

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

2 Peachtree Street  
5<sup>th</sup> Floor, PSC Boardroom  
Atlanta, Georgia  
November 9, 2006

The Georgia Professional Standards Commission (PSC) met on Thursday, November 9, 2006, at 9 a.m.

### Members Present

Maria Bradley	Maria Miller	Dr. Craig Smith
Sallie Bullock	Dr. Louisa Moffitt	Jeannie Tucker
Stephen Dartt	Dr. Mary Outlaw	Hester Vasconcelos
Jean Ebron	Rose Powell	Dr. Debbie Wilkes
Pamela Greenway	Dr. Holly Robinson	

### Members Absent

Gary Bechtel	Dr. Wanda West
Mary Gomez	Lee Muns

### **I. CALL TO ORDER**

Chair Wilkes called the meeting to order at 9 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
- Gayle Wooten, Professional Association of Georgia Educators
- Dr. Theodore Pikes, Georgia Department of Education
- Sheila Epps
- Maurice King, Attorney
- Bobby Jenkins
- Naomi Jenkins
- David Dunham, Attorney
- Dr. Jon Mattar, National Evaluations Systems
- Robert Vandal
- Dr. Fran Swantic, Lincoln Memorial University
- Felicia D. Lee, Georgia Association of Educators
- Andy Matthews, Griffin-Spalding Schools/GASPA

### **III. EMPLOYEE SERVICE AWARDS**

Chair Wilkes presented Rick Eiserman, Director of Certification Policy, with a 10 Year Service Award.

### **IV. ADOPTION OF AGENDA**

Chair Wilkes called for approval of the agenda.

**MOTION:** (Robinson / Greenway) To approve agenda.

**PSC ACTION:** Approved

## V. APPROVAL OF MINUTES

Dr. Debbie Wilkes called for approval of the minutes from the October 12, 2006, Commission meeting.

**PSC ACTION:** Approved

## VI. COMMITTEE REPORTS

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

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

- Ms. Miller reported that the Committee reviewed 35 *Probable Cause* cases during its November 8, 2006, meeting and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1.	06-4-1204	Criminal Acts Professional Conduct	Revocation
2.	06-6-1436	Criminal Acts Professional Conduct	Reprimand
3.	06-6-1497	Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Outcome of Criminal Case
4.	06-7-047	Criminal Acts Professional Conduct	Reprimand
5.	06-9-206	Criminal Acts Misrepresentation or Falsification	Warning
6.	06-9-212	Criminal Acts Misrepresentation or Falsification	Reprimand
7.	06-9-222	Criminal Acts	Revocation
8.	06-9-229	Criminal Acts Misrepresentation or Falsification	Reprimand
9.	06-9-294	Criminal Acts Professional Conduct	Reprimand
10.	06-6-1342	Abuse of Students Alcohol or Drugs Public Funds and Property Professional Conduct	Revocation

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
11.	06-6-1408	Abuse of Students Criminal Acts Professional Conduct	Extend Probable Cause Determination Pending Outcome of Criminal Case
12	06-8-202	Alcohol or Drugs Professional Conduct	Suspension for 90 Contract Days
13.	06-4-1198	Misrepresentation or Falsification Professional Conduct	Suspension for 90 Contract Days
14.	06-6-1377	Misrepresentation or Falsification <del>Criminal Acts</del> Professional Conduct	Suspension for 90 Contract Days
15.	06-6-1378	Misrepresentation or Falsification Professional Conduct	Suspension for 90 Contract Days
16.	06-7-11	Misrepresentation or Falsification Professional Conduct	Suspension for 20 Contract Days
17.	06-8-57	Misrepresentation or Falsification Professional Conduct	Reprimand
18.	06-8-69	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
19.	06-8-136	Misrepresentation or Falsification Professional Conduct	Reprimand
20.	06-8-144	Misrepresentation or Falsification Professional Conduct	Suspension for 90 Contract Days
21.	06-6-1480	Public Funds and Property Professional Conduct	Suspension for 90 Contract Days
22.	06-7-2	Public Funds and Property Professional Conduct	Suspension for 20 Contract Days
23.	06-8-159	Public Funds and Property Professional Conduct	Suspension for Two Years
24.	06-8-165	Public Funds and Property Professional Conduct	Suspension for 90 Contract Days
25.	06-5-1293	Confidential Information Professional Conduct	Suspension for 90 Contract Days
26.	06-7-33	Confidential Information Professional Conduct	Reprimand
27.	06-8-181	Confidential Information Professional Conduct	Suspension for 20 Contract Days
28.	06-5-1249	Failure to Make a Required Report Criminal Acts Abuse of Students Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation
29.	06-6-1387	Failure to Make a Required Report Professional Conduct	No Probable Cause
30.	06-8-147	Failure to Make a Required Report Professional Conduct	Reprimand

