

MINUTES

PROFESSIONAL STANDARDS COMMISSION

The Retreat at Lake Blackshear

Ballroom A

Cordele, Georgia

November 11, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, November 11, 2004, at 9 a.m.

Members Present

Steven Dartt	Maria Miller	Dr. Craig Smith
Terri DeLoach	Dr. Louisa Moffitt	Sandra Thompson
Amy Denty	Lee Muns	Dr. Wanda West
Jean Ebron	Dr. Mary Outlaw	Dr. Debbie Wilkes
Mary Gomez	Bo Slack	
Carolyn Lee Hart		

Members Absent

Dr. Holly Robinson	Gary Bechtel
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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
- Gayle Wooten, Professional Association of Georgia Educators
- Mike Bochenko, Berrien County Schools
- Bobby Griffin, Berrien County Schools
- Herb Garrett, GSSA
- Chester A. LeGronk
- Cynthia Noles Johnson

III. ADOPTION OF AGENDA

Chair DeLoach called for approval of the agenda.

MOTION: (Muns / West) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair DeLoach called for approval of the minutes from the October 14, 2004, Commission meeting.

PSC ACTION: Approved

V. 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. Mr. Slack reported that the Committee reviewed 68 *Probable Cause* cases during its November 10, 2004, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 17, 35, 36, 37 and 64:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	04-08-189 PR	Abandonment of Contract	No Probable Cause
2	04-08-192 PR	Abandonment of Contract	No Probable Cause
3	04-08-212 PR	Abandonment of Contract	No Probable Cause
4	04-08-220 PR	Abandonment of Contract	No Probable Cause
5	04-08-223 PR	Abandonment of Contract	Suspension for Six Months
6	04-08-226 PR	Abandonment of Contract	Suspension for Six Months
7	04-08-228 PR	Abandonment of Contract	No Probable Cause
8	04-06-1813 PR	Abuse of Students Public Funds and Property Professional Conduct	Revocation
9	04-08-211 PR	Abuse of Students Professional Conduct	No Probable Cause
10	04-08-217 PR	Abuse of Students Professional Conduct	No Probable Cause
11	04-09-266 PR	Abuse of Students Professional Conduct	No Probable Cause
12	04-07-155 PR	Criminal Acts Abuse of Students Professional Conduct	Revocation
13	04-07-156 PR	Criminal Acts Abuse of Students Professional Conduct	Revocation
14	04-08-185 PR	Criminal Acts	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
15	04-08-221 PR	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Revocation
16	04-08-222 PR	Criminal Acts Professional Conduct	Reprimand
17	04-08-230 Applicant	Criminal Acts	Reprimand
18	04-09-264 PR	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension for One Year
19	04-09-267 PR	Criminal Acts Misrepresentation or Falsification Professional Conduct	No Probable Cause
20	04-09-291 PR	Criminal Acts	Reprimand
21	04-09-294 Applicant	Criminal Acts	Denial
22	04-09-349 PR	Criminal Acts	Warning
23	04-09-378 Applicant	Criminal Acts	Denial
24	04-10-425 PR	Criminal Acts	No Probable Cause
25	04-10-440 Applicant	Criminal Acts	No Probable Cause
26	04-08-159 PR	Failure to Make a Required Report Criminal Acts Professional Conduct	Reprimand
27	04-08-200 PR	Failure to Make a Required Report Abuse of Students Professional Conduct	Reprimand
28	04-04-1471 PR	Misrepresentation or Falsification	Reprimand
29	04-07-98 PR	Misrepresentation or Falsification Professional Conduct	Suspension for Three Months
30	04-07-123 PR	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
31	04-08-160 PR	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Warning
32	04-08-197 PR	Misrepresentation or Falsification	No Probable Cause
33	04-08-205 PR	Misrepresentation or Falsification Professional Conduct	Reprimand
34	04-08-218 PR	Misrepresentation or Falsification Professional Conduct	Suspension for One Year

PC #	Case Number	STANDARD(S)	EERC Recommendation
35	04-08-236 PR	Misrepresentation or Falsification Professional Conduct	Reprimand
36	04-08-237 PR	Misrepresentation or Falsification Professional Conduct	Reprimand
37	04-08-238 PR	Misrepresentation or Falsification Professional Conduct	Reprimand
38	04-08-239 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
39	04-08-240 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
40	04-08-241 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
41	04-08-242 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
42	04-08-243 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
43	04-08-245 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
44	04-08-246 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
45	04-08-247 PR	Misrepresentation or Falsification Professional Conduct	No Probable Cause
46	04-09-250 PR	Misrepresentation or Falsification	Extend Probable Cause Determination until January 13, 2005 Letter of Intent Warning
47	04-09-251 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
48	04-09-252 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
49	04-09-253 PR	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
50	04-09-254 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
51	04-09-255 PR	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Warning
52	04-09-256 PR	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
53	04-09-258 PR	Misrepresentation or Falsification	No Probable Cause
54	04-09-279 Applicant	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand
55	04-09-296 PR	Misrepresentation or Falsification Failure to Make a Required Report	Reprimand

