



Before the Education Practices Commission of the State of Florida

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DIVISION OF ADMINISTRATIVE HEARINGS
FILED
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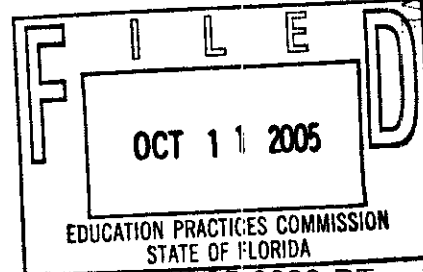
JOHN L. WINN as the
Commissioner of Education,

Petitioner,

vs.

TIMOTHY LENARD HOLMES,

Respondent



EPC CASE N° 05-0022-RT DSM
DOAH CASE N° 05-0361 PL CLOSED
EPC INDEX N° 05-407-FOF

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 August 26, 2005, in Tampa, Florida, for consideration of the Recommended Order entered in this case by Daniel Manry, Administrative Law Judge, dated June 1, 2005. However Petitioner filed a Motion to Modify the Recommended Penalty to revoke the teacher's certificate. Respondent filed a Motion to Modify Recommended Order to dismiss the charges. Both motions were denied.

Petitioner was present and represented by Matthew Foster. Respondent was represented by James Domineck, Jr.

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 - 17), conclusions of law, (paragraphs 18 - 26), and the recommendation contained in the Recommended Order. The 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 Timothy Lenard Holmes is in violation of Sections 231.2615(1)(c) and (i), Florida Statutes (1999) and Rules 6B-1.006 (3)(a) and (e), Florida Administrative Code.

It is further **ORDERED** that Mr. Holmes' education certificate shall be **Revoked** for two years from the date of this Final Order.

DONE AND ORDERED, this 11th day of October, 2005.



DEBORAH SHEPARD, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

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Taylor County Schools
Administrative Complex
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Ann Cole, Clerk

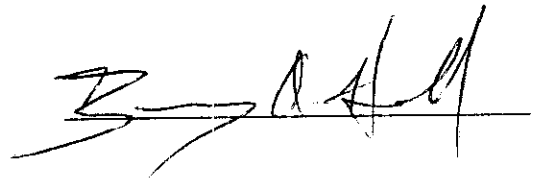
NOTICE OF RIGHT TO JUDICIAL REVIEW

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
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Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550 **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Winn vs. Holmes was furnished to James Domineck Jr., 100 S. Kentucky Avenue, Suite 295, Lakeland, FL 33801 and Timothy Holmes, 132 Osprey Heights Drive, North, Winter Haven, FL 33880 by Certified U.S. Mail, this 11th day of October, 2005.

A handwritten signature in black ink, appearing to be "B. A. A.", written over a horizontal line.