STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DUVAL COUNTY SCHOOL BOARD,	)	
	)	
Petitioner,	)	
vs.	)	CASE NO. 95-1967
	)	
HERBERT GEORGE TASKETT,	)	
	)	
Respondent,	)	
	)	
FRANK T. BROGAN,	)	
As Commissioner of Education,	)	
	)	
Petitioner,	)	
vs.	)	CASE NO. 95-1987
	)	
HERBERT GEORGE TASKETT,	)	
	)	
Respondent.	)	

RECOMMENDED ORDER

Upon due notice, this matter came to formal hearing at The Yates Building, City Hall Annex, 231 Forsyth Street, Room 431, Jacksonville, Florida, on November 1, 1995, and was continued at the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, on January 26, 1996, before the Honorable Stephen F. Dean, Hearing Officer.

APPEARANCES

For Duval County School Board:	Thomas E. Crowder, Esquire 600 City Hall 220 East Bay Street Jacksonville, Florida 32207
For Frank T. Brogan, As Commissioner of Education:	Ronald G. Stowers, Esquire Office of the General Counsel Department of Education Suite l70l, The Capitol Tallahassee, Florida 32399-0400
For Respondent:	John M. Merrett, Esquire 220 East Forsyth Street Jacksonville, Florida 32202

STATEMENT OF THE ISSUES

Case Number 95-l967: Whether the Respondent should be dismissed from his employment with the Duval County School Board [School Board] for the violations alleged in the Superintendent's Notice of Dismissal dated April 7, 1995.

Case Number 95-l987: Whether the Education Practices Commission [EPC] should revoke or suspend the Respondent's Florida teaching certificate, or impose any other penalty provided by law, for the violations alleged in the Commissioner's Administrative Complaint dated February 23, 1995.

PRELIMINARY STATEMENT

Commissioner's Administrative Complaint

By letter dated February 23, 1995, Petitioner, Frank T. Brogan, as Commissioner of Education [Commissioner], informed Respondent, Herbert George Taskett [Respondent], of the filing of the Administrative Complaint against him. In the Administrative Complaint, the Commissioner charges Respondent with misconduct constituting violations of Sections 231.28(l)(a), (c) and (i), Florida Statutes, and Rules 6B-l.006(4)(b) and (c), and Rules 6B- 1.006(5)(a), (g), (h), and (i), Florida Administrative Code. If proven by clear and convincing evidence, the charges in the Administrative Complaint constitute grounds for imposition of discipline against Respondent's professional certification pursuant to Section 231.28, Florida Statutes.

On March 16, 1995, Respondent executed an Election of Rights relating to the Administrative Complaint. In the Election of Rights, Respondent selected the settlement/formal hearing option, while denying each and every allegation.

On April 24, 1995, the Administrative Complaint was transferred to the Division of Administrative Hearings [DOAH] for formal hearing. On May 1, 1995, an Initial Order was issued assigning Stephen F. Dean, as Hearing Officer, to this case.

Duval County's Notice of Dismissal

In the Notice of Dismissal dated April 7, 1995, Dr. Larry L. Zenke, Superintendent of Duval County Public Schools, informed Respondent that he would be discharged pursuant to the Duval County Teacher Tenure Act, Chapter 21197, Laws of Florida 1941, as amended [the Act], if the charges of misconduct against him were sustained. The Notice of Dismissal charges the Respondent with misconduct constituting violations of Sections 4(a), (b) and (d) of the Act. As to the charges of misconduct relating to Section 4(b) of the Act, relating to violation of Florida Law, the Notice of Dismissal specifically charges Respondent with violating Sections 231.28(1)(a), (c) and (i), Florida Statutes, and Rules 6B-1.006(4)(b) and (c), and 6B-1.006(5)(a), (g), (h), and (i), Florida Administrative Code. If proven by a preponderance of the evidence, the charges in the Notice of Dismissal constitute grounds for dismissal under the Act.

In a letter to Dr. Zenke dated April 12, 1995, Respondent, through his attorney, denied all allegations charged in the Notice of Dismissal and requested a formal hearing. On April 20, 1995, the Notice of Dismissal was also referred to DOAH for formal hearing.

DOAH Proceedings

In the Unilateral Response to the Initial Order in Case Number 95-1987, filed on May 9, 1995, counsel to the Commissioner gave notice of the related school board case and indicated the desire of the School Board and the Commissioner to consolidate the cases for hearing. On June 26, 1995, an Order of Consolidation and Notice of Hearing consolidated Case Numbers 95-1967 and 95-1987 for hearing. The hearing was scheduled for September 15, 1995.

On September 8, 1995, Respondent moved for continuance of the hearing, to which neither the School Board nor the Commissioner objected. Thereafter, the hearing was rescheduled for November 17, 1995.

At hearing on November 17, 1995, in Jacksonville, Florida, the Commissioner presented the testimony of four witnesses and eight exhibits. The School Board presented the testimony of one witness and one exhibit and two exhibits, which were marked for identification purposes only. Respondent presented the testimony of four witnesses and no exhibits.

Commissioner's counsel did not have all the witnesses necessary to testify as to the chain of custody of materials contained in Commissioner's Exhibit 7 available at the Jacksonville hearing. Consequently, the Hearing Officer permitted all parties to present as much of their cases as possible on November 17, 1995 and continued the proceedings to a later time convenient to all parties and the Hearing Officer. Respondent was not required to testify on this date but was afforded the right to wait until the Petitioners had rested their cases when the proceedings resumed.

On December 20, 1995, the Hearing Officer issued the Second Notice Rescheduling Hearing providing that the proceedings would be resumed on January 22, 1996. In a letter to the Hearing Officer dated January 4, 1996, Respondent's counsel requested that the hearing be rescheduled for January 25, 1996, due to a conflict. By Amended Notice dated January 11, 1996, the resumption of the hearing was rescheduled for January 25, 1995, in Tallahassee.

At hearing on January 25, 1995, in Tallahassee, Florida, the Commissioner presented the testimony of five witness and five exhibits. The School Board presented no additional testimony or exhibits. Respondent testified on his own behalf and presented one exhibit.

