

November 2006 Team of the Month

Enviroglades Administrative Hearing Team

Office of Counsel

Jennifer Aiton  
Robin Clemons  
Charron Follins  
Cathy Linton  
Bill Sutton

Procurement

Don Hill

O & M

Tony Griffin  
Dave Johnson  
Francois Laroche

Management members: Frank Hayden and Dan Thayer

The administrative case filed by Enviroglades was a challenge against the District's determination that Enviroglades had breached its work order contract for exotic vegetation management control resulting in a one year suspension from doing work with the District. This case took a great deal of effort, dedication, commitment and time to prove: (1) the substandard performance of Enviroglades; (2) that their performance was a material breach of the contract; (3) that Enviroglades was given proper notice of default and given the opportunity to cure the default; (4) that the District consistently applied its Debarment Rule using legally sound criteria and standards; and (5) that the recommendation of a one year suspension of Enviroglades was valid and legally justifiable.

Staff spent countless hours explaining and reviewing the performance failures of the contractor, meticulously reviewed all of the documentation generated under this contract and prepared many exhibits to visually show the lack of performance. Staff's thorough documentation, photos and dedication in preparing for the case made it more manageable to litigate, more effective in proving the elements, and ultimately more persuasive to the judge.

In a 44 page Order, the Administrative Law Judge ruled in the District's favor. Subsequently, the Judge's Recommended Order was presented to the Governing Board in September and adopted.

This was the District's first administrative hearing stemming from a breach of contract matter. The case was also the first challenge filed against the application of the District's Debarment and Suspension Rule. The importance of prevailing in this case provides precedent and the legal foundation that the District rule is legally enforceable and sends a clear message to the contracting community.