

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

May 8, 2003

The Georgia Professional Standards Commission (PSC) met on Thursday, May 8, 2003, at 9 a.m.

Members Present

Amy Denty

Angela Finn

Terri DeLoach

Pamela Thomas (by telephone)

Sue Sehgal

Dottie McClain

Maria Miller

Tony Natson

Janet Scott

Gary Walker

Members Absent

Gwenda Johnson

Mary Gomez

I. CALL TO ORDER

Chair Denty called the meeting to order at 9:08 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. PSC AWARDS

Chair Denty gave out PSC service awards to the following:

John Grant - 5 Years of Service

Jacqui Brey – 20 Years of Service

III. RECOGNITION OF VISITORS

Chair Denty recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Shampa Bernstein, Attorney for Mitchell Valentine
- Edie Belton, Professional Association of Georgia Educators
- D. Allen Dodd, AJC Reporter
- Mitchell Valentine
- Tina Folsom
- Ann Duff
- William Woods, Attorney for Jean Maddox
- Floyd B. Peters
- A delegation from Randolph Co.
- Jean Maddox
- Jacqui Brey, PSC
- Jody Grogan, Georgia Association of Educators (GAE)
- Kathryn Allen, AG office
- Mike McGougle, Georgia Association of Educators (GAE)
- Jean Maddox
- Floyd Peters
- Luellen Tucker
- Johnnie Graham, Attorney for Floyd Peters

6/17/2003

Page 2

IV. ANNOUNCEMENT

Dr. Toth announced that the Senate did not confirm the appointment of the following six commission members: Dr. Joseph Cadray, Pamela Nutt, Pamela Hertzog, Elizabeth Kidd, Smith Pass, Sylvia Hooker. The Commission currently has 12 members. A motion was called to establish a policy for the number of members needed for a quorum.

Policies and Procedures

Purpose: To establish a policy for the number of members needed for a quorum.

Policy: A quorum shall constitute a majority of the membership of the Professional Standards Commission. Membership is defined as the number of members appointed and sworn in by the Governor.

Rationale: The Commission is authorized to have 18 members – nine teachers, two school board members, two from higher education, two school administrators, and three from the private sector. Because the commission rarely has the full 18 members since members retire, leave the state, resign due to the demands on their time, and numerous other reasons, it is necessary to establish a quorum as stated above.

MOTION: (DeLoach / Sehgal) To adopt the Policies and Procedures for the number of members required for a quorum.

PSC ACTION: Approved

V. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda, which included changing Case # 01-4-1458 and 01-5-1740 to 10:00 a.m. and case # 02-4-1678 to 2:40 p.m..

MOTION: (Sehgal / McClain) To approve agenda.

PSC ACTION: Approved

VI. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the April 10, 2003, Commission meeting.

MOTION: (Finn / Sehgal) To approve the minutes.

PSC ACTION: Approved

VII. COMMITTEE REPORTS

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

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

1. Ms. Scott reported that the Committee reviewed 66 *Probable Cause* cases during its May 7, 2003, meeting and brought the following recommendations on behalf of the Committee:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	02-12-1372	Criminal Acts Abuse of Students Professional Conduct	Revocation
2	03-01-1462	Criminal Acts Abuse of Students Professional Conduct	Revocation
3	03-01-1474	Criminal Acts Abuse of Students Professional Conduct	Revocation
4	03-01-1488	Criminal Acts Professional Conduct	Suspension for One Year
5	03-02-1604	Criminal Acts Professional Conduct	Revocation
6	03-02-1611	Criminal Acts Professional Conduct	Revocation
7	03-02-1660	Criminal Acts	Reprimand
8	03-02-1677	Criminal Acts Professional Conduct	No Probable Cause
9	03-02-1704	Criminal Acts Professional Conduct	Suspension for Six Months
10	03-03-1709	Criminal Acts Professional Conduct	Suspension for Two Years
11	03-03-1710	Criminal Acts Abuse of Students Professional Conduct	Revocation
12	03-03-1712 Paraprofessional	Criminal Acts Professional Conduct	No Probable Cause
13	03-03-1715	Criminal Acts Professional Conduct	Revocation
14	03-03-1744 Paraprofessional	Criminal Acts Professional Conduct	No Probable Cause
15	03-03-1751	Criminal Acts Professional Conduct	Extend Probable Cause Determination until July 10, 2003
16	03-03-1765 Applicant	Criminal Acts Professional Conduct	Denial
17	03-03-1785 Applicant	Criminal Acts Professional Conduct	No Probable Cause
18	03-03-1823 Applicant	Criminal Acts Professional Conduct	No Probable Cause
19	03-03-1865 Paraprofessional	Criminal Acts Professional Conduct	No Probable Cause

