



**PSC ACTION:** Approved

## **V. 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 47 *Probable Cause* cases during its January 11, 2006, meeting and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	05-10-493	Abandonment of Contract Professional Conduct	No Probable Cause
2	05-10-495	Abandonment of Contract Professional Conduct	Suspension for 90 Days
3	05-10-496	Abandonment of Contract Professional Conduct	Suspension for 90 Days
4	05-10-498	Abandonment of Contract Professional Conduct	No Probable Cause
5	05-10-502	Abandonment of Contract Professional Conduct	Suspension for 90 Days
6	05-10-503	Abandonment of Contract Professional Conduct	Suspension for 90 Days
7	05-10-508	Abandonment of Contract Professional Conduct	Suspension for 90 Days
8	05-10-509	Abandonment of Contract Professional Conduct	Suspension for 90 Days
9	05-7-140	Abuse of Students Criminal Acts Professional Conduct	No Probable Cause
10	05-9-381	Abuse of Students Criminal Acts Professional Conduct Failure to Make a Required Report	Suspension for 2 Years
11	05-9-405	Abuse of Students Professional Conduct	Suspension for 1 Year
11	05-9-405	Abuse of Students Professional Conduct	Suspension for 1 Year
12	05-10-518	Abuse of Students Criminal Acts Professional Conduct	Revocation

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
13	05-10-524	Abuse of Students Professional Conduct	Suspension for 2 Years
14	05-7-117	Criminal Acts Professional Conduct	No Probable Cause
15	05-8-265	Criminal Acts Professional Conduct	Reprimand
16	05-9-305	Criminal Acts Professional Conduct	Revocation
17	05-9-341	Criminal Acts Failure to Make a Required Report Professional Conduct	Reprimand
18	05-9-351	Criminal Acts Professional Conduct	Denial
19	05-9-352	Criminal Acts Professional Conduct	Reprimand
20	05-9-373	Criminal Acts Professional Conduct	Warning
21	05-10-454	Criminal Acts Professional Conduct	Reprimand
22	05-10-459	Criminal Acts Professional Conduct	Revocation
23	05-10-464	Criminal Acts Professional Conduct	Reprimand
24	05-10-481	Criminal Acts Professional Conduct	No Probable Cause
25	05-8-181	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
26	05-9-343	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Denial
27	05-9-355	Misrepresentation or Falsification Failure to Make a Required Report Action Taken in Another State Professional Conduct	Suspension for 5 Days
28	05-9-396	Misrepresentation or Falsification Professional Conduct	Suspension for 5 Days
29	05-10-435	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Warning
30	05-10-468	Misrepresentation or Falsification Criminal Acts Professional Conduct	Warning
31	05-20-487	Misrepresentation or Falsification Professional Conduct	Denial

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
32	05-12-512	Misrepresentation or Falsification Professional Conduct	Suspension for 20 Days
33	05-7-62	Professional Conduct Criminal Acts	No Probable Cause
34	05-8-200	Professional Conduct	No Probable Cause
35	05-9-377	Professional Conduct	No Probable Cause
36	05-9-378	Professional Conduct	No Probable Cause
37	05-9-391	Professional Conduct	Warning
38	05-10-437	Professional Conduct	Reprimand
39	05-10-450	Professional Conduct Misrepresentation or Falsification	Reprimand
40	05-10-456	Professional Conduct	Reprimand
41	05-10-510	Professional Conduct	Reprimand
42	05-10-520	Professional Conduct	Reprimand
43	05-11-629	Professional Conduct	Reprimand
44	05-10-439	Public Funds and Property Professional Conduct	Suspension for 90 Days
45	05-11-530	Public Funds and Property Professional Conduct	Suspension for 90 Days
46	05-11-534	Public Funds and Property Professional Conduct	Suspension for 1 Year
47	05-11-535	Public Funds and Property Professional Conduct	Suspension for 1 Year

**PSC ACTION:** Approved

2. Ms. Miller reported that the Educator Ethics Review Committee reviewed 9 *Initial Decisions* and brought the following recommendations on behalf of the Committee excluding case number 04-4-1417:

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION
1	03-09-341	Criminal Acts Professional Conduct	Revocation	Revocation
2	04-4-1417	Criminal Acts Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	No Probable Cause
3	04-4-1420	Criminal Acts Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	Suspension for One Year

#	CASE NUMBER	STANDARDS VIOLATED	PROBABLE CAUSE SANCTION	ADMINISTRATIVE LAW JUDGE SANCTION
4	04-3-1381	Criminal Acts Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	Suspension for Six Months
5	04-4-1418	Criminal Acts Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	No Probable Cause
6	04-4-1419	Criminal Acts Misrepresentation or Falsification Public Funds and Property Professional Conduct	Revocation	Suspension for Six Months
7	04-3-1306	Misrepresentation or Falsification Professional Conduct	Suspension for Three Months	Suspension for Three Months
8	04-9-264	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension for One Year	Suspension for One Year
9	04-3-1380	Abandonment of Contract Professional Conduct	Suspension for Six Months	Suspension for Six Months

**PSC ACTION:** Approved

Abstention: Craig Smith – Case # 04-4-1417, 04-4-1420, 04-3-1381, 04-4-1418, 04-4-1419

**Case # 04-4-1417**

**MOTION:** (Denty / Hart) To amend the EERC recommendation from accepting the Administrative Law Judge’s recommendation for a No Probable Cause finding to conduct a hearing of the Initial Decision.

**ACTION:** Approved

3. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Petitions Issue* and brought the following recommendations on behalf of the Committee:

CASE NUMBER	REQUEST	PREVIOUS SANCTION	PREVIOUS VIOLATION	RECOMM
05-11-633	Right to Reapply	Revocation: April 9, 2001	Abuse of Students Professional Conduct	Deny

**PSC ACTION:** Approved

Abstention: Dr. Wanda West

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 14 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
1	05-7-118	Suspension for 5 Contract Days	Misrepresentation or Falsification Professional Conduct	Accept
2	05-3-1482	Warning	Confidential Information Professional Conduct	Accept
3	05-5-1633	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Accept
4	05-6-1827	Reprimand	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Accept
5	05-6-1912	Warning	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Accept
6	05-7-5	Reprimand	Criminal Acts Professional Conduct	Accept
7	05-7-8	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Accept
8	05-7-83	Reprimand	Criminal Acts Professional Conduct	Accept
9	05-7-91	Warning	Criminal Acts Professional Conduct	Accept
10	05-8-195	Suspension for One Year	Alcohol or Drugs Professional Conduct	Accept
11	05-8-261	Reprimand	Criminal Acts Professional Conduct	Accept
12	05-8-280	Warning	Misrepresentation or Falsification Criminal Acts Failure to Make a Required Report Professional Conduct	Accept
13	05-9-331	Reprimand	Professional Conduct	Accept
14	05-9-398	Suspension for 5 Contract Days	Professional Conduct	Accept

**PSC ACTION:** Approved

5. Ms. Miller reported that the Educator Ethics Review Committee reviewed 6 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	NEGOTIATED SANCTION	RECOMMENDATION
1	05-1-926	Criminal Acts Abuse of Students Professional Conduct	Revocation	Accept
2	03-4-1997	Public Funds and Property Professional Conduct	Reprimand	Reject
3	03-4-1998	Public Funds and Property Professional Conduct	Reprimand	Reject

#	CASE NUMBER	STANDARDS VIOLATED	NEGOTIATED SANCTION	RECOMMENDATION
4	05-6-1833	Criminal Acts Failure to Make a Required Report Professional Conduct	Suspension for 60 Contract Days	Accept
5	05-6-1836	Criminal Acts Professional Conduct	Reprimand	Accept
6	05-6-1806	Criminal Acts Professional Conduct	Reprimand	Accept

**PSC ACTION:** Approved

Abstention: Dr. Wanda West – case # 03-4-1997

6. Ms. Miller reported that the Educator Ethics Review Committee reviewed 1 *Voluntary Surrender/Voluntary Denial* and brought the following recommendation on behalf of the Committee:

CASE NUMBER	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
05-11-531	Revocation	Abuse of Students Professional Conduct	Accept

**PSC ACTION:** Approved

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 64 new complaints received during the months of December 2005 and January 2006.

