

MINUTES

PROFESSIONAL STANDARDS COMMISSION

DHR Board Room

Two Peachtree Street

Atlanta, Georgia 30303-3141

October 9, 2003

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

Members Present

Amy Denty

Gary Bechtel

Terri DeLoach

Gwenda Johnson

Carolyn Lee Hart

Dottie McClain

Maria Miller

Bo Slack

Dr. Craig Smith

Janet Scott

Gary Walker

Mary Gomez

I. CALL TO ORDER

Chair Denty 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

Chair Denty recognized the visitors.

- Margaret Elliott, Professional Association of Georgia Educators
- Edie Belton, Professional Association of Georgia Educators
- Anthony Crawford
- William L. Woods, Attorney
- John Hooper, GSSA
- Mark Perez, GAE
- Gayle Wooten, Professional Association of Georgia Educators
- Warren C. Fortson, Attorney
- Barbara Stalzer

III. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda.

MOTION: (Scott / Miller) To approve agenda.

PSC ACTION: Approved

IV. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the September 11, 2003, Commission meeting.

MOTION: (DeLoach /Johnson) To approve the minutes.

PSC ACTION: Approved

V. SERVICE AWARDS

Chair Denty presented a service award to Ms. Judy Franklin for five years of service.

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

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

- Ms. Scott reported that the Committee reviewed 51 *Probable Cause* cases during its October 8th, 2003, meeting and brought the following recommendations on behalf of the Committee excluding case #'s 15, 17, 29 and 41:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	03-03-1830	Criminal Acts Professional Conduct	Reprimand
2	03-04-1975	Criminal Acts	No Probable Cause
3	03-06-2278	Criminal Acts	Revocation
4	03-06-2352	Misrepresentation or Falsification Failure to Make a Required Report Criminal Acts Professional Conduct	Revocation
5	03-07-125 Applicant	Criminal Acts Professional Conduct	Denial
6	03-07-133	Criminal Acts Professional Conduct	Reprimand
7	03-07-139 Applicant	Criminal Acts Professional Conduct	Denial
8	03-07-148	Criminal Acts Professional Conduct	No Probable Cause
9	03-07-149	Misrepresentation or Falsification Criminal Acts Professional Conduct	No Probable Cause
10	03-07-166 Paraprofessional	Criminal Acts Professional Conduct	No Probable Cause
11	03-08-185 Applicant	Criminal Acts Professional Conduct	Reprimand

PC #	Case Number	STANDARD(S)	EERC Recommendation
12	03-08-205	Criminal Acts Professional Conduct Misrepresentation or Falsification Failure to Make a Required Report	Extend Probable Cause Determination Until December 11, 2003 Letter of Intent
13	03-08-206	Criminal Acts Professional Conduct	No Probable Cause
14	03-04-2058	Abuse of Students Public Funds and Property Professional Conduct	Revocation
15	03-06-2336	Abuse of Students Professional Conduct	Suspension for One Week
16	03-06-2350	Abuse of Students Professional Conduct	Suspension for Six Months
17	03-06-2396	Abuse of Students Professional Conduct	Suspension for Two Years
18	03-06-2397	Abuse of Students Professional Conduct	Reprimand
19	03-06-2404	Abuse of Students Professional Conduct	No Probable Cause
20	03-07-153	Abuse of Students Professional Conduct	Revocation
21	03-08-187	Abuse of Students Professional Conduct	No Probable Cause
22	03-04-2010	Misrepresentation or Falsification Professional Conduct	No Probable Cause
23	03-06-2355	Misrepresentation or Falsification Professional Conduct	Suspension for One Week
24	03-07-48	Misrepresentation or Falsification Abandonment of Contract Professional Conduct	Suspension for One Week
25	03-07-118	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
26	03-07-147	Misrepresentation or Falsification	Reprimand
27	03-08-186	Misrepresentation or Falsification Professional Conduct	Suspension for One Week
28	03-08-204	Misrepresentation or Falsification Failure to Make a Required Report Professional Conduct	Reprimand
29	03-08-221	Misrepresentation or Falsification Professional Conduct	Suspension for Three Months
30	03-04-1997	Public Funds and Property Professional Conduct	Suspension for One Year