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
31.	06-4-1202	Professional Conduct	Suspension for 20 Days
32.	06-7-003	Professional Conduct Misrepresentation or Falsification Public Funds and Property	Suspension for 20 Days
33.	06-8-064	Professional Conduct	Denial
34.	06-9-211	Professional Conduct Abuse of Students <i>Misrepresentation or Falsification</i> <i>Failure to Make a Required Report</i>	Extend Probable Cause Determination for Two Meetings (Letter of Intent)
35.	06-11-473	Criminal Acts Professional Conduct	Reprimand

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 3 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMM.
04-4-1498	Professional Conduct	Suspend - 1 Week	Suspend - 1 Week	Accept
05-8-182	Action Taken in Another State Misrepresentation or Falsification Professional Conduct	Revocation	Revocation	Accept
05-5-1710	Misrepresentation or Falsification Professional Conduct	Suspend - 3 Months	No Probable Cause	Review

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 8 *Petitions Issues* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM
1	06-5-1232	Right to Reapply	Denial: 9/14/99	Personal Conduct	Deny
2	06-6-1486	Right to Reapply	Revocation: 12/6/01	Confidential Information Professional Conduct Misrepresentation or Falsification Abandonment of Contract Failure to Make a Required Report	Deny
3	06-7-24	Right to Reapply	Denial: 7/16/04	Abuse of Students Professional Conduct	Deny
4	06-7-30	Right to Reapply	Denial: 5/13/04	Misrepresentation or Falsification Professional Conduct	Deny

#	CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM
5	06-8-134	Right to Reapply	Revocation: 12/17/05	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Grant
6	05-2-1113	Early Reinstatement	Currently Suspended - July 2, 2005 - July 2, 2008.	Criminal Acts Abuse of Students Professional Conduct	Deny
7	05-3-1487	Rule Waiver	Revocation: 7/14/05	Criminal Acts Professional Conduct	Grant
8	05-9-343	Rule Waiver	Denial: 02/17/06	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Deny

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 7 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	RECOMMENDATION & PSC ACTION
1.	06-2-877	Suspension - 20 Contract Days (Nov. 16, 2006 - Dec. 19, 2006)	Accept
2.	06-4-1182	Suspension for 20 Contract Days (Nov. 13, 2006 - Dec. 13, 2006)	Accept
3.	06-5-1287	Suspension for One Year (Nov. 24, 2006 - Nov. 24, 2007)	Accept
4.	06-6-1384	Suspension - 20 Contract Days (Oct. 30, 2006 - Nov. 29, 2006)	Accept
5.	06-6-1452	Reprimand	Accept
6.	06-7-6	Reprimand	Accept
7.	06-7-34	Suspension for 20 Contract Days (Nov. 27, 2006 - Dec. 22, 2006)	Accept

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 7 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
06-3-992	Criminal Acts Misrepresentation or Falsification Professional Conduct	Denial	Reprimand	Reject
06-1-795	Abandonment of Contract Professional Conduct	Suspend 90 Contract Days	Suspend 60 Contract Days	Accept

CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	NEGOTIATED SANCTION	RECOMM.
06-1-770	Criminal Acts Professional Conduct	Suspend 20 Contract Days	Reprimand	Accept
06-2-925	Alcohol or Drugs Professional Conduct	Suspend - 1 Year	Suspend - 1 Year	Accept
05-3-1444	Professional Conduct	Suspend - 1 Month	Suspend - 1 Month	Accept
05-3-1376	Misrepresentation or Falsification Public Funds and Property Professional Conduct	Suspend - 1 Year	Suspend - 1 Year (Time Served)	Accept
05-6-1919	Public Funds and Property Professional Conduct	Suspend - 1 Year	Suspend - 2 Month	Reject

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 2 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	EDUCATOR	SANCTION	STANDARDS VIOLATED	RECOMM.	PSC ACTION
06-8-141	Allen Haugh	Revocation	Criminal Acts Abuse of Students Professional Conduct	Accept	<b>4</b>
06-7-32	Daniel Bennett	Revocation	Abuse of Students Professional Conduct	Accept	<b>4</b>

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 105 new complaints received during the months of October and November 2006.

8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the 42 Extensions - Preliminary Investigative Determinations consisting of the following:

<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>
06-10-316	October 2, 2006	October 30, 2006
06-10-317	October 2, 2006	October 30, 2006
06-10-318	October 3, 2006	October 30, 2006
06-10-319	October 3, 2006	October 30, 2006
06-10-320	October 3, 2006	October 30, 2006
06-10-321	October 3, 2006	October 30, 2006
06-10-322	October 3, 2006	October 30, 2006
06-10-323	October 3, 2006	October 30, 2006
06-10-324	October 3, 2006	October 30, 2006
06-10-325	October 3, 2006	October 30, 2006
06-10-326	October 3, 2006	October 30, 2006
06-10-327	October 3, 2006	October 30, 2006
06-10-328	October 3, 2006	October 30, 2006
06-10-329	October 4, 2006	October 30, 2006
<u>CASE #</u>	<u>Complaint Received</u>	<u>Extension Granted</u>

