

MINUTES

PROFESSIONAL STANDARDS COMMISSION

The Lodge at Unicoi

Unicoi State Park

Helen, Georgia

October 10, 2002

The Georgia Professional Standards Commission (PSC) met on Thursday, October 10, 2002, at 9 a.m.

Members Present

Amy Denty
Joseph Cadray
Sylvia Hooker
Gwenda Johnson

Elizabeth Kidd
Dottie McClain
Maria Miller
Smith Pass

Sue Sehgal
Pamela Thomas
Gary Walker
Tony Natson

Members Absent

Pamela Hertzog
Angela Finn

Terri DeLoach
Mary Gomez

Pamela Nutt
Janet Scott

I. CALL TO ORDER

Chair Denty called the meeting to order at 9:02 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
- Wayne Magnum, Hearing Officer
- Kathy Walker, Paulding County School District
- Randall Townley, Superintendent of Towns County School System
- Kathryn Allen, PSC Attorney
- Brian Watkins, Attorney for Charles Henderson
- Joseph Anderson, Attorney for Peter Guilleabeau
- Jody Grogan, Georgia Association of Educators (GAE)
- Peter Guilleabeau
- Kim Sosebee
- Wilda Melton, Former PSC Commission Member

III. ADOPTION OF AGENDA

Chair Denty called for approval of the agenda.

MOTION: (Sehgal / Thomas) To approve agenda.

PSC ACTION: Approved

12/3/2002

Page 2

IV. APPROVAL OF MINUTES

Chair Denty called for approval of the minutes from the September 12, 2002, Commission meeting.

MOTION: (Miller / Sehgal) To approve the minutes as amended.

PSC ACTION: Approved

V. COMMITTEE REPORTS

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

Dr. Gary Walker, Vice Chairman of the Educator Ethics Review Committee (EERC), gave a preliminary review of the Cases.

1. Dr. Walker reported that the Committee reviewed 77 ***Probable Cause*** cases during its October 9, 2002, meeting and brought the following recommendations on behalf of the Committee:

PC #	Case Number	STANDARD(S)	EERC Recommendation
1	02-03-1492	Abuse of Students Professional Conduct	Revocation
2	02-07-203	Abuse of Students Professional Conduct	Reprimand
3	02-06-2255 Applicant	Abuse of Students Professional Conduct Criminal Acts	No Probable Cause
4	02-06-2474	Abuse of Students Professional Conduct	Revocation
5	02-07-355	Abuse of Students Professional Conduct	Reprimand
6	02-05-1998	Public Funds and Property Professional Conduct	Suspension for Six Months
7	02-05-2140	Public Funds and Property Improper Remuneration Failure to Make a Required Report Professional Conduct	No Probable Cause
8	02-07-09	Public Funds and Property Professional Conduct	Reprimand
9	02-09-728	Public Funds and Property Professional Conduct	Reprimand
10	02-07-341	Abandonment of Contract	Suspension for Six Months
11	02-07-342	Abandonment of Contract	Suspension for Six Months
12	02-07-343	Abandonment of Contract	Suspension for Six Months
13	02-07-344	Abandonment of Contract	Suspension for Six Months
14	02-07-346	Abandonment of Contract	Suspension for Six Months
15	02-07-347	Abandonment of Contract	Suspension for Six Months
16	02-07-227	Professional Conduct	Suspension for One Day
17	02-07-219	Professional Conduct	Reprimand
18	02-06-2354	Professional Conduct Abuse of Students	No Probable Cause

12/3/2002

Page 3

PC #	Case Number	STANDARD(S)	EERC Recommendation
19	02-07-195	Professional Conduct Abuse of Students	No Probable Cause
20	02-07-198	Professional Conduct Abuse of Students	Warning
21	02-07-199	Professional Conduct	No Probable Cause
22	02-07-201	Professional Conduct Abuse of Students	Suspension for One Month
23	02-07-202	Professional Conduct Abuse of Students	Warning
24	02-07-205	Professional Conduct Abuse of Students	Reprimand
25	02-07-206	Professional Conduct Abuse of Students	Warning
26	02-07-208	Professional Conduct Abuse of Students	Warning
27	02-07-210	Professional Conduct Abuse of Students	No Probable Cause
28	02-07-212	Professional Conduct Abuse of Students	No Probable Cause
29	02-07-213	Professional Conduct Abuse of Students	Reprimand
30	02-07-214	Professional Conduct Abuse of Students	Reprimand
31	02-07-216	Professional Conduct Abuse of Students	Warning
32	02-07-228	Professional Conduct Abuse of Students	Reprimand
33	02-07-229	Professional Conduct Abuse of Students	Reprimand
34	02-07-233	Professional Conduct	No Probable Cause
35	02-07-235	Professional Conduct Abuse of Students	No Probable Cause
36	02-07-263	Professional Conduct Abuse of Students	Warning
37	02-07-264 Paraprofessional	Professional Conduct	Warning
38	02-07-288	Professional Conduct Abuse of Students	Warning
39	02-07-349	Professional Conduct	Warning
40	02-07-350	Professional Conduct Abuse of Students	Warning
41	02-07-353	Professional Conduct Abuse of Students	Suspension for One Week
42	02-07-354	Professional Conduct Abuse of Students	Warning
43	02-07-356	Professional Conduct	No Probable Cause
44	02-07-357	Professional Conduct Abuse of Students	Reprimand