PC #	Case Number	STANDARD(S)	EERC Recommendation
31	03-04-1998	Public Funds and Property Professional Conduct	Suspension for One Year
32	03-06-2342	Improper Remunerative Conduct Public Funds and Property Misrepresentation or Falsification	No Probable Cause
33	03-07-119	Public Funds and Property Professional Conduct	Reprimand
34	03-08-220	Abandonment of Contract	Suspension for Six Month
35	03-08-247	Abandonment of Contract	Suspension for Six Month
36	03-08-248	Abandonment of Contract	Suspension for Six Month
37	03-08-249	Abandonment of Contract	Suspension for Six Month
38	03-08-250	Abandonment of Contract Professional Conduct	Suspension for Six Month
39	03-07-135 Applicant	Misrepresentation or Falsification Failure to Make a Required Report Misrepresentation or Falsification Criminal Acts Professional Conduct	Warning
40	03-07-150	Failure to Make a Required Report	No Probable Cause
41	03-06-2406	Professional Conduct	Reprimand
42	03-07-43 Applicant	Professional Conduct	Reprimand
43	03-07-99	Professional Conduct	Warning
44	03-07-121 Applicant	Professional Conduct	Reprimand
45	03-08-218	Professional Conduct Abuse of Students	Revocation
46	03-07-162	Action Taken In Another State Abuse of Students Professional Conduct	Revocation
47	03-08-196 Applicant	Action Pending In Another State Abandonment of Contract Professional Conduct	No Probable Cause
48	03-8-195 Applicant	Action Taken In Another State Criminal Acts	No Probable Cause
49	03-8-229	Criminal Acts Misrepresentation or Falsification	Extend Probable Cause Determination Until December 11, 2003 Letter of Intent
50	03-5-2091	Criminal Acts Abuse of Students Professional Conduct	Revocation
51	03-7-90	Misrepresentation or Falsification Failure to Make a Required Report	Warning

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PSC ACTION: Approved

Abstention: Case #24 – Craig Smith, Case # 25 - Maria Miller, Case # 43 – Carolyn Hart

Case # 15 and 41

MOTION: To accept the EERC recommendation of a One Week Suspension for Case # 15 and a Reprimand for Case # 41.

PSC ACTION: Approved

Case # 17

MOTION: (Hart / McClain) To amend the EERC recommendation from a Suspension for Two Years to a Suspension for Three Years.

PSC ACTION: Approved

Case # 29

MOTION: (Slack / McClain) To amend the EERC recommendation from a Suspension for Three Months to a Suspension for One Month.

PSC ACTION: Approved

MOTION: (Walker / DeLoach) To adopt case # 17 and case # 29 as amended motions.

PSC ACTION: Approved

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

Case Number	Ethical Violation	ALJ Initial Decision	EERC Recomm.
01-12-1153	Abuse of Students Professional Conduct	Revocation	Accept
02-7-347	Abandonment of Contract	Suspension for Six Months	Accept
02-01-1351	Misrepresentation or Falsification: Professional Qualification	Denial	Accept
02-07-353	Professional Conduct Abuse of Students	Suspension for One Week	Accept

PSC ACTION: Approved

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

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
03-8-184	Michael Carson	Right to Reapply	Revocation – August 10, 2000 Criminal Acts: Felony	Grant

PSC ACTION: Approved

4. Ms. Scott reported that the Educator Ethics Review Committee reviewed 12 *Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation
03-3-1812	Revocation	Abuse of Students Professional Conduct	Accept
03-05-2187	Revocation	Abuse of Students Professional Conduct	Accept
03-06-2212	Suspension – Six Months	Misrepresentation or Falsification: Testing Professional Conduct	Accept
03-06-2331	Warning	Failure to Make a Required Report Misrepresentation or Falsification: CH	Accept
03-06-2344	Warning	Failure to Make a Required Report Misrepresentation or Falsification: CH	Accept
03-06-2346	Warning	Failure to Make a Required Report Misrepresentation or Falsification: CH	Accept
03-06-2358	Warning	Professional Conduct	Accept
03-06-2398	Reprimand	Professional Conduct	Accept
03-06-2407	Warning	Abuse of Students Professional Conduct	Accept
03-7-089	Warning	Failure to Make a Required Report Misrepresentation or Falsification: CH	Accept
03-7-136	Warning	Misrepresentation or Falsification: Adverse Action Pending	Accept
03-8-183	Warning	Failure to Make a Required Report Misrepresentation or Falsification: CH	Accept

PSC ACTION: Approved

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

Case Number	Violation	Probable Cause Finding	EERC Recomm.
02-09-741	Abuse of Students Professional Conduct	Revocation	Accept
02-09-934	Criminal Acts Professional Conduct (Withdrew Request for Hearing)	Denial	Accept
02-2-1378	Misrepresentation or Falsification: Testing (Withdrew Request for Hearing)	Warning	Accept
02-7-86	Failure to Make a Required Report (Withdrew Request for Hearing)	Reprimand	Accept
03-2-1604	Criminal Acts; Professional Conduct	Revocation	Accept
02-07-85	Misrepresentation or Falsification: Adverse Action Pending Professional Conduct	Suspension – 3 Months	Accept

PSC ACTION: Approved

6. The Educator Ethics Review Committee recommended approval of the *Preliminary Investigative Determination Report* consisting of 51 new complaints received during the months of September and October 2003:

PSC ACTION: Approved

Abstention: Case #37 - Maria Miller

7. The Educator Ethics Review Committee recommended approval of the *Extensions to Investigations Report* consisting of 10 cases.

