

# MINUTES

## PROFESSIONAL STANDARDS COMMISSION 2 Peachtree Street 29<sup>th</sup> Floor, DHR Boardroom Atlanta, Georgia May 12, 2005

The Georgia Professional Standards Commission (PSC) met on Thursday, May 12, 2005, at 9 a.m.

### Members Present

Gary Bechtel	Carolyn Lee Hart	Dr. Holly Robinson
Steven Dartt	Maria Miller	Dr. Wanda West
Terri DeLoach	Dr. Louisa Moffitt	Dr. Debbie Wilkes
Amy Denty	Lee Muns	
Jean Ebron	Dr. Mary Outlaw	

### Members Absent

Bo Slack	Mary Gomez
Sandra Thompson	Dr. Craig Smith

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

Terri DeLoach called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance to the U.S. flag and a moment of silence.

### **II. RECOGNITION OF VISITORS**

Terri DeLoach recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Gayle Wooten, Professional Association of Georgia Educators
- Edie Belden, Professional Association of Georgia Educators
- Bill Gorth, NES
- David Wood
- Maurice Luther King, Jr., Attorney
- Norris Gurganious
- Michael C. Daniel
- Vicki Ussery
- John Ussery
- Michelle Pollok, Georgia Association of Educators (GAE)
- David Ebron
- Lori-Ward Rodgers, Twiggs County
- Maceo Williams
- Cheryl Chasteen

### **III. ADOPTION OF AGENDA**

Terri DeLoach called for approval of the agenda.

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

**PSC ACTION:** Approved

**IV. APPROVAL OF MINUTES**

Terri Deloach called for approval of the minutes from the April 14, 2005, Commission meeting. Lee Muns noted that Terri Deloach recognized the visitors during the April 14, 2005, meeting and that change was noted.

**PSC ACTION:** Approved

**V. COMMITTEE REPORTS****A. Ethics and Professional Conduct --Recommendations and Actions on Cases**

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

1. Ms. Miller reported that the Committee reviewed 77 *Probable Cause* cases during its May 11, 2005, meeting and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
1	04-11-678	Abandonment of Contract Professional Conduct	No Probable Cause
2	05-01-961	Abandonment of Contract Professional Conduct	No Probable Cause
3	05-01-1010	Abandonment of Contract Professional Conduct	No Probable Cause
4	05-01-1083	Abandonment of Contract Professional Conduct	Suspension for Six Months
5	05-02-1302	Abandonment of Contract Professional Conduct	Suspension for Six Months
6	05-02-1310	Abandonment of Contract Professional Conduct	Suspension for Six Months
7	05-01-995	Abuse of Students Professional Conduct	Suspension for One Month
8	05-01-1001	Abuse of Students Professional Conduct	Reprimand
9	05-02-1191	Abuse of Students Professional Conduct Misrepresentation or Falsification	Reprimand
10	05-02-1192	Abuse of Students Professional Conduct	Suspension for One Year
11	05-02-1311	Abuse of Students Professional Conduct	Revocation
12	05-02-1326	Abuse of Students Professional Conduct	Suspension for Two Years
13	05-01-1007	Alcohol or Drugs Professional Conduct	Suspension for One Year