The transcripts of the proceedings of November 17, 1995 and of January 25, 1996, were filed with DOAH, the latter having been filed on February 9, 1996.

Leave was granted to file post-hearing briefs and proposed findings more than 10 days after the filing of the second transcript because of the illness of one of the attorneys. In accordance with Rule 60Q-2.031, Florida Administrative Code, the parties are deemed to have waived provisions of Rule 28-5.402, Florida Administrative Code.

Citation to the pages in the transcript of that portion of the hearing conducted on November 17, 1995 will be referred to as [NT: ____]. Citation to the pages in the transcript of that portion of the hearing conducted on January 25, 1996 will be referred to as [JT: ____]. Citation to the Commissioner's exhibits will be referred to as [CE: ____]. Citation to the School Board's exhibits will be referred to as [SBE: ____]. Citation to Respondent's exhibit will be referred to as [RE: ____].

All parties filed proposed findings of fact, which were read and considered. The Appendix to this Recommended Order states which of the proposed findings were adopted, and which were rejected and why.

FINDINGS OF FACT

Jurisdiction

1. Respondent, Herbert George Taskett, holds Florida Educator's Certificate No. 359729, covering the areas of Guidance and Distributive Education, which is valid through June 30, 1997. [CE: 1; NT: 12; JT: 73 - 74, 87]

2. At all times pertinent hereto, the Respondent was employed as a guidance counselor at Ed White High School in the Duval County School District.

The Florida Educational Leadership Examination

3. Since 1988, individuals desiring to obtain certification from the Department of Education [DOE] in the area of educational leadership have been required to pass the Florida Educational Leadership Examination [FELE]. Certification in this area permits individuals to be assigned to administrative and supervisory positions in the State's public schools, such as Assistant Principal, Vice-Principal, and Principal. [NT: 14-15, 35]

4. The FELE has been administered since 1986. In 1986 and 1987, the examination was "normed". Anyone taking the FELE prior to July 1, 1988 received an automatic passing score. However, these scores are valid for educational leadership certification only for a period of two years from the test administration date. Rule 6A-4.00821(7)(c), Florida Administrative Code. After July 1, 1988, all individuals seeking FELE certification had to take and pass the FELE examination.

5. The norming of the FELE examination was performed in administrations of the examination at the University of West Florida.

6. Following the conclusion of the norming period, the FELE was administered from 1988 through 1993 by the Institute for Instructional Resource Research and Practices at the University of South Florida in Tampa. That institute maintains records of administrations of the examination for the time period of 1988 through 1993.

7. FELE scores are reported on printed computer cards. Two copies of the report are provided, one for the individual to keep, and one to provide to DOE for certification in the area of educational leadership. If another copy of the score report is requested by the examinee, two additional copies are provided, which are marked as duplicate copies. Xerox copies are never provided. [NT: 61; JT: 28, 35, 63; CE: 12; RE: 1]

Findings on Misconduct

8. Respondent and Mr. Wayne Michael Chandler worked together at Ed White High School. [NT: 39]

9. Wayne Michael Chandler is Assistant Principal at Ed White High School in Jacksonville, Florida. He graduated with a bachelor's degree in criminology from the Florida State University in 1977 and a master's degree in educational administration from the University of North Florida in 1981. He is certified as an educator in the areas of mathematics and educational leadership (administration). [NT: 37 - 38]

10. Prior to the summer of 1994, Respondent asked Mr. Chandler if he had taken the FELE. Mr. Chandler advised the Respondent that he had become an administrator prior to the FELE being required and had not taken the examination. Respondent asked if Mr. Chandler knew anyone who had taken the examination. Mr. Chandler told Respondent that David Gilmore, a friend of his, had taken the FELE examination. [NT: 39 - 40]

11. Respondent asked Mr. Chandler to obtain a copy of Mr. Gilmore's FELE scores for him. Mr. Chandler called Mr. Gilmore and requested that Mr. Gilmore send him a copy of his FELE score report. Mr. Gilmore testified that he sent a copy of his FELE scores to Mr. Chandler; however, Mr. Chandler does not recall ever receiving it. [NT: 40; 54]

12. The Respondent testified that he did not receive a copy of the score sheet from Mr. Chandler, but did obtain Mr. Gilmore's Social Security Number from Mr. Chandler. This is the most credible testimony.

13. David Gilmore is Assistant Principal at James Weldon Johnson Middle School in Jacksonville, Florida. Mr. Gilmore graduated with a bachelor's degree in botany from Eastern Illinois University. He has a master's degree in educational leadership from Jacksonville University. Currently, Mr. Gilmore is obtaining a doctorate degree in educational leadership at the University of North Florida. Mr. Gilmore is certified as an educator in the areas of biology, chemistry, and middle grades science. Mr. Gilmore has been a certified educator in Florida for approximately 10 years and, for approximately four years, has been certified in the area of educational leadership. [NT: 51 - 52; 58]

14. Mr. Gilmore took the FELE on November 16, 1991. [CE: 4, 6; NT: 60]

Institute for Educational Research

15. Carolyn Krute is employed by the Institute for Instructional Resource Research and Practices [Institute] at the University of South Florida [USF] in Tampa, Florida. [NT: 14]

16. Until 1993, the Institute administered the FELE examination. Although the Institute ceased administering the FELE in approximately November 1993, anyone who took the examination prior to that time would have to go to the Institute to obtain a copy of his or her score. [NT: 14-15]

17. Respondent, using the name of David Gilmore, requested the FELE scores for David Gilmore in a letter to Carolyn Krute dated May 11, 1994. Respondent requested that Mr. Gilmore's FELE scores be sent to his own home address, not that of Mr. Gilmore. [CE: 2, 8; NT: 16]

18. Upon receipt of the Respondent's letter in which he assumed the name of Mr. Gilmore, Ms. Krute wrote on May 16, 1994, to Respondent, at Respondent's home address, returning his letter and advising that in order to process the request for a duplicate copy of the FELE scores, she would need his Social Security Number and a check or money order in the amount of $7.50 made payable to USF. [CE: 3; NT: 17]

