

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

October 14, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, October 14, 2004, at 9 a.m.

Members Present

Gary Bechtel

Steven Dartt

Amy Denty

Jean Ebron

Mary Gomez

Carolyn Lee Hart

Maria Miller

Louisa Moffitt

Lee Muns

Dr. Mary Outlaw

Holly Robinson

Bo Slack

Dr. Craig Smith

Sandra Thompson

Wanda West

Dr. Debbie Wilkes

Members Absent

Terri DeLoach

I. CALL TO ORDER

Commissioner Amy Denty called the meeting to order at 9:09 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Commissioner Amy Denty recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Oliver Lee
- Jesse Webb
- DeBrae Kennedy, Assistant Attorney General
- John M. Brown

III. ADOPTION OF AGENDA

Commissioner Amy Denty called for approval of the agenda.

MOTION: (Muns / Miller) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Commissioner Amy Denty called for approval of the minutes from the September 9, 2004, Commission meeting.

11/19/2004

Page 2

PSC ACTION: Approved_

V. SERVICE AWARDS

Commissioner Amy Denty presented service awards to the following:

Amy Baker – 30 years of service

Mary Ann Wallace – 20 years of service

VI. INTRODUCTION OF NEW COMMISSIONERS

Dr. Toth introduced the new commission members.

Dr. Wanda West – Superintendent of Twiggs County

Dr. Louisa Moffitt – Teacher at Marist High School

Dr. Sandra Thompson – Teacher and Apprenticeship/Grants Coordinator at Marietta High School

Dr. Mary Outlaw – Director of Student Teaching at Berry College

Dr. Holly Robinson – Senior Vice President at the Georgia Public Policy Foundation

VII. COMMITTEE REPORTS

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

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

1. OTHER BUSINESS

MOTION: (Slack / Miller) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Cassandra Moore and Penny Hannah) to remain.

ACTION: Approved

MOTION: (Muns / Miller) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (Hart / Gomez) To reject the settlement offer for cases 01-4-1458, 01-5-1740 and 03-02-1707.

ACTION: Approved

2. Mr. Slack reported that the Committee reviewed 78 ***Probable Cause*** cases during its October 13, 2004, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 28 and 30:

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|-------------------------|---|---|
| 1 | 04-05-1665 PR | Abandonment of Contract | Suspension for Six Months |
| 2 | 04-08-161 PR | Abandonment of Contract Professional Conduct | Reprimand |
| 3 | 04-08-167 PR | Abandonment of Contract | Suspension for Six Months |
| 4 | 04-08-171 PR | Abandonment of Contract | Suspension for Six Months |
| 5 | 04-08-227 PR | Abandonment of Contract Professional Conduct | No Probable Cause |
| 6 | 04-06-1707 PR | Abuse of Students Professional Conduct | No Probable Cause |
| 7 | 04-06-1793 Applicant | Abuse of Students Professional Conduct Action Taken in Another State | No Probable Cause |
| 8 | 04-07-012 PR | Abuse of Students Professional Conduct | No Probable Cause |
| 9 | 04-08-157 PR | Alcohol or Drugs | Revocation |
| 10 | 04-07-120 PR | Confidential Information Professional Conduct | No Probable Cause |
| 11 | 04-05-1617 PR | Criminal Acts | No Probable Cause |
| 12 | 04-06-1728 PR | Criminal Acts Professional Conduct | Revocation |
| 13 | 04-06-1752 PR | Criminal Acts Professional Conduct | Revocation |
| 14 | 04-06-1755 PR | Criminal Acts Professional Conduct | Suspension for Six Months |
| 15 | 04-06-1834 Applicant | Criminal Acts Professional Conduct | Extend Probable Cause Determination until December 13, 2004 Letter of Intent |
| 16 | 04-06-1838 PR | Criminal Acts Failure to Make a Required Report | Reprimand |
| 17 | 04-06-1841 Applicant | Criminal Acts Abandonment of Contract Misrepresentation or Falsification Professional Conduct Action Taken in Another State | Deny |
| 18 | 04-06-1845 PR | Criminal Acts | Reprimand |
| 19 | 04-06-1862 Applicant | Criminal Acts Misrepresentation or Falsification | Deny |
| 20 | 04-07-49 Applicant | Criminal Acts Professional Conduct Misrepresentation or Falsification | Deny |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|------------------------------------|---|-----------------------------|
| 21 | 04-07-52 | Criminal Acts | Reprimand |
| 22 | Applicant 04-07-65 Applicant | Criminal Acts Professional Conduct Action Taken in Another State | Deny |
| 23 | 04-07-83 PR | Criminal Acts | No Probable Cause |
| 24 | 04-07-105 PR | Criminal Acts Professional Conduct | Revocation |
| 25 | 04-07-110 Applicant | Criminal Acts | Reprimand |
| 26 | 04-07-141 Applicant | Criminal Acts | Warning |
| 27 | 04-07-152 PR | Criminal Acts Professional Conduct | No Probable Cause |
| 28 | 04-08-172 PR | Criminal Acts Professional Conduct | Suspension for Two Years |
| 29 | 04-07-009 PR | Failure to Make a Required Report Professional Conduct | No Probable Cause |
| 30 | 04-06-1777 PR | Improper Remunerative Conduct Professional Conduct | Reprimand |
| 31 | 04-05-1664 PR | Misrepresentation or Falsification | Suspension for Three Months |
| 32 | 04-05-1670 PR | Misrepresentation or Falsification Professional Conduct | Suspension for Three Months |
| 33 | 04-06-1772 PR | Misrepresentation or Falsification Public Funds and Property | No Probable Cause |
| 34 | 04-07-6 PR | Misrepresentation or Falsification Professional Conduct | No Probable Cause |
| 35 | 04-07-48 PR | Misrepresentation or Falsification Failure to Make a Required Report | No Probable Cause |
| 36 | 04-07-81 PR | Misrepresentation or Falsification: Testing | No Probable Cause |
| 37 | 04-07-94 PR | Misrepresentation or Falsification: Testing | No Probable Cause |
| 38 | 04-07-99 PR | Misrepresentation or Falsification: Testing | Suspension for Three Months |
| 39 | 04-07-100 PR | Misrepresentation or Falsification: Testing Professional Conduct | Suspension for One Month |
| 40 | 04-07-101 PR | Misrepresentation or Falsification: Testing | No Probable Cause |
| 41 | 04-07-103 PR | Misrepresentation or Falsification Professional Conduct | No Probable Cause |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|--------------------|---|---|
| 42 | 04-07-107 | Misrepresentation or Falsification | Warning |
| | PR | Criminal Acts | |
| 43 | 04-07-109 | Misrepresentation or Falsification | Reprimand |
| | PR | Criminal Acts | |
| 44 | 04-07-111 | Criminal Acts | Warning |
| | PR | Misrepresentation or Falsification Failure to Make a Required Report | |
| 45 | 04-07-114 | Misrepresentation or Falsification | Warning |
| | PR | Failure to Make a Required Report | |
| | | Action Taken in Another State | |
| 46 | 04-07-115 | Misrepresentation or Falsification | Extend Probable Cause Determination until December 13, 2004 Letter of Intent |
| | Applicant | Criminal Acts | |
| 47 | 04-07-116 | Misrepresentation or Falsification | Warning |
| | PR | Failure to Make a Required Report | |
| 48 | 04-07-118 | Misrepresentation or Falsification | Warning |
| | PR | Failure to Make a Required Report | |
| 49 | 04-07-124 | Misrepresentation or Falsification: Testing | Suspension for Two Months |
| | PR | Professional Conduct | |
| 50 | 04-07-131 | Misrepresentation or Falsification | Warning |
| | PR | Failure to Make a Required Report | |
| 51 | 04-07-132 | Misrepresentation or Falsification | No Probable Cause |
| | PR | Failure to Make a Required Report | |
| 52 | 04-07-133 | Misrepresentation or Falsification | No Probable Cause |
| | PR | Failure to Make a Required Report | |
| | | Criminal Acts | |
| 53 | 04-07-154 | Misrepresentation or Falsification | Suspension for Two Months |
| | PR | Professional Conduct | |
| | | Public Funds and Property | |
| 54 | 04-08-165 | Misrepresentation or Falsification: Testing | Suspension for One Week |
| | PR | Professional Conduct | |
| 55 | 04-08-166 | Misrepresentation or Falsification: Testing | Suspension for One Week |
| | PR | Professional Conduct | |
| 56 | 04-08-175 | Misrepresentation or Falsification | No Probable Cause |
| | PR | Confidential Information | |
| | | Professional Conduct | |
| 57 | 04-08-233 | Misrepresentation or Falsification: Testing | Suspension for One Week |
| | PR | Professional Conduct | |
| 58 | 04-08-234 | Misrepresentation or Falsification: Testing | Suspension for One Week |
| | PR | Professional Conduct | |
| 59 | 04-08-235 | Misrepresentation or Falsification: Testing | Suspension for One Week |
| | PR | Professional Conduct | |
| 60 | 04-06-1747 | Professional Conduct | Reprimand |
| | PR | | |
| 61 | 04-06-1759 | Professional Conduct | Suspension for One Week |
| | PR | | |

