

MINUTES

PROFESSIONAL STANDARDS COMMISSION

2 Peachtree Street
5th Floor, PSC Boardroom
Atlanta, Georgia
October 11, 2007

The Georgia Professional Standards Commission (PSC) met on Thursday, October 11, 2007, at 9 a.m.

Members Present

Maria Bradley	Dr. Louisa Moffitt	Jeannie Tucker
Stephen Dartt	Lee Muns	Hester Vasconcelos
Jean Ebron	Dr. Mary Outlaw	Dr. Wanda West
Pamela Greenway	Rose Powell	Dr. Debbie Wilkes
Maria Miller		

Members Absent

Gary Bechtel	Dr. Craig Smith
Sallie Bullock	Mary Gomez
Dr. Holly Robinson	

I. CALL TO ORDER

Chair Wilkes called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Chair Wilkes recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Demetrice Houston
- John Hooper, Georgia School Superintendents Association
- Nathalie Vargas
- Shalini Patel, Attorney
- Felecia Lee, Georgia Association of Educators (GAE)

III. ADOPTION OF AGENDA

Chair Wilkes called for approval of the agenda.

MOTION: (Vasconcelos / West) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair Wilkes called for approval of the minutes from the September 2007, Commission meeting.

MOTION: (Powell/Miller) To amend the September 2007 minutes under the Preliminary Investigative Determination Report cases 07-8-157 and 07-8-158 should reflect case # 07-8-159 and 07-8-160 respectively.

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 40 **Probable Cause** cases during its October 10th, 2007, meeting and brought the following recommendations on behalf of the Committee:

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
1	07-6-1442	Criminal Acts Misrepresentation or Falsification	NO PROBABLE CAUSE
2	07-6-1443	Criminal Acts Misrepresentation or Falsification	REPRIMAND
3	07-6-1446	Criminal Acts Misrepresentation or Falsification	REPRIMAND
4	07-6-1447	Criminal Acts Misrepresentation or Falsification	SUSPENSION - 5 CONTRACT DAYS
5	07-6-1448	Criminal Acts Misrepresentation or Falsification	REPRIMAND
6	07-6-1485	Criminal Acts Misrepresentation or Falsification	REPRIMAND
7	07-6-1487	Criminal Acts Misrepresentation or Falsification	REPRIMAND
8	07-6-1488	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	REPRIMAND
9	07-2-934	Abuse of Students Professional Conduct	REPRIMAND
10	07-3-1028	Criminal Acts Abuse of Students Professional Conduct Other Good and Sufficient Cause	REVOCAION
11	07-3-1101	Abuse of Students Professional Conduct	SUSPENSION - 5 CONTRACT DAYS
12	07-4-1118	Misrepresentation or Falsification Professional Conduct	SUSPENSION - 10 CONTRACT DAYS
13	07-4-1169	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	SUSPENSION - 20 CONTRACT DAYS
14	07-4-1173	Abuse of Students Professional Conduct	REPRIMAND
15	07-4-1197	Abandonment of Contract Professional Conduct	SUSPENSION - 90 CONTRACT DAYS
16	07-5-1267	Confidential Information DOE Rule 160-3-1-.07	SUSPENSION - 20 CONTRACT DAYS
17	07-5-1280	Abuse of Students Professional Conduct	REPRIMAND

#	CASE #	STANDARDS VIOLATED	RECOMMENDATION
18	07-5-1283	Abuse of Students Professional Conduct	NO PROBABLE CAUSE
19	07-5-1304	Public Funds and Property Professional Conduct	SUSPENSION – 10 CONTRACT DAYS
20	07-5-1309	Abandonment of Contract Professional Conduct	SUSPENSION – 90 CONTRACT DAYS
21	07-5-1329	Professional Conduct	NO PROBABLE CAUSE
22	07-6-1360	Abuse of Students Professional Conduct	SUSPENSION – 5 CONTRACT DAYS
23	07-6-1372	Confidential Information Professional Conduct	EXTEND PROBABLE CAUSE DETERMINATION UNTIL THE DECEMBER 13, 2007 MEETING
24	07-6-1519	O.C.G.A. § 20-2-1184 (a) Failure to Make a Required Report Professional Conduct	SUSPENSION – 3 CONTRACT DAYS
25	07-6-1520	O.C.G.A. § 20-2-1184 (a) & (b) Failure to Make a Required Report Professional Conduct	REPRIMAND
26	07-6-1521	O.C.G.A. § 20-2-1184 (b) Failure to Make a Required Report Professional Conduct	SUSPENSION – 10 CONTRACT DAYS
27	07-6-1527	Alcohol or Drugs Professional Conduct	SUSPENSION – 1 YEAR
28	07-6-1528	Criminal Acts Professional Conduct + ABUSE OF STUDENTS	REVOCATION
29	07-6-1529	Alcohol or Drugs Professional Conduct	SUSPENSION – 1 YEAR
30	07-6-1571	Alcohol or Drugs Professional Conduct	SUSPENSION – 2 YEARS
31	07-6-1573	Professional Conduct	REPRIMAND
32	07-6-1581	Abuse of Students Professional Conduct	REPRIMAND
33	07-6-1593	Professional Conduct + ABUSE OF STUDENTS	REVOCATION
34	07-6-1594	Confidential Information Professional Conduct	SUSPENSION – 90 CONTRACT DAYS
35	07-7-66	Abuse of Students Misrepresentation or Falsification Professional Conduct	REVOCATION
36	07-7-70	Confidential Information Professional Conduct	SUSPENSION – 10 CONTRACT DAYS
37	07-8-109	Abuse of Students Professional Conduct	SUSPENSION – 5 CONTRACT DAYS
38	07-8-155	Abandonment of Contract Professional Conduct	SUSPENSION – 90 CONTRACT DAYS
39	07-8-156	Criminal Acts Alcohol or Drugs Professional Conduct	SUSPENSION – 2 YEARS

