Before the Education Practices Commission of the State of Florida
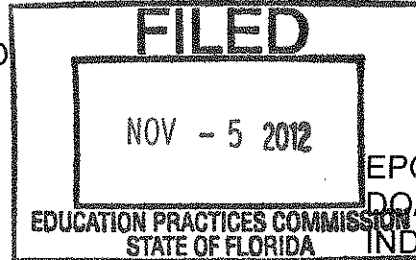
CAPPI CAY ARROYO

Petitioner,

vs.

DR. ERIC J. SMITH,
Commissioner of Education,

FILED

NOV - 5 2012

EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

EPC CASE № 11-0222-D
DOAH CASE № 11-2799
INDEX № **12-315-FOF**
PPS № 101-1165-LA
CERTIFICATE № 1146255

Respondent

_____/

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 September 27, 2012, in Orlando, Florida, for consideration of the Recommended Order entered in this case by F. Scott Boyd, Administrative Law Judge dated May 31, 2012. Petitioner was not present.

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 rejected exception 1, finding that the administrative law judge's finding was more reasonable. The Commission rejected exception 2, finding that there is competent and substantial evidence to support the findings of fact in the Recommended Order. The Commission rejected exception 3, finding that there is competent and substantial evidence to support the findings of fact in the

Recommended Order. The Commission rejected exception 4, finding that the administrative law judge's finding was more reasonable. The Commission rejected exception 5, finding that the administrative law judge's finding was more reasonable. The Commission rejected exception 6, finding that the administrative law judge's finding was more reasonable. The Commission rejected exception 7, finding that the administrative law judge's finding was more reasonable.

The Panel hereby adopts the findings of fact, (paragraphs 1-37), conclusions of law, (paragraphs 38-126), 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:

The commission Denies issuance of the Florida educator's certificate, without prejudice to reapply should she become eligible in the future.

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

DONE AND **ORDERED**, this 1st day of **November**, 2012.

MARK STRAUSS, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

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.

Superintendent,
Marion County Schools
P.O. Box 670
Ocala, FL 34478-0670

Director, Employee Relations
Marion County Schools
P.O. Box 670
Ocala, FL 34478-0670

Daniel Biggins
Assistant Attorney General

F. Scott Boyd
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
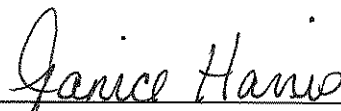Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

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 Cappi Cay Arroyo,11668 Northwest 17th Place, Gainesville, Florida 32606 and Peter Caldwell, FEA, 213 South Adams Street, Tallahassee, Florida 32301 by Certified U.S. Mail and by electronic mail to Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and to Ron Weaver, Esquire, P.O. Box 5675, Douglasville, Georgia 30154 this 5th day of **November**, 2012.

_____
Janice Harris ,
Education Practices Commission