PC #	Case Number	STANDARD(S)	EERC Recommendation
20	03-03-1874 Paraprofessional	Criminal Acts Professional Conduct	Warning
21	02-10-1168	Abuse of Students Professional Conduct	No Probable Cause
22	03-01-1424	Abuse of Students Professional Conduct	No Probable Cause
23	03-01-1528	Abuse of Students Criminal Acts Professional Conduct	Revocation
24	03-02-1667	Abuse of Students Professional Conduct	Reprimand
25	03-02-1681	Abuse of Students Professional Conduct	Suspension for Six Months
26	03-02-1682	Abuse of Students Professional Conduct	Warning
27	03-02-1683	Abuse of Students Professional Conduct	Warning
28	03-03-1745	Abuse of Students Alcohol or Drugs Professional Conduct	Suspension for Three Months
29	03-03-1722	Alcohol or Drugs	Reprimand
30	03-02-1679	Misrepresentation or Falsification Professional Conduct	Warning
31	03-02-1680	Misrepresentation or Falsification Professional Conduct	Reprimand
32	03-03-1721	Misrepresentation or Falsification Professional Conduct	Revocation
33	03-02-1664	Public Funds and Property Misrepresentation or Falsification	Warning
34	03-02-1665	Public Funds and Property Misrepresentation or Falsification	No Probable Cause
35	03-02-1669	Public Funds and Property Professional Conduct	Warning
36	03-02-1670	Public Funds and Property Professional Conduct	Warning
37	03-02-1671	Public Funds and Property Professional Conduct	Warning
38	03-01-1468	Abandonment of Contract	No Probable Cause
39	03-02-1690 Applicant	Abandonment of Contract	Denial
40	03-02-1655	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	VOLUNTARY SURRENDER

PC #	Case Number	STANDARD(S)	EERC Recommendation
41	03-02-1685	Failure to Make a Required Report Misrepresentation or Falsification	Warning
42	03-02-1686 Applicant	Failure to Make a Required Report Misrepresentation or Falsification	Warning
43	03-02-1687	Failure to Make a Required Report Misrepresentation or Falsification	Warning
44	03-02-1698	Failure to Make a Required Report Misrepresentation or Falsification	Warning
45	03-03-1758	Failure to Make a Required Report Misrepresentation or Falsification	Warning
46	03-03-1770 Applicant	Failure to Make a Required Report Misrepresentation or Falsification	Warning
47	03-03-1775	Failure to Make a Required Report Misrepresentation or Falsification	Warning
48	03-03-1799	Failure to Make a Required Report Misrepresentation or Falsification	Warning
49	03-03-1832	Failure to Make a Required Report Misrepresentation or Falsification	Warning
50	03-03-1861 Paraprofessional	Failure to Make a Required Report Misrepresentation or Falsification	Warning
51	03-04-1907	Failure to Make a Required Report Misrepresentation or Falsification	No Probable Cause
52	03-01-1465	Professional Conduct Abuse of Students	Warning
53	03-01-1526	Professional Conduct	Warning
54	03-01-1533	Professional Conduct Abuse of Students	Reprimand
55	03-01-1547 Applicant	Professional Conduct	No Probable Cause
56	03-02-1678	Professional Conduct	Reprimand
57	03-02-1684	Professional Conduct	No Probable Cause
58	03-02-1688	Professional Conduct	Reprimand
59	03-02-1696	Professional Conduct Abuse of Students	Warning
60	03-02-1707	Professional Conduct Abuse of Students	Suspension for One Year
61	03-03-1713	Professional Conduct	Warning
62	03-03-1717	Professional Conduct Abuse of Students	Warning
63	03-03-1726	Professional Conduct	Suspension for One Month

PC #	Case Number	STANDARD(S)	EERC Recommendation
64	03-03-1839	Professional Conduct	No Probable Cause
65	03-03-1742	Action Taken in Another State Failure to Make A Required Report Misrepresentation or Falsification	Denial
66	03-03-1857	Action Taken in Another State Public Funds and Property	No Probable Cause

Tony Natson called for a discussion on case #61.