**PSC ACTION:** Approved**8. EXTENSIONS – PRELIMINARY INVESTIGATIVE DETERMINATIONS**

The Educator Ethics Review Committee recommended approval of 19 *Extensions - Preliminary Investigative Determinations* consisting of the following:

| Case Number |
|-------------|-------------|-------------|-------------|-------------|
| 05-12-703   | 05-12-707   | 05-12-711   | 05-12-715   | 05-12-719   |
| 05-12-704   | 05-15-708   | 05-12-712   | 05-12-716   | 05-12-741   |
| 05-12-705   | 05-12-709   | 05-12-713   | 05-12-717   | 06-01-780   |
| 05-12-706   | 05-12-710   | 05-12-714   | 05-12-718   |             |

**PSC ACTION:** Approved**9. EXTENSIONS - INVESTIGATIONS**

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 81 cases:

| Case Number |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 05-5-1657   | 05-10-449   | 05-8-270    | 05-10-436   | 05-8-283    | 05-10-490   | 05-11-599   | 05-11-616   | 05-12-683   |
| 05-6-1887   | 05-10-492   | 05-9-394    | 05-10-448   | 05-9-353    | 05-11-566   | 05-11-600   | 05-11-617   |             |
| 05-7-97     | 05-10-494   | 05-10-446   | 05-10-507   | 05-10-453   | 05-11-570   | 05-11-601   | 05-11-621   |             |
| 05-7-103    | 05-10-497   | 05-10-505   | 05-10-515   | 05-10-458   | 05-11-571   | 05-11-602   | 05-11-622   |             |
| 05-7-104    | 05-10-513   | 05-7-137    | 05-10-445   | 05-10-462   | 05-11-573   | 05-11-603   | 05-11-623   |             |
| 05-8-202    | 05-10-522   | 05-10-443   | 05-10-521   | 05-10-472   | 05-11-576   | 05-11-605   | 05-11-624   |             |
| 05-8-299    | 05-10-526   | 05-8-237    | 05-7-93     | 05-10-477   | 05-11-577   | 05-11-606   | 05-11-625   |             |
| 05-9-385    | 05-3-1456   | 05-9-335    | 05-7-130    | 05-10-478   | 05-11-595   | 05-11-607   | 05-11-626   |             |
| 05-9-395    | 05-7-105    | 05-9-338    | 05-8-258    | 05-10-480   | 05-11-596   | 05-11-609   | 05-12-681   |             |
| 05-10-434   | 05-8-246    | 05-9-379    | 05-8-272    | 05-10-489   | 05-11-598   | 05-11-613   | 05-12-682   |             |

**PSC ACTION:** Approved

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

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 26 cases reflected on the *Applications for Certification Report*.

**PSC ACTION:** Approved

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

The Commission reviewed the *Review Hearing Extensions Report* concerning 9 hearing cases. An Administrative Law Judge rendered Initial Decisions on each case referenced in the report. The report indicates Orders were issued.

**PSC ACTION:** Approved

#### 12. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which indicated that there were 20 certificates suspended from December 8, 2005 until January 12, 2006. There were 8 certificates that had been reinstated because restitution is now being made on those student loans. There were 7 issues where notification had been received to suspend but releases were received prior to the actual suspension being implemented. Restitution is now being made on those student loans.

#### 13. **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 that there were 3 cases closed without an appeal for a review hearing before the Commission.

### VI. **REVIEW HEARINGS**

- Sharon Hillman Powell - Educator (Case # 04-03-1360)  
Wayne Magnum - Hearing Officer  
Penny Hannah - PSC Attorney  
Avni D. Gandhi - Attorney

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

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Denty / Thompson) 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 is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The Commission hereby ORDERS that the Georgia educator certificate held by *Sharon Hillman Powell* be Suspended for a period of three months to become effective January 27, 2006 and shall conclude on April 27, 2006.

