

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

2 Peachtree Street  
29<sup>th</sup> Floor, DHR Boardroom  
Atlanta, Georgia  
November 10, 2005

The Georgia Professional Standards Commission (PSC) met on Thursday, November 10, 2005, at 9 a.m.

### Members Present

Stephen Dartt	Carolyn Lee Hart	Dr. Holly Robinson
Terri DeLoach	Maria Miller	Dr. Craig Smith
Amy Denty	Dr. Louisa Moffitt	Sandra Thompson
Jean Ebron	Lee Muns	Dr. Debbie Wilkes
Mary Gomez	Dr. Mary Outlaw	

### Members Absent

Dr. Wanda West	Gary Bechtel
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### I. CALL TO ORDER

Terri DeLoach called the meeting to order at 9:04 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

### II. RECOGNITION OF VISITORS

Terri DeLoach recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Neil Rigola, Board of Regents
- Towanda Henderson
- John Hooper, Georgia School Superintendents Association
- Leon Cummings
- William Pope Langdale, III, Attorney

### III. ADOPTION OF AGENDA

Terri DeLoach called for approval of the agenda.

**MOTION:** (Muns / Thompson) To approve agenda.

**PSC ACTION:** Approved

### IV. APPROVAL OF MINUTES

Terri DeLoach called for approval of the minutes from the October 13, 2005, Commission meeting.

**PSC ACTION:** Approved

### V. COMMITTEE REPORTS

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

Commissioner Maria Miller, gave a preliminary review of the Cases.

1. Ms. Miller reported that the Committee reviewed 58 **Probable Cause** cases during its November 9, 2005, meeting and brought the following recommendations on behalf of the Committee excluding case number 05-08-206:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1.	05-05-1702	Abuse of Students Criminal Acts Professional Conduct	Revocation
2.	05-07-140	Abuse of Students Criminal Acts Professional Conduct	Extend Probable Cause Determination Until January 12, 2006
3.	05-08-268	Abuse of Students Professional Conduct	Reprimand
4.	05-08-195	Alcohol or Drugs Professional Conduct	Suspension for One Year
5.	05-08-269	Alcohol or Drugs Professional Conduct	Suspension for 5 Days
6.	05-03-1482	<del>Confidential Information</del> Professional Conduct	Warning
7.	05-08-184	Confidential Information Professional Conduct	Reprimand
8.	05-03-1458	Criminal Acts Professional Conduct	Suspension for Two Years
9.	05-06-1827	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
10.	05-07-5	Criminal Acts Professional Conduct	Reprimand
11.	05-07-38	Criminal Acts Professional Conduct	Denial
12.	05-07-60	Criminal Acts Misrepresentation or Falsification Professional Conduct	Reprimand
13.	05-07-64	Criminal Acts Professional Conduct	Denial
14.	05-07-142	Criminal Acts Misrepresentation or Falsification Professional Conduct	Revocation

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
15.	05-08-198	Criminal Acts Professional Conduct	Revocation
16.	05-08-210	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension for Two Years
17.	05-07-109	Failure to Make a Required Report Misrepresentation or Falsification Criminal History Professional Conduct	Suspension for 20 Days
18.	05-08-185	Failure to Make a Required Report Professional Conduct	No Probable Cause
19.	05-08-188	Failure to Make a Required Report Professional Conduct	Reprimand
20.	05-08-189	Failure to Make a Required Report Professional Conduct	No Probable Cause
21.	05-08-206	Failure to Make a Required Report Professional Conduct	No Probable Cause
22.	05-05-1633	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
23.	05-06-1824	Misrepresentation or Falsification Professional Conduct	Suspension for One Year
24.	05-06-1882	Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension for 20 Days
25.	05-06-1912	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Warning
26.	05-06-1916	Misrepresentation or Falsification Public Funds and Property Professional Conduct	No Probable Cause
27.	05-06-1921	Misrepresentation or Falsification Professional Conduct	Warning
28.	05-07-8	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
29.	05-07-39	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Warning
30.	05-07-46	Misrepresentation or Falsification Public Funds and Property Failure to Make a Required Report Professional Conduct	Revocation
31.	05-07-66	Misrepresentation or Falsification Criminal Acts	Revocation

