

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

PAM STEWART, AS COMMISSIONER OF  
EDUCATION,

Petitioner,

vs.

Case No. 14-5479PL

MILES MADISON,

Respondent.

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RECOMMENDED ORDER

Administrative Law Judge Lisa Shearer Nelson conducted a disputed-fact hearing pursuant to section 120.57(1), Florida Statutes (2014), by video teleconference with sites in Pensacola and Tallahassee, Florida.

APPEARANCES

For Petitioner: J. David Holder, Esquire  
J. David Holder, P.A.  
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Defuniak Springs, Florida 32435

For Respondent: Branden M. Vicari, Esquire  
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STATEMENT OF THE ISSUE

The issue to be determined is whether Respondent violated sections 1012.795(1)(g) and (j), Florida Statutes (2013), and Florida Administrative Code Rules 6A-10.081(4)(c), (5)(d),

(5) (f), and (5) (o), and if so, what penalty would be appropriate.

PRELIMINARY STATEMENT

On July 15, 2014, Petitioner, Pam Stewart as Commissioner of Education (Petitioner or the Commissioner), filed an Administrative Complaint against Respondent, Miles Madison (Mr. Madison or Respondent), alleging that he violated the provisions of sections 1012.795(1) (g) and (j), and rules 6A-10.081(4) (c), (5) (d), (5) (f), and (5) (o). The charges were based upon Respondent's interactions with female members of the faculty at Hellen Caro Elementary School (HCES). On August 11, 2014, Respondent, through counsel, executed an Election of Rights form disputing the allegations in the Administrative Complaint and requesting a hearing pursuant to section 120.57(1). On November 18, 2014, Petitioner referred the case to the Division of Administrative Hearings for assignment of an administrative law judge.

The case was originally scheduled for hearing on January 12, 2015. The matter was continued twice, and ultimately the hearing was conducted on March 25, 2015. The parties filed a Joint Pre-hearing Statement that included stipulated facts which, where relevant, have been incorporated into the findings of fact below. At hearing, Petitioner presented the testimony of Amanda Moore, principal of HCES;

Amanda Cravatt, Tara Papillion, and Daniela Brao, teachers at HCES; Gary Marsh, the Escambia County School District (District) investigator; and Dr. Alan Scott, District Assistant Superintendent for Human Resources. Petitioner's Exhibits 1-18 were admitted into evidence, with the caveat that hearsay within the documents would not be used to support a finding of fact unless the hearsay supported or corroborated other admissible evidence presented at hearing. Respondent testified on his own behalf but presented no exhibits.

The two-volume Transcript of the proceedings was filed with the Division on April 10, 2015. At the request of Petitioner, the deadline for filing proposed recommended orders was extended to April 30, 2015. Both parties timely filed Proposed Recommended Orders which have been carefully considered in the preparation of this Recommended Order.

#### FINDINGS OF FACT

Based upon the testimony and documentary evidence presented at hearing, the demeanor and credibility of the witnesses, and on the entire record of this proceeding, the following findings of fact are made:

1. Respondent holds Florida Educator's Certificate number 1036252, covering the areas of elementary education, middle grades-integrated curriculum, physical education, and reading. Respondent's certificate is valid through June 30, 2017.

2. At all times relevant to these proceedings, Respondent was employed as a fourth-grade teacher at HCES. He began working at HCES shortly after the beginning of the school year in the fall of 2009. When he started working at HCES and for part of the time relevant to this case, he was married to Tammy Madison, who was teaching and continues to teach at HCES as a kindergarten teacher. According to Mr. Madison, they separated in late 2011 and he moved out. Both continued to teach at HCES until Respondent's transfer in January 2014.

3. None of the allegations giving rise to this proceeding are based upon alleged shortcomings in the performance of Mr. Madison's duties in the classroom.

4. In January 2011, Amanda Cravatt began teaching at HCES as a long-term substitute teacher in the first grade. She had performed her student teaching at HCES and worked in a classroom with Lori Farish. Ms. Cravatt started the school year in August 2011, team teaching with Ms. Farish, but at some point during the school year was assigned her own class. Ms. Cravatt got married in April 2011. She did not know Mr. Madison when she started teaching at HCES, and prior to the 2011-2012 school year, had no contact with him. She has apparently flourished in the classroom, because for the 2013-2014 school year, she was one of the top five teachers in the District.