PC #	Case Number	STANDARD(S)	EERC Recommendation
56	04-09-369 PR	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
57	04-09-370 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
58	04-09-381 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
59	04-09-405 PR	Misrepresentation or Falsification Failure to Make a Required Report	Warning
60	04-06-1720 PR	Criminal Acts Professional Conduct	Warning
61	04-07-008 PR	Professional Conduct	Suspension for One Month
62	04-07-039 PR	Professional Conduct	Revocation
63	04-08-163 PR	Professional Conduct	Suspension for One Month
64	04-08-164 PR	Professional Conduct	Suspension for One Week
65	04-08-180 PR	Professional Conduct	Reprimand
66	04-08-206 PR	Professional Conduct	Reprimand
67	04-08-182 PR	Public Funds and Property Professional Conduct	Suspension for One Year
68	04-08-183 PR	Failure to Make a Required Report Public Funds and Property Professional Conduct Failure to Make a Required Report	Suspension for One Year

PSC ACTION: Approved

Abstention: Jean Ebron – Case # 12 and 13

Case # 17

Lee Muns made a motion to change the recommendation from a Reprimand to a Warning. There was no second to the motion and therefore it did not carry.

Case # 35, 36, 37

Carolyn Hart made a motion to change the recommendations from Reprimands to No Probable Causes. Debbie Wilkes seconded the motion but the motion did not carry.

Case # 64

The commission discussed the case and decided to accept the EERC recommendation of a Suspension for One Week.

MOTION: (Denty / Miller) To approve case #'s 17, 35, 36, 37 and 64 as recommended by the EERC.

PSC ACTION: Approved

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

Case Number	Probable Cause Determination	ALJ Initial Decision	ALJ Ethical Violation	EERC Recomm.
03-10-537	Revocation	Revocation	Criminal Acts Professional Conduct	Accept
03-06-2403	Suspension -6 Months	No Probable Cause	No Violations	Review

PSC ACTION: Approved

3. Mr. Slack reported that the Educator Ethics Review Committee reviewed 2 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
04-9-322	William Hendricks, III	Right to Reapply	Revocation - September 6, 2001	Denial
04-7-102	Willie Green	Right to Reapply	Revocation - July 13, 2001	Denial

PSC ACTION: Approved

4. Mr. Slack reported that the Educator Ethics Review Committee reviewed 3 *Voluntary Surrenders / Voluntary Denials* and brought the following recommendations on behalf of the Committee:

Case Number	STANDARDS VIOLATED	SANCTION	EERC Recomm.
04-8-195	Abuse of Students Professional Conduct	Revocation	Accept
04-08-198	Alcohol or Drugs Professional Conduct	Revocation	Accept
04-9-265	Abuse of Students Misrepresentation or Falsification Professional Conduct	Revocation	Accept

PSC ACTION: Approved

5. Mr. Slack reported that the Educator Ethics Review Committee reviewed 10 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recomm.
04-6-1734	Warning	Professional Conduct	Accept
04-6-1748	Reprimand	Professional Conduct	Accept
04-6-1759	Suspension for One Week	Professional Conduct	Accept
04-6-1783	Suspension for Two Years	Professional Conduct; Abuse of Students; Misrepresentation or Falsification: Investigation	Accept
04-6-1807	Reprimand	Misrepresentation or Falsification: Testing	Accept
04-6-1838	Reprimand	Criminal Acts; Failure to Make a Required Report	Accept
04-7-52	Reprimand	Criminal Acts	Accept
04-7-109	Reprimand	Misrepresentation or Falsification: Criminal History Criminal Acts	Accept
04-7-141	Warning	Criminal Acts	Accept
04-8-161	Reprimand	Abandonment of Contract; Professional Conduct	Accept

PSC ACTION: Approved

6. Mr. Slack reported that the Educator Ethics Review Committee reviewed 4 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Violation	Negotiated Proposal	EERC Recomm.
04-03-1383	Abuse of Students; Public Funds and Property Professional Conduct	Revocation	Accept
04-03-1269	Alcohol or Drugs Professional Conduct	Suspension for One Year	Accept
03-04-2064	Public Funds and Property Professional Conduct	Reprimand	Accept
03-10-446	Abandonment of Contract Professional Conduct	Suspension for Six Months	Accept

PSC ACTION: Approved

Abstention: Case #1 – Stephen Dartt, Case # 3 – Mary Outlaw

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 66 new complaints received during the months of October and November 2004:

PSC ACTION: Approved

MOTION: (Slack / Denty) To change case # 04-8-183 from Investigate to remand.