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Professional Conduct	
32.	05-07-67	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
33.	05-07-68	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
34.	05-07-69	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Revocation
35.	05-07-71	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Revocation
36.	05-07-78	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
37.	05-07-153	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	No Probable Cause
38.	05-07-154	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	No Probable Cause
39.	05-07-155	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	No Probable Cause
40.	05-08-205	Misrepresentation or Falsification Professional Conduct	Suspension for 20 Days
41.	05-08-234	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	No Probable Cause
42.	05-08-241	Misrepresentation or Falsification Professional Conduct	No Probable Cause
43.	05-08-297	Misrepresentation or Falsification Professional Conduct	No Probable Cause
44.	05-03-1455	Professional Conduct	Reprimand
45.	05-05-1654	Professional Conduct	No Probable Cause
46.	05-06-1821	Professional Conduct	Suspension for 90 Days
47.	05-06-1866	Professional Conduct Criminal Acts	Suspension for 90 Days

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
48.	05-06-1953	Professional Conduct	Suspension for 5 Days
49.	05-7-62	Professional Conduct	Extend Probable Cause Determination Until January 12, 2006 (Letter of Intent)
50.	05-07-136	Professional Conduct	No Probable Cause
51.	05-08-238	Professional Conduct	Warning
52.	05-08-247	Professional Conduct	Reprimand
53.	05-09-301	Professional Conduct Abuse of Students Criminal Acts	No Probable Cause
54.	05-06-1739	Public Funds and Property Professional Conduct	Reprimand
55.	05-08-291	Public Funds and Property Professional Conduct	No Probable Cause
56.	05-08-292	Public Funds and Property Professional Conduct	No Probable Cause
57.	05-08-300	Public Funds and Property Professional Conduct	No Probable Cause
58.	05-06-1930	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause

**PSC ACTION:** Approved

Abstention: Lee Muns – Case # 05-08-188 and 05-08-189

Lee Muns called for discussion on Case # 05-08-206:

**MOTION:** (Hart / Moffitt) To change the EERC recommendation from No Probable Cause to a Reprimand.

**ACTION:** Approved

Abstention: Lee Muns

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 7 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION
03-09-381	Misrepresentation or Falsification Professional Conduct	Suspension - 3 Months	Suspension - 2 Months
03-06-2266	Misrepresentation or Falsification Professional Conduct	Suspension - 2 Years	Suspension - 2 Years
03-08-269	Professional Conduct	Suspension - 6 Months	Suspension - 6 Months

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION
04-03-1226	Criminal Acts	Denial	Denial
04-03-1360	Misrepresentation or Falsification Professional Conduct	Suspension – 3 Months	Suspension – 3 Months
04-06-1864	Criminal Acts Misrepresentation or Falsification Professional Conduct	Revocation	Revocation
04-02-1176	Misrepresentation or Falsification Professional Conduct	Suspension – 6 Months	Suspension – 1 Month

**PSC ACTION:** Approved

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

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION
05-7-106	Right to Reapply	Revocation – 1/19/2001	Misrepresentation or Falsification
05-5-1664	Right to Reapply	Revocation – 10/12/2001	Criminal Acts Misrepresentation or Falsification
05-06-1929	Right to File Reapply Petition Early	Revocation – 8/10/2000 Denied Reapply – 9/8/2005	Alcohol or Drugs
01-10-783	Rule Waiver	Revocation – 11/13/2003	Abuse of Students Professional Conduct