**PSC ACTION:** Approved

- |                  |                               |
|------------------|-------------------------------|
| 1. Wanda E. Powe | - Educator (Case #04-05-1561) |
| Wayne Magnum     | - Hearing Officer             |
| Penny Hannah     | - PSC Attorney                |

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

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Robinson / Muns) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge. To reject 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 Wanda Powe be Suspended for a period of three months to become effective January 27, 2006 and conclude on April 27, 2006.

**PSC ACTION:** Approved

Opposed: Dr. Craig Smith, Jean Ebron, Dr. Louisa Moffitt, Dr. Carolyn Hart

## **VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

**A.** Gary Walker, Director of Educator Ethics was commended on the new format of the Educator Ethics Review Committee chart.

**B.** Chapter 505-3 (Educator Preparation) rules were sent to you to be initiated. Please review them and we will

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initiate them next month.

**C.** A memorandum was given to all commissioners from the State Accounting Office stating that effective January 1, 2006, the single standard mileage rate will be \$0.445 per mile.

**D.** A letter to Stefan Ritter, Senior Assistant Attorney General, office of the Attorney General, concerning the PSC's representation by Al Evans was given to all the commissioners. The commissioners had requested that Dr. Toth send a letter to the Attorney Generals Office at the December 8<sup>th</sup>, 2005 commission meeting.

**E.** Dr. Toth attended the State of the State Address on Wednesday, January 11, 2006. At the end of the address we received the "The Governor's Budget Report Amended FY 2006". All the commissioners are welcome to come and review it if they wish.

**F.** Commissioner Sandra Thompson's has accepted a position as an Education Staff Specialist with the Professional Standards Commission in the Educator Preparation division. This will be her last commission meeting as a commissioner.

**G.** The Joint Education Board Liaison Committee has asked that we appoint a Chair for the committee. Chair Terri Deloach has appointed Maria Miller as the Chair. Maria Miller then spoke about the reception that the committee held on January 10<sup>th</sup>, 2006, in the Ballroom of the Capital City Club. Governor Sonny Perdue attended and did his best to speak with everyone.

**F.** The Professional Standards Commission reviews appeals from educators who are denied certificates. We have an educator who currently holds a level 6 certificate and feels that he should have a level 7 certificate based on the fact that he holds a Juris Doctorate degree. The Juris Doctorate degree has been determined by the PSC to be a level 6 certificate. Dr. Craig Smith requested that Dr. Toth to look into whether or not it was appropriate for Mr. Williams to use the letterhead stationery of Dougherty Comprehensive High School when corresponding with the PSC on matters related to his certificate.

**MOTION:** (Dartt / Moffitt) To deny a request from Charles Williams to receive a level seven certificate based on his Juris Doctorate Degree.

**PSC ACTION:** Approved.

**G.** Jane Huntley and Phyllis Payne spoke briefly on the proposed Master Teacher Recommendations. They also gave the commissioners two handouts entitled a) Brief on Draft Master Teacher Certification Recommendations, December 31, 2006 and b) Master Teacher Certification: Steps to be Completed.

## **VIII. CHAIR REPORT**

Chair Deloach presented the following:

**A.** All Georgia state agency heads have a car assigned to them or receive a vehicle allowance. Agencies situated around the capitol have been notified that they should turn in their assigned vehicles. The Professional Standards Commission has complied with this request.

**MOTION:** (Deloach / Thompson) Whereas the state is eliminating the practice of assigning cars to agency heads; and Whereas the employment package offered to the Executive Secretary of the Professional Standards

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Commission included the use of a state vehicle; I am calling for a motion to increase the compensation of the Executive Secretary to an amount equal to the value of the assigned car as determined by state policy effective January 1, 2006.

**ACTION:** Approved

**B.** Our next commission meeting will be held at 2 Peachtree Street, 29<sup>th</sup> floor, DHR Boardroom, Atlanta on Thursday, February 9, 2006.

**IX. ADJOURNMENT**

Terri Deloach called for the meeting to be adjourned at 10:49 a.m.

**PSC ACTION:** Approved