PSC ACTION: Approved

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

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
02-4-1800	Misrepresentation or Falsification	Suspension for Six Months & Monitoring for One Year	Accept
01-08-251	Professional Conduct Abuse of Students	Suspension for Three Months	Accept
02-6-2248	Misrepresentation or Falsification	Warning	Accept
02-6-2311	Criminal Acts Misrepresentation or Falsification	Denial	Accept
02-5-2125	Misrepresentation or Falsification	Suspension for One Month Monitoring for One Year	Accept

PSC ACTION: Approved

3. Ms. Scott reported that the Educator Ethics Review Committee reviewed 2 *Petitions-Certificate Issues* and 1 *Petitions-Waivers* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
03-03-1863	Sally Sparkman	Right to Reapply	Denied – 12/12/2002 Criminal Acts; Professional Conduct	Grant
03-01-1414	-----	Withdraw Application	No Final Decision	Deny

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
02-3-1594	Michael Douglas	Waive Rule and allow Educator to Petition for the Right to Reapply Early	Denied – May 1, 1995 Denied Right to Reapply – August 9, 2002	Deny

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 9 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Violation	Probable Cause Finding	Negotiated Proposal	EERC Recomm.
02-7-204	Misrepresentation or Falsification Professional Conduct	Suspension for One Month	Suspension for One Month	Accept
02-11-1242	Failure to Comply with Monitoring Professional Conduct	Suspension for One Week	No Probable Cause	Accept
02-9-759	Misrepresentation or Falsification	Suspension for One Month	Suspension for Two Weeks	Accept
02-9-809	Criminal Acts Professional Conduct	Denial	Reprimand	Accept
01-9-519	Abuse of Students Public Funds & Property Professional Conduct	Revocation	Suspension for Two Years	Reject
02-6-2244	Misrepresentation or Falsification	Suspension for Six Months	Suspension for One Month	Accept
02-10-1123	Public Funds & Property Professional Conduct	Suspension for Five Months	Suspension for Two Months	Reject
02-01-1331	Criminal Acts	Revocation	Warning	Accept
02-7-201	Professional Conduct Abuse of Students	Suspension for One Month	Suspension for One Month	Accept

PSC ACTION: Approved

5. Ms. Scott reported that the Educator Ethics Review Committee reviewed 23 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation
02-08-506	Suspension for Six Months	Abandonment of Contract	Accept
02-10-992	Reprimand	Professional Conduct	Accept
02-11-1283	Reprimand	Failure to Make a Required Report Misrepresentation or Falsification	Accept

Case Number	Sanction	Violation	EERC Recommendation
02-12-1324	Revocation	Criminal Acts Professional Conduct Public Funds and Property	Accept
02-12-1240	Suspension for Two Years	Abuse of Students Professional Conduct	Accept
02-12-1377	Suspension for Six Months	Abandonment of Contract	Accept
02-12-1381	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1425	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1463	Warning	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Accept
03-01-1464	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1498	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1510	Reprimand	Professional Conduct	Accept
03-01-1511	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-01-1524	Suspension for One Week	Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct	Accept
03-01-1527	Suspension for Six Months	Alcohol or Drugs Professional Conduct	Accept
03-01-1528	Reprimand	Professional Conduct Abuse of Students	Accept
03-02-1567	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-02-1598	Warning	Failure to Make a Required Report Misrepresentation or Falsification	Accept
03-02-1642	Reprimand	Professional Conduct Abuse of Students	Accept
03-02-1655	Revocation***	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts	Accept
03-03-1723	Revocation***	Abuse of Students Alcohol or Drugs Professional Conduct	Accept
03-03-1817	Revocation***	Abuse of Students Professional Conduct	Accept
03-04-1933	Revocation***	Criminal Acts Abuse of Students Professional Conduct	Accept

*****Indicates Educator/Applicant Voluntarily Accepted a Sanction of Revocation or Denial Prior to the Probable Cause Determination**

6/17/2003

Page 9

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 63 new complaints received during the months of April 2003 and May 2003:

PSC ACTION: Approved

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 37 cases.

