

MINUTES

PROFESSIONAL STANDARDS COMMISSION

The Retreat at Lake Blackshear

Cordele, Georgia

Thursday, April 8, 2004

The Georgia Professional Standards Commission (PSC) met on Thursday, April 8, 2004, at 9 a.m. Chair DeLoach was unable to attend and asked that Amy Denty serve as acting Chair of the April 8, 2004, meeting.

Members Present

Steven Dartt
Amy Denty
Jean Ebron
Mary Gomez

Carolyn Lee Hart
Gwenda Johnson
Dottie McClain
Janet Scott

Debbie Wilkes
Dr. Craig Smith
Bo Slack

Members Absent

Gary Bechtel
Maria Miller

Terri DeLoach
Lee Muns

I. CALL TO ORDER

Ms. Denty called the meeting to order at 9:10 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Ms. Denty recognized the visitors.

- Meredith Walker, Chattahoochee-Flint RESA
- Gayle Wooten, Professional Association of Georgia Educators (PAGE)
- Debra Walker
- Dr. Carolyn Hand
- Sylvia Bryant, Ben Hill County Associate Superintendent
- Jack Bryant
- Phyllis Dartt
- John Ussery
- Patrick McKee, Attorney
- Susan McCord, Sylvester Local News
- Amy Bryant, Wilcox County Schools
- B. Brooks, Wilcox County Schools
- Charles Bloodsworth, Wilcox County Schools
- Bob Bennett, Wilcox County Schools
- Roy Faircloth, Wilcox County Schools
- Ray Jordan, Turner County Schools

III. ADOPTION OF AGENDA

Ms. Denty called for approval of the agenda.

MOTION: (McClain / Johnson) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Ms. Denty called for approval of the minutes from the March 11, 2004, Commission meeting.

PSC ACTION: Approved

V. 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 54 *Probable Cause* cases during its April 7, 2004, meeting and brought the following recommendations on behalf of the Committee excluding cases # 4, 18, 31 and 49:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	03-10-526	Criminal Acts Misrepresentation or Falsification Professional Conduct	Reprimand
2	03-11-766	Criminal Acts Professional Conduct	Suspension for Two Years
3	04-1-977	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report	Warning
4	04-1-997 Applicant	Criminal Acts Professional Conduct	Warning
5	04-1-1013 Applicant	Criminal Acts Professional Conduct	Warning
6	04-1-1032	Criminal Acts Professional Conduct	Warning
7	04-1-1033	Criminal Acts Professional Conduct	Warning
8	04-1-1060	Criminal Acts Professional Conduct	No Probable Cause
9	04-1-1061	Criminal Acts Professional Conduct	No Probable Cause
10	04-1-1064 Applicant	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Warning
11	04-1-1066	Criminal Acts Professional Conduct	Warning

PC #	Case Number	STANDARD(S)	EERC Recommendation
12	04-1-1084	Criminal Acts Professional Conduct	No Probable Cause
13	04-3-1216	Criminal Acts Professional Conduct	No Probable Cause
14	03-12-888	Abuse of Students Professional Conduct	Reprimand
15	03-12-889	Abuse of Students Professional Conduct	No Probable Cause
16	03-12-911	Abuse of Students Criminal Acts Professional Conduct	Revocation
17	03-12-921	Abuse of Students Misrepresentation or Falsification Confidential Information Professional Conduct	Suspension for One Month
18	04-1-949	Abuse of Students Confidential Information Professional Conduct	Warning
19	04-1-952	Abuse of Students Professional Conduct	Suspension for One Year
20	04-1-1027	Abuse of Students Misrepresentation or Falsification Professional Conduct	Suspension for One Year
21	03-12-908	Alcohol or Drugs Professional Conduct	Suspension for One Year
22	04-1-948	Misrepresentation or Falsification Professional Conduct	No Probable Cause
23	04-1-1031	Misrepresentation or Falsification Professional Conduct	No Probable Cause
24	04-1-1034	Misrepresentation or Falsification Professional Conduct	No Probable Cause
25	04-1-1035	Misrepresentation or Falsification Professional Conduct	No Probable Cause
26	04-1-1036	Misrepresentation or Falsification Professional Conduct	No Probable Cause
27	04-1-1042	Misrepresentation or Falsification Professional Conduct	Reprimand
28	04-1-1043	Misrepresentation or Falsification Professional Conduct	Reprimand
29	04-1-1045	Misrepresentation or Falsification Failure to Make a Required Report	Warning

