

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room
Two Peachtree Street
Atlanta, Georgia 30303-3141
July 11, 2002

The Georgia Professional Standards Commission (PSC) met on Thursday, July 11, 2002, at 9 a.m.

Members Present

Tony Natson	Gary Walker	Angela Finn
Amy Denty	Maria Miller	Dottie McClain
Pamela Hertzog	Pamela Thomas	Terri DeLoach
Janet Scott	Jacqueline (Gwenda) Johnson	Sylvia Hooker
Elizabeth Kidd	Pamela Nutt	

Members Absent

Mary Gomez
Sue Sehgal
Smith Pass

I. CALL TO ORDER

Chairman Denty 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

Chairman Denty recognized the visitors.

- Janie Carmichael, Butts County School HR Task Force
- Mary Thompson, Mother of Terri DeLoach
- LeAnne DeLoach, Daughter of Terri DeLoach
- Margaret Elliott, PAGE
- GayleWooten, PAGE
- Leonard Williams
- John S. Husser
- Sam Pickett

III. ADOPTION OF AGENDA

Chairman Denty called for approval of the agenda.

MOTION: (DeLoach / Walker) To approve agenda.

ACTION: Approved

IV. APPROVAL OF MINUTES

Chairman Denty called for approval of the minutes from the June 13, 2002, Commission meeting.

MOTION: (Miller / Natson) To approve the minutes.

ACTION: Approved

V. COMMITTEE REPORTS**A. Ethics and Professional Conduct -Recommendations and Actions on Cases (See Ethics Minutes)**

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

1. Ms. Scott presented and brought a recommendation from the Committee that the Proposed Changes for In-House Clearance Criteria be approved.

PSC ACTION: Approved

2. Ms. Scott reported that the Committee reviewed 63 ***Probable Cause*** cases during its July 10, 2002, meeting and brought the following recommendations on behalf of the Committee:

PROBABLE CAUSE CASES

<u>#</u>	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
1	02-01-1310	Abuse of Students Professional Conduct	Revocation
2	02-02-1464 APPLICANT	Criminal Acts Abuse of Students Professional Conduct	Denial
3	02-04-1817	Abuse of Students Professional Conduct	Revocation
4	02-06-2165	Abuse of Students Professional Conduct	Revocation
5	02-03-1603	Abuse of Students Professional Conduct	Reprimand
6	02-05-1891	Abuse of Students Failure to Make a Required Report Professional Conduct	Reprimand
7	02-04-1815	Abuse of Students Professional Conduct	No Probable Cause
8	02-05-1884	Abuse of Students Professional Conduct	No Probable Cause
9	02-05-1886	Abuse of Students Professional Conduct	Warning
10	02-04-1808	Abuse of Students Professional Conduct	No Probable Cause

#	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
11	02-03-1576 APPLICANT	Abandonment of Contract	No Probable Cause
12	02-04-1706	Abandonment of Contract	Suspension for Six Months
13	02-04-1809	Abandonment of Contract	Suspension for Six Months
14	02-04-1840 APPLICANT	Disciplinary Action Against a Certificate in Another State	Warning
15	02-03-1584	Misrepresentation or Falsification Professional Conduct Failure to Adhere to Monitoring Stipulations	Suspension for One Month
16	02-04-1834	Professional Conduct	Reprimand
17	02-15-1892	Professional Conduct	Warning
18	02-05-1898	Professional Conduct	No Probable Cause
19	02-04-1799	Professional Conduct	Reprimand
20	02-04-1819	Professional Conduct	No Probable Cause
21	02-04-1856	Professional Conduct	No Probable Cause
22	02-05-1888	Professional Conduct	Reprimand
23	02-05-1889	Professional Conduct	Warning
24	02-03-1522 APPLICANT	Criminal Acts Professional Conduct	No Probable Cause
25	02-03-1604	Criminal Acts Professional Conduct	Extend Probable Cause Determination Initial Sixty Days
26	02-03-1613	Criminal Acts Professional Conduct	Extend Probable Cause Determination Initial Sixty Days
27	02-03-1615	Criminal Acts Professional Conduct	No Probable Cause
28	02-04-1818	Criminal Acts Professional Conduct	Reprimand
29	02-05-1868	Criminal Acts Professional Conduct	No Probable Cause
30	02-05-1876	Criminal Acts Professional Conduct	Reprimand
31	02-05-1880	Criminal Acts Professional Conduct	No Probable Cause
32	02-05-1881	Criminal Acts Professional Conduct	No Probable Cause
33	02-05-1882	Criminal Acts Professional Conduct	No Probable Cause
34	02-05-1896	Criminal Acts Failure to Make a Required Report Professional Conduct	No Probable Cause