19. Upon receipt of Ms. Krute's letter [CE: 3], the Respondent replied to her again as "Mr. Gilmore" [CE: 2], noting Mr. Gilmore's Social Security Number at the bottom of the original letter. [CE: 2]. Respondent forwarded a United States Postal Money Order in the amount of $7.50 in the name of Mr. Gilmore, together with his original letter back to Ms. Krute. [CE: 2 & 4]

20. On May 23, 1994, after receiving Respondent's request for Mr. Gilmore's scores and the money order, Ms. Krute mailed a duplicate copy of Mr. Gilmore's FELE scores from the FELE test administered on November 16, 1991 to Respondent at Respondent's address. [NT: 18-19; CE: 4]

21. At hearing, Mr. Gilmore testified that he received two copies of his original examination scores; and Ms. Doyle testified that it is the policy of DOE to furnish two duplicate copies to anyone who requests another copy. At hearing, Respondent produced only one copy of Mr. Gilmore's duplicate FELE score report, which he obtained through the Institute, into evidence. [RE: l]

Gilmore's Relationship with Respondent

22. Mr. Gilmore did not write the letter to Ms. Krute dated May 11, 1994 nor did he receive the response dated May 16, 1994. Mr. Gilmore did not request a duplicate copy of his FELE score report from the Institute at that time or obtain a money order for that purpose. Mr. Gilmore has never resided at 7610-2 India Avenue in Jacksonville, Florida. Mr. Gilmore does not know Respondent. Mr. Gilmore never spoke to Respondent regarding Respondent obtaining a copy of Mr. Gilmore's scores.

23. The Respondent thought he had leave to obtain a copy of Mr. Gilmore's scores because of obtaining Mr. Gilmore's Social Security Number from Mr. Chandler.

Duval County School Board

24. Bob Mathena is employed as the Director of Operations and Records for the School Board. Mr. Mathena is the supervisor of the custodian of the personnel records for the School Board. [NT: 92-93]. He has held that position since 1986. Mr. Mathena identified and testified concerning the Respondent's records.

25. On or about July 28, 1994, Respondent prepared and submitted an application to add an additional subject area, educational leadership, to his teaching certificate to the School Board, which forwarded the application to DOE.

26. Along with the application, the Respondent attached a xerox copy of a FELE score report bearing his name, address, and Social Security Number. The report indicated that Respondent had taken the FELE on November 16, 1991 and that he had passed the three subtests of the examination. [CE: 7, 10A, lOB] [DOE].

Taskett's FELE Scores

27. On August 29, 1994, Respondent telephoned Ms. Krute at approximately 4 p.m. Respondent told Ms. Krute that he needed a duplicate copy of his FELE score report. Ms. Krute told Respondent that she would have to call him back the next day. [NT: 19-21]

28. During their conversation on August 29, 1994, Respondent indicated Ms. Krute that he had telephoned her earlier in the year for a duplicate copy of his FELE scores. Further, Respondent stated that when he had called previously, Ms. Krute could not initially find his name in the computer but that thereafter,

when Respondent sent her the required fee, and she sent Respondent a duplicate of his score report. [NT: 19-21]. The Respondent had not previously spoken with Ms. Krute.

29. On August 30, 1994, Ms. Krute attempted to locate Respondent's FELE scores on the computer. She used both his name and his Social Security Number, but could not locate any evidence that Respondent took the FELE examination between 1988 and 1993. [NT: 21-22]

30. On August 30, 1994, Ms. Krute telephoned Respondent at work to double check the identifying information (spelling of his name and his Social Security Number) that he had given her the previous day. Respondent repeated the information to Ms. Krute he had given her the previous day. [NT: 22]

31. During their telephone conversation of August 30, 1994, Respondent informed Ms. Krute that the Bureau of Certification at DOE had rejected his application for certification in the area of educational leadership because of the xerox copy of the FELE scores he submitted. [NT: 23]

32. On August 31, 1994, Respondent faxed to Ms. Krute a copy of the xeroxed FELE scores he submitted to DOE with his application for certification in educational leadership. [CE: 5; NT: 23-24]

33. Ms. Krute realized, upon examination of the FELE score report which Respondent faxed her, that it had not been generated by the Institute's computer system because the report did not use the same print font used by the Institute's computer printer. [NT: 24-25]

34. In reviewing her records, Ms. Krute discovered that the address to which she had sent "Mr. Gilmore's" duplicate FELE score reports in May 1994 was the same as the Respondent's address: 7610-2 India Avenue in Jacksonville, Florida. Further, Ms. Krute observed that the handwriting in "Gilmore's" letter of May 11, 1994 [CE: 2] appeared to be the same as Respondent's fax cover sheet of August 31, 1994. [CE: 5], [NT: 25-28]

35. Ms. Krute called Kathy Fearon, a Program Specialist at DOE, and informed her that she could not locate a score report for Respondent, under either his name or his Social Security Number. Ms. Fearon, whose duties include management of FELE certification, searched for Respondent's score using both Respondent's name and Social Security Number in both the computer database and hard copies of the records for all administrations of the FELE. Respondent had not taken, or registered to take, the FELE between 1988 and July 28, 1994, the date of his application to DOE for certification in educational leadership. [NT: 21-22, 84-85; JT: 27, 48-53]

Department of Education

36. Roy Allen Smith is a Staff Specialist for the Bureau of Teacher Certification [Bureau] at DOE. Mr. Smith is the custodian of the records for the Bureau. [JT: 4-5]

37. Mr. Smith gave Respondent's application and alleged FELE score report [CE: 10A and lOB] to Betty Lee to initiate an inquiry based upon Ms. Krute's report and Ms. Fearon's inability to confirm Respondent's having taken the FELE. [JT: 7-8] Betty Lee was under the direct supervision and control of Audrey Huggins, who is the Program Director of Communications and Policy Development. [JT. 7-9].

38. Whenever the authenticity of a document submitted to the Bureau is called into question, it is the policy of the Bureau to return the original document which it received to the agency, which allegedly issued it to determine whether the document is authentic. This policy is necessary because the issuing agency will often need to use the original submitted to the Bureau to determine the authenticity of a document. A xerox copy is not sufficient.

