

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

Thursday, May 13, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, May 13, 2004, at 9 a.m.

Members Present

Gary Bechtel
Steven Dartt
Terri DeLoach
Jean Ebron

Carolyn Lee Hart
Dottie McClain
Maria Miller
Lee Muns

Janet Scott
Bo Slack
Dr. Debbie Wilkes

Members Absent

Mary Gomez
Amy Denty

Gwenda Johnson
Dr. Craig Smith

I. CALL TO ORDER

Chair DeLoach 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 DeLoach recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Deniece Hopkins, Georgia Association of Educators (GAE)
- Gayle Wooten, Professional Association of Georgia Educators
- Edith Belton, Professional Association of Georgia Educators
- Winifred Akins
- LeAnne DeLoach
- Mary Thompson
- John Hooper, GA. School Superintendents Association
- Ann Duffy, Board of Regents
- Deidre Johnson, Kramer & Thomas
- Mariclaire Partee, Kramer & Thomas
- James David Dunham, Attorney
- Alfred L. Evans, Jr., Attorney

III. ADOPTION OF AGENDA

Chair DeLoach called for approval of the agenda.

MOTION: (Muns / McClain) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair DeLoach called for approval of the minutes from the April 8, 2003, Commission meeting.

PSC ACTION: Approved

V. SERVICE AWARDS

Chair DeLoach presented a service award to Windy Fortenberry for five years of service.

VI. COMMITTEE REPORTS

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

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

1. Ms. Scott reported that the Committee reviewed 59 *Probable Cause* cases during its May 12, 2004, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 8, 9, 37, 47, 50:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	04-3-1229 Applicant	Criminal Acts Professional Conduct	Warning
2	04-1-1053	Criminal Acts Abuse of Students Professional Conduct	Revocation
3	04-1-1062	Criminal Acts Professional Conduct Misrepresentation or Falsification	Warning
4	04-2-1143	Criminal Acts Failure to Make a Required Report Professional Conduct	Suspension for Two Years
5	04-3-1200	Criminal Acts Abuse of Students Professional Conduct	Revocation
6	04-3-1407 Applicant	Criminal Acts Professional Conduct	No Probable Cause
7	04-01-953	Abuse of Students Professional Conduct Criminal Acts	Revocation
8	04-1-1078	Abuse of Students Professional Conduct	Suspension for One Month
9	04-2-1125	Abuse of Students Professional Conduct	Suspension for Three Months

PC #	Case Number	STANDARD(S)	EERC Recommendation
10	04-2-1127	Abuse of Students Professional Conduct	Reprimand
11	04-2-1159	Abuse of Students Criminal Acts Professional Conduct	Revocation
12	03-12-886 Applicant	Misrepresentation or Falsification Professional Conduct	Denial
13	04-1-1028	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Revocation
14	04-1-1093	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
15	04-2-1120 Applicant	Criminal Acts	Warning
16	04-2-1126	Misrepresentation or Falsification Professional Conduct	Reprimand
17	04-2-1128	Misrepresentation or Falsification Professional Conduct	Reprimand
18	04-2-1129	Misrepresentation or Falsification Professional Conduct	No Probable Cause
19	04-2-1130	Misrepresentation or Falsification Professional Conduct	No Probable Cause
20	04-2-1131	Misrepresentation or Falsification Professional Conduct	No Probable Cause
21	04-2-1132	Misrepresentation or Falsification Professional Conduct	No Probable Cause
22	04-2-1133	Misrepresentation or Falsification Professional Conduct	No Probable Cause
23	04-2-1145	Misrepresentation or Falsification Professional Conduct	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
24	04-2-1147	Misrepresentation or Falsification Failure to Make a Required Report	Warning
25	04-2-1164 Applicant	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Warning
26	04-2-1176	Misrepresentation or Falsification Professional Conduct	Suspension for One Year
27	04-2-1183	Misrepresentation or Falsification Professional Conduct	No Probable Cause
28	04-2-1184	Misrepresentation or Falsification Professional Conduct	Warning
29	04-2-1197	Misrepresentation or Falsification Professional Conduct	Warning
30	04-3-1217	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
31	04-3-1221	Misrepresentation or Falsification	Reprimand
32	04-3-1230	Misrepresentation or Falsification	Reprimand
33	04-3-1261	Misrepresentation or Falsification Criminal Acts	Reprimand
34	04-3-1318	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	No Probable Cause
35	04-3-1406	Misrepresentation or Falsification Professional Conduct	Revocation
36	04-4-1440	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	No Probable Cause
37	04-2-1169	Public Funds and Property Confidential Information Professional Conduct	Suspension for Two Years
38	04-2-1157	Misrepresentation or Falsification Improper Remunerative Conduct Professional Conduct	Suspension for Two Years
39	03-12-839	Abuse of Students Abandonment of Contract	Suspension for Six Months
40	04-1-1073	Abandonment of Contract	Suspension for Six Months
41	04-3-1324	Abandonment of Contract	Suspension for Six Months
42	04-1-1051	Failure to Make a Required Report Criminal Acts Professional Conduct	Revocation

