

LETTER OF RESIGNATION

To Whom It May Concern:

Pedro A Vargas, hereby resign from my position of
Instructor del Support Specialist Miami Dade College, effective 12/10/2008
2008


Signature

12/11/2008
Date

RECEIVED
08 DEC 17 AM 4 19

Miami Dade College



590678942

HUMAN RESOURCES
ADMINISTRATION

December 10, 2008

Mr Pedro Vargas
1485 West 46 Street # 408
Hialeah, Florida 33012-7199

Sent Via Courier and Regular U S Postal Delivery

Subject Notice of Final Action of Termination

This memorandum serves to advise you of the College's decision to terminate your employment, effective today, December 10, 2008, for violation of College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees, Work Rules C2m, Improper or unauthorized use of College property or equipment, C1p, Willful violation or disregard of State Statutes, State Board of Education Rules or College policies and procedures, and C2c, Insubordination Refusal to perform work as directed or willful neglect of duty Please note that violation of any Work Rule in Section C2 is representative cause for immediate termination of employment

The College's decision is based on the following On Wednesday, December 3, 2008, you met with the Director of Media Services North Campus, Mr Elmo Lugo, and Employee Relations Officer, Human Resources Division, Mr Clive R Bridges You were presented with a written Notice of Allegations and advised that you were being placed on Administrative Leave with pay, pending an investigation by the College that you had downloaded or transferred at least twenty four files, of a personal nature, covering a variety of topics deemed to be inappropriate, to your desktop computer at the College Additionally, you were advised to "Remain available to speak with your primary College contact, Mr Clive Bridges, between the hours of 8 00 a m and 5 00 p m , during this period " (See Attachments) Additionally, you were directed to leave the Campus immediately following the closing of the meeting You were asked by Mr Bridges if you had any personal belongings that you needed to retrieve from your workstation, and you responded, "No " Based on your response, you were clearly advised by Mr Bridges that you could not return to your workstation following the meeting The meeting ended at approximately 11 35 am You were observed leaving building 6, by Mr Bridges at approximately 11 45 am Your workstation is in building 6, room 6123 In fact, you were observed by another employee at your workstation, shortly before Mr Bridges observed you leaving the building Your failure to follow Mr Bridges' directive was clearly an act of insubordination

In your written response to these allegations, which was received via email, from you, dated Thursday, December 4, 2008 titled, "Letter to clear false allegations," you essentially denied responsibility for the files found on the computer The information in your letter does not satisfactorily address the allegations



HR - P E R F - E V A L

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You closed the letter with the following sentence, "I do not have any desire to work under such intoxicating environment that has been created in the department " (See Attachments)

On Friday, December 5, 2008, a message was left by a representative from the College's Human Resources Division, via telephone conversation, with a lady who identified herself as your mother She was asked to inform you that Mr Bridges in Human Resources was trying to contact you to advise you of a meeting with him that was being scheduled for Monday, December 8, 2008, at 3 00 p m , at the North Campus

Mr Bridges also called your cell phone number and was advised the number had been disconnected He also forwarded an email to you using the email address from which your email titled "Letter to clear false allegations" originated

Again, you were advised to "remain available to speak with your primary College contact during this period "

You were also advised both during your meeting with Mr Bridges on Wednesday, December 3, 2008, as well as in the correspondence of Friday, December 5, 2008, that failure to attend any meeting scheduled for Monday, December 8, 2008, would leave the College with no other alternative but to proceed with closure to this matter based on the information at hand (See Attachments)

As you are aware, as of today's date you have failed to contact the College in reference to this matter Consequently, your actions leave the College with no other alternative but to terminate your employment, effective today, Wednesday, December 10, 2008

Pursuant to College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees, Section III E , Other Provisions, the termination is not subject to the grievance procedure Specifically

"Serious rule infractions, (Section "C (2), Standards of Conduct) or documented actions that are timely and of a repetitive nature (Section C (1) Standards of Conduct) resulting in termination shall not be subject to this Grievance Procedure "