PC #	Case Number	STANDARD(S)	EERC Recommendation
30	04-1-1056	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
31	04-1-1057	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
32	04-1-1071	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
33	04-1-1076	Misrepresentation or Falsification Professional Conduct	Revocation
34	04-1-1088	Misrepresentation or Falsification Professional Conduct	Warning
35	04-1-1089	Misrepresentation or Falsification Professional Conduct	No Probable Cause
36	04-1-1025	Public Funds and Property Professional Conduct	Suspension for Six Month
37	04-1-1069	Public Funds and Property Professional Conduct	Warning
38	04-2-1097 Addendum Information	Public Funds and Property Professional Conduct	No Probable Cause
39	04-1-1037	Abandonment of Contract	Suspension for Six Months
40	04-1-1058	Abandonment of Contract Professional Conduct	Suspension for One Year
41	04-1-1072	Abandonment of Contract	Suspension for Six Months
42	04-1-985	Failure to Make a Required Report Misrepresentation or Falsification	Warning
43	04-1-1018	Failure to Make a Required Report Misrepresentation or Falsification	Warning
44	04-1-1026	Failure to Make a Required Report Misrepresentation or Falsification	Warning
45	04-1-1081 Addendum Information	Failure to Make a Required Report Confidential Information Professional Conduct	Reprimand
46	04-1-1082 Addendum Information	Failure to Make a Required Report Confidential Information Professional Conduct	Reprimand
47	04-2-1122	Failure to Make a Required Report Misrepresentation or Falsification	Warning
48	04-3-1215	Failure to Make a Required Report Misrepresentation or Falsification	Warning
49	03-12-927	Professional Conduct	Reprimand
50	04-1-1008	Professional Conduct	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
51	04-1-1030	Professional Conduct	No Probable Cause
52	04-1-1074	Professional Conduct Misrepresentation or Falsification	Revocation
53	04-1-1070	Professional Conduct	Suspension for One Month
54	04-1-1090	Professional Conduct	Warning

PSC ACTION: Approved

Case # 4

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

PSC ACTION: Approved

Opposed: Stephen Dartt

Case # 18

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

PSC ACTION: Approved

Case # 31

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

PSC ACTION: Approved

Opposed: Dottie McClain, Janet Scott, Mary Gomez, Gwenda Johnson

Case # 49

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

PSC ACTION: Approved

Opposed: Stephen Dartt, Jean Ebron

To adopt case #4, 18, 31 and 49 as amended motions.

PSC ACTION: Approved

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

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
02-12-1380	Abuse of Students; Professional Conduct	Suspension for Three Months	Accept

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
02-12-1359	Criminal Acts; Abuse of Students; Failure to Make a Required Report; Professional Conduct	Revocation	Accept
03-01-1500	Criminal Acts; Professional Conduct	Denial	Accept
03-02-1707	Professional Conduct; Abuse of Students	Suspension for One Year	Accept
02-10-1177	Criminal Acts; Professional Conduct	Denial	Accept
03-02-1691	Abandonment of Contract	Suspension for Six Months	Accept
02-12-1382	Criminal Acts; Professional Conduct	Denial	Accept

PSC ACTION: Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 7 *Petitions-Certificate Issues* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
03-12-916	Frank Williams	Right to Reapply	Denial – July 13, 2001 Abandonment of Contract	Grant
03-12-912	Anthony Swanson	Right to Reapply	Revocation – November 2, 2000 Abuse of Students	Deny
04-01-1075	Louis Thomas	Right to Reapply	Revocation – October 5, 2000 Action Taken in Another State	Table Until May 13, 2004
03-06-2211	Tracey Adams	Early Reinstatement of a Suspended Certificate	Currently Suspended Feb. 27, 2004 – Aug. 27, 2004	Deny
03-08-228	Adrian Lira	Waiver of Rule	Revocation Effective: December 19, 2003	Deny
04-01-1052	John Walker	Right to Reapply	Revocation – October 5, 2000 Misrepresentation or Falsification Public Funds and Property Professional Conduct	Grant
04-01-980	Michael Douglas	Right to Reapply	Certificate Denial – May 1, 1995 Right to Reapply Denial – Aug. 9, 2002 Misrepresentation or Falsification	Deny

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 21 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation
03-08-273	Revocation	Criminal Acts; Professional Conduct	Accept
03-10-568	Warning	Failure to Make a Required Report	Accept
03-11-686	Suspension for Three Months	Misrepresentation or Falsification: Criminal History Criminal Acts; Professional Conduct	Accept
03-11-748	Warning	Failure to Make a Required Report Misrepresentation or Falsification: Criminal History	Accept
03-11-757	Reprimand	Professional Conduct	Accept
03-11-764	Reprimand	Abuse of Students; Professional Conduct	Accept
03-11-783	Suspension for One Month	Public Funds and Property	Accept
03-11-785	Denial	Abuse of Students; Professional Conduct	Accept
03-11-808	Warning	Failure to Make a Required Report	Accept
03-12-828	Suspension for One Year	Criminal Acts; Professional Conduct	Accept
03-12-881	Warning	Failure to Make a Required Report Misrepresentation or Falsification: Criminal History	Accept
03-12-891	Suspension for One Month	Improper Remunerative Conduct Misrepresentation or Falsification: PQ Professional Conduct	Accept
03-12-893	Denial	Abuse of Students; Professional Conduct	Accept
03-12-900	Warning	Professional Conduct	Accept
03-12-917	Suspension for Six Months	Abandonment of Contract	Accept
03-12-922	Reprimand	Professional Conduct Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-12-926	Reprimand	Professional Conduct	Accept
04-01-956	Warning	Failure to Make a Required Report Misrepresentation or Falsification: Previous Suspension	Accept
04-01-1006	Warning	Failure to Make a Required Report Misrepresentation or Falsification: Criminal History	Accept
04-01-1054	Revocation***	Abuse of Students; Professional Conduct	Accept
04-01-1091	Revocation***	Abuse of Students; 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 5 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Probable Cause Finding		Negotiated Proposal	EERC Recomm.
03-01-1429	Reprimand		Reprimand	Accept
03-11-731	Reprimand	Reprimand		Accept
03-05-2109	Warning	Warning		Accept
03-03-1721	Revocation	Revocation		Reject
02-09-922	Suspension for One Year	Suspension for Three Months	Stipulation: Eligible to Petition for Right to Reapply in One Year Instead of Required Three Years	Accept