5. On or about April 5, 2012, Mr. Madison sent Ms. Cravatt an e-mail on the District Groupwise e-mail system, inquiring about her last name. Ms. Cravatt did not solicit the e-mail, but continued the communication with him. At least one of the emails sent to her on Groupwise by Mr. Madison referred to her as a "hot woman." Ms. Cravatt was unsure when Mr. Madison sent her the first e-mail, but did not believe the one about her name was the first one. She provided him her personal e-mail account address because she knew some of the e-mails were not appropriate to send through the e-mail system.

6. Over a time period comprising approximately two weeks, the nature of the e-mails Mr. Madison and Ms. Cravatt exchanged intensified, including some sexually-explicit text and nude photos. Mr. Madison wanted a sexual relationship with Ms. Cravatt and was very persistent. Despite the fact that they were both legally married, Ms. Cravatt agreed to meet with Mr. Madison on or about April 21, 2012, after attending a family wedding. She met Mr. Madison at a Publix in Perdido Key, and they drove in her car to a parking lot across the street. The two of them got in the back seat of her car and had sexual intercourse. Afterwards, she dropped him off in the Publix parking lot and went home.

7. The accounts given with respect to this encounter are very different. Ms. Cravatt maintains that she went with the

purpose of talking to Mr. Madison and getting to know him better. She claims that he was very persistent: that she did not want to have sex and told him so, but that he pressured her to do so. She thought that by going ahead and having sex with him, she could "get out of the situation."

8. Mr. Madison, on the other hand, contends that from the very beginning the relationship was all about sex: "I mean, that's what she and I - that's what it was all about. It was no friendship. It was our friendship conversation was briefly in e-mails but it was all sexual. We met under the knowledge that we were going to have sex."

9. The accounts concerning the termination of the relationship are equally divergent. Mr. Madison claims that Ms. Cravatt wanted the relationship to continue and that he did not, and that Ms. Cravatt's feelings were hurt when he ended the relationship. She, on the other hand, testified that she wanted to put the whole thing behind her and that he continued to pressure her to meet again. She was relieved that the school year was almost over. She sent him an e-mail saying she would not see him again, and admitted calling him an ass and a jerk, because he was so persistent. She asked him to destroy the pictures she had sent him and both testified that they agreed to keep the encounter between themselves. Ms. Cravatt destroyed

the photos that Mr. Madison sent her and thought he had agreed to destroy the ones of her.

10. Neither account is particularly credible, and the truth about the progression of the encounter is probably somewhere between the two accounts. However, the more credible evidence indicates that both were willing partners, but that Ms. Cravatt quickly regretted the incident. The more persuasive testimony also supports a finding that Ms. Cravatt was embarrassed and wanted to distance herself from the incident.

11. At some point, Ms. Cravatt showed some of the e-mails sent through Groupwise to her co-teacher, Ms. Farish. On or about May 11 or 12, 2012, Ms. Farish spoke to Amanda Moore, the principal for HCES, about the e-mails from Mr. Madison to Ms. Cravatt because of the personal nature of the content. Ms. Moore spoke to both Mr. Madison and Ms. Cravatt about the e-mails and told both of them that they were not to continue on the District Groupwise system.<sup>1/</sup>

12. When Ms. Moore spoke with Ms. Cravatt, Ms. Cravatt seemed to her to be concerned about the emails as well. Ms. Moore made it clear that the e-mails through Groupwise could not continue, but did not ask Ms. Cravatt about anything beyond the e-mails, and Ms. Cravatt did not volunteer anything.

13. When Ms. Moore asked Mr. Madison about the e-mails, he told her he was not going to share his personal life with her, but that it was a "two-way thing." Ms. Moore stated that e-mails on Groupwise were happening on school grounds, and they were not going to continue. She also addressed the fact that his wife worked at HCES at the time these e-mails were sent, and the e-mails were disrespectful to his wife. She warned Mr. Madison that if the e-mails continued, she would start formal disciplinary procedures. Mr. Madison indicated that he understood and there were no further incidents that year.

14. In the spring of the 2012-2013 school year, however, rumors were swirling through the faculty about Mr. Madison's alleged relationship with a married third-grade teacher at HCES, Ms. Manthei.<sup>2/</sup> The rumors made things uncomfortable at school because, as stated by Ms. Moore, both Madisons and Ms. Manthei were on the same faculty, and people were beginning to "take sides." Both Ms. Manthei and Mr. Madison applied for priority transfers to other schools. Ms. Manthei was successful in obtaining a transfer and left HCES after the spring of 2013 to work at Ferry Pass Middle School. Mr. Madison was not successful in obtaining a transfer at that point, and he and Tammy Madison both continued to work at HCES at the beginning of the 2013-2014 school year.