Although you have acted in an insubordinate manner by failing to make yourself available as directed, failing to contact Mr Bridges to advise him that you would not attend the meeting of Monday, December 8, 2008, and failing to attend the meeting of Monday, December 8, 2008, the College is still offering you the opportunity to voluntarily resign from your position

Mr Pedro Vargas
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Should you choose to voluntarily resign your position, you may utilize the enclosed resignation form for that purpose, effective today's date December 10, 2008. Please submit your resignation to Clive R. Bridges, Employee Relations Officer, Division of Human Resources, by 4:30 p.m. on Thursday, December 11, 2008. You may fax your resignation to Mr. Bridges by 4:30 p.m. on December 11, 2008, at fax number 305 237 2513. Please follow up by mailing your original resignation to Mr. Bridges, should you elect this option. His mailing address is Miami Dade College, Division of Human Resources, Kendall Campus, 11011 S.W. 104th Street, Room 1112, Miami, Florida 33176-3393. If you elect not to resign from your position, the College will proceed with termination of your employment, effective today, December 10, 2008.

Please note the following information:

1. Your paycheck for the pay period of November 17 – November 30, 2008, will be issued on pay date, Friday, December 12, 2008, and will be directly deposited with your banking institution.
2. Your final paycheck for the pay period of December 1 – December 10, 2008, will be issued on pay date, Friday, December 19, 2008, and will be directly deposited with your banking institution.

Questions you may have regarding retirement or insurance should be directed to Ms. Martha Arrieta, Director of Benefits and Compensation, at 305 237 0363.

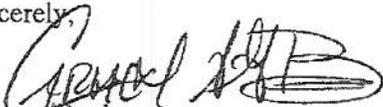
You will receive a separate paycheck which will contain the payment for any vacation leave balance you currently have remaining. By law, the total amount of this payment cannot exceed thirty (30) work days or 225 hours. If the amount of this payment is \$1,000.00 or more, the College will place this money in an account for you under the College's Terminal Leave Payment program, administered through BENCOR, Incorporated.

If you have not already done so, please make arrangements with Mr. Elmo Lugo to return any College-issued property in your possession or to secure your personal items by December 12, 2008. Mr. Lugo can be reached at 305 237 1212. I can be reached at 305 237 8390.

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You may contact Mr Bridges, Employee Relations Officer, directly, at 305 237 2862, by fax at 305 237 2513, or through email at cbridges@mdc.edu, regarding questions you have about this process

Sincerely,



Carmen Bucher

Interim Campus Chief Information Officer, North Campus

C Cristina Mateo, Administrative Dean
Human Resources Employee File

Attachments College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees
College Procedure 7900 Guidelines for Use of Miami Dade College Computing Resources
Voluntary Resignation Form
Email correspondence from Clive Bridges, dated December 5, 2008
Email correspondence from Pedro Vargas, dated December 4, 2008
Notice of Allegations and Administrative Leave Pending Investigation

Subject FW Letter to clear false allegations

Date Friday, December 5, 2008 6:44 PM

From Bridges, Clive <cbridges@mdc.edu>

To pvdesign1@yahoo.com 'pvdesign1@yahoo.com'

Cc Lugo, Elmo elugo@mdc.edu, Carmen Bucher cbucher@mdc.edu, Thompson, Bettie bthomps@mdc.edu

Conversation Letter to clear false allegations

Priority Highest

Mr. Vargas I failed to mention that in the event you fail to attend the meeting scheduled for Monday December 8, 2008 at 3:00pm in Room 1315.1 at the North Campus the College will have no other alternative but to proceed with closure to this matter based on the information at hand. Please contact me in the event you should have any questions.