06-10-330	October 4, 2006	October 30, 2006
06-10-331	October 4, 2006	October 30, 2006
06-10-332	October 4, 2006	October 30, 2006
06-10-333	October 4, 2006	October 30, 2006
06-10-334	October 4, 2006	October 30, 2006
06-10-335	October 4, 2006	October 30, 2006
06-10-336	October 4, 2006	October 30, 2006
06-10-337	October 4, 2006	October 30, 2006
06-10-338	October 5, 2006	October 30, 2006
06-10-339	October 5, 2006	October 30, 2006
06-10-340	October 5, 2006	October 30, 2006
06-10-341	October 5, 2006	October 30, 2006
06-10-342	October 5, 2006	October 30, 2006
06-10-343	October 5, 2006	October 30, 2006
06-10-344	October 5, 2006	October 30, 2006
06-10-345	October 5, 2006	October 30, 2006
06-10-347	October 5, 2006	October 30, 2006
06-10-348	October 5, 2006	October 30, 2006
06-10-349	October 5, 2006	October 30, 2006
06-10-350	October 6, 2006	October 30, 2006
06-10-351	October 6, 2006	October 30, 2006
06-10-352	October 9, 2006	October 30, 2006
06-10-353	October 10, 2006	October 30, 2006
06-10-354	October 10, 2006	October 30, 2006
06-10-355	October 10, 2006	October 30, 2006
06-10-356	October 10, 2006	October 30, 2006
06-10-357	October 10, 2006	October 30, 2006
06-10-358	October 10, 2006	October 30, 2006

**9. EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following **68** Written Complaints and **39** Application cases:

**APPLICATION CASE EXTENSIONS:**

06-7-54	06-9-217	06-9-244	06-9-293	06-8-108
06-8-65	06-9-218	06-9-248	06-9-296	06-9-216
06-8-67	06-9-220	06-9-251	06-9-297	06-9-235
06-8-75	06-9-223	06-9-271	06-9-298	06-9-240
06-8-94	06-9-224	06-9-282	06-9-300	06-9-291
06-8-96	06-9-227	06-9-286	06-9-301	06-9-292
06-8-103	06-9-232	06-9-287	06-9-305	06-9-308
06-8-104	06-9-234	06-9-289	06-9-307	

**WRITTEN COMPLAINT EXTENSIONS:**

06-8-200	06-6-1495	06-9-209	06-6-1493	06-8-204	06-9-205	06-6-1479
06-8-201	06-7-29	06-4-1201	06-7-10	06-6-1496	06-9-207	06-8-146
06-1-769	06-7-31	06-5-1246	06-7-28	06-7-18	06-4-1152	06-8-166
06-4-1178	06-8-131	06-5-1251	06-8-151	06-7-19	06-5-1229	06-8-176
06-5-1253	06-8-137	06-5-1261	06-8-152	06-8-135	06-5-1243	06-8-190
06-5-1254	06-8-148	06-5-1300	06-8-170	06-8-145	06-5-1282	06-8-194
06-5-1255	06-8-164	06-6-1343	06-8-171	06-8-172	06-5-1296	06-8-195
06-6-1380	06-8-168	06-6-1371	06-8-180	06-8-186	06-5-1303	06-8-203
06-6-1397	06-8-169	06-6-1390	06-8-192	06-8-187	06-6-1331	
06-6-1477	06-8-191	06-6-1485	06-8-193	06-8-199	06-6-1386	

**10. APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 31 cases reflected on the *Applications for Certification Report*.

**11. REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 3 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

**12. STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were 0 certificates suspended from October 12, 2006 through November 9, 2006. There were 6 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 14 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there was 1 case closed without an appeal for a review hearing before the Commission.

**14. OTHER BUSINESS**

The Educator Ethics Review Committee recommended rejecting an educator's offer to drop their lawsuit regarding certification issue and sign a confidentiality agreement. In return, the PSC will allow them to convert an NT7 to a T7 in the same manner as converting an NT6 to a T6 and will give them a reprimand on their ethics matter.

Chair Wilkes called for approval and adoption of all recommendations on the Educator Ethics materials.

**PSC ACTION:** Approved

**VI. REVIEW HEARINGS**

- |                  |                               |
|------------------|-------------------------------|
| 1. Robert Vandel | - Educator (Case # 03-1-1528) |
| Wayne Magnum     | - Hearing Officer             |



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Penny Hannah  
David Dunham

- PSC Attorney  
- Attorney

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

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Greenway / Robinson) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. The Commission hereby rejects the modified sanction recommended by the Administrative Law Judge as indicated in the Initial Decision. The Commission concludes that a greater sanction is appropriate in this particular case because the modified sanction recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Respondent's violation of the rules applicable to educators and is not consistent with similar violations. The Commission hereby ORDERS that the Georgia educator certificate held by Robert Vandel be Suspended for a period of two years to become effective November 24, 2006 and conclude on November 24, 2008.

**PSC ACTION:** Approved

Abstention: Jean Ebron

2. Naomi Jenkins - Educator (Case #03-4-1998)  
Wayne Magnum - Hearing Officer  
Penney Hannah - PSC Attorney  
Maurice L. King, Jr. - Attorney

**MOTION:** (Greenway / Miller) To go into Executive Session and allow PSC staff (Gary Walker, and Lisa Hartzler) to remain.