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
14	05-01-1025	Alcohol or Drugs Professional Conduct	Suspension for One Month
15	05-02-1285	Alcohol or Drugs Professional Conduct	Suspension for One Year
16	05-01-999	Criminal Acts Professional Conduct	Suspension for One Year
17	05-01-1008	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Revocation
18	05-01-1013	Criminal Acts Professional Conduct	No Probable Cause
19	05-01-1096	Criminal Acts Misrepresentation or Falsification Professional Conduct	Revocation
20	05-01-1105	Criminal Acts Professional Conduct	No Probable Cause
21	05-01-1113	Criminal Acts Misrepresentation or Falsification Professional Conduct	Suspension for Three Years
22	05-02-1117	Criminal Acts Professional Conduct	No Probable Cause
23	05-02-1298	Criminal Acts Professional Conduct	No Probable Cause
24	05-02-1330	Criminal Acts Failure to Make a Required Report Misrepresentation or Falsification Professional Conduct	Reprimand
25	05-03-1369	Criminal Acts Abuse of Students Professional Conduct	Revocation
26	05-02-1198	Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts Professional Conduct	No Probable Cause
27	04-10-571	Misrepresentation or Falsification Professional Conduct	No Probable Cause
28	04-11-699	Misrepresentation or Falsification Criminal Acts Professional Conduct	Revocation
29	05-01-965	Misrepresentation or Falsification Professional Conduct	No Probable Cause
30	05-01-1011	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
31	05-01-1086	Misrepresentation or Falsification Criminal Acts	Warning

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Professional Conduct	
32	05-01-1087	Misrepresentation or Falsification Criminal Acts Professional Conduct	Warning
33	05-01-1088	Misrepresentation or Falsification Criminal Acts Professional Conduct	Warning
34	05-01-1091	Misrepresentation or Falsification Criminal Acts Professional Conduct	Suspension for Three Years
35	05-01-1097	Misrepresentation or Falsification Criminal Acts Professional Conduct	Suspension for Three Years
36	05-01-1098	Misrepresentation or Falsification Criminal Acts Professional Conduct	No Probable Cause
37	05-01-1103	Misrepresentation or Falsification Criminal Acts Professional Conduct	Warning
38	05-01-1106	Misrepresentation or Falsification Criminal Acts Professional Conduct	Suspension for Three Years
39	05-01-1107	Misrepresentation or Falsification Criminal Acts Professional Conduct	Revocation
40	05-01-1108	Misrepresentation or Falsification Criminal Acts Professional Conduct	Suspension for Three Years
41	05-01-1112	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
42	05-02-1114	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
43	05-02-1119	Misrepresentation or Falsification Criminal Acts Professional Conduct	Reprimand
44	05-02-1120	Misrepresentation or Falsification Criminal Acts Professional Conduct	Revocation
45	05-02-1202	Misrepresentation or Falsification Professional Conduct	Reprimand
46	05-02-1288	Misrepresentation or Falsification Professional Conduct	No Probable Cause
47	05-02-1296	Misrepresentation or Falsification Professional Conduct	Denial
48	05-02-1297	Misrepresentation or Falsification	Reprimand

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
		Professional Conduct	
49	05-02-1299	Misrepresentation or Falsification Professional Conduct PUBLIC FUNDS AND PROPERTY	Suspension for One Month
50	05-02-1300	Misrepresentation or Falsification Professional Conduct	Suspension for Six Months
51	05-02-1301	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Reprimand
52	04-12-783	Professional Conduct	Suspension for One Year
53	05-01-1085	Professional Conduct	Reprimand
54	05-02-1188	Professional Conduct	No Probable Cause
55	05-02-1284	Professional Conduct	Suspension for One Year
56	05-02-1312	Professional Conduct	No Probable Cause
57	05-02-1313	Professional Conduct	Reprimand
58	05-02-1333	Professional Conduct	Reprimand
59	05-02-1335	Professional Conduct	No Probable Cause
60	05-02-1337	Professional Conduct	Suspension for Two Years
61	05-02-1339	Professional Conduct	Reprimand
62	05-03-1371	Professional Conduct Alcohol or Drugs Abuse of Students Misrepresentation or Falsification	Suspension for Two Years
63	05-03-1372	Professional Conduct Alcohol or Drugs Abuse of Students Misrepresentation or Falsification	Suspension for Two Years
64	05-03-1373	Professional Conduct	Suspension for One Month
65	05-03-1374	Professional Conduct	Reprimand
66	05-02-1375	Professional Conduct Misrepresentation or Falsification	No Probable Cause
67	05-02-1199	Public Funds and Property Professional Conduct	Suspension for One Year

