attorney's fees and costs due to Respondent pursuant to the Attorneys' Fees Award shall be the amounts specified in this Joint Stipulation.

Dated this 31<sup>st</sup> day of May, 2019.



---

ROBERT F. MCKEE  
Florida Bar Number 295132  
[yborlaw@gmail.com](mailto:yborlaw@gmail.com)  
ROBERT F. MCKEE, P.A.  
1718 E. 7<sup>th</sup> Ave., Suite 30  
Tampa, FL 33605  
(813) 248-6400  
Secondary Email: [bdjarnagin@gmail.com](mailto:bdjarnagin@gmail.com)



---

DOUGLAS G. GRIFFIN  
Florida Bar Number 143091  
[doug.griffin@browardschools.com](mailto:doug.griffin@browardschools.com)  
Assistant General Counsel  
600 SE 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33301  
(754) 321-2050