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Greenway / Bradley) The findings of fact found by the Administrative Law Judge as indicated in the Initial Decision are hereby rejected. Based on a review of the record the following facts are hereby adopted and incorporated herein:

1.

Naomi Jenkins is employed by the Randolph County Board of Education and has been for 8 years. Tr. 613. She is an elementary school counselor. Tr. 614.

2.

There were numerous instances of duplicate time worked being charged to various grant programs by Mrs. Jenkins who was the director of those programs or between contractual work (extended) days and work in the grant programs. Tr. 363; Resp't Ex. 4.; Tr. 364; Resp't Ex. 5 and 6; Tr. 365; Resp't Ex. 7 and 15; Tr. 366; Resp't Ex. 8 and 9; Tr. 366; Resp't Ex. 10 and 15; Tr. 367; Resp't Ex. 11 and 15; Tr. 367; Resp't Ex. 12 and 15; Tr. 367; Resp't

Ex. 13; Tr. 367; Resp't Ex. 14, 18 and 19.

3.

Although Bobby Jenkins testified that the primary focus of the grants is academic and life skills and to expose the children to cultural activities (Tr. 553), he also testified that the majority of the grant funds were spent to pay people income. Tr. 556.

4.

Teachers are paid on a 190 day contract but some work more days which are known as "extended days" and are made a part of a contract addendum. Tr. 97. Counselors have five days to work beyond the regular teaching schedule. Tr. 633. The payroll clerk relies on the extended year schedule to pay those persons entitled to extended days and those records are kept in the files of the payroll clerk. Tr. 91; Resp't Ex. 15. Individual employees set their own extended days schedule. Tr. 92. Teachers are supposed to actually work on the days they choose as their extended days. Tr. 98. Mrs. Jenkins submitted her extended days to the payroll clerk for 2000-2002. Tr. 93; Resp't Ex. 15.

5.

Naomi Jenkins signed in as having attended Palm Pilot training held on September 27, 2002. Tr. 122; Resp't Ex.18.

6.

On September 18, 2000, Mrs. Jenkins signed her time sheet, which was stamped as being entered in the computer on September 20, yet the time reflected work through September 28, 2000. Tr. 95-96, 365; Resp't Ex. 6.

7.

Even though Mrs. Jenkins might report two hours time to one grant program followed immediately by two hours in another grant program, that does not mean that she actually worked on the grants in that manner. Tr. 630. Instead she worked on the grants as its needs dictated even though she did not charge her time accordingly. Tr. 630.

8.

Directors of after-school programs are responsible for checking the time sheets of their employees for overlapping time. Tr. 116. When the director signs off, the payroll clerk assumed that the timesheet is true and correct. Tr. 117, 118. Mrs. Jenkins signed most of the timesheets as both employee and director. Resp't. Ex. 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

9.

An audit conducted by the Georgia Department of Audits and Accounting revealed that during this time some over and underpayments were made due to clerical errors but the duplication of time sheets involved just two employees where the same work time was charged to more than one program. Tr. 361, 356. One of those employees was Mrs. Jenkins. Tr. 361. 356.

10.

Mrs. Jenkins was paid for these overages. Tr. 369. Subsequent audits show the overages have not been repaid and that Mr. Jenkins is aware the overages have not been repaid. Tr. 371-372; Resp't Ex. 44 and 45.

11.

According to Henry Cook, chair of the board of Education, an employee who is over paid should repay the school system the amount of the overpayment. Tr. 433.

12.

As director for various grant programs for the school system, Mrs. Jenkins was coordinator of an event known as the Teen Center celebration. Tr. 189; Resp't Ex. 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

13.

Expenses for the Teen Center Celebration of March 31, 2002 were paid for from grants appropriated to the Office of School Readiness Snack Program, DHR Star, Teen Plus, Male Involvement and the Middle School After School Program. Tr. 129-136; Resp't Ex. 20-37.

14.

The Teen Center celebration took in funds from students and parents. Tr. 632. Two people would collect the money and sometimes there were tickets used or sold. Tr. 623. Some of the tickets were numbered; some were ones that had already been sold; and some might have been in Mrs. Jenkins pocket. Tr. 624.

15.

Mrs. Jenkins admitted to auditor Randy Sanders that there was no documentation of how tickets were sold or accounted for at the Teen Center Celebration. Tr. 191.

16.

At least \$11,500 was expended in putting on the Teen Center Celebration of March 2002. Tr. 323; Resp't Ex. 20-37.

17.

Bookkeeper Telisha Gilbert received \$1645 on April 10, 2002 to deposit into the elementary school's account from Mrs. Jenkins who told her it represented proceeds from the Teen Center celebration. Tr. 177; Resp't Ex. 40.

18.

A deposit of \$1228 was made on June 28, 2002 which had a report attached to it that listed a few sources of revenue from the Teen Center celebration. Tr. 325; Resp't Ex. 38.

19.