15. On July 10, 2013, the Madisons' divorce was final. Mr. Madison was 43 years old at this point.

16. In August of 2013, Daniela Brao began teaching third grade at HCES. Ms. Brao was 22 years old, and had just graduated from the University of West Florida. She is a petite, very attractive young woman. This was her first teaching job, and she was living alone, away from her family and friends. She did not know anyone at HCES before she began working there, but wanted to teach at HCES because of its excellent reputation in the District.

17. Ms. Brao taught a different grade, in a different part of the school, and had no students in common with Mr. Madison. She only knew who Mr. Madison was because of faculty meetings and seeing him around school. Tara Papillion, another third-grade teacher with approximately six years' experience who began at HCES in the fall of 2012, was assigned as her mentor teacher. Ms. Papillion was the person Ms. Brao could consult about any questions she had as a new teacher at the school.

18. Each year, HCES publishes an emergency phone list to members of the faculty and staff. The emergency phone list is published so that faculty and staff can reach each other in times of emergency, such as severe weather. Information about the use of the emergency telephone list is contained in the required reading materials that each teacher is expected to

review at the beginning of the school year. Mr. Madison signed a certification on August 29, 2013, that he reviewed the required reading materials.

19. On September 13, 2013, Ms. Brao was waiting to pick up her students from the music portable, which was behind her classroom. Mr. Madison came up to Ms. Brao and asked if she was Cuban or Puerto Rican. Ms. Brao was taken aback because she had never spoken to him before. She replied that she was Venezuelan. Mr. Madison laughed and said something along the lines of "oh, alright, at least I didn't call you Mexican." She found the whole incident confusing, because it was her first encounter with him, and she had no real reason based on work assignments to have any interaction with him.

20. Later in the day, Mr. Madison sent her an apology through e-mail, saying he should not have assumed that she could only be Cuban or Puerto Rican and that he could have just asked what her latin background was. Ms. Brao responded by telling Mr. Madison not to worry about it. Both e-mails were on the District Groupwise system.

21. On Monday, September 16, 2013, the school emergency phone list was published.

22. Mr. Madison used the emergency phone list to obtain Ms. Brao's personal cell phone number. The next day, he texted her, saying:

ms. brao, this is miles madison from school. i apologize for texting you without your permission but i rarely run into you at school to ask. i just want to know if you received more than 2 emails from me? im just curious because i tried to retract two. Thanks.

23. Ms. Brao responded by saying, "Hi, no just the one! I replied to it back on Friday. Anyways no worries about the question, no offense taken!" Respondent replied by stating,

Ok thanks. i retracted two i sent friday night. i was curious to know if the retract button really worked

24. Ms. Brao did not respond. She did not ask for or expect Respondent to text her, and did not know anything about him except that his wife also worked at HCES. She thought it was strange that he would text her after she had e-mailed him back.

25. On September 26, 2013, at 4:24 p.m., Respondent texted Ms. Brao again, saying,

are you mad or upset? (no response)

are you mad or upset? (no response)

are you not even a little curious? (no response)

are you mad or upset? You look angry when i pass

26. Ms. Brao responded about an hour later, saying, "[t]hat must just be my face at the time. Haha." Respondent

texted her again, saying, "so that would mean you are not angry with me for contacting you? i did everything i could not to."

27. Ms. Brao did not respond. She considered the texts inappropriate and they made her uncomfortable. She did not understand why he was sending them: she did not send texts to other teachers after hours unless there was an emergency, and in addition, she was hearing rumors about Madison and his relationship with a previous teacher at the school who had transferred. Ms. Brao did not want to get caught up in a situation with a man she believed to be married and whose wife was still working at the same school.

28. At some point Ms. Brao mentioned the texts to Ms. Papillion, who initially told her not to worry about them. However, on October 28, 2013, she received another series of texts that increased her discomfort. That afternoon, Respondent texted her saying,

do you have any interest at all? i would greatly appreciate a reply either yes or no. i need to know so i can keep you on my mind or get you off.

with sugar on top, please say something

29. Ms. Brao replied,

No I'm sorry I'm a very private person. I prefer to keep my private life separate from my career.

30. While reasonable people would consider her response to be abundantly clear, Mr. Madison did not get the message. He responded:

thank you. i do think you are very beautiful and it is nice to see you everyday. a perfect and let me down easy reply. everything is cool

31. Ms. Brao responded, "thank you, see you at school." While this text should have ended the exchange, Mr. Madison was undeterred, and texted again:

hey, i just realized i am a private person too. do you have an exception for that? just trying a little harder.