39. When a FELE score report is questioned, it is returned to the Office of Testing Assessment and Evaluation at DOE to determine whether the report is authentic. Prior to sending a document whose authenticity has been questioned back to the issuing agency, the Bureau copies the document and notes on its copy what was done with the original. [JT: 5, 17-18, 31]

40. On August 25, 1994, Respondent contacted the DOE regarding his application. Respondent was informed that a xerox copy of his FELE score report was insufficient; an official copy of the FELE score report was necessary in order to process his application. [CE: 9; JT: 11, 19, 30-31]

Origin of the Test Scores

41. Based upon the information which it had, the Commissioner initiated an investigation to resolve the authenticity of the FELE score report.

42. During Respondent's informal conference with JoAnn Carrin concerning why the Respondent had sought to obtain Gilmore's test scores, the Respondent stated that he thought Gilmore had taken the examination at the same time he had. [NT: 82]

43. Respondent admitted to Ms. Carrin that he used poor judgment in obtaining Gilmore's FELE score report. [NT: 81-84; CE: 8]

Respondent's Testimony

44. Respondent took the FELE during the norming period in 1986 or 1987. The fact that the Institute had no record and the Department had no record is not determinative of whether the Respondent took the examination during the norming period. However, the records of the Department reveal that Respondent did not request certification within the two years following the norming period.

45. Respondent requested information from several universities and DOE regarding his FELE test scores to support his application for certification.

46. Respondent's statements that he received the xerox copy of the FELE score report bearing his name in the mail is rejected as contrary to more credible evidence.

47. Respondent's statement in his letter to DOE that the xerox of a score report bearing his name, address, and Social Security Number and indicating that he passed all three subtests on the FELE was provided to him by the University of South Florida is also rejected as contrary to more credible evidence. [CE: 8]

48. The xerox copy of the score report provided by Respondent to DOE with his application for certification was not legitimate.

49. The font used on the xerox copy attached to Respondent's application is not the same font used to produce the report, and the layout of the material printed was incorrect. [NT: 24-25; JT: 58-60; CE: 7, 10A, lOB, 12; RE: 1]

50. Respondent was not attempting to obtain a teaching certificate. He was attempting to obtain certification as an administrator.

51. Knowledge of the Respondent's misconduct is limited to Ms. Krute, DOE staff, and school board staff, and School Board staff involved in the investigation and prosecution of Respondent.

52. At no time material hereto did Respondent engage in direct or indirect public expression regarding the subject matter of these allegations. The Respondent did make public representations regarding his qualifications for certification as an administrator by filing an application for certification and including a xerox copy of his purported FELE test scores.

53. At no time material hereto did Respondent make use of any institutional privilege in connection with the subject matter of this action.

54. At no time material hereto did Respondent make any application for any professional position. However, he did make an application for certification as an administrator.

55. Respondent enjoys a reputation in the educational community for truthfulness, veracity, and competence. His reputation is such that he would be welcomed back to his former position as a guidance counselor at Ed White High School in Duval County, Florida, if allowed by Petitioner, Duval County School Board, to apply for such a position. His level of competence is such that he presently performs guidance counselling duties in connection with at-risk children in the Duval County School System.

CONCLUSIONS OF LAW

56. The Division of Administrative Hearings has jurisdiction over the parties and subject matter of this cause. Section 120.57(1), Florida Statutes.

Commissioner's Administrative Complaint

57. The Commissioner has met the procedural requirements precedent to the bringing of this action, as set forth in Sections 231.262, 231.28, and 231.29(5), Florida Statutes. The case before DOAH and has complied with the due process requirements of Section 120.57(l), Florida Statutes.

58. The Commissioner has the burden of proof in this proceeding. Where an agency seeks to revoke a professional license, the evidence must be clear and convincing. Turlington, 510 So.2d 292 (Fla. 1987)

59. Clear and convincing evidence, as defined by the court in Slomowitz v. Walker, 429 So.2d 797, 800 (Fla. 4th DCA 1983):

> requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The

> evidence must be of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

Clear and convincing evidence is a greater standard of proof than the preponderance of the evidence standard. Smith v. Department of Health and Rehabilitative Services, 522 So.2d 956, 958 (Fla. 1st DCA 1988).

60. Section 231.28(1), Florida Statutes, gives the Education Practices Commission the power to suspend or revoke the teaching certificate of any person, either for a set period of time or permanently; and the statute sets out the basis for such action. The Commissioner has alleged that the Respondent has violated the following subsections of Section 231.28(1), Florida Statutes:

> (a) Obtained, or attempted to obtain, the teaching certificate by fraudulent means;
>
> * * *
>
> (c) Has been guilty of gross immorality or an act involving moral turpitude;
>
> * * *
>
> (i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rule.

61. Gross immorality is not defined. "Immorality" is defined in Rule 6B-4.009(2), Florida Administrative Code, as:

> Conduct that is inconsistent with the standards of public conscience and good morals. It is conduct sufficiently notorious to bring the individual concerned or the educational profession into public disgrace or disrespect and impair the individual's service in the community.

62. "Moral turpitude" is defined by Rule 6B-4.009(6), Florida Administrative Code, as:

> a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties which, according to the accepted moral standards of the time a man owes to his or her fellow man or to society in general, and that the doing of the act itself and not its prohibition by statute fixes the moral turpitude.

63. The Court in Tullidge v. Hollingsworth, 108 Fla. 607, 146 So. 660 (Fla. 1933), defined moral turpitude as:

> Moral turpitude involves the idea of inherent baseness or depravity in the private and social relations or duties owed by man to man or man to society . . . it has also been

> define as anything done contrary to justice, honesty, principle, or good morals, though it often involves the question of intent . . . .

64. Teachers, by virtue of their leadership capacity and influence they have by example upon school children, are held to a higher moral standard than other regulated professionals. Adams and Ward v. Professional Practices Council, 406 So.2d 1170 (Fla. 1st DCA 1981).

