

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room
Two Peachtree Street
Atlanta, Georgia 30303-3141
January 9, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, January 9, 2003, at 9 a.m.

Members Present

Amy Denty	Terri DeLoach	Janet Scott
Angela Finn	Dottie McClain	Pamela Hertzog
Sylvia Hooker	Maria Miller	Gary Walker
Joseph Cadray	Tony Natson	Mary Gomez
Gwenda Johnson	Smith Pass	Pamela Nutt

Members Absent

Elizabeth Kidd	Sue Sehgal
Pamela Thomas	

I. CALL TO ORDER

Chair Denty called the meeting to order at 9 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Chair Denty recognized the visitors.

- Gail Leddy, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Edie Belden, Professional Association of Georgia Educators
- Charles Cox, Georgia Association of Educators (GAE)
- David Dunham, Attorney for Jimmy Alberson
- Leon Hurley, former PSC Commission Member
- D. Aileen Doll, Atlanta Journal Constitution
- Charles Buchanan, Gwinnett County Public Schools
- Bobby Crouse, Gwinnett County Public Schools

III. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda.

MOTION: (DeLoach / Hertzog) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the December 12, 2002, Commission meeting.

MOTION: (McClain / DeLoach) To approve the minutes.

PSC ACTION: Approved

V. COMMITTEE REPORTS

A. Ethics and Professional Conduct --Recommendations and Actions on Cases

Commissioner Janet Scott, Chair of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

MOTION: (Scott / Walker) To go into Executive Session and allow PSC staff and PSC Attorney (Rebecca Mick, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain to discuss Case 01-3-1372.

ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (Hertzog / Walker) To file a Brief on Appeal to the Court of Appeals regarding Case 01-3-1372.

PSC ACTION: Approved

Opposed – Angela Finn

1. Ms. Scott reported that the Committee reviewed 64 ***Probable Cause*** cases during its January 8, 2003, meeting and brought the following recommendations on behalf of the Committee excluding cases #26 and #27:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	02-06-2353	Criminal Acts Professional Conduct	No Probable Cause
2	02-08-457 Applicant	Criminal Acts Professional Conduct	No Probable Cause
3	02-08-537	Criminal Acts	Extend Probable Cause Determination until the March 13, 2003 PSC Meeting
4	02-08-588	Failure to Make a Required Report Criminal Acts Abuse of Students Professional Conduct	
5	02-08-604	Criminal Acts Professional Conduct	No Probable Cause
6	02-09-757 Applicant	Criminal Acts Professional Conduct	Reprimand
7	02-10-979	Criminal Acts Abuse of Students Professional Conduct	Revocation

PC #	Case Number	STANDARD(S)	EERC Recommendation
8	02-10-1114	Criminal Acts Professional Conduct	Suspension for One Year
9	02-10-1158	Criminal Acts Alcohol/Drugs Professional Conduct	Revocation
10	02-10-1164	Criminal Acts Professional Conduct	Suspension for One Year
11	02-09-769	Abuse of Students Professional Conduct	Revocation
12	02-09-903	Abuse of Students Professional Conduct	No Probable Cause
13	02-09-904	Abuse of Students Professional Conduct	No Probable Cause
14	02-10-1107	Abuse of Students Professional Conduct	Warning
15	02-10-1131	Abuse of Students Professional Conduct	No Probable Cause
16	02-11-1211	Abuse of Students Professional Conduct	Educator Voluntarily Surrendered Certificate
17	02-10-1133	Alcohol or Drugs Professional Conduct	No Probable Cause
18	02-08-638	Misrepresentation or Falsification	Warning
19	02-09-759	Misrepresentation or Falsification	Suspension for One Month
20	02-10-1011	Misrepresentation or Falsification	Reprimand
21	02-10-1109	Misrepresentation or Falsification	No Probable Cause
22	02-10-1122	Misrepresentation or Falsification	Revocation
23	02-10-1167	Misrepresentation or Falsification Professional Conduct	Suspension for One Week
24	02-10-1166	Misrepresentation or Falsification Professional Conduct	Warning
25	02-10-1198	Misrepresentation or Falsification	No Probable Cause
26	02-10-1123	Public Funds and Property Professional Conduct	Reprimand
27	02-10-1124	Public Funds and Property Professional Conduct	Reprimand
28	02-05-2139	Public Funds and Property Improper Remuneration Criminal Acts	No Probable Cause
29	02-05-2138	Public Funds and Property Improper Remuneration Criminal Acts	No Probable Cause
30	02-10-1111	Confidential Information Professional Conduct	Warning
31	02-10-1117	Abandonment of Contract	Suspension for Six Months
32	02-10-1128	Abandonment on Contract	Suspension for Six Months
33	02-10-1130	Abandonment of Contract	Suspension for One Year
34	02-10-1159	Abandonment of Contract	Suspension for Six Months