32. Ms. Brao responded by saying, "[n]o, I'm sorry also I am already in a relationship." She was not actually in a relationship, but wanted him to leave her alone. Then the following text exchange occurred:

i figured that. how could you not be?  
i hope you dont feel weird seeing me at school knowing what you know. i thought i had a 1 in a million shot for you and i was happy with those odds

i apologize for this, i think about you too much and then drink and so this. i should know better but it is the way you look.

Please stop texting me.

sorry no more

33. Ms. Brao was very upset by the texts, and this final exchange really bothered her. She decided to say something to her principal about them, and despite being injured in a car accident the following morning, went to school afterwards in order to speak to Ms. Moore. Ms. Brao showed the texts to Ms. Papillion and told her that she was going to talk to Ms. Moore. Ms. Papillion offered to go with her and Ms. Brao readily agreed: she had at this point been employed by the school a scant two months and was very nervous about complaining to her boss about the behavior of another teacher.

34. Ms. Papillion had received some Facebook messages from Respondent that she found odd, but did not consider them to be on the level of the texts Ms. Brao received.<sup>3/</sup> Her primary purpose for going with Ms. Brao to see Ms. Moore was to provide emotional support.

35. Ms. Brao was visibly upset about the texts when she spoke to Ms. Moore. She did not know Respondent well enough to know how to take his messages. Ms. Moore called Keith Leonard, Director of Human Resources for the District, because she wanted to make sure that she was taking the necessary steps to have a positive working environment. Mr. Leonard came to the school and spoke with both Ms. Brao and Ms. Papillion, read the Facebook posts and cell phone texts, and assigned the District investigator, Gary Marsh, to investigate further. Mr. Leonard

asked Ms. Moore whether there were any other concerns, and Ms. Moore told him about the e-mail issue concerning Mr. Madison and Ms. Cravatt from 2012. Ms. Moore then went to Ms. Cravatt and told her that Mr. Marsh would be talking with her and that Ms. Moore wanted her to share with him the incident with Mr. Madison.

36. At this point, Ms. Moore did not know that there had been any type of sexual encounter or relationship between Mr. Madison and Ms. Cravatt. She only knew about the e-mails exchanged on Groupwise about which she had counseled both teachers in 2012.

37. Mr. Marsh came to the school and spoke with Ms. Brao, Ms. Papillion, Ms. Cravatt, and Mr. Madison. Ms. Brao and Ms. Papillion spoke to Mr. Marsh about the texts and Ms. Papillion relayed the contents of the Facebook messages she received.

38. Being questioned by Mr. Marsh placed Ms. Cravatt in a difficult situation. She had agreed to keep the encounter with Mr. Madison to herself, and true to that agreement, she did not reveal to Mr. Marsh that she had any relationship or encounter with Mr. Marsh. She did acknowledge the Groupwise e-mails but did not indicate that there were any others. In other words, she answered only those questions asked of her. In so doing, she stated that in 2012, Mr. Madison had e-mailed her through

Groupwise and made references to her being a "hot woman," referenced being intoxicated when he was writing to her, and questioned whether she was a newlywed or divorced. These were true statements. She told Mr. Marsh that Respondent's contacts were highly inappropriate (which they were, especially on a school district e-mail system), as she is married and did not indicate that she wanted further contact with him. She also stated that she still feels uncomfortable around Respondent when they are together at school.

39. While Ms. Cravatt's answers are most likely accurate statements in response to the questions asked of her, she knew when making them that they did not represent the totality of the interactions she had with Mr. Madison. Given the details left unstated, the statements were misleading. However, they were not necessarily untruthful. In all likelihood, she did not want to be around him and did not want further contact with him, although her feelings were not necessarily as a result of the Groupwise e-mails.

40. Mr. Marsh also interviewed Mr. Madison, and recorded the interview. Respondent acknowledged both the texts and the Facebook messages, admitted that Ms. Brao did not initiate any contact or discussion with him, and that he obtained her personal cell number from the school telephone tree to make initial contact with her. However, he did not feel that his



text messages were inappropriate, and noted that he stopped texting her when she asked him to stop.

41. Mr. Madison's subjective view that the text messages were not inappropriate is not credible and is rejected.

Ms. Brao stated that the messages were "creeping her out" and her view is more than reasonable. Respondent was employed at HCES to teach fourth grade, not to use the female faculty as his personal dating service. Moreover, despite his claim that the texts were not inappropriate, the language he used in the text indicates that he knew better: he even apologized up front for texting her without her permission.