PC #	Case Number	STANDARD(S)	EERC Recommendation
43	04-1-1092	Failure to Make a Required Report Professional Conduct	Reprimand
44	04-2-1142	Failure to Make a Required Report Professional Conduct	Reprimand
45	04-2-1177	Failure to Make a Required Report Professional Conduct	Reprimand
46	04-2-1182	Failure to Make a Required Report Professional Conduct	No Probable Cause
47	04-1-1055	Professional Conduct	Warning
48	04-1-1059	Professional Conduct	Reprimand
49	04-2-1124	Professional Conduct	No Probable Cause
50	04-2-1140	Professional Conduct	Reprimand
51	04-2-1148	Professional Conduct	Suspension for Six Months
52	04-2-1154	Professional Conduct	Reprimand
53	04-2-1158	Professional Conduct	Reprimand
54	04-2-1160	Professional Conduct	Warning
55	04-2-1166	Professional Conduct Abuse of Students	Reprimand
56	04-2-1170	Professional Conduct	Reprimand
57	04-2-1181	Professional Conduct	Suspension for One Year
58	04-2-1196	Professional Conduct	Reprimand
59	03-06-2262	Abuse of Students Professional Conduct	Revocation

PSC ACTION: Approved

Abstention: Dottie McClain-Case #57

Case # 8

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

PSC ACTION: Approved

Abstention: Maria Miller

Opposed: Gary Bechtel

6/14/2004

Page 6

MOTION: (McClain / Hart) To adopt case #8 as an amended motion.

PSC ACTION: Approved

Abstention: Maria Miller

Opposed: Gary Bechtel

Case # 9

To accept the EERC recommendation of a Three Month Suspension.

PSC ACTION: Approved

Case # 37

MOTION: (Dartt / Muns) To amend the EERC recommendation from a Two Year Suspension to a Reprimand.

Opposed: Dottie McClain, Janet Scott, Gary Bechtel, Carolyn Hart, Maria Miller, Bo Slack, Dr. Debbie Wilkes

The motion was amended.

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

Opposed: Jean Ebron, Stephen Dartt

MOTION: (McClain / Hart) To adopt case #37 as an amended motion.

PSC ACTION: Approved

Opposed: Jean Ebron, Stephen Dartt

Case # 47

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

Opposed: Dottie McClain, Janet Scott, Gary Bechtel, Stephen Dartt, Maria Miller, Jean Ebron, Dr. Debbie Wilkes, Lee Muns

The motion did not carry.

To accept the EERC recommendation of a Warning.

PSC ACTION: Approved

Opposed: Carolyn Hart

Case # 50

MOTION: (Hart / McClain) To amend the EERC recommendation from a Reprimand to a One Month Suspension.

In Favor Of: Dottie McClain, Carolyn Hart, Jean Ebron, Maria Miller, Bo Slack

Opposed: Janet Scott, Gary Bechtel, Stephen Dartt, Dr. Debbie Wilkes, Lee Muns

Due to a tie vote, Chair DeLoach voted in favor of a One Month Suspension.

PSC ACTION: Approved

MOTION: (McClain / Hart) To adopt case #50 as an amended motion.

6/14/2004

Page 7

In Favor Of: Dottie McClain, Carolyn Hart, Jean Ebron, Maria Miller, Bo Slack
Opposed: Janet Scott, Gary Bechtel, Stephen Dartt, Dr. Debbie Wilkes, Lee Muns

Due to a tie vote, Chair DeLoach voted to approve the amended motion.

