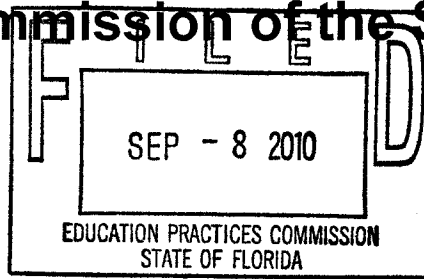




Before the Education Practices Commission of the State of Florida



2010 SEP 10 AM 11:42
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

DR. ERIC J. SMITH
Commissioner of Education,

Petitioner,

vs.

DANIEL PRESMY,

Respondent

EPC CASE N° 09-0585-RT
DOAH CASE N° 09-6633PL
INDEX N° 10-296-FOF
PPS N° 089-0426-S
CERTIFICATE N° 850876

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 5, 2010 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by Larry J. Sartin, Administrative Law Judge dated May 19, 2010. Respondent was represented by counsel.

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 all of the requested exceptions. Exception 1 was rejected because the Commission finds that there is competent and substantial evidence to support the findings of fact in the Recommended Order. Exception 2 was rejected because the Commission finds that there is competent and substantial evidence to support the findings of fact in the Recommended Order. Exception 3 was rejected because the Administrative Law Judge's conclusion is more

reasonable. Exception 4 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 5 was rejected because the Commission finds that there is competent and substantial evidence to support the findings of fact in the Recommended Order. Exception 6 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 7 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 8 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 9 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 10 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 11 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 12 was rejected because the Administrative Law Judge's conclusion is more reasonable. Exception 13 was a request to amend the penalty, which the Commission rejects.

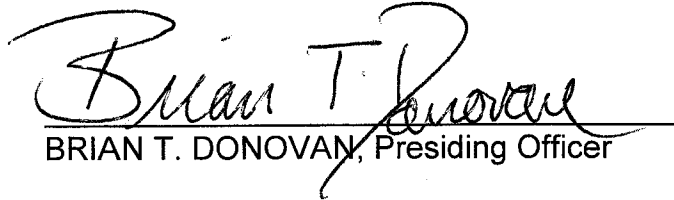
The Panel hereby adopts the findings of fact, (paragraphs 1-3), conclusions of law, (paragraphs 4-31), and the recommendation contained in the Recommended Order. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted in full and becomes the Final Order of the Education 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 1st day of September, 2010.


BRIAN T. DONOVAN, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

Superintendent
Palm Beach County Schools
3300 Forest Hill Blvd., Room C316
West Palm Beach, FL 33406-5869

Chief Personnel Officer
Palm Beach County Schools
3300 Forest Hill Boulevard,
Room A-152
West Palm Beach, FL 33406-5870

DOE counsel for PPS

Charles T. Whitelock, Attorney at Law

Daniel Biggins
Assistant Attorney General

Larry J. Sartin
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

NOTICE OF RIGHT TO JUDICIAL REVIEW

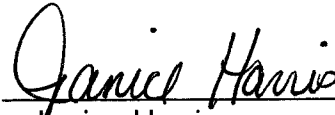
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES 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
Daniel Presmy
Page 4

Probation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Daniel Presmy, 14194 80th Lane, North, Loxahatchee Florida 33470; and Thomas L. Johnson, 510 Vonderburg Drive, Suite 305, Brandon, Florida 33511 by Certified U.S. Mail this 8th day of September, 2010.



Janice Harris
Education Practices Commission