42. Moreover, Mr. Madison is not a child. By any objective standard, he should have known that contacting a young woman over 20 years his junior with whom he has no prior relationship, using her personal cell phone number that she did not give him permission to use, is, standing alone, questionable. Continuing to text her when she gave him absolutely no encouragement (and even told him that she was a private person who did not want to mix her professional and private lives) was inappropriate. To text her and reference her looks, state that he cannot stop thinking about her, and state that he thinks about her when he drinks is over the top. Moreover, Respondent admitted that he was pre-occupied with Ms. Brao, wanted to ask her out and was more or less fantasizing

a relationship or hoping for one, and could not "read her silence." Contrary to his claims, Ms. Brao's reaction was quite clear.

43. It is true that Mr. Madison did not seek to intimidate or threaten Ms. Brao at school and she did not know of any attempt on his part to approach her outside of school other than the texts. However, the texts and their content frightened her. As she stated, because of the rumors at school about his past relationships, and the fact that she did not know him personally, she did not know what he was capable of doing, especially given his statement that he thinks of her when he drinks. As a result, she was concerned for her safety and purchased pepper spray for her protection. She began avoiding Respondent in the halls; checked and locked her classroom each time she entered or exited it; altered her schedule to leave school immediately after the bell; and altered her lunch schedule, all in an effort to avoid contact with Respondent. She quit wearing makeup and wore looser clothing in an effort to look less attractive. Her concerns intensified after she met with Mr. Marsh, and being informed that Respondent was going to be disciplined because of his behavior toward her made her feel more vulnerable, not knowing whether he would retaliate against her for complaining about his behavior.

44. After completion of his investigation, Mr. Marsh presented the information gathered to the District Disciplinary Committee, who then, consistent with District policy and practice, made a recommendation to the Superintendent concerning what, if any, discipline should be imposed. It was determined that a letter of reprimand would be appropriate.

45. On December 5, 2013, Mr. Madison received a Notice of Proposed Disciplinary Action and was directed to appear at Dr. Alan Scott's office on Monday, December 9, 2013, and advised that he could have a union investigator present at the meeting. The Notice indicated that he was being provided a copy of information identifying specifically the offense or misconduct involved, as well as an accounting of the offense including times, dates, witnesses, and any other information presently available. It is not clear from the Notice whether the information was provided that day, or was provided when Mr. Madison met with Dr. Scott on December 9.

46. On December 9, 2013, Respondent was given a letter of reprimand by Dr. Scott. The letter states in pertinent part:

The School District of Escambia County learned of allegations regarding you sending inappropriate messages to female co-workers at Hellen Caro Elementary School. In accordance with our contractual obligations you were provided due notice and the opportunity to respond to the allegations.

Based on the investigation, including the meeting with you, the District finds you engaged in sending inappropriate and unprofessional messages to female co-workers. These messages were considered to be harassing in nature and created an atmosphere of fear when directed at a newly hired female teacher. The District also found that you inappropriately used the phone tree directory to contact the newly employed teacher without her consent for contact in a non-emergency situation.

Based on the above findings, the District concluded your conduct was unprofessional, inappropriate and displayed a disregard for professional standards. The District also concluded that your behavior lacked any positive educational value. Your conduct adversely affects your ability to work in a cohesive nature with fellow co-workers at Hellen Caro Elementary School. The District believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice the profession. The profession cannot condone your actions, nor can the public, who we serve.

47. Respondent did not grieve the reprimand or request a hearing to contest the discipline. However, when he received the information compiled through Mr. Marsh's investigation, including the witness statements, he believed that Ms. Cravatt had gone forward to complain about him. He considered this a betrayal of their agreement and it made him angry. As a result, on December 10, 2013, he e-mailed Ms. Moore and asked to speak to her. She was attending meetings off campus and responded that she would see him upon her return the next day.

48. Mr. Madison met with Ms. Moore on December 11, 2013. At that time he apologized to her for the embarrassment he was causing the District, and indicated that he was trying to make things right and do a good job in the classroom. She in turn shared her expectations for him in teaching his students on a professional level. Mr. Madison told Ms. Moore that he felt he was being unfairly accused by Ms. Brao, Ms. Papillion, and Ms. Cravatt: he said he and Ms. Papillion were only friends, and that he wanted to get to know Ms. Brao better and thought she might be interested in him. He recognized he should not have used the emergency telephone tree to get her telephone number, and stopped texting her when she asked him to. With respect to Ms. Cravatt, he told Ms. Moore that he was very upset when he learned that Ms. Cravatt was a part of this, because they had a relationship in the past with an understanding that they would protect each other and not hurt each other or let it get out. He felt that Ms. Cravatt had broken that promise and he wanted his name cleared.