65. The Commissioner has also alleged violation of State Board of Education Rule (Florida Administrative Code) 6B-1.006, Principles of Professional Conduct for the Education Profession in Florida, the penalty for which includes revocation of the teaching certificate. Specifically, the Commissioner has alleged that the Respondent has violated six provisions of Rule 6B-1.006, Florida Administrative Code, which provide:

> (4) Obligation to the public requires that the individual:
>
> * * *
>
> (b) Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
>
> (c) Shall not use institutional privileges for personal gain or advantage.
>
> (5) Obligation to the profession of education requires that the individual:
>
> (a) Shall maintain honesty in all professional dealings.
>
> * * *
>
> (g) Shall not misrepresent one's own professional qualifications.
>
> (h) Shall not submit fraudulent information on any document in connection with professional activities.
>
> (i) Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

66. The evidence presented at the hearing that the Respondent committed the acts alleged in the Administrative Complaint is circumstantial, but it is clear and convincing that the Respondent sought to obtain certification as an administrator by attempting to present the DOE with a forged score sheet, showing that he had taken and passed the FELE examination in 1991.

67. While the evidence in this case is circumstantial, there is no logical alternative explanation regarding how the Respondent obtained a copy of a report of FELE test scores, showing he had passed the FELE examination. The evidence is clear and convincing and leads to the inevitable conclusion that the Respondent altered, or caused to be altered, Mr. Gilmore's score report that he received from the Institute and submitted the altered report to substantiate his application for certification as an administrator.

68. The Respondent did take the FELE examination during its norming. However, he did not initiate his application for certification within the appropriate time period. The Respondent may have considered his act a ruse to

obtain the certification to which he felt entitled; however, it was a violation of the statute and several rules, as discussed below.

69. The acts committed by the Respondent do not constitute gross depravity, vileness or baseness, contrary to Section 231.28(1)(c), Florida Statutes. The Respondent did not misuse institutional privileges for personal gain or advantage, contrary to Rule 6B-1.006(4)(c), Florida Administrative Code.

70. However, based upon the findings of fact set forth herein, it is concluded that the Respondent has violated 4(b), 5(a), 5(g), 5(h), and 5(i) of Rule 6B-1.006, Florida Administrative Code, and pursuant to Section 232.28(1)(i), Florida Statutes. Accordingly, disciplinary action is warranted.

School Board's Notice of Dismissal

71. The School Board's action is based upon the Respondent's alleged violation of the same statutory and rule provisions discussed above. Having concluded above that the Respondent violated those provisions indicated above by clear and convincing evidence, it is clear that the School Board met its standard of proof by a preponderance of the evidence.

RECOMMENDATIONS

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that, as to DOAH Case Number 95-1987, the Respondent be found guilty of violating Sections 231.28(1)(i), Florida Statutes, by violating Rules 6B-1.006(4)(b) and (5)(a), (g), (h), and (i), Florida Administrative Code. It is further recommended that:

1. Respondent's teaching certificate be revoked for a period of one year.

2. Respondent shall pay the EPC a fine in the amount of $2,000.00.

3. Prior to being recertified in the State as an educator, Respondent shall successfully complete one three-hour college level course in the area of ethics.

4. Should the Respondent be recertified as an educator in the State of Florida after his period of revocation, Respondent shall be placed on probation for a period of three years, under such terms and conditions as the EPC may prescribe.

5. During the period of probation, Respondent's scope of practice shall be restricted so that he shall have no administrative authority over any employee.

6. Respondent receive a letter of reprimand.

IT IS FURTHER RECOMMENDED that, as to DOAH Case Number 95-1967, the Respondent be found guilty of violating Sections 231.28(1)(i), Florida Statutes, by violating Rules 6B-1.006(4)(b) and (5)(a), (g), (h), and (i), Florida Administrative Code. It is further recommended that:

1. The School Board of Duval County take such actions as it deems appropriate to include suspension and discharge, however, because of the lack of

general public knowledge, that the Respondent be considered for reinstatement after having completed any penalties imposed by the Department, and being recertified.

DONE and ENTERED this 24th day of May, 1996, in Tallahassee, Florida.

STEPHEN F. DEAN, Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the
Division of Administrative Hearings
this 24th day of May, 1996.

APPENDIX TO RECOMMENDED ORDER CASE NOS. 95-1967 and 95-1987

The parties submitted proposed findings of fact which were read and considered. The following sates where the findings were adopted or where they were rejected:

DOE'S FINDINGS	RECOMMENDED ORDER
Paragraphs 1-18	Adopted as 1-18
Paragraph 19	Conclusion of law
Paragraphs 20-46	Adopted, although renumbered in some instances.

DUVAL COUNTY'S FINDINGS

Duval County's findings were a verbatim repetition of the DOE's findings.

TASKETT'S FINDINGS	RECOMMENDED ORDER
Paragraphs 1-22	Adopted or subsumed in the findings.
Paragraphs 23 and 24	Are not necessary to the factual conclusion reached.
Paragraph 25	Adopted or subsumed in the findings.

COPIES FURNISHED:

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Jacksonville, FL 32207-8154

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit to the agency written exceptions to this Recommended Order. All agencies allow each party at least ten days in which to submit written exceptions. Some agencies allow a larger period within which to submit written exceptions. You should contact the agency that will issue the Final Order in this case concerning agency rules on the deadline for filing exceptions to this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

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AGENCY FINAL ORDER

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BEFORE THE EDUCATION PRACTICES COMMISSION
OF THE STATE OF FLORIDA

FRANK BROGAN, as
Commissioner of Education,

Petitioner,

vs.

HERBERT G. TASKETT,

EPC CASE NO. 95-123-RT
DOAH CASE NOS. 95-1967
95-1987
EPC INDEX NO. 96-133-FOF

Respondent.
_____/

FINAL ORDER

Respondent, HERBERT G. TASKETT, holds Florida educator's certificate no. 395729. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

Respondent requested a formal hearing and such was held before a hearing officer of the Division of Administrative Hearings. A Recommended Order issued by the Division Hearing Officer on May 24,1996, was forwarded to the Commission pursuant to Section 120.57(1), F.S. (Copy attached to and made a part or this Order.)

A panel of the Education Practices Commission (EPC) met on August 14,1996, in Ft. Lauderdale, Florida, to take final agency action. Petitioner was represented by Ron Stowers, Attorney at Law. Respondent was represented by John M. Merrett, Attorney at Law. The panel reviewed the entire record in this case.

