

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION

Two Peachtree Street

Atlanta, Georgia

November 10, 2011

The Georgia Professional Standards Commission (PSC) met on Thursday, November 10, 2011, at 12:30 p.m.

### **Members Present**

Julia Bernath	David Johnson	Dr. Lawrence Walters
Alice Clements	Stephanie Leggett	Pam Walker
Dr. Adrian Epps	Christy McGill	Dr. Debbie Wilkes
Heath Garrett	Bettina Polite Tate	Pam Williams
Meredith Hodges	Rose Powell	Valerie Williams

### **Members Absent**

Marci Cawthon	Bill Haskin
Penny Elkins	

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

Chair Wilkes called the meeting to order at 12:30 p.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

### **II. ADOPTION OF AGENDA**

Chair Wilkes called for approval of the agenda.

**MOTION:** (Stephanie Leggett / Meredith Hodges) To approve the agenda.

**PSC ACTION:** Approved

### **III. APPROVAL OF MINUTES**

Chair Wilkes called for approval of the minutes from the October 13, 2011, Commission meeting.

**PSC ACTION:** Approved

### **IV. VISITORS**

Chair Wilkes welcomed the visitors.

- Cindi Chance, Georgia Association for Career and Technical Education
- Gayle Wooten, Professional Association of Georgia Educators
- John Hooper, Georgia School Superintendents Association
- Linda Fortson, Warren Fortson Law Office
- Delonis Banks, Argosy University
- Jeannette Dubyak, Argosy University
- Taylor Donald, Georgia Association of Educators (GAE)
- Tricia Audrain, Georgia Association of Educators (GAE)

## V. COMMITTEE REPORTS

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

Commissioner Rose Powell of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

- Ms. Powell reported that the Committee reviewed 24 *Probable Cause* cases during its November 10, 2011, meeting and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>RECOMMENDATION</u>
11-9-292	1	NPC
11-9-317	1	Reprimand
11-9-324	10	Reprimand
10-11-502	2,4,7,10,11	Reprimand
10-12-607	2,4,7,10,11	Suspension 1 Year
11-2-775	1, 2, 10	Revoke
11-4-1032	10	Suspension 20 days
11-4-1037	3, 10	Suspension 1 Year
11-5-1119	2,4,7,10,11	Suspension 1 Year
11-6-1214	2, 10	Suspension 90 days
11-6-1220	2, 10	Suspension 90 days
11-6-1222	1, 3, 10	Suspension 1 Year
11-6-1252	10, 11	Reprimand
11-6-1278	1, 9, 10	Revoke
11-7-20	10	Reprimand
11-7-22	5 & 10	Suspension 90 days
11-7-58	1, 9, 10	Reprimand
11-7-73	1, 4, 9, 10	Reprimand
11-7-83	2, 10	Revoke
11-8-191	5,10	Suspension 1 Year
11-8-193	1, 10	Suspension 90 days
11-8-194	8, 10	Suspension 90 days
11-9-308	10	Reprimand
11-10-461	1, 10	Reprimand

2. Ms. Powell reported that the Educator Ethics Review Committee reviewed 4 *Initial Decisions* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>ALJ SANCTION</u>
08-10-481	3, 10	Suspension 1 Year
09-5-1270	1, 4, 9	Revocation
09-6-1358	2, 10	Reprimand
10-8-139	2, 10	Revocation

3. Ms. Powell reported that the Educator Ethics Review Committee reviewed 2 *Voluntary Surrender/Voluntary Denials* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>STANDARDS VIOLATED</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
11-7-85	4, 5, 10	Voluntary Surrender	Accept
11-9-271	2, 10	Voluntary Surrender	Accept

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

<u>CASE</u>	<u>SANCTION</u>	<u>EERC RECOMMEND</u>
11-3-898	Suspension - 90 days	Accept
11-4-917	Suspension - 20 days	Accept
11-4-963	Reprimand	Accept
11-4-1009	Reprimand	Accept
11-5-1087	Suspension - 20 days	Accept
11-5-1116	Suspension - 2 years	Accept
11-5-1122	Suspension - 1 year	Accept
11-7-18	Suspension - 30 days	Accept
11-7-59	Reprimand	Accept