49. Mr. Madison then handed to Ms. Moore a piece of paper he had prepared on his computer the day before, and that was admitted into evidence as Petitioner's Exhibit 3. The document stated:

I have multiple pictures of Cravatt naked that she sent me during the month of April, 2012.

- one is of her posing in a bathroom fully naked
- one is of her bending over and taking a picture of her rear using the mirror.
- one is of her sunbathing naked (face not shown), Caesarean scar is visible.
- one is of her sunbathing at the purple parrot just showing her body and feet.

Cravatt made a false statement to Gary Marsh stating that she received what she felt was inappropriate messages and that she felt uncomfortable being around me at school. She and Ms. Farrish also conspired or Cravatt alone insinuated that I sent her flowers and a poem during the month of May 2012.

Cravatt and I had sex on one occasion in the back of her car behind the True Value in Perdido Key in April 2012. She sent me an email later that I felt was threatening and i said that we were not going to see each other again. She called me an "ass and a jerk" and that was the last contact I had with her.

I have sexual emails that she and I exchanged and have printed all pictures of her.

50. Below this text at the bottom of the paper were three short paragraphs that were marked through with blue magic marker but completely readable. Those paragraphs read:

I want Cravatt to contact Mr. Marsh at 850-439-2220 in the presence of Mrs. Moore and she can leave a message if he does not answer. I want her to admit that she lied about her statement.

When Mr. Marsh contacts me stating that he received this clarification, then I will not pursue this matter.

If she refuses, then the pictures and the e-mails will be delivered to the District.

51. Respondent claims that after he cooled off, he decided that he did not want the pictures to go to the District and only wanted Ms. Moore to get Ms. Cravatt to tell the truth. He claims he marked through the last few paragraphs because he did not want her to follow through with what he had written there, and that when Ms. Moore asked if he wanted the paper back, he said to either burn it or give it back to him. Ms. Moore, on the other hand, testified that Mr. Madison told her that he had compromising pictures of Ms. Cravatt and that if Ms. Cravatt did not go to Mr. Marsh and retract her statement, he was going to send the pictures and e-mails to the District. He asked her if she wanted to see the pictures, and she declined. Ms. Moore read the document and asked Respondent several times if the statements were true and if he was sure he wanted her to go to Ms. Cravatt and he said yes.

52. Ms. Moore's testimony is credited. She was candid, consistent, and had no agenda other than to maintain a professional atmosphere at HCES. Conversely, Respondent did not give Ms. Moore Petitioner's Exhibit 3 immediately. He wrote it the day before he gave it to Ms. Moore and by his own testimony, he had cooled down before seeing her. It would have been a simple matter to delete the final paragraphs from the

typewritten document before giving it to Ms. Moore. If he did not have access to the computer, he could have cut or torn off the bottom of the page. Instead, he marked through the documents so that they remained legible. Moreover, as is found below, his statements made during the ensuing investigation were consistent with the sentiment expressed in those final paragraphs, and at least at the time he gave the document to Ms. Moore, he did want her to follow through with the District. It is more likely that he changed his mind, if at all, after giving Ms. Moore the document.

53. The afternoon of December 11, Ms. Moore called Ms. Cravatt to her office and showed her the document Respondent had prepared. Ms. Cravatt denied the statements Respondent had documented. Ms. Moore then called Mr. Leonard at the District and reported the day's events, sent his office a copy of Petitioner's Exhibit 3 at his request, and was told Mr. Marsh would contact her. December 11 was the first that Ms. Moore was aware that there were allegations that Ms. Cravatt had previous personal contact with Mr. Madison beyond the Groupwise e-mails.

54. The next morning, December 12, Ms. Cravatt came to Ms. Moore's office at approximately 7:00 a.m. She was crying and very upset, and wanted to speak with Mr. Marsh. Ms. Moore determined that Ms. Cravatt was not going to be able to teach her class and arranged for a substitute.



55. Mr. Marsh arrived at HCES at approximately 9:00 a.m. Ms. Cravatt requested to meet with him privately and they spoke in the school professional library. After about 45 minutes, Mr. Marsh asked that Ms. Moore join them. At that point, Ms. Cravatt told Ms. Moore, "you're not going to be happy with me, but I am going to admit to all of this on paper, but it's not true." Ms. Cravatt told Ms. Moore that she just wanted it all to stop. At that point, Mr. Marsh took Ms. Cravatt's sworn statement in which she admitted to having sent the pictures and sexual e-mails to Mr. Madison, as well as to having sex with him. When the tape was turned off for the recorded interview, however, Ms. Cravatt continued to deny that she had a relationship with Mr. Madison.<sup>4/</sup> She did not want to admit to the allegations to Ms. Moore because it was very embarrassing to her and she wanted to keep her private life and her career separate.