Petitioner and Respondent each filed exceptions to the Recommended Order. Copies of those exceptions are attached to and incorporated by reference.

RULINGS ON RESPONDENT'S EXCEPTIONS

Exception 1 is denied because the finding contained in paragraph 7 is supported by competent, substantial evidence.

Exception 2 is granted because it is the same exception as Petitioner's exception to paragraph 12 and 23 of the Recommended Order.

Exception 3 is denied because the finding contained in paragraph 21 is supported by competent, substantial evidence.

Exception 4 is denied because the finding contained in paragraph 22 is supported by competent, substantial evidence.

Exception 5 is denied because the finding contained in the final sentence of paragraph 24 is supported by competent, substantial evidence.

Exception 6 is denied because the finding contained in paragraphs 66 and 67 is supported by competent, substantial evidence.

Exception 7 is denied because the finding contained in paragraph 68 is supported by competent, substantial evidence.

Exception 8 is sustained because the finding contained in paragraph 70 is in conflict with the finding in paragraph 52.

Exception 9 is denied because the finding contained in paragraph 70 is supported by competent, substantial evidence.

Exception 10 is sustained as to paragraph 70 because counsel for the Petitioner stated for the record he agreed with the exception.

Exception 11 through 15 are rejected as not being exceptions to the findings of fact or conclusions of law but rather are arguments concerning any penalty to be imposed.

RULINGS ON PETITIONER'S EXCEPTIONS

Exception 1 is granted because it is the same as Respondent's exception to paragraphs 12 and 23.

Exception 2 is granted because the finding of fact in paragraph 35 is not supported by competent, substantial evidence.

Exception 3 is denied because the finding contained in paragraph 44 is supported by competent, substantial evidence.

Exception 4 is denied because the finding contained in paragraph 53 is supported by competent, substantial evidence.

Exception 5 is granted because the panel disagrees with the conclusions of law in paragraph 66.

Exception 6 is granted because the panel disagrees with the conclusions of law in paragraph 67.

Exception 7 is granted because the panel disagrees with the conclusions of law in paragraph 68.

Exception 8 is denied because the panel agrees with the conclusions of law in paragraph 69.

Exception 9 was withdrawn by Petitioner at the hearing.

FINDINGS OF FACT

The Commission adopts as its Findings of Fact paragraphs 1 through 55 of the hearing officer's Findings of Fact as they were modified by the foregoing rulings on exceptions.

CONCLUSIONS OF LAW

The Commission adopts paragraphs 56 through 71 in the hearing officer's Conclusions of Law as its Conclusions of Law as they were modified by the foregoing rulings on exceptions.

The Commission has jurisdiction of the parties and subject matter of this cause pursuant to Section 120.57 and Chapter 231, F.S.

Based upon the foregoing findings of fact, Respondent is guilty of violating Section 231.28(1)(i), F.S., by having violated Rule 6B-1.006(4)(a) and (5)(b), (g), (h), F.A.C.

WHEREFORE, it is ORDERED AND ADJUDGED that Respondent's teaching certificate be, and the same is hereby REVOKED for a period of one year from the date of this final order and shall be issued a letter of reprimand.

Prior to recertification, Respondent shall successfully complete one three-hour college level course in the area of ethics.

Upon recertification and reemployment in a position requiring a Florida educator's certificate, he shall be placed on three employment years probation.

The terms of probation shall be that upon employment in a position requiring a Florida educator's certificate, Respondent shall:

1. Notify EPC immediately upon his employment as an educator in any public or private school in the State of Florida.

2. Have his immediate supervisor submit performance reports to the EPC at least every three months.

3. Within ten days of issuance, submit to the EPC copies of all formal observation1evaluation forms.

4. Shall pay a $2000 fine prior to the end of the probation period.

5. During the period of probation, Respondent's scope of practice shall be restricted so that he shall have no administrative authority over any employee.

6. During the first three months of each probation year, Respondent shall pay to the EPC the sum of $150.00 to defray the costs of monitoring probation during that year.

All costs incurred in fulfilling the terms of probation shall be borne by the Respondent. This Order becomes effective upon filing.

This Order may be appealed by filing notices of appeal and a filing fee, as set out in Section 120-68(2), F.S., and Florida Rule of Appellate Procedure 9.110(b) and (c), within thirty days of the date of filing.

DONE AND ORDERED, this 3rd day of September, 1996.

COPIES FURNISHED:

Kathleen Richards, Program
Director
Professional Practices Services

Florida Admin. Law Reports

Dr. Larry L. Zenke, Supt.
Duval County Schools Supt.
Duval County Schools
1701 Prudential Dr.
Jacksonville, Florida 32207

Jimmie Summerlin
Dir., Personnel
Duval County Schools

Carl Zahner
Attorney at Law
1701 The Capitol
Tallahassee, Florida 32399

_____
Aaron Wallace, Presiding Officer

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Brogan vs.Herbert G. Taskett, was mailed to John M. Merrett, Attorney at Law, 320 E. Forsyth St., Jacksonville, Florida 32202, this 4th day of September, 1996, by U.S. Mail.

_____
Karen B. Wilde, Clerk

Stephen Dean, Hearing Officer
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

Ann Cole, Clerk
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

BILL NELSON

IN THE MATTER OF: DOI CASE NO. 11200-94-A-MKM
TARA JEANNE SMITH DOAH CASE NO. 95-4048
_____/

FINAL ORDER

THIS CAUSE came on before me for the purposes of issuing a Final Agency Order. The Hearing Officer assigned by the Division of Administrative Hearings in the above-styled matter submitted a Recommended Order to the Department of Insurance and Treasurer (hereinafter referred to as the "Department" or "Petitioner"). The Recommended Order entered July 12, 199, by Hearing Officer Diane Cleavinger recommending dismissal of the Administrative Complaint, is incorporated by reference. The Department filed numerous exceptions to the Recommended Order. The Respondent did not file exceptions. Based upon the complete review of the record, including the original charging document, the transcript and evidence adduced at the formal hearing, the Recommended Order and exceptions thereto, and relevant statutes, rules and case law, I find as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Department of Insurance and Treasurer hereby adopts and incorporates by reference the findings of fact set forth in the Recommended Order except as modified by rulings on exceptions, and adopts the conclusions of law except as modified by the rulings on exceptions.

