

2-19-04



# Before the Education Practices Commission of the State of Florida

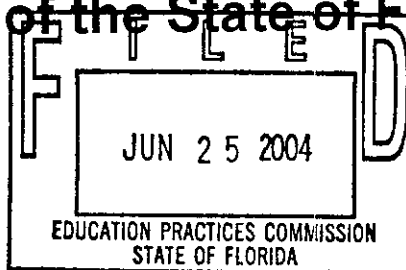
JIM HORNE as the  
Commissioner of Education,

Petitioner,

vs.

RAYMOND AGOSTINO,

Respondent



EPC CASE N° 03-0151-RA  
EPC INDEX N° 04-143-FOF

FILED  
2004 JUN 28 P 1:05  
DIVISION OF ADMINISTRATIVE SERVICES

AT

03-2877PL

LPS-CWS

## Final Order

This matter was heard by a Administrator Panel of the Education Practices Commission pursuant to Sections 1012.795, 1012.796 and 120.57(1), Florida Statutes, on June 4, 2004 in Tampa, Florida, for consideration of the Recommended Order entered in this case by Lawrence Stevenson, Administrative Law Judge dated February 19, 2004. Respondent filed Exceptions to the Recommended Order. The exceptions were denied.

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 - 34), conclusions of law, (paragraphs 35-54), 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 therefore **ORDERED** that Raymond Agostino is found guilty of violating Section 1012.795(1)(c), Florida Statutes.

It is further **ORDERED** that Mr. Agostino's educator's certificate shall be placed on probation for two years.

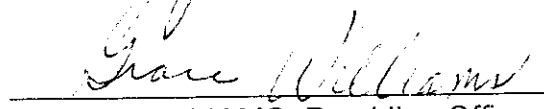
Thereafter Mr. Agostino shall be subject to probation as follows:

Upon employment in any public or private position requiring a Florida educator's certificate, Mr. Agostino shall be placed on 2 employment years 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. Engage in or verify he has engaged in an evaluation within 60 days of Employment by a RNP approved licensed provider. If recommended, he must engage in such counseling, and have the professional submit quarterly reports to the EPC.
4. 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.
5. Satisfactorily perform assigned duties in a competent, professional manner.
6. 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.
7. 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 17<sup>th</sup> day of June, 2004.

  
GRACE WILLIAMS, Presiding Officer

COPIES FURNISHED TO:

Bureau of Educator Standards

Bureau of Teacher Certification

*Florida Administrative Law Reports*

Superintendent  
Lee County Schools  
2055 Central Ave.  
Ft. Myers, FL 33901-3916

Director, Personnel Services  
Lee County Schools  
2055 Central Ave.  
Ft. Myers, FL 33901-3916

Ronald G. Stowers, Attorney at Law

Bruce Taylor, Attorney at Law

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

Ann Cole, Clerk  
Division of Administrative Hearings

Recovery Network Program  
for Educators

**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 Horne vs. Agostino was furnished to Raymond Agostino, P.O. Box 101144, Cape Coral, FL 33910-1144 and Robert Burandt, Rossa Sutton, Burandt, Adamski & Roland, 1714 Cape Coral Parkway, Cape Coral, FL 33904 by Certified U.S. Mail, this 25 day of June, 2004.

  
KATHLEEN RICHARDS  
Executive Director