Clive Bridges
Employee Relations Officer
Division of Human Resources
Office of Employee Relations/EOP/ADA Coordinator
Miami Dade College
11011 SW 104 Street Miami FL 33176
305-237-0290
305-237-2513 (Fax)
cbridges@mdc.edu

Please Note

Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

From Bridges, Clive

Sent Friday, December 05, 2008 5:08 PM

To 'pvdesign1@yahoo.com'

Cc Lugo, Elmo, Bucher, Carmen, Thompson, Bettie

Subject RE Letter to clear false allegations

Importance High

Mr. Vargas This correspondence serves as confirmation that I'm in receipt of your written response to the allegations served on December 3, 2008. I need to meet with you on Monday, December 8, 2008 at the North Campus room 1315.1 Administrative Dean's Conference Room at 3:00 pm. You may bring an observer to the meeting, however, the observer must be a full-time employee of the College. Please acknowledge receipt of this correspondence asap. Call me with any questions.

Clive Bridges
Employee Relations Officer
Division of Human Resources
Office of Employee Relations/EOP/ADA Coordinator
Miami Dade College
11011 SW 104 Street Miami FL 33176
305-237-0290
305-237-2513 (Fax)

cbridges@mdc.edu

Please Note

Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

From Pedro Vargas [mailto:pvdesign1@yahoo.com]

Sent Thursday, December 04, 2008 4:14 PM

To Bridges, Clive

Cc pvdesign1@yahoo.com

Subject Letter to clear false allegations

To Clive Bridges,

I called you at 3:00pm to contact you and you were not there according to your secretary.

I am using my personal email cause I refuse to use the mdc.

This letter is to make clear that I don't have anything to do with those false allegations.

First on 11/24/2008 I was not working on 2250 anymore, since I was working at Special Events.

Beside what is shown on the memorandum has never been my interest or concern so I repeat I do not have anything to do with those allegations.

Point 14 is the most incredible one when I never go to work at 6:27 am.

Point IV B(6) I have nothing to do with that because I don't need to copy any software.

If there are a website that I have visited could be those that enhance my Graphic Designer Skills.

The allegations in this paper are false they have been done arbitrarily are unclear, vague and incomplete.

Is clear that I this is something built to smear my good name and reputation.

I do not have any desire to work under such intoxicating environment that has been created in the department.

Pedro Vargas

MIAMI DADE COLLEGE

MEDIA SERVICES

Division of Learning Resources
11380 NW 27th Avenue Room 2250
Miami FL 33167 3495
Office (305) 237 1212 Fax (305) 237 1589
Email edu@mdc.edu

December 3, 2008

MEMORANDUM

TO Pedro Vargas
Instructional Support Specialist III

FROM Elmo R Lugo 
Director, Media Services

SUBJECT NOTICE OF ALLEGATIONS AND ADMINISTRATIVE LEAVE
PENDING INVESTIGATION

This letter serves as notice that the College has received allegations that over the course of several months primarily during this current year 2008, you downloaded or transferred at least twenty four files covering a variety of topics to your desktop computer at the College. The files transferred to the College's computing system appear not to be job related but appear to be of a personal nature. Please note the following information.

<u>FILE NAME</u>	<u>DATE MODIFIED</u>	<u>TIME</u>
1) 1000 hacking tutorials	11/24/2008	3 55 pm
2) Easily Hypnotize Anyone	7/13/2008	10 51 am
3) eBay Hacks 100 Industrial	6/21/2007	1 41 am
4) Electronic Gaming	9/4/2008	9 16 pm
5) Electronics Projects	9/8/2008	2 47 am
6) Employment Personality Test	8/30/2008	2 57 pm
7) Essential Guide to	8/21/2008	10 40 pm
8) Fast Seduction	8/31/2004	8 00 pm
9) Hacking Myspace	4/13/2008	4 03 am
10) Hacking PSP	1/14/2008	1 56 pm
11) How to Talk to Anyone	5/20/2008	8 04 pm
12) How to handle tough situations	8/25/2008	11 50 am
13) IRC Hacks	1/31/2008	1 34 pm
14) Make Woman Laugh	8/21/2008	6 27 am
15) Men's Sexual Health Fitness	9/6/2008	11 24 am
16) O'Reilly Getting Started with	8/10/2008	11 54 pm
17) PC Magazine Linux Solutions	9/24/2008	12 18 pm
18) Secrets of Speed Seduction	8/31/2004	8 03 pm
19) Textbook 2008	4/26/2008	7 23 am
20) The Complete Idiot's Guide to Amazing Sex	8/8/2008	7 53 pm
21) The Complete Idiots Guide to Reflexology	7/21/2008	8 20 am
22) Wi-Fi toys Cool Wireless Projects for Home	12/14/2007	12 50 pm
23) Wiley Lifehacker	3/4/2007	1 04 am
24) Windows Vista Customization Manual	9/10/2008	4 14 am