RULINGS ON EXCEPTIONS FINDINGS OF FACT

The Petitioner takes exception to the findings of fact contained in the Recommended Order at paragraphs 12, 19, and 27, wherein the Hearing Officer found that the evidence did not prove that the Respondent had committed the violations charged as referenced in each finding. This conclusion is not supported by competent and substantial evidence as required by section 120.57(1)(a)10., Florida Statutes. The Hearing Officer was convinced that the altitude of forms utilized by the Respondent in selling the non-insurance products (motor clubs) to Hulan Mitchell, Jenna Chester and Michele Humose demonstrated that they had given their informed consent. However, the Hearing

Officer overlooked the blatant misrepresentation and false statement contained in the "premium" receipts issued to each of the insured. Although the Hearing Officer is free to determine the credibility of the witness' testimony, the Hearing Officer cannot ignore or reject unrefuted competent and substantial evidence in the record that clearly and convincingly demonstrates that the premium receipts are a misrepresentation of fact or false statement. No witness testimony is necessary to make this finding. The documents speak for themselves and were not otherwise questioned or refuted. The record unequivocally established the following:

Hulan Mitchell - The "premium" receipt (Pet. Ex. "1") issued to Mr. Mitchell indicates a total premium of $378. The actual cost of the "insurance" was $328 with a downpayment of $98 required. See Premium Finance Agreement (Pet. Ex. "1") This is absolutely unrefuted on the record. The premium receipt includes $50 for the cost of the motor club, which is not a policy of insurance and accordingly is not "premium". Also the downpayment required, purportedly for insurance, included $50 for the motor club ($98 + $50 = $148). Furthermore, based on clear documentary evidence in the record, Mr. Mitchell was again subject to a misrepresentation of fact (undisputed) wherein on July 9, 1993 he received a letter (Pet. Ex. "1") threatening to cancel his "insurance" policy because he did not pay a $48 balance due on the motor club. Accordingly the record clearly indicates that the Respondent has made a false or misleading statement with reference to the insurance transaction for Mr. Mitchell. The fact that the Hearing Officer held that Mr. Mitchell knew (despite his testimony otherwise) that he had purchased a motor club, does not negate the fact that the Respondent made a false or misleading statement.

JENNA CHESTER - The deceptive premium receipt practice was visited upon Ms. Chester on two occasions. First on February 1, 1994 a "premium" receipt (Pet. Ex. "2") was issued in an amount of $670 for "total premium" due and a required downpayment of $261. The actual cost of the "insurance" was $585 with a required downpayment of $176. See Premium Finance Agreement (Pet. Ex. "2") The "premium" receipt and downpayment included a non-insurance fee for a motor club in the amount of $85. On May 23, 1994 Ms. Chester went to the Respondent to repurchase coverage which had been cancelled. At that time, another "premium" receipt was issued to her in the amount of a "total premium" of $719 and a required downpayment of $286 (Pet. Ex. "2") The actual cost of the insurance was $619 and a required downpayment of $186. See Premium Finance Agreement (Pet. Ex. "2") The additional $100 was for the non-insurance motor club which was sold to Ms. Chester. Although the Hearing Officer held that Ms. Chester knew she was purchasing this motor club (despite Ms. Chester's testimony otherwise) this does not negate the fact that the Respondent has made false or misleading statement in this insurance transaction with Ms. Chester.

Michelle Humose - The unrefuted documentary evidence indicates that on May 5, 1994, Ms. Humose was issued a "premium" receipt (Pet. Ex. "3") indicating a "total premium" in the amount of $92 and a required downpayment of $348. The actual cost of the "insurance" was $826 with a required downpayment of $248 See Premium Finance Agreement (Pet. Ex. "3") The additional $100 included in the "premium" receipt was for the non-insurance motor club sold to Ms. Humose. Again despite the Hearing Officer's finding contrary to Ms. Humose's direct testimony that she did not know she was purchasing a motor club, the Respondent has clearly and convincingly made a false or misleading statement with respect to this insurance transaction with Ms. Humose.

It is implicit in the Findings of Fact by the Hearing Officer that each referenced transaction took place as described herein. The Hearing Officer

merely failed to explicitly state in the Recommended Order that the unrefuted documentary evidence establishes a prima facie misrepresentation of fact.

Indeed, the exact factual scenario established herein was determined to constitute a misrepresentation in In the Matter of: Kenneth Michael Whitaker, Case Number 93-L-432DDH (Final Order dated July 3, 1995). It was specifically determined "that the Respondent's standard business practice of combining the costs of insurance overages with the costs of the auto club memberships and then calling such costs "total premium" on receipts issued to customers constituted a misrepresentation and was deceptive." Also, it was further determined "that the Respondent's standard business practice of deducting all or part of the ancillary product fee up front resulted in false statements on other documents that the full downpayment for premium or financing of premium had been made, when in actuality it had not." Whitaker Final Order at pp's 9-10. The Department determined that this activity was a violation of section 626.611(9), Florida Statutes. This finding was also affirmed on appeal in Whitaker v. Department of Insurance and Treasurer, Case No. 95-2702, (21 FLW 1353, Slip Opinion dated June 13, 1996). The court upheld this violation when it summarized the practice in the opinion as follows:

> Appellant took all or part of the ancillary product from the required premium downpayment and gave the consumer a receipt which listed the full downpayment as "Total Premium". The receipt did not reveal that part of the "premium" went to purchase an ancillary product. Whitaker Slip Opinion at pp's 3-4.

This type of fraudulent and deceptive practice also constitutes a violation of section 626.9541(1)(b), Florida Statutes, by placing before the public a representation or statement which is untrue, deceptive or misleading.

The Hearing Officer has already considered the unrefuted facts on the record and was clearly in error to make a finding otherwise. Accordingly, pursuant to section 120.57(a)(a) 10., Florida Statutes, which reads in part:

> The agency may not reject or modify the findings of fact, including findings of fact that form the basis for an agency statement, unless the agency first determines from a review of the complete record, and states with particularity in the order, that findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law.

the Department may modify the findings of fact.