<u>Case Number</u>	<u>Case Number</u>
03-8-182	03-7-155
03-5-2128	03-8-197
03-5-2155	03-8-213
03-7-152	03-8-226
03-7-154	03-8-228

PSC ACTION: Approved

8. **APPLICATIONS FOR CERTIFICATION REPORT**

The Educator Ethics Review Committee recommended approval of 29 cases on the *Applications for Certification Report*.

PSC ACTION: Approved

9. **REVIEW HEARING EXTENSIONS**

The Committee reviewed the *Review Hearing Extensions Report* concerning 4 hearing cases (case # 01-10-783, 01-12-1153, 02-07-347, 02-01-1351). An Administrative Law Judge has rendered Initial Decisions on each case referenced in the report. The report indicates Orders that have been issued by the Commission to extend time by 30 additional days to preserve the Commission's time to conduct review hearings.

10. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 13 *Student Loan Reinstatements* and 7 *Student Loan Suspensions*.

11. **FINAL DECISIONS BY OPERATION OF RULE / LAW**

The Commission reviewed the report, which advised of 11 cases closed by *Operation of Law*.

VII. **REVIEW HEARINGS**

1. Anthony Crawford - Educator (Case # 02-6-2473)
Barabara Stalzer - Hearing Officer
Penny Hannah - PSC Attorney
William L. Woods - Attorney

MOTION: (McClain / Miller) To go into Executive Session and allow PSC staff (Vicky Brantley and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Hart / Slack) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge with the following changes. The Decision of the Administrative Law Judge to sanction the educator is adopted and incorporated by reference herein. The Commission rejects the sanction recommended by the Administrative Law Judge. The Commission concludes that a lesser sanction is appropriate in this particular case based on a review of the record. The Commission hereby ORDERS that the Georgia educator certificate held by Anthony Crawford be Suspended for a period of Two Weeks, effective October 24, 2003, until November 7, 2003.

PSC ACTION: Approved

Opposed: Gary Walker, Gary Bechtel

Abstention: Craig Smith

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|---------------------|-------------------------------|
| 2. Ladonna McKenzie | - Educator (Case # 02-6-2186) |
| Barabara Stalzer | - Hearing Officer |
| Penny Hannah | - PSC Attorney |
| Warren C. Fortson | - Attorney |

MOTION: (Scott / Slack) To go into Executive Session and allow PSC staff (Vicky Brantley and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Miller / McClain) 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 LaDonna McKenzie be Revoked effective October 9, 2003.

PSC ACTION: Approved

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| 3. Gabriel Levine | - Educator (Case # 02-7-236) |
| Barabara Stalzer | - Hearing Officer |
| Penny Hannah | - PSC Attorney |

MOTION: (Slack / McClain) To go into Executive Session and allow PSC staff (Vicky Brantley and Lisa Hartzler) to remain.

ACTION: Approved

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

ACTION: Approved

MOTION: (Slack / Miller) To adopt the Findings of Fact and Conclusions of Law reached by the Administrative

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Law Judge. The Decision of the Administrative Law Judge to sanction the educator is adopted and incorporated by reference herein. The Commission rejects the sanctions recommended by the Administrative Law Judge. Pursuant to O.C.G.A. 20-2-984.5(c)(d), the Administrative Law Judge's order does not reflect a combination of sanctions allowed by law. Based on evidence presented at the administrative hearing, the Commission concludes that a sanction to deny the applicant a Georgia educator certificate is appropriate in this particular case.

PSC ACTION: Approved

VIII. EXECUTIVE SECRETARY/CHAIR REPORT

A. A Draft Concept Review of "Georgia Certification Redesign: Time for Change" was presented.

B. Dr. Fran Watkins presented a request from Mercer University.

MOTION: (Walker / Hart) To accept the recommendation of the PSC staff to approve Mercer University's request for an extension of its next professional education unit and program approval review from the fall of 2005 to the fall of 2006.

PSC ACTION: Approved

C. There are currently six vacancies on the Commission and in this respect we are waiting to hear from the Governor. We appreciate everyone's effort in trying to make these meetings to ensure that we have a quorum.

D. Terri DeLoach will be our new Chair in January. We would all like to congratulate her.

E. Amy Denty spoke about an Ethics class that she is taking.

F. Ron Fuller, Kevin Shumake and Rick Eiserman attended the NASDEC Seventh Professional Practices Institute Conference.

G. Kennesaw State University will host a symposium for high school students who would like to become teachers. Vicky Brantley will attend and give a presentation on Educator Ethics.

H. Upcoming locations for Commission meetings – We would like to meet in Cordele, Georgia in March or April. Janet Scott has invited to hold one of our meetings at Woodward Academy in May or June.

I. F.D., Fran Watkins and Vicky Brantley will attend the Fall Bootstrap Conference held in Macon this month.

J. Amy Denty spoke about the Georgia Partnership for Excellence in Education's Eleventh Annual Bus Trip Across Georgia. She attended the southern leg of the trip.

IX. ADJOURNMENT

MOTION: (Scott / Gomez) To adjourn the meeting.

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