56. On Friday, December 13, 2013, both Ms. Cravatt and Mr. Madison were suspended with pay pending completion of an investigation by Mr. Marsh. As stated by Dr. Scott, "[p]art of what we have to do is to protect the educational process at the school. The behavior of adults should not interfere with what we're trying to do with the young students at the school . . . . The situation at the school was untenable. It was a difficult

environment. Some of the female teachers were very uncomfortable there.”

57. As part of the investigation, Mr. Madison was interviewed twice: once on December 12, 2013, and again on December 20, 2013. The summaries of the recorded interviews include the following:

[December 12, 2013]

2. In synopsis, Madison was advised he was being interviewed as a witness who had provided allegations to Moore. In discussion, Madison reported having a consensual sexual relationship with Amanda Cravatt in April, 2012; noting he had both pictures and emails as evidence of their relationship. He explained this was their only liaison, and that they had agreed to never discuss their liaison again and to delete anything between them. However, after reading the information provided by Cravatt in a prior investigation, he felt it was necessary to provide this information to Moore so she could speak with Cravatt and have her tell the truth. He added this was a chance for Cravatt to make things right and admit she lied.

3. In further discussion, Madison declined multiple requests to provide the referenced photographs and other documents for review in support of his allegations; stating he was keeping his word with Cravatt to not tell anyone about their relationship. Madison also stated the referenced photographs were his security to keep either her or her husband from doing any harm to him. He noted that if he gives up the photographs, then he has nothing; adding he wanted her to worry for the rest of her life.

4. Madison feels his written comments are not extortion, noting he did not want to hurt either her or her family; only to prove that her comments were false.

5. At the conclusion of the interview [Madison]<sup>5</sup> attempted to take back the document previously given to Moore; claiming it was only meant for Moore to see.

[December 20, 2013]

1. On this date, Miles Madison, Teacher, Hellen Caro Elementary School (HCES) was interviewed regarding this investigation, specific to his allegations that A. Cravatt had provided false information during a prior investigation. Madison was accompanied by Bill Vincent, Union Representative . . . .

2. In synopsis, Madison stated his intentions were not to make any "allegations", but rather provide the information to Ms. Moore, Principal, HCES so she could address them with Ms. Cravatt. Madison felt there had been an "injustice"; as the letter [was] given to Moore only to address his thoughts about what he felt to be incorrect statements by Cravatt. In further discussions, Madison stated only he can interpret what is meant by his comments, as that document was to be used by Moore to get facts straight with Cravatt. In addition, he requested Moore destroy the document after she spoke with Cravatt.

3. Madison also stated that he had no expectations of any specific outcome, but then stated that her comments were a lie and he wanted them removed from the records. He also wanted her to know that he will always have the referenced pictures, but denied he would use the pictures against her. (Emphasis added.)

58. Mr. Madison admitted at hearing that on December 12 he told Mr. Marsh he wanted Ms. Cravatt to be aware he had the photographs and for her to worry for the rest of her life, and that on December 20 he stated he wanted her to know that he will always have those pictures for future reference, yet denies threatening her, saying that he made at least one of those statements in anger. Respondent's denial is not credible.

59. On January 8, 2014, Respondent was notified that his suspension with pay was lifted and he could return to work the following day. The decision was made, however, that he should not return to HCES, and he was transferred to Ferry Pass Middle School. Ms. Cravatt returned to her classroom at HCES after the Christmas break. Respondent's transfer from HCES made a significant difference in Ms. Brao's ability to function as a teacher. As she stated, she felt like she could breathe and it was a relief not to worry about Respondent.

60. Respondent was also notified by letter dated January 8, 2014, that the Superintendent intended to recommend to the School Board that he be suspended for three days without pay, beginning January 22, 2014. The letter provided him a point of entry to challenge the School Board's decision.

61. The School Board approved the recommendation that Respondent be suspended for three days without pay, and he was notified by letter dated January 22, 2014. Mr. Madison did not

challenge the suspension and presently teaches at Ferry Pass Middle School.

62. Respondent expressed no real remorse for his actions, and does not seem to comprehend that he has done anything wrong. He does not believe that Ms. Brao and Ms. Papillion were uncomfortable with him at any time. He continued to express anger toward Ms. Cravatt and considers himself to be a victim with respect to the statements she made to Mr. Marsh in the first investigation. Despite being told repeatedly that she had never gone to Ms. Moore to complain about him, and was questioned as a result of Ms. Farish's original report to Ms. Moore and Ms. Moore's report to Mr. Leonard, he insisted that Ms. Cravatt had orchestrated the complaints regarding his e-mails to her. Even assuming that his assumptions were correct, which they are not, his actions would not be justified.

