

**ATTACHMENT B**  
**STAFF'S ARGUMENT**

## STAFF'S ARGUMENT TO DENY PETITION FOR RECONSIDERATION

The Board has considered the Proposed Decision in this case involving Respondent Jose Fernandez (Respondent), who was employed by Respondent Centinela Valley Union High School District (Respondent District) as District Superintendent from 1999 until he was terminated on August 20, 2014.

On August 17, 2016, the Board adopted the Proposed Decision.

Respondent Fernandez submitted Respondent's Argument on August 5, 2016 to be considered as part of the August Board Agenda Item. Respondent's Argument was included, reviewed and considered by the Board prior to the August 17, 2016 meeting.

Respondent has now submitted a Petition for Reconsideration which is identical to the Respondent's Argument previously considered by the Board prior to the August 17, 2016 meeting. Nothing new has been included in the Petition for Reconsideration. All of Respondent's arguments were previously considered and rejected by the Administrative Law Judge (ALJ) and the Board.

With respect to Respondent's disagreement with the ALJ's findings of fact and legal analysis, it is clear from the Proposed Decision that evidence was taken on the underlying facts, numerous exhibits were submitted, and a hearing was completed to fully examine Respondent's claims to enhanced final compensation. The ALJ simply found against Respondent. Respondent has not raised any new evidence or change in circumstances in his Petition which would warrant reconsideration.

For all of the reasons stated above, staff argues the Board deny the Petition for Reconsideration and uphold its decision.

Because the Decision applies the law to the salient facts of this case, the risks of denying the Request for Reconsideration are minimal. Respondent may file a Writ Petition in Superior Court seeking to overturn the Decision of the Board.

September 21, 2016

  
ELIZABETH YELLAND  
Senior Staff Attorney