#	CASE NUMBER	STANDARDS VIOLATED	RECOMMENDATION
68	05-02-1376	Public Funds and Property Misrepresentation or Falsification Professional Conduct	Suspension for One Year
69	05-02-1208	Misrepresentation or Falsification Professional Conduct	Warning
70	05-02-1231	Misrepresentation or Falsification Professional Conduct	Warning
71	05-02-1246	Misrepresentation or Falsification Professional Conduct	Warning
72	05-02-1249	Misrepresentation or Falsification Professional Conduct	Warning
73	05-02-1251	Misrepresentation or Falsification Professional Conduct	Warning
74	05-02-1318	Misrepresentation or Falsification Professional Conduct	Warning
75	05-03-1355	Misrepresentation or Falsification Professional Conduct	Warning
76	05-03-1368	Misrepresentation or Falsification Professional Conduct	Warning
77	05-03-1410	Misrepresentation or Falsification Professional Conduct	Warning

**PSC ACTION:** Approved

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

CASE NUMBER	STANDARDS VIOLATED	ADMINISTRATIVE LAW JUDGE SANCTION	RECOMMENDATION
03-12-866	Misrepresentation or Falsification Failure to Make a Required Report	Suspension for One Month	Accept
03-06-2396	Professional Conduct Abuse of Students	Suspension for Three Years	Accept

**PSC ACTION:** Approved

3. 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	SANCTIONS VIOLATED	RECOMMENDATION
1	04-12-797	Reprimand	Professional Conduct	Accept
2	05-01-819	Warning	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Accept
3	05-01-852	Warning	Misrepresentation or Falsification Failure to Make a Required Report	Accept
4	05-01-881	Warning	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Accept
5	05-01-883	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Accept
6	05-01-887	Reprimand	Criminal Acts Professional Conduct	Accept
7	05-01-889	Warning	Misrepresentation or Falsification Failure to Make a Required Report	Accept
8	05-01-903	Reprimand	Criminal Acts Misrepresentation or Falsification Professional Conduct	Accept
9	05-01-922	Reprimand	Abuse of Students Professional Conduct	Accept
10	05-01-956	Warning	Criminal Acts Professional Conduct	Accept
11	05-01-991	Warning	Criminal Acts Misrepresentation or Falsification Professional Conduct	Accept
12	05-01-1003	Suspension for Six Months	Professional Conduct	Accept
13	05-01-1016	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts	Accept
14	05-02-1187	Reprimand	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts; Professional Conduct	Accept

**PSC ACTION:** Approved

4. Ms. Miller reported that the Educator Ethics Review Committee reviewed 11 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

#	CASE NUMBER	STANDARDS VIOLATED	NEGOTIATED SANCTION	RECOMMENDATION
1	04-10-601	Failure to Make a Required Report Professional Conduct	Suspension for One Month	Accept
2	04-05-1667	Misrepresentation or Falsification Professional Conduct	Suspension for Four Weeks	Reject
3	03-01-1474	Criminal Acts Abuse of Students Professional Conduct	Revocation	Accept
4	03-12-911	Criminal Acts Abuse of Students Professional Conduct	Revocation	Accept
5	04-09-378	Criminal Acts	Reprimand	Accept
6	03-04-2068	Criminal Acts Abuse of Students Professional Conduct	Revocation	Accept
7	04-07-124	Misrepresentation or Falsification Professional Conduct	Suspension for 15 Days	Reject
8	04-08-183	Public Funds and Property Failure to Make a Required Report Professional Conduct	Suspension: 5/13/05 - 8/1/05 Reprimand; Warning Monitoring for One Year	Reject
9	04-09-264	Criminal Acts Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Suspension for One Month Or Suspension for Two Months	Reject
10	04-05-1669	Abuse of Students Public Funds and Property Professional Conduct	Suspension for Two Months	Accept
11	04-11-683	Professional Conduct	Reprimand	Reject

