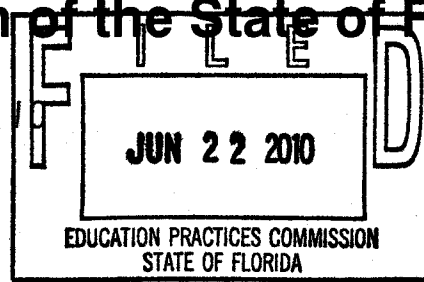




Before the Education Practices Commission of the State of Florida

2010 JUN 24 A 11:50

DIVISION OF
ADMINISTRATIVE
HEARINGS



DR. ERIC J. SMITH
Commissioner of Education,

Petitioner,

vs.

ROBERT L. FORBIS,

Respondent

EPC CASE N° 09-0416-RT
DOAH CASE N° 09-4152PL
INDEX N° 10-183- FOF
PPS N° 089-0002-R
CERTIFICATE N° 130749

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 May 14, 2010 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by Lisa Shearer Nelson, Administrative Law Judge dated March 19, 2010. Respondent was represented by counsel.

Petitioner 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 accepted exception A, finding that there was not competent and substantial evidence for the administrative law judge's finding, and finding that the Respondent failed to maintain honesty based on the agreement he signed. The Commission accepted exception B, finding that the proposed exception is more reasonable than the administrative law judge's conclusion.

The Panel hereby adopts the remaining findings of fact, (paragraphs 1-20), the

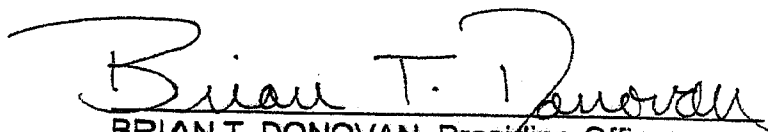
remaining conclusions of law (paragraphs 21-40) contained in the Recommended Order. The Commission amended the recommendation based on paragraph 37 of the Recommended order and on Petitioner's exceptions. A copy of the Recommended Order is attached to and made a part hereof, and is adopted subject to the exceptions and amendments above.

It is therefore **ORDERED** that:

1. Respondent is hereby issued a letter of reprimand.
2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 1 employment year of probation with the conditions that during that period, he shall:
 - A. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.
 - B. Have Respondent's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.
 - C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.
 - D. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.
 - E. Satisfactorily perform all assigned duties in a competent, professional manner.
 - F. Bear all costs of complying with the terms of a final order entered by the Commission.
 - G. Engage in an intensive FCAT training program available in his county of

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

DONE AND ORDERED, this 22 day of June, 2010.


BRIAN T. DONOVAN, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

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

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

Edward T. Bauer, Attorney at Law

DOE counsel for PPS

Daniel Biggins
Assistant Attorney General

Lisa Shearer Nelson
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway

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
Robert L. Forbis
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Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Robert L. Forbis, 2221 East Road, Jacksonville, Florida 32216; and to Donald E. Pinaud, Jr. 4069 Atlantic Boulevard, Jacksonville, Florida 32207 by Certified U.S. Mail this 22 day of June, 2010.



DON SHIELDS
Education Practices Commission