| PC # | Case Number | STANDARD(S) | EERC Recommendation |
|-------------|--------------------|--|----------------------------|
| 62 | 04-06-1767 PR | Professional Conduct | No Probable Cause |
| 63 | 04-06-1782 | Professional Conduct | Suspension for Two Years |
| | | Misrepresentation or Falsification | |
| 64 | 04-06-1783 | Abuse of Students Professional Conduct | Suspension for Two Years |
| | | Misrepresentation or Falsification Abuse of Students | |
| 65 | 04-06-1784 PR | Professional Conduct Public Funds and Property | No Probable Cause |
| | | Improper Remunerative Conduct | |
| 66 | 04-06-1814 PR | Professional Conduct | Warning |
| 67 | 04-07-14 PR | Professional Conduct | Reprimand |
| 68 | 04-07-16 PR | Professional Conduct | Reprimand |
| 69 | 04-07-77 PR | Professional Conduct | Suspension for One Year |
| 70 | 04-07-78 PR | Professional Conduct | No Probable Cause |
| 71 | 04-07-91 PR | Professional Conduct | No Probable Cause |
| 72 | 04-07-92 PR | Professional Conduct | Warning |
| 73 | 04-07-93 PR | Professional Conduct | No Probable Cause |
| 74 | 04-08-158 PR | Professional Conduct | Warning |
| 75 | 04-05-1662 PR | Public Funds and Property Professional Conduct | Warning |
| 76 | 04-05-1666 PR | Public Funds and Property Professional Conduct | Suspension for One Month |
| 77 | 04-07-10 PR | Public Funds and Property Professional Conduct | Suspension for Six Months |
| 78 | 04-08-170 PR | Public Funds and Property Professional Conduct Criminal Acts | Revocation |

PSC ACTION: Approved

Abstention – Maria Miller on Case #70 and Bo Slack on Case #'s 27, 54 and 55.

Case # 28

MOTION: (Hart / Slack) To amend the EERC recommendation from a Two Year Suspension to a Three Year Suspension.

11/19/2004

Page 7

PSC ACTION: Approved

Opposed: Lee Muns, Jean Ebron

Case # 30

MOTION: (Muns / Ebron) To amend the EERC recommendation from a Reprimand to a Warning.

PSC ACTION: Approved

Opposed: Bo Slack, Holly Robinson, Carolyn Hart, Gary Bechtel, Debbie Wilkes, Louisa Moffitt, Mary Outlaw

MOTION: (Dartt / Muns) To adopt case #28 and #30 as an amended motion.