PC #	Case Number	STANDARD(S)	EERC Recommendation
35	02-10-1169	Abandonment of Contract	Revocation
36	02-10-1175	Abandonment of Contract	Suspension for Six Months
37	02-11-1199	Abandonment of Contract	Suspension for Six Months
38	02-11-1200	Abandonment of Contract	Suspension for Six Months
39	02-08-487	Failure to Make a Report Criminal Acts	No Probable Cause
40	02-08-489	Failure to Make a Required Report Criminal Acts	Reprimand
41	02-08-491	Failure to Make a Required Report Criminal Acts	Reprimand
42	02-08-513	Failure to Make a Required Report Criminal Acts	No Probable Cause
43	02-08-532	Failure to Make a Required Report Criminal Acts	No Probable Cause
44	02-08-534	Failure to Make a Required Report Criminal Acts	Revocation
45	02-08-552	Failure to Make a Required Report Criminal Acts	No Probable Cause
46	02-08-621	Failure to Make a Required Report Misrepresentation or Falsification	Warning
47	02-08-645	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
48	02-09-735 Applicant	Criminal Acts Professional Conduct	Extend Probable Cause Determination until the March 13, 2003 PSC Meeting
49	02-09-750	Failure to Make a Required Report Criminal Acts	No Probable Cause
50	02-10-1105	Failure to Make a Required Report Criminal Acts	Warning
51	02-10-1125 Parapro	Failure to Make a Required Report Criminal Acts	Warning
52	02-10-1126 Parapro	Failure to Make a Required Report Criminal Acts	No Probable Cause
53	02-10-1150 Applicant	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Denial
54	02-10-1160 Parapro	Failure to Make a Required Report Criminal Acts	Warning
55	02-10-1161 Parapro	Failure to Make a Required Report Criminal Acts	No Probable Cause
56	02-10-1165	Failure to Make a Required Report Criminal Acts	No Probable Cause
57	02-09-950	Professional Conduct	Reprimand
58	02-10-1008	Professional Conduct	Reprimand
59	02-10-1182	Professional Conduct Abuse of Students	Reprimand
60	02-11-1187	Professional Conduct	Reprimand
61	02-09-946	Professional Conduct	No Probable Cause

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PC #	Case Number	STANDARD(S)	EERC Recommendation
62	02-10-978	Professional Conduct	Extend Probable Cause Determination until the March 13, 2003 PSC Meeting
63	02-10-1162	Professional Conduct Abuse of Students	Reprimand
64	02-08-425 Applicant	Action Taken in Another State	No Probable Cause

PSC ACTION: Approved

Cases #26 #27

Terri DeLoach called for discussion on case #26 and 27.

MOTION: (Walker / Gomez) To amend the recommendation from a Reprimand to a 5 month suspension.

ACTION: Approved

2. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 ***Initial Decision*** and brought the following recommendations on behalf of the Committee:

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
01-08-397	Action Against Out-of-State Certificate	Suspension for One Year	Accept

PSC ACTION: Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 ***Petitions-Certificate Issues*** and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
01-09-541	Rachel Singleton	Early Reinstatement of a Suspended Certificate	Suspension for Three Months (Nov. 24, 2002 – Feb. 24, 2003) Action Against Out-of-State Certificate; Misrep. or Falsification Abandonment of Contract	Deny

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 1 ***Negotiated Settlement Agreements*** and brought the following recommendations on behalf of the Committee:

Case Number	Commission's Probable Cause Finding & Charges	Negotiated Proposal	EERC Recomm.
02-06-2211	Suspension for Six Months Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for Three Months	Accept

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 19 *Settlement Agreements Consent Order / Voluntary Surrenders* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation (Accept or Reject)
02-6-2213	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report	Accept
02-6-2499	Warning	Failure to Make a Required Report	Accept
02-07-084	Warning	Failure to Make a Required Report	Accept
02-7-101	Reprimand	Failure to Make a Required Report	Accept
02-7-193	Reprimand	Abuse of Students Professional Conduct	Accept
02-7-200	Reprimand	Professional Conduct Abuse of Students	Accept
02-7-234	Reprimand	Professional Conduct Abuse of Students	Accept
02-08-509	Suspension – Six Months	Abandonment of Contract	Accept
02-08-512	Reprimand	Failure to Make a Required Report	Accept
02-09-738	Reprimand	Abandonment of Contract	Accept
02-09-868	Suspension – Six Months	Abandonment of Contract	Accept
02-09-870	Suspension – Six Months	Abandonment of Contract	Accept
02-09-871	Warning	Professional Conduct	Accept
02-09-874	Denial	Abandonment of Contract	Accept
02-09-954	Suspension – Six Months	Abandonment of Contract	Accept
02-10-974	Revocation	Abuse of Students Professional Conduct	Accept
02-10-1007	Warning	Professional Conduct	Accept
02-10-1057	Denial***	Criminal Acts; Abuse of Students Professional Conduct	Accept
02-11-1211	Revocation***	Professional Conduct Abuse of Students	Accept

*****Indicates Educator/Applicant Voluntarily Accepted a Sanction of Revocation or Denial Prior to the Probable Cause Determination**

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 51 new complaints received during the months of December 2002 and early January 2003:

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 80 cases.