5. Ms. Powell reported that the Educator Ethics Review Committee reviewed 19 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
09-3-949	NPC	Accept
09-5-1277	Suspension 1 Year	Accept
09-6-1315	NPC	Accept
09-7-20	Suspension 5 days	Accept

<u>CASE</u>	<u>NEGOTIATED SANCTION</u>	<u>EERC RECOMMEND</u>
09-7-125	Suspension 10 days	Accept
09-8-231	Revocation	Accept
09-10-454	Suspension 5 days	Accept
10-4-1024	Revocation	Accept
10-4-1093	Warning	Accept
10-5-1140	Suspension 1 Year	Accept
10-7-19	Suspension 5 days	Accept
10-9-290	Suspension 2 days	Accept
10-10-399	Revocation	Accept
10-10-441	Suspension 20 days	Accept
10-11-521	Suspension 5 days	Accept
10-12-568	Suspension 120 days	Accept
11-1-643	Suspension 90 days	Accept
11-2-802	Suspension 5 days	Accept
11-4-972	Suspension 5 days	Reject

#### 6. **OTHER BUSINESS**

The Educator Ethics Review Committee recommended approval of the *Other Business Report* as follows:

<u>CASE</u>	<u>Findings of Fact</u>	<u>EERC RECOMMEND</u>
PCE-11-8-113	Admin Closed - Educator deceased	Accept
PCE-11-8-123	Expand Investigation	Accept

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 62 new complaints received during the months of October and November 2011.

#### 8. **EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of the 32 Extensions - Preliminary Investigative Determinations consisting of the following:

11-10-501	11-10-505	11-10-509	11-10-513	11-10-517	11-10-521	11-10-525	11-10-529
11-10-502	11-10-506	11-10-510	11-10-514	11-10-518	11-10-522	11-10-526	11-10-530
11-10-503	11-10-507	11-10-511	11-10-515	11-10-519	11-10-523	11-10-527	11-10-531
11-10-504	11-10-508	11-10-512	11-10-516	11-10-520	11-10-524	11-10-528	11-10-532

#### 9. **EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 197 Written Complaint Cases and 3 Application Case Extensions:

<b>WRITTEN COMPLAINT EXTENSIONS</b>							
10-7-34	11-5-1085	11-6-1272	11-8-105	11-8-137	11-8-162	11-8-210	11-8-241
10-9-331	11-5-1098	11-6-1273	11-8-110	11-8-138	11-8-163	11-8-216	11-8-242
10-11-478	11-5-1117	11-7-2	11-8-114	11-8-139	11-8-164	11-8-217	11-8-243
10-11-511	11-5-1118	11-7-3	11-8-115	11-8-140	11-8-165	11-8-218	11-8-244
10-11-512	11-5-1131	11-7-4	11-8-116	11-8-141	11-8-166	11-8-219	11-8-249
10-11-513	11-5-1132	11-7-7	11-8-117	11-8-142	11-8-167	11-8-220	11-8-250
10-11-514	11-5-1148	11-7-21	11-8-118	11-8-143	11-8-168	11-8-221	11-9-268
10-11-515	11-5-1149	11-7-23	11-8-119	11-8-144	11-8-169	11-8-222	11-9-285
10-12-553	11-5-1175	11-7-25	11-8-120	11-8-145	11-8-170	11-8-223	11-9-298
10-12-562	11-5-1176	11-7-35	11-8-121	11-8-146	11-8-171	11-8-224	11-9-302
10-12-569	11-6-1191	11-7-43	11-8-122	11-8-147	11-8-172	11-8-225	11-9-304
10-12-611	11-6-1192	11-7-49	11-8-123	11-8-148	11-8-173	11-8-227	11-9-311
11-1-646	11-6-1193	11-7-50	11-8-124	11-8-149	11-8-176	11-8-228	11-9-312
11-2-794	11-6-1204	11-7-72	11-8-125	11-8-150	11-8-175	11-8-229	11-9-320
11-2-804	11-6-1205	11-7-84	11-8-126	11-8-151	11-8-178	11-8-230	11-9-321
11-2-806	11-6-1209	11-7-87	11-8-127	11-8-152	11-8-179	11-8-231	11-9-326
11-4-915	11-6-1221	11-7-88	11-8-128	11-8-153	11-8-180	11-8-232	11-9-438
11-4-999	11-6-1227	11-7-89	11-8-129	11-8-154	11-8-181	11-8-233	11-9-440
11-4-1000	11-6-1228	11-7-90	11-8-130	11-8-155	11-8-182	11-8-234	11-9-441
11-4-1031	11-6-1234	11-7-91	11-8-131	11-8-156	11-8-183	11-8-235	11-9-443
11-4-1036	11-6-1236	11-7-97	11-8-132	11-8-157	11-8-185	11-8-236	11-9-444
11-4-1046	11-6-1237	11-7-98	11-8-133	11-8-158	11-8-197	11-8-237	11-9-445
11-4-1066	11-6-1255	11-7-99	11-8-134	11-8-159	11-8-200	11-8-238	
11-4-1068	11-6-1256	11-7-176	11-8-135	11-8-160	11-8-201	11-8-239	
11-5-1075	11-6-1271	11-7-177	11-8-136	11-8-161	11-8-203	11-8-240	