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40	07-9-192	Misrepresentation or Falsification Public Funds and Property	SUSPENSION – 5 CONTRACT DAYS
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PSC ACTION: Approved

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

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM.
07-4-1179	Right to Reapply	Revocation 08/24/01	Abuse of Students Professional Conduct	Deny
07-6-1661	Right to Reapply	Revocation: 10/5/2003	Abuse of Students Professional Conduct	Deny

PSC ACTION: Approved

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 12 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION
1	06-11-505	Suspension for One Year Oct. 26, 2007 – Oct. 26, 2007	Accept
2	07-1-749	Suspension for 20 Contract Days Oct. 15, 2007 – Nov. 9, 2007	Accept
3	07-3-1094	Reprimand	Accept
4	07-5-1247	Reprimand	Accept
5	07-5-1348	Suspension for One Year Oct. 26, 2007 – Oct. 26, 2007	Accept
6	07-6-1404	Reprimand	Accept
7	07-6-1434	Reprimand	Accept
8	07-6-1435	Reprimand	Accept
9	07-6-1441	Reprimand	Accept
10	07-6-1453	Reprimand	Accept
11	07-6-1652	Reprimand	Accept
12	07-6-1655	Reprimand	Accept

PSC ACTION: Approved

4. 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	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMMENDATION
04-12-810	Confidential Information Professional Conduct	Reprimand	Warning	Accept
05-1-923	Professional Conduct	Suspension – 6 Months	Suspension – 2 Months	Accept
05-1-924	Confidential Information Professional Conduct	Suspension – 6 Months	Reprimand	Accept
05-7-110	Misrepresentation or Falsification Professional Conduct	Suspension – 20 Contract Days	Suspension – 15 Contract Days (Five Days Credit)	Accept
06-8-144	Misrepresentation or Falsification Professional Conduct	Suspension – 90 Contract Days	Suspension – 20 Contract Days	Accept
06-8-195	Abuse of Students Alcohol or Drugs Professional Conduct	Revocation	Suspension – 20 Contract Days	REJECT
06-10-331	Professional Conduct	Revocation	Suspension – 18 Months	Accept
06-10-353	Abuse of Students Professional Conduct	Suspension – 20 Contract Days	No Probable Cause	Accept
06-11-580	Abuse of Students Public Funds and Property Professional Conduct	Revocation	Revocation	Accept
07-1-676	Professional Conduct	Suspension – 20 Contract Days	Suspension – 5 Contract Days	Accept
07-2-981	Abuse of Students Professional Conduct	Suspension – 20 Contract Days	Suspension – 10 Contract Days	Accept
07-3-1025	Professional Conduct	Reprimand	Reprimand	Accept
07-5-1346	Confidential Information Professional Conduct Other Good and Sufficient Cause	Suspension – 20 Contract Days	Suspension – 20 Contract Days	Accept

PSC ACTION: Approved

5. 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	RECOMM.
07-6-1392	Revocation	Abuse of Students Professional Conduct	ACCEPT

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 54 new complaints received during the months of September and October 2007.

PSC ACTION: Approved

7. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS

The Educator Ethics Review Committee recommended approval of the 16 Extensions - Preliminary Investigative Determinations consisting of the following:

CASE #	Complaint Received	CASE #	Complaint Received
07-9-206	8/27/2007	07-9-217	9/7/2007
07-9-210	9/4/2007	07-9-218	9/7/2007
07-9-211	9/4/2007	07-9-219	9/10/2007
07-9-212	9/5/2007	07-9-221	9/10/2007
07-9-213	9/5/2007	07-9-250	9/5/2007
07-9-214	9/5/2007	07-9-251	9/5/2007
07-9-215	9/5/2007	07-9-252	9/5/2007
07-9-216	9/7/2007	07-9-253	9/5/2007

PSC ACTION: Approved

8. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 53 Written Complaints and 55 Application cases:

WRITTEN COMPLAINT EXTENSIONS:

06-5-1243	07-6-1394	07-7-42	07-5-1281	07-6-1577	07-5-1275	07-5-1326	07-6-1645
07-4-1185	07-6-1516	07-7-60	07-5-1287	07-6-1579	07-5-1282	07-5-1340	07-7-41
07-4-1195	07-6-1517	07-7-65	07-5-1335	07-6-1586	07-5-1331	07-6-1398	07-7-43
07-5-1209	07-6-1576	07-4-1201	07-5-1336	07-7-40	07-6-1580	07-6-1525	07-7-63
07-5-1248	07-6-1578	07-4-1202	07-5-1350	07-7-71	07-6-1647	07-6-1526	
07-5-1325	07-6-1648	07-5-1249	07-6-1373	07-7-72	07-5-1221	07-6-1582	
07-6-1382	07-7-37	07-5-1263	07-6-1393	07-3-1100	07-5-1285	07-6-1595	

APPLICATION CASE EXTENSIONS:

07-1-816	07-6-1492	07-6-1507	07-6-1548	07-6-1605	07-6-1659	07-7-47
07-6-1418	07-6-1493	07-6-1508	07-6-1550	07-6-1608	07-6-1660	07-7-51
07-6-1462	07-6-1494	07-6-1509	07-6-1553	07-6-1610	07-7-1	07-7-54
07-6-1464	07-6-1499	07-6-1538	07-6-1557	07-6-1615	07-7-3	07-7-55
07-6-1466	07-6-1503	07-6-1539	07-6-1561	07-6-1627	07-7-6	07-7-67
07-6-1477	07-6-1504	07-6-1540	07-6-1564	07-6-1639	07-7-8	07-7-74
07-6-1489	07-6-1505	07-6-1542	07-6-1566	07-6-1642	07-7-10	07-9-191
07-6-1491	07-6-1506	07-6-1545	07-6-1568	07-6-1658	07-7-38	

PSC ACTION: Approved

9. **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*.

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PSC ACTION: Approved

10. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 1 hearing case. An Administrative Law Judge rendered an Initial Decision on the 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 5 certificates *suspended* from September 13, 2007 through October 11, 2007. There were 3 certificates that had been *reinstated* because restitution is now being made on those student loans. There were 6 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 no cases 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.

VI. REVIEW HEARINGS

1. Nathalie Vargas - Educator (Case #05-11-539)
Gary Walker - Hearing Officer
Rebecca Mick - PSC Attorney
Shalini Patel - Attorney

MOTION: (Vasconcelos / Miller) To go into Executive Session and allow PSC staff and attorney (Penny Hannah, Tanis Miller and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Greenway / Ebron) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. Based on a review of the full record, the Decision of the Administrative Law Judge as indicated in the Initial Decision was hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ordered that a finding of No Probable Cause was appropriate in this case.

PSC ACTION: Approved

2. Demetrice Houston - Educator (Case #05-5-1589)
Gary Walker - Hearing Officer
Penny Hannah - PSC Attorney

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Shalini Patel

- Attorney

MOTION: (Powell / Ebron) To go into Executive Session and allow PSC staff (Tanis Miller and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Ebron / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the recommendation made by the Administrative Law Judge to issue a Warning against the educator's certificate and to Monitor the educator's performance and conduct during the 2007-2008 school year. Based on a review of the complete record, and because the recommendation does not reflect the seriousness with which the Commission views the Respondent's violation of Standard 7 of the Code of Ethics for educators and because the recommendation is not consistent with similar cases, the Commission hereby Ordered that the Georgia educator certificate held by Demetrice C. Houston be Suspended for a period of one month. The suspension shall become effective October 26, 2007 and shall conclude November 26, 2007.

PSC ACTION: Approved

3. George Foxx - Educator (Case #04-12-781)
- Gary Walker - Hearing Officer
- Penny Hannah - PSC Attorney

MOTION: (Ebron / Vasconcelos) To go into Executive Session and allow PSC staff (Tanis Miller and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Dartt / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission rejected the recommendation made by the Administrative Law Judge to issue a Six Month Suspension against the educator's certificate. Because the recommendation did not reflect the seriousness with which the Commission views the Respondent's violation of Standard 4 of the Code of Ethics for educators and because the recommendation is not consistent with similar cases, the Commission hereby ordered that the Georgia educator certificate held by George Foxx be Revoked effective October 11, 2007.

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

The Executive Secretary presented the following:

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A. Dr. Toth announced there would be a meeting after the commission meeting to address any concerns that the commissioners might have regarding the Ed Leadership rules.

B. Dr. Mary Outlaw requested data concerning testing violations. Lisa Hartzler is gathering this information and we hope to have it completed by the November 2007 commission meeting.

C. Jerry Eads gave a presentation titled "2007 Georgia Teacher Survey – Part II".

VIII. CHAIR REPORT

The Chair presented the following:

A. Congratulations to Hester Vasconcelos and Louisa Moffitt for being reappointed to the commission. Their term will expire on July 1, 2010.

B. Replacements for those commissioners whose terms have expired, have not been named so everyone can continue to serve until their replacements are announced.

C. Our November 8th Commission meeting will take place at Brasstown Valley Resort. There will be no hearings so we might have time to discuss Ethics.

IX. ADJOURNMENT

Chair Wilkes called for the meeting to be adjourned at 11:10 a.m.

PSC ACTION: Approved