

4-27-01

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JUN 13 2001
EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA



Before the Education Practices Commission of the State of Florida

TOM GALLAGHER, as
Commissioner of Education,

Petitioner,

vs.

EPC CASE N° 00-0790 -RT
DOAH CASE N° 00-4352PL
EPC INDEX N° 01- 149 -FOF

CHERYL MULHEARN

Respondent.

Final Order

THIS MATTER was heard by a Teacher Panel of the Education Practices Commission pursuant to Sections 231.261(8) and 120.57(1), Florida Statutes, on June 8, 2001, in Tampa, Florida, for consideration of the Recommended Order entered in this case by Suzanne F. Hood, Administrative Law Judge, dated April 20, 2001. Neither party filed exceptions to the Recommended Order. After reviewing the complete record accompanying the Recommended Order, and being otherwise fully advised in the premises, the Panel hereby adopts the findings of fact, conclusions of law and recommendation contained in the Recommended Order, and said Recommended Order, a copy of which is attached and made a part hereof, is hereby adopted in full and becomes the Final Order of the Education Practices Commission, the counts and Respondent is found NOT GUILTY of the charges in the Administrative Complaint and the allegations of misconduct set forth in the Administrative Complaint are hereby DISMISSED.

This Order takes effect upon filing with the Clerk of the Education Practices Commission.

DONE AND ORDERED, this 8th day of June, 2001.

COPIES FURNISHED TO:

Margaret Wolfe
MARGARET WOLFE, Presiding Officer

Bureau of Educator Standards

Bureau of Teacher Certification

Florida Administrative Law Reports

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Suzanne F. Hood,
Administrative Law Judge
Division of Administrative Hearings
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Tallahassee, FL 32399-1550

Ann Cole, Clerk
Division of Administrative Hearings

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES COMMISSION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Gallagher vs. Mulhearn, was furnished to Mary Aspros, Attorney at Law, Meyer & Brooks, P.O. Box 1547, Tallahassee, FL 32302, by U.S. Mail, this 13th day of June, 2001.

Kathleen M. Richards
KATHLEEN RICHARDS, Clerk