PSC ACTION: Approved

2. Ms. Scott reported that the Educator Ethics Review Committee reviewed 3 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
03-08-250	Abandonment of Contract Professional Conduct Misrepresentation or Falsification	Suspension for Six Months	Accept
03-07-001	Misrepresentation or Falsification: Testing Professional Conduct	No Probable Cause – Expungement of File	Accept
02-06-2450	Misrepresentation or Falsification: Testing Professional Conduct	Suspension for Six Months	Accept

PSC ACTION: Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 2 *Petitions-Certificate Issues* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
04-01-1075	Louis B. Thomas	Right to Reapply	Revocation – October 5, 2000	Deny
04-02-1187	Darian McKinney	Right to Reapply	Denied – March 15, 2002	Deny

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 28 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recomm.
03-10-526	Reprimand	Criminal Acts; Professional Conduct Misrepresentation or Falsification: CH	Accept
03-11-770	Reprimand	Abuse of Students; Professional Conduct	Accept
03-12-888	Reprimand	Professional Conduct;	Accept

Abuse of Students			
Case Number	Sanction	Violation	EERC Recomm.
03-12-895	Suspension for One Month	Misrepresentation or Falsification: Testing Professional Conduct	Accept
03-12-896	Reprimand	Misrepresentation or Falsification: Testing Professional Conduct	Accept
03-12-899	Suspension for One Year	Professional Conduct Abuse of Students	Accept
03-12-905	Suspension for Six Months	Abandonment of Contract	Accept
03-12-920	Reprimand	Professional Conduct; Abuse of Students	Accept
03-12-925	Revocation***	Misrepresentation or Falsification: Investigation Abuse of Students; Professional Conduct; Criminal Acts	Accept
04-01-977	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
04-01-997	Reprimand	Criminal Acts	Accept
04-01-1013	Warning	Criminal Acts	Accept
04-01-1018	Warning	Misrepresentation or Falsification: Previous Suspension Failure to Make a Required Report	Accept
04-01-1026	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
04-01-1039	Revocation***	Abuse of Students	Accept
04-01-1042	Reprimand	Misrepresentation or Falsification: Testing Professional Conduct	Accept
04-01-1045	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
04-01-1056	Suspension for One Month	Professional Conduct Misrepresentation or Falsification	Accept
04-01-1057	Reprimand	Misrepresentation or Falsification: Testing Professional Conduct	Accept
04-01-1064	Warning	Misrepresentation or Falsification: CH Failure to Make a Required Report	Accept
04-01-1066	Warning	Criminal Acts Professional Conduct	Accept
04-01-1070	Suspension for One Month	Professional Conduct	Accept
04-01-1071	Suspension for One Month	Misrepresentation or Falsification: Prof. Qualifications Professional Conduct	Accept
04-01-1088	Warning	Misrepresentation or Falsification: Testing Professional Conduct	Accept
04-01-1090	Warning	Professional Conduct	Accept
04-02-1167	Revocation***	Professional Conduct	Accept
04-03-1329	Revocation***	Criminal Acts; Professional Conduct	Accept
04-04-1410	Revocation***	Misrepresentation or Falsification: Prof. Qualifications Professional Conduct	Accept

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

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 15 *Negotiated Settlement*

Agreements and brought the following recommendations on behalf of the Committee excluding case #14:

Case Number	Violation	Negotiated Proposal	EERC Recomm.
03-04-1910	Public Funds and Property Professional Conduct	Revocation	Accept
03-04-1915	Failure to Make a Required Report Misrepresentation or Falsification	Warning	Accept
03-04-2058	Abuse of Students Public Funds and Property Professional Conduct	Suspension for One Year	Reject
03-05-2115	Misrepresentation or Falsification: Testing Professional Conduct	Suspension for Four Months	Accept
03-05-2116	Misrepresentation or Falsification: Testing Professional Conduct	Suspension for Four Months	Accept
03-06-2328	Misrepresentation or Falsification: Testing Professional Conduct	No Probable Cause Dismissal - Expungement of File	Accept
03-10-638	Misrepresentation or Falsification: Testing Professional Conduct	No Probable Cause Dismissal - Expungement of File	Accept
03-01-1427	Criminal Acts Professional Conduct	Reprimand	Reject
03-09-340	Misrepresentation or Falsification: Prof. Qual. Professional Conduct	Suspension for Three Months	Accept
03-05-2071	Misrepresentation or Falsification: Prof. Qual. Professional Conduct	Denial	Accept
03-06-2215	Misrepresentation or Falsification: Testing Professional Conduct	Suspension for One Month	Accept
02-08-680	Criminal Acts	Suspension for One Year	Accept
04-01-974	Misrepresentation or Falsification: Previous Denial	Warning	Accept
03-11-779	Professional Conduct	Suspension for Two Months	Accept
03-08-263	Misrepresentation or Falsification: Testing Professional Conduct	No Probable Cause Dismissal - Expungement of File	Accept

PSC ACTION: Approved

Abstention: Bo Slack-Cases 4 & 5

Case #14

MOTION: (Miller / Dartt) To reject the EERC recommendation to accept the negotiated settlement.