<b>APPLICATION CASE EXTENSIONS</b>							
10-12-623	11-3-876	11-6-1249					

#### 10. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 13 cases reflected on the *Applications for Certification Report*.

#### 11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 4 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 no certificates suspended from October 13,

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2011 through November 10, 2011. There were 4 certificates that had been *reinstated* because restitution is now being made on those student loans. There were no issues where notification had been received to suspend but releases were received prior to the actual suspension being implemented.

### 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 were 2 cases closed without an appeal for a review hearing before the Commission.

Chair Wilkes called for approval of the Educator Ethics Review Committee report as presented by Rose Powell excluding case #'s 11-6-1222.

**PSC ACTION:** Approved

#### **Probable Cause Case # 11-6-1222**

**MOTION:** (Julia Bernath / Valerie Williams) To accept the PSC staff recommendation of a 1 Year Suspension.

**PSC ACTION:** Approved

## VI. REVIEW HEARING

- |                   |                            |
|-------------------|----------------------------|
| 1. Frank Robinson | - Educator Case # 10-1-731 |
| Wayne Magnum      | - Hearing Officer          |
| Rebecca Mick      | - PSC Attorney             |
| Sharese Shields   | -Educator Attorney         |

**MOTION:** (Dr. Adrian Epps / Rose Powell) To go into Executive Session and allow PSC staff (Kim Anderson, Nancy Teele, Kevin Shumake and Tanis Miller) to remain.

**ACTION:** Approved

**MOTION:** (Meredith Hodges / Rose Powell) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

**MOTION:** (Rose Powell / Stephanie Leggett) To adopt the Findings of Fact and Conclusions of Law 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 certificate held by Frank Robinson be revoked effective November 10, 2011.

**ACTION:** Approved

Abstention: David Johnson

- |                    |                             |
|--------------------|-----------------------------|
| 2. Delinsa Maiden, | - Educator Case # 09-12-655 |
| Wayne Magnum       | - Hearing Officer           |

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Ann Brumbaugh

- PSC Attorney

**MOTION:** (Stephanie Leggett / Rose Powell) To go into Executive Session and allow PSC staff (Kim Anderson, Nancy Teele, Kevin Shumake and Tanis Miller) to remain.

**ACTION:** Approved

**MOTION:** (Dr. Adrian Epps / Rose Powell) To come out of Executive Session and reconvene the Regular Session.

**ACTION:** Approved

**MOTION:** (Valerie Williams / Julia Bernath) To adopt the Findings of Fact and Conclusions of Law 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 certificate held by Delinsa Maiden be suspended for a period of ninety days consecutive contract days to begin on December 10, 2011, ending on May 8, 2012.

**ACTION:** Approved

Abstention: David Johnson, Heath Garrett

## **VII. ADJOURNMENT**

Chair Wilkes called for the meeting to be adjourned at 2:40 p.m.

**PSC ACTION:** Approved