**PSC ACTION:** Approved

Abstention: Mary Outlaw-Case # 04-05-1669 and 04-11-683

5. 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	SANCTION	STANDARDS VIOLATED	RECOMMENDATION
1	05-02-1289	Denial	Public Funds and Property Professional Conduct	Accept
2	05-02-1308	Revocation	Misrepresentation or Falsification Professional Conduct	Accept

## 6. Other Business



CASE NUMBER	ISSUE	RECOMMENDATION	PSC ACTION
99-3-283 Jimmy Alberson	Court of Appeals Ruling Reversed Superior Court Ruling	FYI	FYI
03-05-2174 Johnny Farmer	Fannin County Superior Court Ruling Dismissed Appeal – Lifted Stay – Reinstated PSC Order to Suspend	FYI	FYI

7. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 53 new complaints received during the months of April and May 2005:

**PSC ACTION:** Approved

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

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

Case Number	Case Number	Case Number	Case Number	Case Number	Case Number
05-4-1534	05-4-1536	05-4-1538	05-4-1540	05-4-1542	05-4-1549
05-4-1535	05-4-1537	05-4-1539	05-4-1541	05-4-1543	

**PSC ACTION:** Approved

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

The Educator Ethics Review Committee recommended granting and *Investigative Extension* to the following 77 cases:

Case Number	Case Number	Case Number	Case Number	Case Number	Case Number	Case Number
05-02-1283	04-11-677	05-01-932	05-02-1200	05-02-1256	05-02-1342	05-03-1409
05-02-1290	04-11-696	05-01-933	05-02-1209	05-02-1258	05-03-1354	05-03-1411
05-02-1282	05-01-966	05-01-988	05-02-1212	05-02-1266	05-03-1356	05-03-1413
05-02-1292	05-01-978	05-01-1093	05-02-1218	05-02-1268	05-03-1357	05-03-1416
05-02-1295	05-01-1029	05-01-1109	05-02-1219	05-02-1270	05-03-1360	05-03-1419
04-11-632	05-02-1279	05-02-1116	05-02-1223	05-02-1272	05-03-1361	05-03-1420
05-01-998	05-02-1293	05-02-1118	05-02-1227	05-02-1273	05-03-1362	05-03-1423
05-02-1291	05-02-1286	05-02-1122	05-02-1228	05-02-1314	05-03-1363	05-03-1425
05-02-1327	05-02-1287	05-02-1124	05-02-1233	05-02-1315	05-03-1364	05-03-1457
05-03-1377	05-02-1294	05-02-1125	05-02-1234	05-02-1317	05-03-1367	05-03-1458
04-10-551	05-02-1325	05-02-1129	05-02-1245	05-02-1319	05-03-1406	05-03-1459

**PSC ACTION:** Approved

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

The Educator Ethics Review Committee recommended to approve a no probable cause determination on 8 cases reflected on the *Applications for Certification Report*. The investigative files will be sealed and expunged.

**PSC ACTION:** Approved

11. **REVIEW HEARING EXTENSIONS**

The Commission reviewed the *Review Hearing Extensions Report* concerning 2 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 9 certificates suspended from April 14, 2005 through May 12, 2005. There were 9 certificates that had been reinstated because restitution is now being made on those student loans. There were 3 issues where notification had been received to suspend, however, 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 17 cases now closed without an appeal for a hearing before an Administrative Law Judge. The report also advised that there were 4 cases closed without an appeal for a review hearing before the Commission.

**VI. REVIEW HEARINGS**

- |                          |                               |
|--------------------------|-------------------------------|
| 1. Norris Gurganious     | - Educator (Case # 03-12-820) |
| Wayne Magnum             | - Hearing Officer             |
| Penny Hannah             | - PSC Attorney                |
| Maurice Luther King, Jr. | - Attorney                    |

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

**ACTION:** Approved

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

**ACTION:** Approved

**MOTION:** (Hart / Muns) To adopt the Findings of Fact and Conclusions of Law. 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 Norris Gurganious be Suspended for a period of one year effective May 27, 2005 and shall conclude on May 27, 2006.