PSC ACTION: Approved

6. Ms. Scott reported that the Educator Ethics Review Committee reviewed 2 *Other Business* cases and brought the following recommendations on behalf of the Committee:

Case Number	EDUCATOR	DESCRIPTION	EERC Recomm.
99-3-283	Jimmy Alberson	<ul style="list-style-type: none"> ❖ Letter Requesting Superior Court Judge to issue Order ❖ Order Issued by Superior Court Judge ❖ Letter from PSC Attorney Regarding Filing an Application for Discretionary Appeal to the Court of Appeals ❖ Superior Court Judge’s Order 	File Application for Discretionary Appeal
03-11-783	LaShaundra Osborne	Request to Select Dates for Suspension Period (Allow Suspension to Begin at End of May)	Deny

PSC ACTION: Approved

Abstention: Bo Slack on case #99-3-283

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 127 new complaints received during the months of March and April 2005:

PSC ACTION: Approved

Abstention: Bo Slack – Case #104, Jean Ebron – Case #127, Stephen Dartt – Case # 104, 117, 118, 119, 120, 121, 122, 123 and 124

8. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 16 cases.

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
04-01-1062	04-01-1059	04-01-1073	04-01-1051
04-02-1120	04-01-1078	04-01-1093	
03-12-886	04-01-1092	03-12-925	
04-01-1028	03-12-839	04-01-953	
04-01-1039	04-01-1055	04-01-1053	

PSC ACTION: Approved

9. APPLICATIONS FOR CERTIFICATION REPORT

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The Educator Ethics Review Committee recommended to approve a no probable cause determination on 29 cases reflected on the *Applications for Certification Report*.

PSC ACTION: Approved

10. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 7 hearing cases.

PSC ACTION: Approved

11. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 11 *Student Loan Reinstatements*.

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

The Commission reviewed the report, which advised of 15 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised the Commission that there were 2 cases closed without an appeal for a review hearing before the Commission.

VI. **REVIEW HEARINGS**

- | | |
|------------------|--------------------------------|
| 1. Terry Beckham | - Educator (Case # 02-12-1359) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Patrick W. McKee | - Attorney |

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

ACTION: Approved

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

PSC ACTION: Approved

MOTION: (Scott / McClain) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge. By failing to file an answer, the Statement of Matters Asserted was deemed admitted and was hereby incorporated as referenced in an attachment, Exhibit A. The Commission accepted the Administrative Law Judge's Initial Decision and Order Regarding Respondent's Motion for Entry of Default and hereby Ordered that the Respondent's application for a Georgia Educator Certificate be Revoked. The Revocation shall be effective immediately.

PSC ACTION: Approved

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|-----------------|--------------------------------|
| 2. Brenda Mimbs | - Educator (Case # 02-05-1897) |
| Wayne Magnum | - Hearing Officer |
| Penny Hannah | - PSC Attorney |

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

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ACTION: Approved

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

PSC ACTION: Approved

MOTION: (Hart / Slack) To adopt the Findings of Fact, Conclusions of Law and Decision reached by the Administrative Law Judge. 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 the Georgia educator certificate held by Brenda Mimbs be Suspended for a period of One Year effective April 8, 2004. (The Suspension shall begin on April 23, 2004 and shall conclude on April 23, 2005.)

PSC ACTION: Approved

VII. EXECUTIVE SECRETARY REPORT

A. Dr. Toth announced that Dr. Gary Walker is our new Director of Educator Ethics and that we are pleased to have him.

B. Dr. Toth announced that he spoke at the Clark –Atlanta University 3rd Annual Spring Conference on “Recruitment and Training of Black Professionals: The Case of Black Males and Alternative Certification in Teaching”. He also commented on Dr. Sybil Jordan Hampton’s speech and that it was the highlight of the conference. She attended the first integrated high school in Arkansas as a sophomore.

C. Rick Eiserman, Director of Certification Policy, spoke about the new Certification Manual that is being given to RESAs and school systems. Each commissioner received one. He also spoke about his workshops in various RESAs.

D. Dr. Toth distributed The Study Guide for the Principles of Learning and Teaching test was shown to the commissioners for their review.

E. Dr. Toth announced that former Commissioner, Elizabeth Kidd resigned from her teaching position and accepted a position with PAGE as a Membership Services Representative.

F. Dr. Toth thanked our visitors from the various school systems for attending the meeting.

VIII. CHAIR’S REPORT

Amy Denty thanked everyone for attending the meeting in South Georgia.

IX. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 11:55 pm.