

10-14-02



Before the Education Practices Commission of the State of Florida

FILED
03 JAN 17 PM 12:13

DIVISION OF
ADMINISTRATIVE
HEARINGS

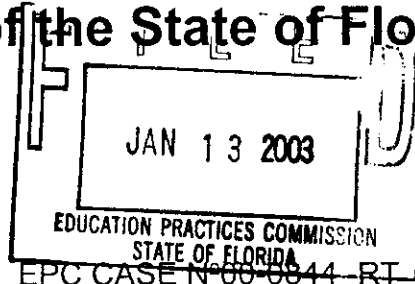
TOM GALLAGHER, as
Commissioner of Education,

Petitioner,

vs.

TONYA WYTHER,

Respondent.



AT

SML-CLOS

EPC CASE N° 00-0844-RT
DOAH CASE N° 02-0310PL
EPC INDEX N° 02-314 -FOF

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 December 6, 2002, in Tampa, Florida, for consideration of the Amended Recommended Order entered in this case by Stuart M Lerner, Administrative Law Judge, dated October 14, 2002. Neither party filed exceptions the Recommended Order.

After reviewing the complete record accompanying the Amended 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 Amended Recommended Order, and said Amended 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..

It is therefore ORDERED that the Administrative Complaint filed herein is hereby DISMISSED.

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

DONE AND ORDERED, this 23rd day of December, 2002.

Margaret Wolfe
MARGARET WOLFE, Presiding Officer

COPIES FURNISHED TO:

Bureau of Educator Standards

Bureau of Teacher Certification

Florida Administrative Law Reports

Superintendent
Broward County Schools
600 S.E. 3rd Ave.
Ft. Lauderdale, FL 33301-3125

Executive Director, Professional
Standards
Broward County Schools

J. David Holder, Attorney at Law

Stuart M Lerner
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
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. Wythe, was furnished to Mitchell J. Olen, Attorney at Law, 1000 South Andrews Avenue, Fort Lauderdale, FL 33134-4304, by U.S. Mail, this 13th day of

January, 2002.

Kathleen M. Richards

KATHLEEN RICHARDS, Clerk