12/3/2002

Page 4

PC #	Case Number	STANDARD(S)	EERC Recommendation
45	02-07-358	Professional Conduct Abuse of Students	Warning
46	02-07-231	Professional Conduct Abuse of Students	Reprimand
47	02-06-2184	Professional Conduct	No Probable Cause
48	02-07-129	Professional Conduct	No Probable Cause
49	02-07-209	Professional Conduct	Suspension for One Week
50	02-07-245	Professional Conduct	No Probable Cause
51	02-07-360	Professional Conduct	Warning
52	02-08-390	Professional Conduct	Extend Probable Cause Determination for Initial 60 Days
53	02-05-2013	Criminal Acts Professional Conduct	Reprimand
54	02-06-2353	Criminal Acts Professional Conduct	Extend Probable Cause Determination for Initial 60 Days
55	02-06-2449	Criminal Acts	Denial
	Paraprofessional And Applicant	Abuse of Students Misrepresentation or Falsification Professional Conduct	
56	02-07-45	Criminal Acts	No Probable Cause
	APPLICANT	Professional Conduct	
57	02-07-97	Criminal Acts	No Probable Cause
	APPLICANT	Professional Conduct	
58	02-07-127	Criminal Acts	No Probable Cause
	APPLICANT	Professional Conduct	
59	02-07-158	Criminal Acts	Reprimand
	APPLICANT	Professional Conduct	
60	02-07-246	Criminal Acts	No Probable Cause
		Professional Conduct	
61	02-07-294	Criminal Acts	No Probable Cause
		Professional Conduct	
62	02-08-368	Criminal Acts	No Probable Cause
63	APPLICANT	Professional Conduct	Suspension for Three Months
	02-07-85	Misrepresentation or Falsification	
64	02-07-194	Misrepresentation or Falsification Professional Conduct	Reprimand
65	02-07-204	Misrepresentation or Falsification Professional Conduct	Suspension for One Month
66	02-07-211	Misrepresentation or Falsification	Denial
	APPLICANT		
67	02-07-221	Misrepresentation or Falsification	No Probable Cause
68	02-03-1614	Misrepresentation or Falsification	No Probable Cause
		Criminal Acts	
69	02-04-1690	Failure to Make A Required Report Misrepresentation or Falsification	Reprimand
		Criminal Acts	
70	02-06-2381	Misrepresentation or Falsification Criminal Acts	No Probable Cause

12/3/2002

Page 5

PC #	Case Number	STANDARD(S)	EERC Recommendation
71	02-06-2476	Misrepresentation or Falsification Criminal Acts	No Probable Cause
72	02-06-2514	Failure to Make A Required Report Misrepresentation or Falsification Criminal Acts	Warning
73	02-07-37	Failure to Make A Required Report Misrepresentation or Falsification Criminal Acts	Warning
74	02-07-99	Failure to Make A Required Report Misrepresentation or Falsification Criminal Acts	Warning
75	02-08-375	Failure to Make A Required Report Misrepresentation or Falsification Criminal Acts	Warning
76	02-06-2290 APPLICANT	Action Taken In Another State Professional Conduct	Extend Probable Cause Determination for Additional 30 Days
77	01-11-872	Abuse of Students Professional Conduct	Extend Probable Cause Determination for Initial 60 Days

MOTION: (Thomas / Sehgal) To accept all recommendations, except for cases 2 and 59.

PSC ACTION: Approved

CASE #2 - Discussion

MOTION: (Miller / Natson) To accept recommendation.

PSC ACTION: Approved

CASE #59 - Discussion

MOTION: (McClain / Miller) To accept recommendation.