#	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
35	02-04-1800	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
36	02-04-1814	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
37	02-05-1890	Misrepresentation or Falsification Professional Conduct	Reprimand
38	02-05-1897	Misrepresentation or Falsification Professional Conduct	Suspension for One Year
39	02-04-1828 APPLICANT	Misrepresentation or Falsification Professional Conduct	Denial
40	02-05-1867	Misrepresentation or Falsification Confidential Information Professional Conduct	Reprimand
41	02-03-1503	Misrepresentation or Falsification Criminal Acts	No Recommendation
42	02-03-1564	Misrepresentation or Falsification Criminal Acts	No Probable Cause
43	02-03-1614	Misrepresentation or Falsification Criminal Acts	Extend Probable Cause Determination for Initial Sixty Days
44	02-03-1616	Misrepresentation or Falsification Criminal Acts	No Probable Cause
45	02-03-1617	Misrepresentation or Falsification Criminal Acts	No Probable Cause
46	02-03-1624	Misrepresentation or Falsification Criminal Acts	No Probable Cause
47	02-03-1637	Misrepresentation or Falsification Criminal Acts	No Probable Cause
48	02-03-1660	Misrepresentation or Falsification Criminal Acts	No Probable Cause
49	02-03-1669	Misrepresentation or Falsification Criminal Acts	No Probable Cause
50	02-04-1803	Misrepresentation or Falsification Criminal Acts	No Probable Cause
51	02-04-1805	Misrepresentation or Falsification Criminal Acts	No Probable Cause
52	02-04-1806	Misrepresentation or Falsification Criminal Acts	No Probable Cause
53	02-04-1810	Misrepresentation or Falsification Criminal Acts	No Probable Cause
54	02-04-1813	Misrepresentation or Falsification Criminal Acts	No Probable Cause
55	02-04-1823	Misrepresentation or Falsification Criminal Acts	No Probable Cause
56	02-04-1824	Misrepresentation or Falsification Criminal Acts	No Probable Cause
57	02-04-1826	Misrepresentation or Falsification Criminal Acts	No Probable Cause
58	02-04-1852	Misrepresentation or Falsification Criminal Acts	No Probable Cause

<u>#</u>	<u>Case Number</u>	<u>Standards Violated</u>	<u>EERC Recommendation</u>
59	02-05-1864	Misrepresentation or Falsification Criminal Acts	No Probable Cause
60	02-05-1866	Misrepresentation or Falsification Criminal Acts	No Probable Cause
61	02-05-1871	Misrepresentation or Falsification Criminal Acts	No Probable Cause
62	02-05-1894	Misrepresentation or Falsification Criminal Acts	No Probable Cause
63	02-05-1895	Misrepresentation or Falsification Criminal Acts	No Probable Cause

PSC ACTION: Approved all recommendations from the Committee for probable cause cases, with discussion on the following 4 cases:

Case # 02-04-1809

PSC ACTION: Approved

Case #02-03-1522

PSC ACTION: Approved (Hertzog opposed)

Case # 02-03-1503 Violation from Misrepresentation or Falsification and Criminal Acts was changed to Professional Conduct and PSC Action was changed to a Reprimand.

MOTION: (McClain / DeLoach)

PSC ACTION: Approved

Case # 02-05-1895 PSC Action for No Probable Cause

MOTION: (DeLoach / Thomas)

PSC ACTION: Approved

3. Ms. Scott reported that the Committee reviewed 5 ***Initial Decisions*** and brought the following recommendations on behalf of the Committee:

<u>Case Number</u>	<u>Ethics Violation</u>	<u>ALJ Recommendation</u>	<u>Recommendation</u>
01-01-1044	Misrep. & Falsification Criminal Acts	Denial (Allowed to Re-apply for Certification Immediately)	Review
01-07-192	Criminal Acts Action Out-of State	Reprimand	

Criminal Acts Accept

<u>Case Number Recommendation</u>	<u>Ethics Violation</u>	<u>ALJ Recommendation</u>	<u>Recommendation</u>
01-10-779	Misrep. & Falsification Prof. Conduct	Denial	Accept
01-06-1760	Criminal Acts Abuse of Students	Revocation	Accept
01-07-040	Professional Conduct	No Probable Cause	Accept

PSC ACTION: Approved

4. Ms. Scott reported that the Committee reviewed 1 *Petition for the Right to Re-Apply* and brought the following recommendation on behalf of the Committee:

<u>#</u>	<u>Case Number</u>	<u>Educator</u>	<u>Nature of Petition</u>	<u>Previous Decision (Violation)</u>	<u>EERC Recomm.</u>
1	02-02-1423	Lynder Davenport	Right to Re-apply	87/88 - Denied 92/93 - Denied 96/97 - Withdrawn 1999 - Withdrawn 2000 - Application Returned	Denial

PSC ACTION: Approved

5. Ms. Scott presented a *Rule Waiver Petition* regarding Case # 99-3-268 in the matter of Cynthia Johnson.

MOTION: (Thomas / DeLoach) To deny the Rule Waiver Petition.

