

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

September 12, 2002

The Georgia Professional Standards Commission (PSC) met on Thursday, September 12, 2002, at 9 a.m.

Members Present

Terri DeLoach

Amy Denty

Angela Finn

Mary Gomez

Pamela Hertzog

Leon Hurley

Sylvia Hooker

Elizabeth Kidd

Dottie McClain

Maria Miller

Pamela Nutt

Smith Pass

Janet Scott

Tony Natson

Gary Walker

Members Absent

Gwenda Johnson

Sue Sehgal

Pamela Thomas

I. CALL TO ORDER

Chair Denty called the meeting to order at 9:05 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.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Joseph Cadray, GAICTE
- Michael McGonigle, Georgia Association of Educators

III. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda.

MOTION: (DeLoach / Hurley) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the August 9, 2002, Commission meeting.

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

PSC ACTION: Approved

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Chair Amy Denty requested changes be made to the minutes to reflect that Kathryn Allen was the PSC Attorney for the Review Hearing held on August 9th, 2002, for Maria Alexander Cuellar, Case # 01-01-1044, and that PSC Attorney, Kendall Kerew, remained for the Executive Session.

MOTION: (DeLoach / Hurley)

PSC ACTION: Approved

V. PSC SERVICE AWARDS

Chair Denty presented PSC Service Awards to Phil Blackwell and Cathy Smiley.

VI. REVIEW HEARINGS

1. Case # 01-06-1760

Dan James	- Educator
Wayne Magnun	- Hearing Officer
William M. Calhoun	- PSC Attorney
Mike McGonigle	- Attorney for Dan James

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

PSC ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (DeLoach / McClain) The Decision of the Administrative Law Judge as 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 Revocation of the educator's certificate shall become effective immediately.

PSC ACTION: Approved

VII. 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.

1. Ms. Scott reported that the Committee reviewed 88 ***Probable Cause*** cases during its September 11, 2002, meeting and brought the following recommendations on behalf of the Committee:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	02-05-1877	Abuse of Students Criminal Acts Professional Conduct	Suspension for One Year
2	02-05-2036	Abuse of Students Professional Conduct	Revocation
3	02-06-2357	Abuse of Students Criminal Acts Professional Conduct	Revocation
4	02-07-50	Abuse of Students Criminal Acts Professional Conduct	Revocation
5	02-07-46	Abuse of Students Criminal Acts Professional Conduct	Revocation
6	02-06-2186	Alcohol or Drugs Professional Conduct	Revocation
7	02-06-2367	Alcohol or Drugs Criminal Acts Professional Conduct	Suspension for One Year
8	02-05-1983	Public Funds and Property Misrepresentation or Falsification Professional Conduct	No Probable Cause
9	02-05-1984	Public Funds and Property Misrepresentation or Falsification Professional Conduct	No Probable Cause
10	02-05-2019	Public Funds and Property Misrepresentation or Falsification Professional Conduct	No Probable Cause
11	02-05-2123	Public Funds and Property Professional Conduct	Reprimand
12	02-06-2359	Public Funds and Property Professional Conduct	No Probable Cause
13	02-06-2361	Improper Remunerative Conduct	No Probable Cause
14	02-04-1858 Applicant	Action Taken in Another State Misrepresentation or Falsification Professional Conduct	Denial
15	02-06-2216 Applicant	Action Taken in Another State Criminal Acts Misrepresentation or Falsification Professional Conduct	Denial
16	02-06-2290 Applicant	Action Taken in Another State Professional Conduct	Extend Probable Cause Determination for Initial Sixty Days
17	02-06-2371	Action Taken in Another State Misrepresentation or Falsification Criminal Acts	Warning
18	02-07-005	Failure to Make a Required Report	No Probable Cause
19	02-04-1831	Professional Conduct	No Probable Cause
20	02-05-1887	Professional Conduct Abuse of Students	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
21	02-05-2003	Professional Conduct Abuse of Students	Reprimand
22	02-05-2080 Applicant	Professional Conduct	No Probable Cause
23	02-05-2120	Professional Conduct Abuse of Students	Reprimand
24	02-06-2351	Professional Conduct Abuse of Students	Reprimand
25	02-06-2356	Professional Conduct	Reprimand
26	02-06-2349	Professional Conduct	Reprimand
27	02-06-2352	Professional Conduct	Reprimand
28	02-06-2448 Applicant	Professional Conduct	Denial
29	02-06-2473	Professional Conduct	Suspension for One Month
30	02-06-2348 Parapro	Professional Conduct	No Probable Cause
31	02-01-1291	Criminal Acts Professional Conduct	Suspension for Two Years
32	02-02-1379	Criminal Acts Professional Conduct	Revocation
33	02-05-1931 Applicant	Criminal Acts Professional Conduct	No Probable Cause
34	02-05-2008	Criminal Acts Professional Conduct	Reprimand
35	02-05-2031	Criminal Acts Professional Conduct	Revocation
36	02-06-2151 Applicant	Criminal Acts Professional Conduct	No Probable Cause
37	02-06-2253 Applicant	Criminal Acts Professional Conduct	No Probable Cause
38	02-06-2288 Applicant	Criminal Acts Professional Conduct	No Probable Cause
39	02-06-2306 Applicant	Criminal Acts Professional Conduct	Warning
40	02-06-2311 Applicant	Criminal Acts Professional Conduct	Denial
41	02-07-283	Criminal Acts Professional Conduct	No Probable Cause
42	02-08-365 Applicant	Criminal Acts Professional Conduct	Denial
43	02-07-54 Applicant	Criminal Acts Professional Conduct	Reprimand
44	02-07-100	Criminal Acts Professional Conduct	No Probable Cause
45	02-06-2146 Applicant	Other Good and Sufficient Cause	No Probable Cause
46	02-06-2350	Misrepresentation or Falsification Professional Conduct	Reprimand