PSC ACTION: Approved

2. Dr. Walker reported that the Educator Ethics Review Committee reviewed 3 ***Initial Decisions*** and brought the following recommendations on behalf of the Committee:

Case Number	Ethical Violation	Proposed Sanction	ALJ Initial Decision	EERC Recomm.
01-5-1549	Professional Conduct	Reprimand	Reprimand	Accept
01-3-1306	Failure to Make a Required Report	Revocation	No Probable Cause	Review
01-5-1557	Criminal Acts	Reprimand	Reprimand	Accept

MOTION: (Thomas / Sehgal) To accept recommendations.

PSC ACTION: Approved

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

12/3/2002

Page 6

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
02-6-2471	Charles Boney	Right to Reapply	Revocation – May 1993 Denied Right to Reapply – December 1997 Denied Right to Reapply - December 1999	Denied
00-10-600	Chuck Rockett	Early Reinstatement of Suspended Certificate	Current Suspension June 22, 2002 – June 22, 2004 Denied Early Reinstatement December 6, 2001	Granted

MOTION: (Natson / Miller) To accept recommendations.

PSC ACTION: Approved

Abstention: Sylvia Hooker, Case #2

4. Dr. Walker reported that the Educator Ethics Review Committee reviewed 1 *Petitions-Waiver Issues* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Nature of Petition	Previous Decision (Violation)	EERC Recomm.
02-1-1331	Duane Kelly	Waive Rule 505-6.04 which requires an educator to request a hearing within 30 days of service of the probable cause determination.	Revocation–(Action taken July 20, 2002) Criminal Acts Professional Conduct Misrepresentation or Falsification	Granted

PSC ACTION: Approved

5. Dr. Walker reported that the Educator Ethics Review Committee reviewed 11 *Consent Order/Voluntary Surrenders Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Sanction	Violation	EERC Recommendation (Accept or Reject)
02-5-2003	Reprimand	Abuse of Students Professional Conduct	Accept
02-5-2008	Reprimand	Criminal Acts Professional Conduct	Accept
02-5-2123	Reprimand	Public Funds and Property Professional Conduct	Accept
02-6-2351	Reprimand	Criminal Acts Professional Conduct	Accept
02-6-2362	Warning	Misrepresentation or Falsification: Testing Professional Conduct	Accept

12/3/2002

Page 7

Case Number	Sanction	Violation	EERC Recommendation (Accept or Reject)
02-6-2371	Warning	Action Taken in Another State	Accept
		Misrepresentation or Falsification:	
		Professional Qualifications	
02-6-2417	Warning	Misrepresentation or Falsification:	Accept
		Prior Criminal History	
02-6-2484	Warning	Misrepresentation or Falsification:	Accept
		Prior Criminal History	
02-6-2486	Warning	Misrepresentation or Falsification:	Accept
		Prior Criminal History	
02-6-2495	Warning	Misrepresentation or Falsification:	Accept
		Prior Criminal History	
02-7-54	Reprimand	Criminal Acts	Accept
		Professional Conduct	

PSC ACTION: Approved

6. Dr. Walker reported that the Educator Ethics Review Committee reviewed 3 *Negotiated Settlement Agreements* and brought the following recommendations on behalf of the Committee:

Case Number	Commission's Probable Cause Finding & Charges	Negotiated Proposal	EERC Recomm.
01-12-1151	Suspension for One Month Misrepresentation or Falsification Public Funds and Property	No Probable Cause	Accept
02-01-1182	Denial Professional Conduct Confidential Information	Denial	Accept
02-03-1621	Reprimand Professional Conduct	Reprimand	Accept

PSC ACTION: Approved

7. Dr. Walker reported 2 *Other Business Cases* and brought the following recommendations on behalf of the Committee:

Case Number	Educator	Description	EERC Recomm.
98-8-207	Charles Smith	Court of Appeals Reverses Superior Court Judge's Decision	FYI
01-6-1760	Dan James, III	Notice of Intent to Apply for Writ of Certiorari Application for Stay of Final Decision for Revocation Pending Judicial Review	Deny

PSC ACTION: Approved

12/3/2002

Page 8

8. The Educator Ethics Review Committee recommended approval of the ***Preliminary Investigative Determination Report*** consisting of 56 new complaints received during the months of September and October 2002:

PSC ACTION: Approved

9. The Educator Ethics Review Committee recommended approval of the ***Extensions to Investigations Report*** consisting of 176 cases.

PSC ACTION: Approved

10. **STUDENT LOAN SUSPENSION / REINSTATEMENTS**

The Commission reviewed the report, which advised of 3 ***Student Loan Reinstatements***. The Student Finance Commission did not forward any ***Student Loan Suspension Notifications*** to the Professional Standards Commission between September 11, 2002 and October 4, 2002.