**PSC ACTION:** Approved

- |  |                                |
|--|--------------------------------|
| 1. Vicki Ussery and Cheryl Chasteen- Educator (Case 04-01-1081 and 04-01-1082) |                                |
| Wayne Magnum   | - Hearing Officer              |
| Rebecca Mick   | - PSC Attorney                 |
| Michael Daniel   | - Attorney for Vicki Ussery    |
| David Wood   | - Attorney for Cheryl Chasteen |

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**MOTION:** (Muns / Robinson) To go into Executive Session and allow PSC staff and attorney (Gary Walker, Penny Hannah, Cassandra Moore and Lisa Hartzler) to remain.

**ACTION:** Approved

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

**ACTION:** Approved

**Vicki Ussery (Case 04-01-1081)**

**MOTION:** (Dartt / Muns) To adopt the Findings of Fact and Conclusions of Law. The Decision of the Administrative Law Judge as indicated in the Order on Motions for Summary Judgment is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The recommendation made by the Administrative Law Judge that No Probable Cause exists to take action against the Georgia educator certificate held by Vicki Ussery is hereby adopted. The complete investigative file in this matter is hereby sealed and expunged.

**PSC ACTION:** Approved

**Cheryl Chasteen (04-01-1082)**

**MOTION:** (Dartt / Muns) To adopt the Findings of Fact and Conclusions of Law. The Decision of the Administrative Law Judge as indicated in the Order on Motions for Summary Judgment is hereby adopted and incorporated by reference herein and made the Final Decision of the Commission with the following specification. The recommendation made by the Administrative Law Judge that No Probable Cause exists to take action against the Georgia educator certificate held by Cheryl Chasteen is hereby adopted. The complete investigative file in this matter is hereby sealed and expunged.

**PSC ACTION:** Approved

**VII. EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

A. NASDTEC Conference, San Antonio, Texas – The conference will explore the them *Making the Grade: Links to Success*, an analysis of the key strategies for successfully meeting state and federal education priorities. Dr. Toth extended an invitation to all the commissioners to attend.

B. Dates and locations for Upcoming Commission Meetings were given to all commissioners.

C. Rick Eiserman and Dr. Fran Watkins spoke briefly about the booklet given to all commissioners entitled “Initiate Rules for Certification and Educator Preparation and Educator Ethics”.

**MOTION:** (Ebron / Muns) To initiate the Certification, Educator Preparation and Educator Ethics rules as discussed and outlined in the May 12, 2005, recommendation packet, with one modification to the Birth to Five Certification and Educator Preparation rule as discussed.

**PSC ACTION:** Approved

D. Dr. Bill Gorth, President of National Evaluation Systems spoke briefly about his organization and what they can offer Georgia.

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From our Past . . . .In 1969 NASDTEC members were reminded by President Wendell Allen of Washington that they should not be viewed as “guardians of the gates” but rather as “openers of doors.” Dr. Allen contended that we should encourage competent people to come into the profession rather than throw up barriers to keep them out. He said: We are in the ‘eye’ of the hurricane which is the atmosphere of educational change , and we should face up to the challenge. Let’s help the old order in teacher education change, rather than defending the status quo and putting out brush fires. The Association must reevaluate its role in teacher education with the objectives of making its role one of real leadership in the area. . . . . ARE WE MAKING THE GRADE?

----From The History of NASDTEC

Charles C. Mackey, Jr. and Vere A. McHenry, 1994

**MOTION:** (Muns / Robinson) To direct the PSC to execute the agreement between the Georgia Professional Standards Commission and National Evaluation Systems, Inc.

**PSC ACTION:** Approved

#### **VIII. ADJOURNMENT**

**MOTION:** (Muns / Denty) To adjourn the meeting.

**PSC ACTION:** The meeting adjourned at 11:55 pm.