Opposed: Gary Bechtel, Jean Ebron, Dottie McClain, Lee Muns, Janet Scott, Bo Slack, Dr. Debbie Wilkes

The motion did not carry.

To accept the EERC recommendation to take the negotiated settlement for a Two Month Suspension.

PSC ACTION: Approved

Opposed: Carolyn Hart, Maria Miller, Stephen Dartt

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 91 new complaints received during the months of April and May 2004:

PSC ACTION: Approved

7. The Commission reviewed a report that consisted of *Responses from School Systems to Cases Remanded* by the Professional Standards Commission. The Educator Ethics Review Committee recommended a No Probable Cause finding on 22 cases and a finding of No Jurisdiction on Case #04-3-1387. The investigative files for each case with a No Probable Cause finding will be sealed and expunged.

8. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 14 cases.

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
04-02-1162	04-03-1218	04-03-1260
04-02-1185	04-03-1219	04-03-1274
04-2-1150	04-03-1222	04-03-1275
04-2-1155	04-03-1226	04-03-1398
04-2-1163	04-03-1259	

PSC ACTION: Approved

9. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 41 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

10. **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. The report indicates Orders that have been issued by the Commission to extend time by 30 additional days to preserve the Commission’s time to conduct review hearings.

PSC ACTION: Approved

11. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 23 *Student Loan Reinstatements* and 15 *Student Loan Suspensions*.

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

The Commission reviewed the report, which advised of 12 cases now closed without an appeal for a hearing before

6/14/2004

Page 11

an Administrative Law Judge. The report also advised the Commission that there were 3 cases closed without an appeal for a review hearing before the Commission.

VII. REVIEW HEARINGS

- | | |
|--------------------|--------------------------------|
| 1. Peggy Smith | - Educator (Case # 02-12-1380) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| James David Dunham | - Attorney |

MOTION: (Muns / Slack) To go into Executive Session and allow PSC staff (Gary Walker, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Muns / Hart) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the sanction recommended by the Administrative Law Judge. The Commission concluded that a lesser sanction is appropriate in this particular case based on a review of the record. The Commission hereby ORDERED that the Georgia educator certificate held by Peggy Smith be issued a Reprimand effective May 13, 2004.

PSC ACTION: Approved

- | | |
|-----------------------|--------------------------------|
| 2. Mitchell Valentine | - Educator (Case # 03-02-1707) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Mariclaire Partee | - Attorney |

MOTION: (Hart / Slack) To go into Executive Session and allow PSC staff (Gary Walker, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Slack / Miller) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge with the following specification. The Commission hereby ORDERS that the Georgia educator certificate held by Mitchell Valentine be Suspended for a period of One Year. The effective date of the final decision is May 13, 2004. The period of suspension shall begin on May 28, 2004 and shall conclude on May 28, 2005.

PSC ACTION: Approved

Opposed: Gary Bechtel

6/14/2004

Page 12

3. Winfred Akins - Educator (Case # 03-12-1382)
Wayne Magnum - Hearing Officer
Alfred L. Evans, Jr. - PSC Attorney

MOTION: (Miller / McClain) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Gary Walker, John Grant and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (McClain / Ebron) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the sanction recommended by the Administrative Law Judge. The Commission concluded that a lesser sanction was appropriate in this particular case based on a review of the record. The Commission hereby ORDERED that the Georgia educator certificate held by Winfred Akins be issued a Warning effective May 13, 2004.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY REPORT

A. Brewton-Parker College

MOTION: (Hart / McClain) To delay the on-site visit from the Professional Standards Commission to Brewton-Parker College from the fall of 2005 to the fall of 2006.

PSC ACTION: Approved

B. Dr. Toth distributed a Commission Meeting Schedule for the next 12 months.

C. Rick Eiserman, Director of Certification Policy, is still giving presentation on certification changes to RESAs and has been received well.

D. Dr. Gary Walker, Director of Educator Ethics, spoke about the Educator Ethics Division and possible changes in the way the material is presented to the commissioners.

E. Dr. Toth gave a commencement speech to the completers of the GA TAPP program for 2004 at Coastal States RESA in Dearing, Georgia.

F. Dr. Toth and other Directors from The Professional Standards Commission will be attending the 2004 GAEL Summer Conference that will be held in Jekyll Island, Georgia.

IX. CHAIR'S REPORT

The Chair, Terri DeLoach, spoke about the Georgia Committee on Quality Teaching Retreat that was held at The Georgia Institute of Technology.

6/14/2004

Page 13

X. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 12:25 pm.