PSC ACTION: Approved

3. Mr. Slack reported that the Educator Ethics Review Committee reviewed 4 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

| Case Number | Probable Cause Ethical Violation | ALJ Initial Decision | EERC Recomm. |
|--------------------|--|---------------------------------|-------------------------|
| 03-6-2355 | Misrepresentation or Falsification Professional Conduct | Suspension -1 Week | Accept |
| 03-7-119 | Public Funds and Property Professional Conduct | Reprimand | Accept |
| 03-5-2174 | Misrepresentation or Falsification Professional Conduct | Reprimand | Review |
| 03-08-205 | Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report | Revocation | Accept |

PSC ACTION: Approved

4. Mr. Slack reported that the Educator Ethics Review Committee reviewed 4 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

| Case Number | Educator | Nature of Petition | Previous Decision (Violation) | EERC Recomm. |
|--------------------|-----------------|---------------------------|---|-------------------------|
| 02-03-1563 | Karen Price | Rule Waiver | Revocation - Sept. 13, 2002 Criminal Acts; Professional Conduct; Failure to Respond to Investigation | Grant |
| 04-07-106 | Erasmus Harvey | Right to Reapply | Revocation - July 12, 2001 Abuse of Students; Criminal Acts | Deny |
| 04-05-1588 | Robert Brown | Right to Reapply | Revocation - March 26, 2001 Misrepresentation or Falsification | Grant |
| 04-06-1757 | Michael McGhee | Right to Reapply | Revocation - June 7, 2001 Alcohol or Drugs; Professional Conduct; Abuse of Students | Deny |

PSC ACTION: Approved

5. Mr. Slack reported that the Educator Ethics Review Committee reviewed 23 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| Case Number | Sanction | Violation | EERC Recomm. |
|--------------------|--------------------------|---|-------------------------|
| 04-04-1520 | Reprimand | Professional Conduct | Accept |
| 04-05-1599 | Reprimand | Misrepresentation or Falsification: IEP | Accept |
| 04-05-1563 | Suspension for One Month | Misrepresentation or Falsification: Testing Professional Conduct | Accept |
| 04-05-1590 | Reprimand | Misrepresentation or Falsification: Testing Professional Conduct | Accept |
| 04-05-1653 | Reprimand | Misrepresentation or Falsification: Testing | Accept |
| 04-06-1700 | Denial | Misrepresentation or Falsification (Action Taken in Another State) Professional Conduct | Accept |
| 04-06-1726 | Reprimand | Confidential Information; Professional Conduct | Accept |
| 04-06-1727 | Reprimand | Abuse of Students; Professional Conduct | Accept |
| 04-06-1736 | Suspension for One Week | Misrepresentation or Falsification Public Funds and Property Professional Conduct | Accept |
| 04-06-1743 | Warning | Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report | Accept |
| 04-06-1763 | Reprimand | Misrepresentation or Falsification: Testing | Accept |
| 04-06-1765 | Suspension for Two Years | Misrepresentation or Falsification Professional Conduct | Accept |
| 04-06-1776 | Reprimand | Professional Conduct | Accept |
| 04-06-1825 | Revocation*** | Criminal Acts Professional Conduct | Accept |
| 04-07-001 | Reprimand | Misrepresentation or Falsification Professional Conduct | Accept |
| 04-07-007 | Reprimand | Professional Conduct | Accept |
| 04-07-017 | Warning | Misrepresentation or Falsification: Testing | Accept |
| 04-07-003 | Reprimand | Professional Conduct | Accept |
| 04-07-004 | Reprimand | Failure to Make a Required Report | Accept |
| 04-07-86 | Revocation*** | Misrepresentation or Falsification: Testing | Accept |
| 04-08-168 | Revocation*** | Abuse of Students; Professional Conduct | Accept |
| 04-08-169 | Revocation*** | Abuse of Students; Professional Conduct | Accept |
| 04-08-208 | Revocation*** | Criminal Acts; Abuse of Students; Professional Conduct | Accept |

** This educator did not send the original signature page of his Voluntary Surrender. Staff verified with Educator via telephone that it is his signature.