According to Mrs. Jenkins, at the end of the day of the celebration, the moneys taken in were put in a locked box at the Teen Center where they were left until July. Tr. 625. Mrs. Jenkins admitted that it was not a good practice to have the cash sitting in a locked box for three months. Tr. 628.

20.

Mr. Jenkins had school system financial officer Daphne Hardnet create a revenue account from the celebration proceeds so that there would be an account to take funds from to offset some of the cost of the after school programs. Tr. 588; Resp't Ex. 38. This was done on July 1, three months after the celebration. Tr. 593; Resp't Ex. 38. The money would have actually been deposited around this time also. Tr. 594.

21.

Mr. Jenkins could not say where the celebration proceeds had been held for the three months, but relied on prior testimony he heard that it had been kept in a locked box in the Teen Center. Tr. 595

22.

Mrs. Jenkins agreed that when an educator collects money at a school-sponsored event, they have a responsibility to ensure that those funds are strictly accounted for. Tr. 624.

23.

Mr. Jenkins expects that when his employees handle public funds that they do so properly and be able to account for all of the funds. Tr. 590. Henry Cook, Board of Education chair, expects funds from events to be strictly accounted for. Tr. 433.

24.

Angela Foster is a paraprofessional at Randolph County Elementary School. Tr. 405. She has worked there for eight years. Tr. 405.

25.

Angela Foster identified the letter written by Theotis Jackson as one given to her by Mrs. Jenkins in the hallway at school. Tr. 407; Resp't Ex. 46.

26.

Mrs. Jenkins asked her to deliver it to another employee. Tr. 407. Ms. Foster unfolded the letter and read it. Tr. 407; Resp't Ex. 46.

## CONCLUSIONS OF LAW

The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision are hereby rejected. Based on a review of the record the following conclusions are hereby adopted and incorporated herein:

1.

The Commission has adopted a code of ethics for educators, which represent standards of performance and conduct which are generally accepted by educators of this state. O.C.G.A. § 20-2-984.1(a). Educators of this state are required to abide by such code of ethics. O.C.G.A. § 20-2-984.1(b). The code defines unethical conduct justifying disciplinary sanction. PSC Rule 505-6-.01(1).

2.

If the Commission finds that there is probable cause for imposing a sanction against the educator, it may recommend any combination of the following:

(1) That the educator be warned, reprimanded, monitored or any combination thereof; or

(2) That the certificate of the educator be suspended, revoked, or denied.

O.C.G.A. § 20-2-984.5(c).

3.

The Commission found probable cause to believe that Naomi Jenkins had breached Standard 5 (Public Funds and Property) of the code of ethics for educators which states:

An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

1. misusing public or school-related funds or property;
2. failing to account for funds collected from students or parents; and
3. submitting fraudulent requests for reimbursement of expenses for pay.

PSC Rule 505-2-.03 (7/1/99).

4.

The Commission found probable cause to believe that Naomi Jenkins had breached Standard 10 (Professional Conduct) of the code, which states:

An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that seriously impairs the certificate holder's ability to function professionally in his or her employment position or conduct that is detrimental to the health, welfare, discipline, or morals of students (inappropriate language, physical altercations, inadequate supervision, in appropriate discipline, etc.)

PSC Rule 505-2-.03 (7/1/99).

5.

The Commission therefore concluded that a suspension of one year was warranted.

6.

The evidence at the hearing supported the probable cause decision of the Commission that Naomi Jenkins violated both Standards 5 and 10 of the code.

7.

The evidence showed numerous instances where Mrs. Jenkins billed for time, which either duplicated or overlapped other time for which she billed. Additionally, the evidence showed that Mrs. Jenkins submitted time for payment before she had actually worked the time. Two state auditors testified that while clerical errors in time sheets were common, overlapping and duplicate time was not common. In fact, in the whole school system, only two employees had overlapping and duplicate time; one of the two was Mrs. Jenkins. Mrs. Jenkins also admitted to that she did not keep her time strictly. This does not reflect a high level of responsibility required by Standard 5 when dealing with public funds and falls below the general standards of professional conduct.

8.

Mrs. Jenkins was the director (except for the Middle School After-School program) of grant programs, which sponsored the Teen Center celebration. Students, their parents and the community at large were able to attend and were charged to enter the celebration and for food and programs. There was, however, no accounting for the funds, which were taken in at the celebration. Tickets were sold, but the ending and beginning numbers were not noted. The proceeds from the celebration were not deposited in a timely manner. This does not reflect a high level of responsibility required by Standard 5 when dealing with public funds and falls below the general standards of professional conduct.

9.

Finally, the Commission also alleged that Mrs. Jenkins violated Standard 5 and 10 when she asked an

employee of the school system to pass a note to another employee. The Commission presented the employee who testified that Mrs. Jenkins asked her to deliver a letter to another employee and identified the letter. The note itself contained accusations of a particular person in the community being a child molester, alluded to particular people in the community having sexual relations, made reference to the sexual orientation of persons, promoted voting for candidates, was racially charged and generally derogatory to any number of people. This is not the type of document that a professional educator should be handing out in her school. An educator should not be using school time and resources (other employees) to pass such a note. As such, the behavior falls below generally recognized professional standards and also represents a misuse of public resources.