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It should be noted that many of the times indicated above are during your regularly scheduled work period, which is Monday through Friday, 9 00 a m to 5 30 p m. Additionally, one of the files, "1000 Hacking Tutorials," contains an index, or link to text titled, 'Index to the Anarchist Cookbook IV, version 4 14'. Some of the topics addressed in this text are the following:

- 001 Counterfeiting Money
- 002 Credit Card Fraud
- 003 Making Plastic Explosives from Bleach
- 004 Picking Master Locks
- 007 Solidox Bombs
- 009 CO2 Bombs
- 010 Thermite Bombs
- 011 Touch Explosives
- 012 Letter Bombs
- 016 Phone related vandalism
- 018 Smoke Bombs
- 019 Mail Box Bombs
- 022 Fertilizer Bomb
- 024 Diskette Bombs
- 032 Phone Taps
- 040 How to Kill Someone with your Bare Hands
- 051 Electronic Terrorism
- 053 Dynamite
- 065 Breaking into Houses
- 072 How to Grow Marijuana
- 088 How to get a New Identity
- 174 Stealing

While the College investigates these allegations you are being placed on administrative leave with pay, effective immediately after the conclusion of this meeting. As part of its investigation the College is providing you with the opportunity to provide a written statement regarding these allegations. This statement is to be delivered to Mr Clive Bridges, Employee Relations Officer, Human Resources Division, no later than 4 30 pm, Thursday, December 4, 2008.

This letter serves to advise you that, if true, this action constitutes a violation of the following College Procedures:

- 1) College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees, Standards of Conduct/ Work Rules
 - C(1)c Wasting work time or being out of the work area without permission
 - C(2)m Improper or unauthorized use of College property or equipment

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Please note that the item listed under Section C(2) is a representative cause for immediate termination of employment

- 2) College Procedure 7900 Guidelines for Use of Miami Dade College Computing Resources,
IV B(6) Unauthorized copying of software or other media licensed by any other individual or entity to College equipment

and

In order to preserve the integrity of this investigation during this period, you are directed to

- 1 Remain available to speak with your primary College contact, Mr Clive Bridges of the Office of Employee Relations between the hours of 8 00 a m and 5 00 p m , during this period In accord with College policies regarding disciplinary inquiries in general, you may have a College employee of your choice present as an observer at any future meetings about this matter Mr Bridges will contact you to schedule an interview,
- 2 Refrain from discussing this matter with any other College employee, except your observer, which can only be a full-time College employee,
- 3 Advise any employee or student questioning you about this matter that you are not at liberty to discuss it and refer them to Mr Bridges
- 2 Do not enter any College facility prior to completion of this process

Should the College find that the preponderance of the evidence supports these allegations, you may be subject to disciplinary action up to and including termination of your employment

Mr Bridges may be reached directly at 305 237 0290 by fax at 305 237 2513 or through email at cbbridges@mdc.edu Thank you in advance for your cooperation

C Dean Cristina Mateo, iCCIO Carmen Bucher

Attachment College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees

College Procedure 7900 Guidelines for Use of Miami Dade College Computing Resources