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

PSC ACTION: Approved

6. Mr. Slack reported that the Educator Ethics Review Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

| | | | | | | |
|----------|----------|----------|----------|----------|----------|----------|
| 04-9-305 | 04-9-310 | 04-9-315 | 04-9-320 | 04-9-325 | 04-9-330 | 04-9-384 |
| 04-9-306 | 04-9-311 | 04-9-316 | 04-9-321 | 04-9-326 | 04-9-331 | |
| 04-9-307 | 04-9-312 | 04-9-317 | 04-9-322 | 04-9-327 | 04-9-332 | |
| 04-6-308 | 04-9-313 | 04-9-318 | 04-9-323 | 04-9-328 | 04-9-333 | |
| 04-9-309 | 04-9-314 | 04-9-319 | 04-9-324 | 04-9-329 | 04-9-359 | |

PSC ACTION: Approved

9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 48 cases:

| Case Number | Case Number | Case Number | Case Number | Case Number |
|-------------|-------------|-------------|-------------|-------------|
| 04-04-1471 | 04-07-090 | 04-07-036 | 04-09-252 | 04-09-281 |
| 04-05-1671 | 04-08-163 | 04-07-064 | 04-09-253 | 04-09-282 |
| 04-06-1719 | 04-08-164 | 04-07-144 | 04-09-254 | 04-09-285 |
| 04-06-1809 | 04-08-159 | 04-08-160 | 04-09-255 | 04-09-288 |
| 04-06-1813 | 04-07-082 | 04-08-230 | 04-09-256 | 04-09-290 |
| 04-07-008 | 04-07-125 | 04-08-231 | 04-09-258 | 04-09-291 |
| 04-07-080 | 04-07-155 | 04-08-232 | 04-09-268 | 04-09-292 |
| 04-06-1720 | 04-07-156 | 04-09-249 | 04-09-269 | 04-09-294 |
| 04-07-088 | 04-07-098 | 04-09-250 | 04-09-274 | |
| 04-07-089 | 04-07-123 | 04-09-251 | 04-09-279 | |

PSC ACTION: Approved

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 30 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report.

PSC ACTION: Approved

12. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were 3 certificates suspended from September 9, 2004 until October 14, 2004. There were 6 certificates that had been *reinstated* because restitution is now being made on those student loans.

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

11/19/2004

Page 11

The Commission reviewed the report, which advised of 14 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 4 cases closed without an appeal for a review hearing before the Commission.

VIII. REVIEW HEARINGS

- | | |
|------------------|---|
| 1. John M. Brown | - Educator (Case # 02-05-2031) (Acting as his own Attorney) |
| Wayne Magnum | - Hearing Officer |
| Debray Kennedy | - PSC Attorney |

MOTION: (Miller / Muns) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Cassandra Moore and Penny Hannah) to remain.

ACTION: Approved

MOTION: (Muns / Thompson) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (Miller / Robinson) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge.

PSC ACTION: Approved

- | | |
|----------------|-------------------------------|
| 2. Jesse Webb | - Educator (Case # 03-07-139) |
| Wayne Magnum | - Hearing Officer |
| Debray Kennedy | - PSC Attorney |
| Oliver Lee | - Attorney |

MOTION: (Ebron / Gomez) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Cassandra Moore and Penny Hannah) to remain.

ACTION: Approved

MOTION: (Miller / Gomez) To come out of Executive Session and reconvene the Regular Session.

ACTION: Approved

MOTION: (Dartt / Slack) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge.

PSC ACTION: Approved

Opposed: Lee Muns, Jean Ebron, Carolyn Hart

Abstention: Craig Smith, Mary Outlaw

IX. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

- A. **MOTION:** (Miller / Wilkes) To adopt Certification rules 505-2 series as presented.

ACTION: Approved

11/19/2004

Page 12

B. MOTION: (Miller / Hart) To initiate Certification rules 505-2 series as presented.

ACTION: Approved

C. Gary Walker, Director of Ethics and John Grant, Chief Investigator have been giving presentations to RESAs, school systems and other organizations reviewing the Code of Ethics and receiving input on possible rule modifications.

D. Jeffrey B. Matthews applied to the Professional Standards Commission for a level 6 certificate upgrade based on completion of a certificate of advanced study from Southern Maine. I met with Mr. and Mrs. Matthews on September 28th, 2004, and discussed the CAS with officials at Southern Main. Based on the discussion and documentation provided, I do not believe that the CAS is the equivalent of the level 6 degree. After discussion with the full commission, they agreed to deny the upgrade to a level 6.

X. CHAIR'S REPORT

Commissioner Amy Denty, welcomed all the new commission members.

XI. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 12:30 pm.