



Before the Education Practices Commission of the State of Florida

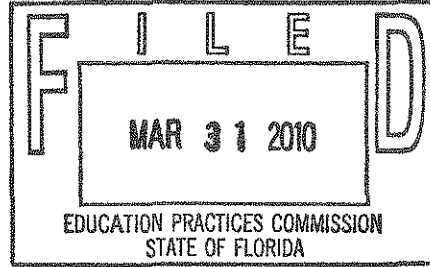
DR. ERIC J. SMITH
Commissioner of Education,

Petitioner,

vs.

██████████,

Respondent



EPC CASE N° 09-0396-RT
DOAH CASE N° 09-3829PL
INDEX N° 10- 091- FFF
PPS N° 089-0122
CERTIFICATE N° 544004

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 26, 2010 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by Lisa Shearer Nelson, Administrative Law Judge dated December 18, 2009. Respondent was represented by counsel at the meeting.

Respondent filed Exceptions to the Recommended Order. A copy of those Exceptions is attached to and incorporated by reference. After reviewing the complete record accompanying the Recommended Order, the Recommended Order, the Exceptions, and being fully advised in the premises, the Commission rejected exception 1 because the finding was based on competent and substantial evidence. The Commission rejected exception 2 because the finding was based on competent and substantial evidence. The Commission rejected exception 3 because the finding was based on competent and substantial evidence. The Commission rejected exception 4 because the finding was based on competent and substantial evidence. The Commission rejected exception 5

because the finding was based on competent and substantial evidence. The Commission rejected exception 6 because the finding was based on competent and substantial evidence. The Commission rejected exception 7 because the finding was based on competent and substantial evidence. The Commission rejected exception 8 because the administrative law judge's finding was more reasonable. The Commission rejected exception 9 because the administrative law judge's finding was more reasonable.

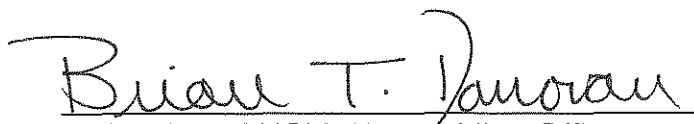
The Panel hereby adopts the findings of fact, (paragraphs 1-22), conclusions of law, (paragraphs 23-47), and the recommendation contained in the Recommended Order. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted in full and becomes the Final Order of the Education Practices Commission.

It is therefore **ORDERED** that:

Respondent's Florida educator's certificate is hereby permanently revoked.

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

DONE AND ORDERED, this 26th day of MARCH, 2010.


BRIAN T. DONOVAN, Presiding Officer

COPIES FURNISHED TO:

- Bureau of Professional Practices
- Bureau of Teacher Certification

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 Administrative Law Reports

Superintendent
Duval County Schools
1701 Prudential Dr.
Jacksonville, FL 32207-8182

Professional Standards
Duval County Schools
1701 Prudential Dr.
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Daniel Biggins
Assistant Attorney General

Lisa Shearer Nelson
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550



Claudia Llado, Clerk
Division of Administrative Hearings

Probation

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 was furnished to 
; and David Hertz, Duval
Teachers United, 1601 Atlantic Boulevard, Jacksonville, Florida 32207 by Certified U.S.
Mail this 31 day of March, 2010.



DON SHIELDS
Education Practices Commission