In this case there was no competent and substantial evidence to make a finding that the Respondent did not make a false or misleading statement with the premium receipts issued in this cause. A review of the entire record demonstrates unrefuted documentary evidence which supports the modified findings of fact contained herein. Therefore, Petitioner's exceptions to findings of fact 12, 19 and 27 are hereby GRANTED.

RULINGS ON EXCEPTIONS TO CONCLUSIONS OF LAW

The Petitioner takes exception to conclusions of law at paragraphs 30 and 31, based on the Hearing Officer's rejection of unrefuted facts established on the record, i.e., deceptive and misleading premium receipts. Conclusions of Law 30 and 31 are revised to reflect that the premium receipts issued to insureds constitute fraudulent and deceptive practices as well as placing before the public a representation or statement which is untrue, deceptive, or misleading. Conclusion of Law 30 is modified as follows:

> 30. In this case, the Respondent was charged with violating sections 2.11 (4), 626.611(5), 626.611(7), 626.611(9), 626.611(13), 626.621(2), 626.621(6), 626.9541(1)(b), 626.9541(1)(e), 626.9541(1)(k)1., and 626.9541(1)(z), Florida Statutes. Boiled down to the essentials the Department alleged that Respondent violated the provisions listed above by unlawfully selling insured motor club memberships without their informed consent, made false and misleading statements regarding the coverage provided and falsely represented and illegally required insured to purchase motor club membership as part of their purchase of automobile insurance and that Respondent engaged in the prohibited practice of "sliding" additional coverages or products into the purchase of the insured without the informed consent of the insured.

This revision is necessary because the Hearing Officer failed to include sections 626.9541(1)(b) and 62.9541(1)(e), Florida Statutes, as alleged violations.

Conclusion of Law 31 is likewise revised as follows:

> 31. The Department failed to establish by clear and convincing evidence that Respondent attempted to "slide" coverage or ancillary products involved in this case. Likewise, the evidence did not clearly or convincingly demonstrate that Respondent did not obtain the informed consent of her customers prior to selling them the auto club memberships involved here. However, based on the unrefuted evidence in the record, the Respondent has violated sections 626.611(9) and 626.9541(1)(b), Florida Statutes, by issuing "premium receipts" which falsely and deceptively represented "total premium" which included a fee for a non-insurance product, ie. motor club membership. Accordingly, the Respondent is guilty of three counts of violating sections 626.611(9) and 626.9541(1)(b), Florida Statutes.

The Petitioner's exceptions to conclusions of law 30 and 31 are-hereby GRANTED.

RULING ON EXCEPTIONS TO RECOMMENDATION

The Petitioner takes exception to the recommendation that the Administrative Complaint be dismissed. The Penalty Guidelines contained in Chapter 4-231, Florida Administrative Code, should be applied in this case. There are three documented violations (one for each count) of engaging in fraudulent and dishonest practices as prohibited in section 626.611 (9), Florida Statutes, and placing before the public a representation 6r statement which is untrue, deceptive or misleading in violation of section 626.9541(1)(b), Florida Statutes. Under the penalty guidelines, a violation of section 626.611(9), Florida Statutes, requires a suspension of 9 months per count. Under the penalty guidelines, a violation of section 626.9541(1)(b), Florida Statutes, requires a suspension of 6 months per count. Based on Rule 4-231.040, Florida Administrative Code, the highest penalty per count should be assessed, therefore the appropriate penalty is three counts at 9 months for a total suspension period of 27 months. Since the total required suspension exceeds 2 years, the appropriate sanction is the revocation of the Respondent's licenses in accordance with section 626.641(1), Florida Statutes.

The violation of section 626.9541(1)(b), Florida Statutes, permits the assessment of an additional fine on top of any other administrative sanction, pursuant to section 626.9521, Florida Statutes. This section permits fines for wilful violations of up to $10,000 per violation not to exceed $100,000. The Petitioner recommends that a fine of $3,000 be assessed against the Respondent.

However, insufficient grounds have been demonstrated to justify the assessment of a $3,000 administrative fine. Therefore, Petitioner's exceptions to the recommendation are hereby GRANTED, except for the Petitioner's argument for an additional sanction in the form of a $3,000 administrative fine which is hereby DENIED.

PENALTY

Rule 4-231.160, Florida Administrative Code, prescribes the aggravating and mitigating factors which the Department shall consider and, if warranted, apply to the total penalty in reaching the final penalty. Aggravating factors in this matter, as delineated in Rule 4-231.160, Florida Administrative Code, are the willfulness of the Respondent's conduct and the existence of secondary violations established in Counts I-III of the Administrative Complaint. Only minimal mitigating factors exist which are outweighed by the aggravating factors. The existence of these aggravating factors would increase the Respondent ` s total penalty, thereby resulting in a higher final penalty. Increasing the Respondent's total penalty would be pointless, however, for section 626.641(1), Florida Statutes, limits a licensee's period of suspension to a maximum of 2 years. The Respondent's 27-month total penalty already exceeds the two-year statutory limit. Consequently, the Department has determined that a revocation of the Respondent's insurance agent license is warranted and appropriate in this matter, and is necessary to adequately protect the insurance-buying pubic.

IT IS THEREBY ORDERED:

All licenses and eligibility for licensure held by TARA JEANNE SMITH, are hereby REVOKED, pursuant to the provisions of sections 626.611, 626.621, 626.641(2) and 626.651(1), Florida Statutes, effective the date of this Final Order. As of the date of this Final Order, the Respondent shall not engage in or attempt or profess to engage in any transaction or business for which a

license or permit is required under the Florida Insurance Code, or directly or indirectly own, control or be employed in any manner by an insurance agent or agency.

Any party to these proceedings adversely affected by this Final Order is entitled to seek review of this Final Order pursuant to section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure. Review proceedings must be instituted by filing a Notice of Appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, Tallahassee, Florida 32399-0333, and a copy of the same and the filing fee with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 4th day of September, 1996, in Tallahassee, Florida.

_____
BILL NELSON
Treasurer and
Insurance Commissioner

COPIES FURNISHED:

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