**PSC ACTION:** Approved

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 15 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	STANDARDS VIOLATED
1	05-05-1604	Reprimand	Misrepresentation or Falsification Professional Conduct
2	05-05-1665	Suspension for 90 Days	Public Funds and Property Misrepresentation or Falsification Professional Conduct
3	05-05-1693	Reprimand	Misrepresentation or Falsification Professional Conduct
4	05-05-1712	Suspension for 10 Days	Professional Conduct
5	05-06-1797	Warning	Criminal Acts Professional Conduct
6	05-06-1828	Reprimand	Abuse of Students Professional Conduct

#	CASE NUMBER	SANCTION	STANDARDS VIOLATED
7	05-06-1843	Reprimand	Criminal Acts Professional Conduct
8	05-06-1881	Reprimand	Professional Conduct Misrepresentation or Falsification Confidential Information
9	05-06-1889	Reprimand	Public Funds and Property Professional Conduct
10	05-06-1943	Reprimand	Criminal Acts Professional Conduct
11	05-06-1947	Suspension for 5 Days	Alcohol or Drugs Professional Conduct
12	05-08-183	Suspension for 20 Days	Criminal Acts Professional Conduct
13	05-08-239	Suspension for 20 Days	Public Funds and Property Professional Conduct
14	05-08-242	Suspension for One year	Public Funds and Property Professional Conduct
15	05-06-1731	Suspension for 5 Days	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct

**PSC ACTION:** Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 13 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	NEGOTIATED SANCTION
04-07-131	Misrepresentation or Falsification Failure to Make a Required Report	No Probable Cause
05-01-893	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Warning
05-07-73	Misrepresentation or Falsification Professional Conduct	Warning
05-02-1192	Abuse of Students Professional conduct	Suspension for One Year
05-05-1663	Criminal Acts Professional Conduct	Suspension for Two Years
05-04-1546	Public Funds and Property Professional Conduct	Suspension for Six Months
05-01-999	Criminal Acts Professional Conduct	No Probable Cause
05-03-1369	Criminal Acts Abuse of Students Professional Conduct	Revocation

CASE NUMBER	STANDARDS VIOLATED	NEGOTIATED SANCTION
04-7-100	Misrepresentation or Falsification Professional Conduct	Reprimand
04-11-627	Misrepresentation or Falsification Professional Conduct	Reprimand
04-6-1728	Criminal Acts Professional Conduct	Suspension for One Year
05-01-979	Criminal Acts	Denial
04-03-1377	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Reprimand

**PSC ACTION:** Approved

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
05-9-386	Revocation	Abuse of Students Criminal Acts Professional Conduct	Accept

**PSC ACTION:** Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 60 new complaints received during the months of October and November 2005:

**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:

Case Number	Case Number	Case Number	Case Number
05-10-434	05-10-437	05-10-440	05-10-443
05-10-435	05-10-438	05-10-441	05-10-445
05-10-436	05-10-439	05-10-442	05-10-446

**PSC ACTION:** Approved

#### 9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 85 cases:

Case Number	Case Number	Case Number	Case Number	Case Number	Case Number	Case Number	Case Number	Case Number
05-7-113	05-8-204	05-8-304	05-8-299	05-8-299	05-08-211	05-08-258	05-09-343	05-09-373
05-7-133	05-8-235	05-5-1657	05-9-305	05-9-305	05-08-216	05-08-261	05-09-347	05-10-422
05-7-137	05-8-246	05-6-1887	05-07-9	05-07-9	05-08-217	05-08-265	05-09-351	05-10-428
05-8-200	05-8-270	05-7-48	05-07-72	05-07-72	05-08-218	05-08-272	05-09-352	05-10-433
05-8-294	05-8-271	05-7-97	05-07-79	05-07-79	05-08-220	05-08-273	05-09-353	05-10-444
05-3-1439	05-8-196	05-7-103	05-07-82	05-07-82	05-08-222	05-08-279	05-09-355	
05-3-1456	05-8-237	05-7-104	05-07-83	05-07-83	05-08-226	05-08-280	05-09-357	
05-7-99	05-8-243	05-7-117	05-07-90	05-07-90	05-08-229	05-08-283	05-09-362	
05-7-105	05-8-298	05-8-202	05-07-91	05-07-91	05-08-230	05-08-285	05-09-366	
05-8-199	05-8-303	05-8-245	05-07-92	05-07-92	05-08-252	05-09-341	05-09-371	

**PSC ACTION:** Approved

#### 10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 56 cases reflected on the *Applications for Certification Report*.

