

12-8-03



Before the Education Practices Commission of the State of Florida

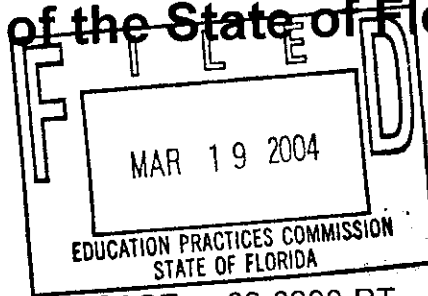
CHARLIE CRIST
Commissioner of Education,

Petitioner,

vs.

MARK D. SWANSON,

Respondent



EPC CASE N° 02-0290-RT

DOAH CASE N°-PL

EPC INDEX N° 04-064-FOF

AT

03-0178PL

LPS-CLWS

04 MAR 23 11:11 AM
FILED

Final Order

This matter was heard by a Teacher Panel of the Education Practices Commission pursuant to Sections 1012.795, 1012.796 and 120.57(1), Florida Statutes, on February 27, 2004, in Orlando, Florida, for consideration of the Recommended Order entered in this case by Lawrence P. Stevenson, Administrative Law Judge, dated December 8, 2003. Neither party filed *Exceptions to 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, (paragraphs 1 - 31), conclusions of law, (paragraphs 32-48), 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.

It is ORDERED that Respondent is found to have violated Rules 6B-1.006(3)(a) and (e), Florida Administrative Code.

It is further ORDERED that a written reprimand shall be placed in the certification file of Mark D. Swanson. Upon employment in any public or private position requiring a Florida educator's certificate, shall be placed on one employment year of probation with the conditions that during that period, he shall:


1. Notify the EPC immediately upon employment and immediately upon termination

of employment, in any public or private position requiring a Florida educator's certificate.

2. Have his immediate supervisor submit annual performance reports to the EPC.
3. Violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006, Florida Administrative Code.
4. Satisfactorily perform assigned duties in a competent, professional manner.
5. During the first six months of each probation year, pay to the EPC the sum of \$150.00 to defray the cost of monitoring probation during that year.
6. Bear all costs of complying with the terms of this probation.

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

DONE AND ORDERED, this 10th day of March, 2004.



GRACE WILLIAMS, Presiding Officer

COPIES FURNISHED TO:

Bureau of Educator Standards
Bureau of Teacher Certification
Florida Administrative Law Reports
Superintendent
Collier County Schools
5775 Osceola Trail
Naples, FL 34109-0919

Division of Human Resources
Collier County Schools
5775 Osceola Trail
Naples, FL 34109-0919

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.

Final Order
Mark D. Swanson
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Bruce P. Taylor, Attorney at Law

Lawrence P. Stevenson
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Ann Cole, Clerk
Division of Administrative Hearings

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Crist vs. Swanson was furnished to Mark D. Swanson, 833 Mount Hood, Naples, FL 34104 and Robert J. Coleman, Coleman & Coleman, P.O. Box 2089, Ft. Myers, FL 33902-2089 by Certified Mail this 19th day of March, 2004.

Kathleen M. Richards

KATHLEEN RICHARDS
Executive Director