DECISION

1.

The Commission hereby rejects the modified sanction recommended by the Administrative Law Judge as indicated in the Initial Decision. The Commission concludes that a greater sanction is appropriate in this particular case because the modified sanction recommended by the Administrative Law Judge does not reflect the seriousness with which the Commission views the Respondent's violation of the rules applicable to educators and is not consistent with similar violations.

2.

The Commission hereby **ORDERS** that the Georgia educator certificate held by Naomi Jenkins be Suspended for a period of one year to begin November 24, 2006 and shall conclude November 24, 2007.

**PSC ACTION:** Approved

Opposed: Jean Ebron

- |                      |                              |
|----------------------|------------------------------|
| 3. Bobby Jenkins     | - Educator (Case #03-4-1997) |
| Wayne Magnum         | - Hearing Officer            |
| Penney Hannah        | - PSC Attorney               |
| Maurice L. King, Jr. | - Attorney                   |

**MOTION:** (Robinson / Ebron) To go into Executive Session and allow PSC staff (Gary Walker, and Lisa Hartzler) to remain.

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Miller / Greenway) The findings of fact found by the Administrative Law Judge as indicated in the Initial Decision are hereby rejected. Based on a review of the record the following facts are hereby adopted and incorporated herein:

1.

Bobby Jenkins is the Superintendent of Randolph County Schools. Tr. 521. He is married to Naomi Jenkins. Tr. 523.

2.

There were numerous instances of duplicate time worked being charged to various grant programs by Mrs. Jenkins who was the director of those programs or between contractual work (extended) days and work in the grant

programs. Tr. 363; Resp't Ex. 4.; Tr. 364; Resp't Ex. 5 and 6; Tr. 365; Resp't Ex. 7 and 15; Tr. 366; Resp't Ex. 8 and 9; Tr. 366; Resp't Ex. 10 and 15; Tr. 367; Resp't Ex. 11 and 15; Tr. 367; Resp't Ex. 12 and 15; Tr. 367; Resp't Ex. 13; Tr. 367; Resp't Ex. 14, 18 and 19. Bobby Jenkins signed off on most of these timesheets. Resp't Ex. 3, 4, 6, 7, 8, 9, 10, 11, 12 and 14.

3.

Although Bobby Jenkins testified that the primary focus of the grants is academic and life skills and to expose the children to cultural activities (Tr. 553), he also testified that the majority of the grant funds were spent to pay people income. Tr. 556.

4.

Naomi Jenkins is employed by the Randolph County Board of Education and has been for 8 years. Tr. 613. She is an elementary school counselor. Tr. 614.

5.

Teachers are paid on a 190 day contract but some work more days which are known as "extended days" and are made a part of a contract addendum. Tr. 97. Counselors have five days to work beyond the regular teaching schedule. Tr. 633. The payroll clerk relies on the extended year schedule to pay those persons entitled to extended days and those records are kept in the files of the payroll clerk. Tr. 91; Resp't Ex. 15. Individual employees set their own extended days schedule. Tr. 92. Teachers are supposed to actually work on the days they choose as their extended days. Tr. 98. Mrs. Jenkins submitted her extended days to the payroll clerk for 2000-2002. Tr. 93; Resp't Ex. 15.

6.

Naomi Jenkins signed in as having attended Palm Pilot training held on September 27, 2002. Tr. 122; Resp't Ex. 18. Bobby Jenkins signed off on Naomi Jenkins' request for payment for attending the Palm Pilot training. Resp't. Ex. 19.

7.

On September 18, 2000, Mrs. Jenkins signed her time sheet, which was stamped as being entered in the computer on September 20, yet the time reflected work through September 28, 2000. Tr. 95-96, 365; Resp't Ex. 6. Bobby Jenkins signed off on this timesheet. Resp't Ex. 6.

8.

Mrs. Jenkins stated that she might report two hours time to one grant program followed immediately by two hours in another grant program, that does not mean that she actually worked on the grants in that manner. Tr. 630. Instead she worked on the grants as its needs dictated even though she did not charge her time accordingly. Tr. 630.

9.

Directors of after-school programs are responsible for checking the time sheets of their employees for overlapping time. Tr. 116. When the director signs off, the payroll clerk assumed that the timesheet is true and correct. Tr. 117, 118. Mrs. Jenkins signed most of the timesheets as both employee and director. Resp't. Ex. 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

10.

Mr. Jenkins does a cursory review of the time sheets presented him by the bookkeeper. Tr. 569. His signature means that he has reviewed them but he allows the payroll clerk to check for accuracy. Tr. 569.

11.

An audit conducted by the Georgia Department of Audits and Accounting revealed that during this time some over and underpayments were made due to clerical errors but the duplication of time sheets involved just two employees where the same work time was charged to more than one program. Tr. 361, 356. One of those employees was Mrs. Jenkins. Tr. 361. 356.

12.