PSC ACTION: Approved

6. Ms. Scott reported that the Committee reviewed 18 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE NUMBER</u>	<u>SANCTION</u>	<u>RECOMMENDATION</u>
01-11-830	Reprimand	Accept
01-11-835	Warning	Accept
01-12-1126	Reprimand	Accept
02-01-1246	Reprimand	Accept
02-01-1247	Reprimand	Accept
02-02-1398	Warning	Accept
02-03-1508	Reprimand	Accept

<u>CASE NUMBER</u>	<u>SANCTION</u>	<u>RECOMMENDATION</u>
02-03-1516	Reprimand	Accept
02-03-1519	Denial	Accept
02-03-1578	Revocation****	Accept
02-03-1579	Reprimand	Accept
02-03-1606	Warning	Accept
02-03-1607	Reprimand	Accept
02-04-1702	Reprimand	Accept
02-04-1705	Reprimand	Accept
02-04-1728	Suspension for One Month	Accept
02-04-1811	Revocation***	Accept
02-04-1855	Revocation***	Accept

PSC ACTION: Approved

7. Ms. Scott reported that the Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE NUMBER</u>	<u>NEGOTIATED SANCTION</u>	<u>RECOMMENDATION</u>
01-11-833	Suspension- Two Years	Accept
99-03-306	Revocation	Accept
00-10-621	Revocation	Accept
01-04-1421	Suspension – Six Months	Accept
01-05-1628	Revocation	Accept
01-10-647	Revocation	Accept
01-04-1465	No Probable Cause	Accept
01-12-990	Reprimand	Accept
00-02-964	Revocation	Accept
01-08-374	Warning	Accept
01-06-1881	No Probable Cause	Accept

PSC ACTION: Approved

Abstention: Natson, Case #01-06-1881

8. **PRELIMINARY INVESTIGATION DETERMINATION**

The Committee recommended approval of this report, which advised of 75 Complaints received during June and July 2002.

PSC ACTION: Approved

9. **EXTENSIONS TO COMPLETE INVESTIGATIONS**

The Committee recommended to approve extensions to 151 cases.

PSC ACTION: Approved

10. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

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The Commission reviewed the report, which advised of 7 Student Loan Suspensions and 8 Student Loan Reinstatements.

11. **FINAL DECISIONS BY OPERATION OF RULE / LAW**

The Commission reviewed the report, which advised of 11 cases closed by rule and 1 by law without an appeal.

12. **APPLICATIONS FOR CERTIFICATION REPORT**

The Committee recommended approval of 30 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

VI. **EXECUTIVE SECRETARY REPORT**

The Executive Secretary discussed the following:

- A. Adoption of Rules - Information only was presented on the Draft of Ethics Rule Changes to be initiated at the August 2002 meeting of the Commission.
- B. Proposed meeting dates/locations for upcoming meetings of the Commission in 2002 and 2003.
- C. Staff changes and application receipt procedures to help facilitate certification processes.
- D. New Mitel Telecommunications System and its capabilities and how it should give us a state of the art telecommunications system.
- E. Information on how the "No Child Left Behind Act" affects paraprofessionals in the State of Georgia.
- F. Teaching of reading problems and what Georgia colleges and universities are doing to solve this problem.
- G. Governor Barnes will swear in Chairperson, Amy Denty, at GAEL meeting next week.

VII. **CHAIRPERSON'S REPORT**

The Chairperson, Amy Denty, completed the following:

- A. Presentation of Employee Service Awards.
- B. Appointed Angela Finn to serve on the Consistency Committee.
- C. Appointed Pam Hertzog and Terri DeLoach as Nominating Committee for the Vice Chair of the Commission.
- D. Appointed members to Standing Committees.

VIII. REVIEW HEARING

A. Case # 01-06-1817

Samuel Pickett	– Name of Educator
John Husser	– Attorney for Educator
Kathryn Allen	– PSC Attorney
Wayne Magnun	– Hearing Officer

MOTION: (DeLoach / McClain) To go into Executive Session and allow PSC staff and Attorney Kendall Kerew to remain.

PSC ACTION: Approved

The Commission reconvened the Regular Session.

MOTION: (McClain / DeLoach) To adopt the Findings of Fact found by the Administrative Law Judge as indicated in the Initial Decision. The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision are hereby adopted and incorporated by reference herein with the following changes to correct inaccuracies:

The deletion of the following language in the third paragraph of Section III 6.:

“The undersigned might well have recommended the Petitioner’s proposed six month suspension of Respondent’s educator certificate had such action been proposed earlier. However, this action was not brought before this court until almost one year after Respondent was arrested for DUI, in violation of the consent order and its monitoring agreement.” And with the substitution of the word “resigned” for “terminated” in the fifth paragraph and “marital” for “martial” in the sixth paragraph.

The Commission rejects Section IV. Decisions and Recommendation, of the Initial Decision of the Administrative Law Judge. The Commission concludes that a different sanction is appropriate in this particular case based on the review of the record and because the Commission is not authorized by law to enact the recommended sanction as written by the Administrative Law Judge. The Commission hereby ORDERS that the Respondent educator be issued a Reprimand and it shall be effective July 11, 2002.

ACTION: Approved

IX. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 12:15 pm.