PC #	Case Number	STANDARD(S)	EERC Recommendation
47	02-06-2178	Misrepresentation or Falsification Professional Conduct	Reprimand
48	02-06-2360	Misrepresentation or Falsification	No Probable Cause
49	02-06-2358	Misrepresentation or Falsification	Reprimand
50	02-05-2122	Misrepresentation or Falsification Professional Conduct	No Probable Cause
51	02-06-2362	Misrepresentation or Falsification Professional Conduct	Warning
52	02-06-2450	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
53	02-07-047	Misrepresentation or Falsification Professional Conduct	No Probable Cause
54	02-07-048	Misrepresentation or Falsification Professional Conduct	No Probable Cause
55	02-07-49	Misrepresentation or Falsification Professional Conduct	No Probable Cause
56	02-07-52	Misrepresentation or Falsification Professional Conduct	No Probable Cause
57	02-03-1614	Misrepresentation or Falsification Criminal Acts	Extend Probable Cause Determination for Final Thirty Days
58	02-05-2012	Misrepresentation or Falsification Criminal Acts	No Probable Cause
59	02-05-2024	Misrepresentation or Falsification Criminal Acts	No Probable Cause
60	02-05-2028	Misrepresentation or Falsification Criminal Acts	No Probable Cause
61	02-05-2057	Misrepresentation or Falsification Criminal Acts	No Probable Cause
62	02-05-2058	Misrepresentation or Falsification Criminal Acts	No Probable Cause
63	02-05-2060	Misrepresentation or Falsification Criminal Acts	No Probable Cause
64	02-05-2066	Misrepresentation or Falsification Criminal Acts	No Probable Cause
65	02-05-2085	Misrepresentation or Falsification Criminal Acts	No Probable Cause
66	02-06-2196	Misrepresentation or Falsification Criminal Acts	No Probable Cause
67	02-06-2230	Misrepresentation or Falsification Criminal Acts	No Probable Cause
68	02-06-2372	Misrepresentation or Falsification Criminal Acts	No Probable Cause
69	02-06-2377	Misrepresentation or Falsification Criminal Acts	No Probable Cause
70	02-06-2381	Misrepresentation or Falsification Criminal Acts	Extend Probable Cause Determination for Initial Sixty Days
71	02-06-2382	Misrepresentation or Falsification Criminal Acts	No Probable Cause
72	02-06-2388	Misrepresentation or Falsification Criminal Acts	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
73	02-06-2392	Misrepresentation or Falsification Criminal Acts	No Probable Cause
74	02-06-2394	Misrepresentation or Falsification Criminal Acts	No Probable Cause
75	02-06-2415	Misrepresentation or Falsification Criminal Acts	No Probable Cause
76	02-06-2417	Misrepresentation or Falsification Criminal Acts	Warning
77	02-06-2440	Misrepresentation or Falsification Criminal Acts	No Probable Cause
78	02-06-2446	Misrepresentation or Falsification Criminal Acts	No Probable Cause
79	02-06-2458	Misrepresentation or Falsification Criminal Acts	No Probable Cause
80	02-06-2472	Misrepresentation or Falsification Criminal Acts	Reprimand
81	02-06-2484	Misrepresentation or Falsification Criminal Acts	Warning
82	02-06-2485	Misrepresentation or Falsification Criminal Acts	No Probable Cause
83	02-06-2486	Misrepresentation or Falsification Criminal Acts	Warning
84	02-06-2490	Misrepresentation or Falsification Criminal Acts	No Probable Cause
85	02-06-2495	Misrepresentation or Falsification Criminal Acts	Warning
86	02-06-2497	Misrepresentation or Falsification Criminal Acts	No Probable Cause
87	02-06-2498	Misrepresentation or Falsification Criminal Acts	Warning
88	02-07-098	Misrepresentation or Falsification Criminal Acts	Warning

PSC ACTION: Approved

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

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
01-05-1596	Misrepresentation or Falsification Testing	Suspension – 2 Weeks	Accept
01-7-110	Misrepresentation or Falsification Professional Conduct	No Probable Cause	Review

PSC ACTION: Approved

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

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
02-7-16	Johnny Riles, III	Right to Re-apply	Revocation – Aug. 8, 1997	Denial
02-7-43	Barry Forester	Right to Re-apply	Revocation – Feb. 4, 1993	Denial
01-01-956	Wendy Morton-Rivers	Early Reinstatement of Suspended Certificate	Currently Suspended April 24, 2001 – April 24, 2003	Grant