PSC ACTION: Approved

8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the *Extensions - Preliminary Investigative Determinations* consisting of the following cases: 04-10-546, 04-10-547, 04-10-548, 04-10-549, 04-10-550, 04-10-551, 04-10-552, and 04-10-553

PSC ACTION: Approved

9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 51 cases:

Case Number	Case Number	Case Number	Case Number	Case Number	Case Number
04-5-1671	04-7-82	04-7-90	04-9-288	04-9-377	04-10-439
04-6-1719	04-7-125	04-8-196	04-9-292	04-9-379	
04-6-1809	04-8-190	04-8-204	04-9-301	04-9-382	
04-7-80	04-8-193	04-8-215	04-9-302	04-9-383	
04-8-181	04-8-194	04-8-224	04-9-304	04-10-424	
04-8-191	04-8-184	04-8-225	04-9-355	04-10-426	
04-8-209	04-8-186	04-9-263	04-9-367	04-10-427	
04-8-213	04-8-207	04-7-36	04-9-371	04-10-434	
04-8-219	04-7-88	04-9-274	04-9-374	04-10-437	
04-8-229	04-7-89	04-9-282	04-9-376	04-10-438	

PSC ACTION: Approved

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 47 cases reflected on the *Applications for Certification Report*. A Summary of findings was requested on Case # 04-10-531. The investigative files will be sealed and expunged on 47 of the 48 cases presented.

PSC ACTION: Approved

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 2 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

PSC ACTION: Approved

12. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were 13 certificates suspended from October 14, 2004 through November 11, 2004. There were 4 certificates that had been *reinstated* because restitution is now being made on those student loans.

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

The Commission reviewed the report, which advised of 19 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 3 cases closed without an appeal for a review

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hearing before the Commission.

VI. REVIEW HEARINGS

- | | |
|------------------|--------------------------------|
| 1. Johnny Farmer | - Educator (Case # 03-05-2174) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Cynthia Johnson | - Attorney |

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

ACTION: Approved

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

ACTION: Approved

MOTION: (Muns / West) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Decision of the Administrative Law Judge to sanction the educator is adopted and incorporated by reference herein. The Commission rejected the sanction recommended by the Administrative Law Judge. The Commission concluded that a greater sanction was appropriate in this particular case because the sanction recommended by the Administrative Law Judge did not reflect the seriousness with which the Commission viewed the Respondent's violation of the rules applicable to educators. The Commission hereby ordered that the Georgia educator certificate held by Johnny Farmer be Suspended for a period of Three Months, effective November 26, 2004 until February 26, 2005.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

A. Senator Renee Unterman had presented the Commission with her rationale on why educators holding a Juris Doctorate degree should be awarded a Level 7 Teaching Certificate during June 2004 commission meeting. At present the commission awards a Level 6 Teaching Certification for a Juris Doctorate degree.

MOTION: (Muns / Moffitt) To accept the commission's decision to award a level 6 Teaching Certification to a Juris Doctorate degree.

ACTION: Approved

B. Dr. Toth presented a request from Ms. Tracy Mallory that the commission waive the Praxis I Assessment. Ms. Mallory has a documented learning disability to perform some higher level math functions according to her. The Professional Standards Commission does not have this documentation. Ms. Mallory received testing accommodations from ETS but still did not pass. She has passed the Reading and Writing portions of Praxis I. She has also passed the Special Education Praxis II assessment.

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MOTION: (Hart / Gomez) To deny the request of the educator to waive the Praxis I requirement for certification but to advise the educator of the option for the educator's employing school system to request a one-year waiver of the Praxis I for the educator.

ACTION: Approved

Abstention: Dr. Craig Smith

C. Dr. Gary Walker, Director of Educator Ethics spoke with the commission about his recent meeting with Dr. Sharon Hunt, Director of Testing at the Department of Education. She agreed that the Department of Education would review cases that were procedural in nature to determine if a complaint needed to be filed. Dr. Walker informed the commission that he had mailed 15 cases to her for review.

VIII. CHAIR'S REPORT

Chair DeLoach thanked the new commissioners for their time.

Amy Denty raised concerns about Mr. Evans, PSC Attorney. She stated that she was concerned about our representation.

MOTION: (Denty / Gomez) Dr. Toth to speak with the Attorney Generals Office about Mr. Evans and the PSC's representation. **PSC ACTION:** Approved

IX. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 10:50 am.