Mrs. Jenkins was paid for these overages. Tr. 369. Subsequent audits show the overages have not been repaid and that Mr. Jenkins is aware the overages have not been repaid. Tr. 371-372; Resp't Ex. 44 and 45.

13.

According to Henry Cook, chair of the Board of Education, an employee who is overpaid should repay the school system the amount of the overpayment. Tr. 433. If the Superintendent were made aware of overpayments to employees, then he should report it to the Board. Tr. 434. Mr. Jenkins has never spoken to Mr. Cook about overpayments to employees. Tr. 434.

14.

As director for various grant programs for the school system, Mrs. Jenkins was coordinator of an event known as the Teen Center celebration. Tr. 189; Resp't. Ex. 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

15.

Expenses for the Teen Center celebration of March 31, 2002 were paid for from grants appropriated to the Office of School Readiness Snack Program, DHR Star, Teen Plus, Male Involvement and the Middle School After School Program. Tr. 129-136; Resp't Ex. 20-37.

16.

Mr. Jenkins admitted to being "pretty aware" of what was happening with the celebration because he had signed off on the purchase orders. Tr. 588; Resp't Ex. 20-37.

17.

The Teen Center celebration took in funds from students and parents. Tr. 632. Two people would collect the money and sometimes there were tickets used or sold. Tr. 623. Some of the tickets were numbered; some were ones that had already been sold; and some might have been in Mrs. Jenkins pocket. Tr. 624.

18.

Mrs. Jenkins admitted to auditor Randy Sanders that there was no documentation of how tickets were sold or accounted for at the Teen Center Celebration. Tr. 191. Mr. Jenkins testified that some sorts of tickets were used on the day of the celebration and that the starting and ending numbers were not recorded. Tr. 589.

19.

At least \$11,500 was expended in putting on the Teen Center Celebration of March 2002. Tr. 323; Resp't Ex. 20-37.



20.

Bookkeeper Telisha Gilbert received \$1645 on April 10, 2002 to deposit into the elementary school's account from Mrs. Jenkins who told her it represented proceeds from the Teen Center celebration. Tr. 177; Resp't Ex. 40.

21.

A deposit of \$1228 was made on June 28, 2002 which had a report attached to it that listed a few sources of revenue from the Teen Center celebration. Tr. 325; Resp't Ex. 38.

22.

According to Mrs. Jenkins, at the end of the day of the celebration, the moneys taken in were put in a locked box at the Teen Center where they were left until July. Tr. 625. Mrs. Jenkins admitted that it was not a good practice to have the cash sitting in a locked box for three months. Tr. 628.

23.

Mr. Jenkins had school system financial officer Daphne Hardnet create a revenue account from the celebration proceeds so that there would be an account to take funds from to offset some of the cost of the after school programs. Tr. 588; Resp't Ex. 38. This was done on July 1, three months after the celebration. Tr. 593; Resp't Ex. 38. The money would have actually been deposited around this time also. Tr. 594.

24.

Mr. Jenkins could not say where the celebration proceeds had been held for the three months, but relied on prior testimony he heard that it had been kept in a locked box in the Teen Center. Tr. 595.

25.

Mrs. Jenkins agreed that when an educator collects money at a school-sponsored event, they have a responsibility to ensure that those funds are strictly accounted for. Tr. 624.

26.

Mr. Jenkins expects that when his employees handle public funds that they do so properly and be able to account for all of the funds. Tr. 590. Henry Cook, Board of Education chair, expects funds from events to be strictly accounted for. Tr. 433.

## CONCLUSIONS OF LAW

The Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision are hereby rejected. Based on a review of the record the following conclusions are hereby adopted and incorporated herein:

1.

The Commission has adopted a code of ethics for educators, which represent standards of performance and conduct which are generally accepted by educators of this state. O.C.G.A. § 20-2-984.1(a). Educators of this state are required to abide by such code of ethics. O.C.G.A. § 20-2-984.1(b). The code defines unethical conduct justifying disciplinary sanction. PSC Rule 505-6-.01(1).

2.

If the Commission finds that there is probable cause for imposing a sanction against the educator, it may recommend any combination of the following:

- (3) That the educator be warned, reprimanded, monitored or any combination thereof; or
- (4) That the certificate of the educator be suspended, revoked, or denied.

O.C.G.A. § 20-2-984.5(c).

3.

The Commission found probable cause to believe that Bobby Jenkins had breached Standard 5 (Public Funds and Property) of the code of ethics for educators which states:

An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

1. misusing public or school-related funds or property;
2. failing to account for funds collected from students or parents; and
3. submitting fraudulent requests for reimbursement of expenses for pay.

PSC Rule 505-2-.03 (7/1/99).

4.

The Commission found probable cause to believe that Bobby Jenkins had breached Standard 10 (Professional Conduct) of the code, which states:

An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that seriously impairs the certificate holder's ability to function professionally in his or her employment position or conduct that is detrimental to the health, welfare, discipline, or morals of students (inappropriate language, physical altercations, inadequate supervision, in appropriate discipline, etc.)

PSC Rule 505-2-.03 (7/1/99).

5.

The Commission therefore concluded that a suspension of one year was warranted.