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
02-07-196	01-11-892	02-08-676	02-09-821	02-09-907	02-09-952	02-10-1034	02-10-1157
02-10-973	01-12-1035	02-08-692	02-09-828	02-09-908	02-09-959	02-10-1043	02-10-1177
02-10-992	02-08-506	02-09-748	02-09-831	02-09-912	02-10-975	02-10-1045	02-10-1186
02-10-1112	02-10-986	02-09-751	02-09-848	02-09-927	02-10-987	02-10-1048	02-11-1189
02-11-1197	02-10-1163	02-09-752	02-09-849	02-09-930	02-10-994	02-10-1052	02-11-1218
02-07-352	02-09-740	02-09-763	02-09-860	02-09-933	02-10-996	02-10-1055	02-11-1220
02-09-945	02-10-1115	02-09-764	02-09-861	02-09-934	02-10-989	02-10-1097	02-11-1253
02-10-1120	02-08-613	02-09-772	02-09-900	02-09-938	02-10-1025	02-10-1145	02-11-1254
02-10-1139	02-08-652	02-09-776	02-09-902	02-09-943	02-10-1028	02-10-1148	02-12-1333
02-10-1168	02-08-659	02-09-809	02-09-906	02-09-951	02-10-1030	02-10-1152	02-12-1334

PSC ACTION: Approved

8. **STUDENT LOAN REINSTATEMENTS**

The Commission reviewed the report, which advised of 3 *Student Loan Reinstatements*.

9. **FINAL DECISIONS BY OPERATION OF LAW**

The Commission reviewed the report, which advised of 18 cases closed by *Operation of Law*.

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 34 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

VI. **EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

A. Dr. Toth announced that he had not heard from Governor-Elect Perdue. He did meet with Ben Scafidi, Georgia State University, the new Policy Advisor on Education.

B. Georgia's Teacher of the Year, Ms. Lorraine Johnson – Ms. Johnson spoke about the many schools and conferences that she has visited throughout the state of Georgia. She spoke about the need to recruit more quality teachers in Georgia. Chair Amy Denty spoke about Ms. Johnson's website and that she will email it to us so that we can visit it.

VII. REVIEW HEARINGS

1. Jimmy Alberson - Educator (Case # 99-3-283)
Wayne Magnum - Hearing Officer
Bill Calhoun - PSC Attorney
David Dunham - Attorney

MOTION: (DeLoach / McClain) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (McClain / Cadray) The Commission rejects the sanction recommended by the Administrative Law Judge. The Commission concludes that a greater sanction is appropriate in this particular case because the sanction recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Respondent's violation of the rules applicable to educators. The Commission hereby ORDERS a Suspension for a period of One Year (January 24, 2003 until January 24, 2004) against the Georgia Educator Certificate held by Jimmy Alberson.

PSC ACTION: Approved

Pam Hertzog and Gary Walker abstained

MOTION: (McClain / Cadray) To amend the motion to include the following: To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge.

PSC ACTION: Approved

Pam Hertzog and Gary Walker abstained

2. Karlyn Foster - Educator (Case #01-4-1476 & 02-6-2165)
Wayne Magnum - Hearing Officer
Bill Calhoun - PSC Attorney
Charles Cox - Attorney

MOTION: (Hooker / Hertzog) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (Walker / Natson) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge indicated in the Initial Decision is hereby adopted and incorporated by reference herein and made the final Decision of the Commission. This final decision for a No Probable Cause determination shall become effective immediately and the investigative file and complete hearing record shall be sealed and expunged.

PSC ACTION: Approved

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Dottie McClain opposed

- 3. Chaka West - Educator (Case #01-10-768)
- Wayne Magnum - Hearing Officer
- Kathryn Allen - PSC Attorney
- Charles Cox - Attorney

MOTION: (Nutt / DeLoach) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (Walker / Gomez) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejects the sanction recommended by the Administrative Law Judge. The Commission concludes that a lesser sanction is appropriate in this particular case based on a review of the record. The Commission hereby ORDERS that a Warning shall be issued against the Georgia Educator Certificate held by Chaka West.

PSC ACTION: Approved

Dottie McClain and Terri DeLoach opposed

VIII. CHAIR'S REPORT

The Chair, Amy Denty, stated that she would not give a report.

IX. ADJOURNMENT

MOTION: (Nutt / Miller) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 2:35 pm.