**PSC ACTION:** Approved

#### 11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 5 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 6 certificates suspended from October 13, 2005 through November 10, 2005. There were 11 certificates that had been reinstated because restitution is now being made on those student loans. There were 5 issues where notification had been received to suspend but releases were received prior to the actual suspension being implemented. Restitution is now being made on those student loans.

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

The Commission reviewed the report, which advised of 13 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 2 cases closed without an appeal for a review hearing before the Commission.

### V. **REVIEW HEARINGS**

1. Towanda Henderson - Educator (Case # 03-8-269)  
Wayne Magnum - Hearing Officer  
Debrae Kennedy - PSC Attorney

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

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Smith / Hart) 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 Towanda Henderson be Suspended for a period of six months effective November 25, 2005 and shall conclude on May 25, 2006.

**PSC ACTION:** Approved

- |                            |   |
|----------------------------|---|
| 2. Ray and Sharon Peterson | - Educator (Case # 03-12-843 & 03-12-844) |
| Wayne Magnum               | - Hearing Officer                         |
| Penny Hannah               | - PSC Attorney                            |
| William Pope Langdale, III | - Attorney                                |

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

**ACTION:** Approved

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

**ACTION:** Approved

#### **Case # 03-12-843**

**MOTION:** (Muns / 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 Ray Peterson be Suspended for a period of one week effective November 25, 2005 and shall conclude on December 1, 2005.

**PSC ACTION:** Approved

#### **Case # 03-12-844**

**MOTION:** (Dartt / Muns) 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 Sharon Peterson be Suspended for a period of one week effective November 25, 2005 and shall conclude on December 1, 2005.

**PSC ACTION:** Approved

### **VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

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**A.** Rick Eiserman, Director of Certification Policy, reviewed and highlighted the “Certification Rules to be Considered for Initiation on December 8, 2005”. The commissioners were asked to review the packet so that we can vote on them at the December commission meeting.

**B.** Dr. Toth announced that Gary Bechtel, Craig Smith, Lee Muns and Mary Gomez were reappointed to serve on the commission for another term. Lee Muns was moved from a Board of Education slot to a Private Sector slot. A lawyer from Houston County has been appointed and will serve on the Board of Education slot. We are also waiting to get clearance for a teacher that has been appointed.

**C.** In January the United States Department of Education will review our consolidated report on the No Child Left Behind act. If we meet certain criteria we can apply for an extension. This would allow school systems another year to meet the criteria. A memo from Kathy Cox, State Superintendent of Schools was given to all commission members regarding Highly Qualified Teacher Guidance and a Letter from U.S. Secretary of Education, Margaret Spellings regarding No Child Left Behind’s HQT Provisions. Dr. Toth also gave the commissioners the Fact Sheet for Georgia Special Education Teachers that was also sent to the all school principals in the state of Georgia. This Fact Sheet is also posted on our web-site.

**D.** Commissioner Sandra Thompson attended the State Boards Liaison Committee on October 31, 2005 and briefed the commission. A Brief Overview hand-out was also given to the commissioners. Chair, Terri Deloach, announced that Debbie Wilkes and Sandra Thompson had been appointed to the committee.

## **VIII. ADJOURNMENT**

**MOTION:** (Miller / Thompson) To adjourn the meeting.

**PSC ACTION:** The meeting adjourned at 11:55 am.