6.

The evidence at the hearing supported the probable cause decision of the Commission that Bobby Jenkins violated both Standards 5 and 10 of the code.

7.

Based on a review of the record, the Commission finds that Mr. Jenkins violated Standards 5 and 10 because he signed off on Mrs. Jenkins' erroneous time sheets. Mr. Jenkins tried to lay the blame for this problem on his

bookkeeper. However, Mr. Jenkins bears the responsibility. First, he is the superintendent. Further, he put his name on the document and therefore took on a responsibility that the time sheets were correct. The evidence showed that the errors in Mrs. Jenkins' time sheets were not of the usual variety (computation errors made by the payroll clerk) but had duplicative and overlapping time reported. Thirdly, Mr. Jenkins is husband to Mrs. Jenkins and therefore had more intimate knowledge of her whereabouts than he might of another employee. It also bears stating that most time sheets would have had three controls placed on them: the employee, director and superintendent signatures. In Mrs. Jenkins' case she was both employee and director and the superintendent is her husband. For these reasons, Mr. Jenkins' was complicit in Mrs. Jenkins submitting fraudulent requests for pay. His actions also fall below the generally recognized standards for educators.

8.

Based on a review of the record, the Commission also finds that Mr. Jenkins violated Standards 5 and 10 in his dealings with the Teen Center celebration held March 2002. Mr. Jenkins admitted that he was aware of the plans for the celebration because he signed off on almost all of the purchase orders for the celebration's vendor expenditures. Mr. Jenkins admitted to also being aware that tickets were sold at the celebration, but also knew that the beginning and ending numbers were not recorded. Additionally, Mr. Jenkins was aware that some of the money collected at the celebration was not deposited until three months after the event. He could not say with certainty where the money had been for the three months. As such, Mr. Jenkins' failed to exhibit the high level of accuracy and responsibility required of him by Standard 5 when handling public money. As such, his behavior falls below the generally recognized standards of behavior required by Standard 10.

## DECISION

1.

The Commission hereby ORDERS that the Georgia educator certificate held by Bobby Jenkins be issued a reprimand effective November 9, 2006.

**PSC ACTION:** Approved

Opposed: Stephen Dartt

## **VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

**A.** Rick Eiserman, Director of Certification Policy, introduced the following Certification rules for adoption: It is recommended that the Professional Standards Commission, in accordance with the Georgia Administrative Procedure Act, (1) amend the current rules in Chapter 505-2 (Certification), effective December 15, 2006, as follows: 505-2-.05, 505-2-.06, 505-2-.25, 505-2-.38, 505-2-.150, 505-2-.163, 505-2-.165, 505-2-.202, 505-2-.204, 505-2-.205, and 505-2-.206; and (2) adopt new rules for Chapter 505-2 (Certification), effective December 15, 2006 as follows: 505-2-.162.

**MOTION:** (Miller / Vasconcelos) To adopt the rules for Certification rules in Chapter 505-2 as presented

**PSC ACTION:** Approved

Dr. Fran Watkins, Director of Educator Preparation, introduced the following Educator Preparation rules for initiation: It is recommended that the Professional Standards Commission, in accordance with the Georgia Administrative Procedure Act, (1) amend the current rules in Chapter 505-3 (Educator Preparation), effective

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December 15, 2006, as follows: 505-3-.16; and (2) adopt new rules in Chapter 505-3 (Educator Preparation), effective December 15, 2006, as follows: 505-3-.85

**MOTION:** (Miller / Robinson) To adopt the rules for Educator Preparation in Chapter 505-3 as presented.

**PSC ACTION:** Approved

**B.** Dr. John Mattar, National Evaluation Systems, gave a presentation on the Establishment of Passing Scores for the Georgia Assessments for the Certification of Educators (GACE).

**C.** Dr. Tom Hall, Director of Special Project, gave a presentation on No Child Left Behind and Instruction Equity in Georgia entitled "A Framework for Instructional Equity".

**D.** Dr. Cyndy Stephens, Director of Educator Workforce gave a presentation on the Vacancy Reporting Systems entitled "The Business of Recruiting to Retain the Highest Quality Educators".

**E.** Dr. Toth presented an article from Education Week, October 2006, entitled "States Gets Tough on Programs to Prepare Principals".

**F.** Dr. Toth passed out an updated list of the commissioners and their contact information.

**G.** Dr. Toth announced that Stephen Dartt, Jean Ebron and Pamela Greenway will form a committee to elect a vice chair for the commission

**H. MOTION:** (Bullock / Greenway) For the PSC to write a letter to the State Bar of Georgia to complain about the unprofessional conduct of Maurice Luther King, Jr. This behavior went far beyond the scope of representing his client. As part of this motion, the PSC should include a transcript of Mr. King's remarks in the Naomi Jenkins (case # 03-4-1998) and Bobby Jenkins (case #03-4-1997).

**PSC ACTION:** Approved

## **IX. ADJOURNMENT**

Dr. Debbie Wilkes called for the meeting to be adjourned at 1:50 p.m.

**PSC ACTION:** Approved