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 17 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation (Accept or Reject)
02-1-1245	Revocation	Abuse of Students Professional Conduct Misrepresentation or Falsification	Accept
02-1-1310	Revocation	Abuse of Students Professional Conduct Criminal Acts	Accept
02-3-1603	Reprimand	Professional Conduct Abuse of Students	Accept
02-3-1605	Warning	Professional Conduct	Accept
02-4-1802	Warning	Abuse of Students Professional Conduct	Accept
02-5-1981	***Revocation	Abandonment of Contract	Accept
02-5-1987	Warning	Misrepresentation or Falsification: Testing	Accept
02-5-2005	Reprimand	Professional Conduct Abuse of Students	Accept
02-5-2034	Reprimand	Misrepresentation or Falsification: Testing	Accept
02-5-2035	Suspension – One Year	Alcohol or Drugs Professional Conduct Criminal Acts	Accept
02-5-2041	Reprimand	Professional Conduct	Accept
02-5-2078	Warning	Professional Conduct Abuse of Students	Accept
02-5-2124	Reprimand	Misrepresentation or Falsification:	Accept

Case Number	Sanction	Violation	EERC Recommendation (Accept or Reject)
02-5-2131	Warning	Testing Public Funds & Property Misrepresentation or Falsification Professional Conduct	Accept
02-6-2173	Warning	Professional Conduct	Accept
02-6-2241	Reprimand	Misrepresentation or Falsification: Testing	Accept
02-7-004	***Revocation	Professional Conduct Abuse of Students	Accept

*****Voluntarily Surrendered Certificate Prior to Probable Cause Determination**

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 5 *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.
01-12-1151	Suspension for One Month Public Funds & Property Misrepresentation or Falsification	No Probable Cause (Dismissal)	Reject
02-01-1341	Warning Professional Conduct	Warning	Accept
02-03-1502	Revocation Professional Conduct Abuse of Students	Suspension for Ten Months Monitoring for Two Years	Accept
02-01-1186	Reprimand Professional Conduct Criminal Acts	Reprimand	Accept
01-12-1112	Suspension for One Year Criminal Acts Professional Conduct	Suspension for Three Months Monitoring for Two Years	Reject

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 93 complaints received during the months of August and September 2002:

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 147 cases.

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PSC ACTION: Approved

8. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 7 *Student Loan Suspensions* and 8 *Student Loan Reinstatements*.

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

The Commission reviewed the report, which advised of 6 cases closed by *Operation of Law*.

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 160 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

The Executive Secretary, Dr. F.D. Toth, presented the following:

A. PSC Division Reports

1. Cyndy Stephens presented a report on *Educator Workforce Research and Development*.
2. Vicky Brantley presented a report on *Educator Ethics*.
3. Rick Eiserman presented a report on *Certification*.
4. Fran Watkins presented a report on *Educator Preparation*.

B. Adoption of Rules

Certification – (1) To amend Certification Rule 505-2-.10; and (2) to rescind Certification Rule 505-2-.19 and replace it with a new Rule 505-2-.19.

MOTION: (DeLoach / Walker)

PSC ACTION: Approved

Ethics – To amend Ethics Rules 505-6-.01, 505-6-.03 and 505-6-.09.

MOTION: (DeLoach / Hooker)

PSC ACTION: Approved

C. Initiation of Rules –

Educator Preparation – To re-initiate rulemaking to adopt new Rule 505-3-.60.

MOTION: (Miller / Hooker)

PSC ACTION: Approved

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Certification – To initiate rulemaking (1) to amend Certification Rule 505-2-.17, 505-2-.52, 505-2-.71, 505-2-.75, 505-2-.80, 505-2-.83, 505-2-.86 and 505-2-.97; and (2) to rescind Certification Rule 505-2-.104; and (3) to adopt new Rules 505-2-.104, 505-2-.113 and 505-2-.114.

MOTION: (Gomez / McClaine)

PSC ACTION: Approved

Educator Preparation - To initiate rulemaking (1) to rescind Educator Preparation Rule 505-3-.19; and (2) to adopt new Rules 505-3-.19, 505-3-.46, and 505-3-.51.

MOTION: (DeLoach / Nutt)

PSC ACTION: Approved

IX. CHAIR'S REPORT

The Chair, Amy Denty, presented the following:

A. Appointments by the Chair

Pam Hertzog – Chair, Educator Preparation Standing Committee

Terry DeLoach – Parliamentarian

B. Announcement that Kendall Kerew was resigning as PSC Attorney. Kendall Kerew gave a brief background on her new position, and informed the Committee that Penny Hanna would be the new PSC Attorney. She also wished the PSC well.

MOTION: (Hertzog / Hurley) to commend Kendall Kerew for her service as PSC Attorney.

PSC ACTION: Approved

X. ADJOURNMENT

MOTION: (Hurley / McClain) To adjourn the meeting.

PSC ACTION: The meeting adjourned at 12:30 a.m.