<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>	<u>Case Number</u>
03-02-1676	03-02-1697	03-04-1911	03-04-1948
03-02-1689	03-03-1727	03-04-1914	03-04-1954
03-02-1691	03-03-1757	03-04-1915	03-04-1958
03-02-1661	03-03-1782	03-04-1916	03-04-1965
03-03-1746	03-03-1790	03-04-1917	03-04-1975
03-03-1747	03-03-1830	03-04-1919	03-04-1983
03-03-1749	03-03-1859	03-04-1921	03-04-1985
03-02-1668	03-03-1875	03-04-1945	
03-02-1705	03-03-1876	03-04-1946	
03-03-1724	03-03-1893	03-04-1947	

PSC ACTION: Approved

8. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

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

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

The Commission reviewed the report, which advised of 12 cases closed by Operation of Law.

10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 38 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

VIII. **REVIEW HEARINGS**

1. Mitchell Valentine - Educator (Case # 01-04-1458 & 01-5-1740)
Wayne Magnum - Hearing Officer
Kathryn Allen - PSC Attorney
Shampa Bernstein - Attorney

MOTION: (DeLoach / McClain) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Walker / McClain) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following changes. The deletion of the following language in the first sentence of Section III 4.: “has displayed a true remorse regarding his actions and” and the word “remorse”. The deletion of the following language in the first sentence of Section III 5.: “As to the period of suspension” and inserting the words “were presented” after the word factors and ending the sentence after the words “five-day suspension” and deleting the rest of the paragraph. The Commission rejects the recommended sanction of the Administrative Law Judge because the hearing testimony evidences behavior on the part of the Educator of such an unprofessional nature that it compels a sanction harsher than five days. Further, the Commission does not find the emotional stress of the Educator to be in mitigation of such behavior. Finally, it is not the practice of the Commission to give retroactive sanctions which the Administrative Law Judge, in effect, has done here. The Commission hereby ORDERS that the respondent’s Georgia educator certificate be Suspended for a period of Six Months. (May 23, 2003 through November 23, 2003). If the Respondent decides to appeal this decision, he must file a petition within 30 days after service of this Final Decision pursuant to O.C.G.A. § 50-13-19.

PSC ACTION: Approved

Tony Natson Opposed

- | | |
|----------------|-------------------------------|
| 2. Jean Maddox | - Educator (Case # 00-12-886) |
| Wayne Magnum | - Hearing Officer |
| Kathryn Allen | - PSC Attorney |
| William Woods | - Attorney |

MOTION: (DeLoach / Sehgal) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Scott / McClain) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following specification. The Commission hereby ORDERS that the Georgia educator certificate held by Jean Maddox be revoked effective May 8, 2003.

PSC ACTION: Approved

Tony Natson Opposed

- | | |
|-----------------|-------------------------------|
| 3. Floyd Peters | - Educator (Case # 02-09-728) |
|-----------------|-------------------------------|

6/17/2003

Page 11

Wayne Magnum	- Hearing Officer
Tina Folsom	- PSC Attorney
Johnnie Graham	- Attorney

MOTION: (Miller / Sehgal) To go into Executive Session and allow PSC staff and PSC Attorney (Penny Hannah, Vicky Brantley, Cassandra Moore and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (DeLoach / McClain) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following specification. The Commission hereby orders that the Georgia educator certificate held by Floyd Peters be suspended for a period of one year to begin 15 days from the effective date of the final decision (May 23, 2003 through May 23, 2004).

PSC ACTION: Approved

4. Darrick L. Graham - Educator (Case # 02-04-1678)

Case #02-04-1678 was scheduled for 2:40 p.m. The Commission waited until 2:55 p.m. at which time the educator had not appeared.

MOTION: (Miller / Sehgal) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following specifications. The Commission hereby orders that the application filed by Darrick Graham for a Georgia educator certificate be denied effective May 8, 2003.

PSC ACTION: Approved

IX. EXECUTIVE SECRETARY REPORT

Dr. Toth spoke about the "On-Going Certification Change" hand-out that was given to everyone at the meeting.

X. CHAIR'S REPORT

The Chair, Amy Denty, did not give a report.

XI. ADJOURNMENT

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

PSC ACTION: The meeting adjourned at 2:55 pm.