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

The Commission reviewed the report, which advised of 9 cases closed by law without an appeal.

12. **APPLICATIONS FOR CERTIFICATION**

The Educator Ethics Review Committee recommended approval of 127 cases on the ***Applications for Certification***.

PSC ACTION: Approved

VI. **EXECUTIVE SECRETARY REPORT**

The Executive Secretary presented the following:

A. Tiered Certification Proposal - Presented by Fran Watkins

B. Information regarding the reorganization of the Certification Division and the naming of Phil Blackwell as Director of Certification Operations.

VII. **CHAIR'S REPORT**

The Chair, Amy Denty, presented the following:

A. Requested Kendall Kerew to introduce the new PSC Counsel, Penny Hannah, from the Attorney General's office.

VIII. **REVIEW HEARINGS**

- | | |
|-----------------|--|
| 1. Educator | - Peter Guilleabeau, Case # 01-05-1596 |
| Hearing Officer | - Wayne Mangum |
| PSC Attorney | - Kendall Kerew |
| Attorney | - Joseph Anderson |

12/3/2002

Page 9

MOTION: (McClain / Thomas) 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

The Commission reconvened the Regular Session.

MOTION: (Sehgal / Thomas) To uphold the Findings of Fact and Conclusions of Law reached by the Administrative Law Judge.

PSC ACTION: Approved

- | | |
|-----------------|---------------------------------------|
| 2. Educator | - Charles Henderson, Case # 01-07-110 |
| Hearing Officer | - Wayne Magnum |
| PSC Attorney | - Kathryn Allen |
| Attorney | - Brian Watkins |

MOTION: (Miller / 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

The Commission reconvened the Regular Session.

MOTION: (Walker / Sehgal) To adopt the Findings of Fact found by the Administrative Law Judge as indicated in the Initial Decision and to adopt the Conclusions of Law reached by the Administrative Law Judge as indicated in the Initial Decision with the following changes:

III. Conclusions of Law

The language in paragraphs 1, 2 and 3 of the Conclusions of Law are adopted in their entirety.

The language in paragraphs 4, 5 and 7 of the Conclusions of Law are deleted in their entirety.

The Commission adds a new paragraph 4 which reads as follows:

4.

Based on paragraph 10 of the Findings of Fact which states:

On May 8, 2001, the Respondent called Ms. Campbell into his office and indicated to her that he had decided that it was time for her to transfer to another school. He informed her of vacancies which existed. He warned her that, if she did not transfer, he would put the two December, 2000 letters back in her file and 'micromanage' her.

the Commission finds a violation of Standard 10 of the Code of Ethics (Professional Conduct).

The Commission adds a new paragraph 5 which reads as follows:

5.

Based on paragraph 11 of the Findings of Fact, which states:

Under normal procedures in the evaluation process, Ms. Campbell should have been given a formative conference with the Respondent during the middle of the year to discuss any deficiencies in her performance. During her four years at the school, Ms. Campbell was only given one formative conference, which occurred in January of 1998.

the Commission finds a violation of Standard 10 of the Code of Ethics (Professional Conduct).

The following language in paragraph 6 of the Conclusions of Law is deleted:

As mentioned before, the evidence in the record before the undersigned did establish (sic) that the Respondent displayed very poor skills as a supervisor in his dealings with Ms. Campbell, but the evidence does not establish that the Respondent was dishonest or lacked integrity. Being vague or evasive is not the same thing as being dishonest. Certainly at times the respondent displayed questionable judgment in his interaction with Ms. Campbell especially in the tactics he used to try to convince her to seek a transfer, but none of his actions is of such an egregious nature as to rise to the level of a violation of this standard.

IV. Decision

1.

The Commission rejects the decision as written in the Initial Decision of the Administrative Law Judge. The Commission concludes that, based on a review of the record, the recommendation of the Administrative Law Judge in Part IV. Decision that no sanctions be applied against the Respondent does not adequately reflect that there was a violation of Standard 10 of the Code of Ethics (Professional Conduct). The Commission Hereby **ORDERS** that the Respondent's Georgia Educator Certificate be issued a reprimand and the reprimand shall be effective immediately.

PSC ACTION: Approved
Opposed: Smith Pass

IX. **ADJOURNMENT**

MOTION: (Thomas / Sehgal) To adjourn the meeting.

PSC ACTION: Approved

The meeting was adjourned at 1:00 pm.