#### CONCLUSIONS OF LAW

63. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties to this action in accordance with sections 120.569 and 120.57(1), Florida Statutes (2014).

64. This is a proceeding in which Petitioner seeks to discipline Respondent's educator certification. Because disciplinary proceedings are considered penal in nature, Petitioner is required to prove the allegations in the

Administrative Complaint by clear and convincing evidence.

Dep't of Banking & Fin. v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996); Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

65. Clear and convincing evidence "requires more proof than a 'preponderance of the evidence' but less than 'beyond and to the exclusion of a reasonable doubt.'" In re Graziano, 696 So. 2d 744, 753 (Fla. 1997). As stated by the Florida Supreme Court:

Clear and convincing evidence requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and lacking in confusion as to the facts in issue. The evidence must be of such a weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

In re Henson, 913 So. 2d 579, 590 (Fla. 2005) (quoting Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)). "Although this standard of proof may be met where the evidence is in conflict, it seems to preclude evidence that is ambiguous." Westinghouse Elect. Corp. v. Shuler Bros., 590 So. 2d 986, 989 (Fla. 1991).

66. Section 1012.796 describes the disciplinary process for educators, and provides in pertinent part:

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint

pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

- (a) Denial of an application for a teaching certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's application, for a specified period of time or permanently.
- (b) Revocation or suspension of a certificate.
- (c) Imposition of an administrative fine not to exceed \$2,000 for each count or separate offense.
- (d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. An educator who has been placed on probation shall, at a minimum:
  1. 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.

2. Have his or her immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

3. Pay to the commission within the first 6 months of each probation year the administrative costs of monitoring probation assessed to the educator.

4. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.

5. Satisfactorily perform his or her assigned duties in a competent, professional manner.

6. Bear all costs of complying with the terms of a final order entered by the commission.

(e) Restriction of the authorized scope of practice of the teacher, administrator, or supervisor.

(f) Reprimand of the teacher, administrator, or supervisor in writing, with a copy to be placed in the certification file of such person.

(g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate or an expired certificate subject to late renewal, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

(h) Refer the teacher, administrator, or supervisor to the recovery network program provided in s. 1012.798 under such terms and conditions as the commission may specify.

67. The Administrative Complaint makes the following factual allegations against Respondent:



3. On or about September 13, 2013, Respondent made an inappropriate comment when he told a colleague, D.B., "at least you are not Mexican," after D.B. informed Respondent that she is Venezuelan.

4. During September and October 2013, Respondent used the information provided on the school's emergency phone list to contact the same newly hired, female colleague, D.B. Respondent sent inappropriate, unsolicited text messages to D.B. when he engaged in the following text message conversations:

(On or about September 26, 2013)

Respondent: "are you mad or upset? You look angry when i pass"

D.B.: "That must just be my face at the time. Haha"

Respondent: "so that would mean you are not angry with me for contacting you? i did everything I could no to."

(D.B. did not respond.)

(On or about October 28, 2013)

Respondent: "do you have any interest at all? i would greatly appreciate a reply either yes or no. i need to know so i can keep you on my mind or get you off. with sugar on top please say something"

D.B.: "No I'm sorry I'm a very private person. I prefer to keep my private life separate from my career."

Respondent: "thank you. i do think you are very beautiful and it is nice to see you everyday. A perfect and let me down easy reply. everything is cool"

D.B.: "Thank you, see you at school."

Respondent: "hey, I just realized i am a private person too. do you have an exception for that? just trying a little harder."

D.B.: "No, I'm sorry[,] also I am already in a relationship."

Respondent: i figured that. how could you not be? i hope you dont feel weird seeing

me at school knowing what you know. i thought i had a 1 in a million shot for you and i was happy with those odds. i apologize for this, i think about you too much and then drink and so this. i should know better but it is the way you look."  
D.B.: "Please stop texting me."  
Respondent: "sorry, no more."

5. Respondent's text messages and behavior made his colleague, D.B., feel uncomfortable, embarrassed, and intimidated.

6. On or about December 9, 2013, as a result of Respondent's behavior alleged in paragraph 4 of this Administrative Complaint, Respondent was issued a letter of reprimand by the Escambia County School District.

7. On or about December 11, 2013, when Respondent was informed that a female colleague, A.C., made a complaint against him, Respondent provided a written, threatening statement to his principal and requested that the principle provide the statement to A.C. Respondent's written statement provided in pertinent part:

"I have multiple pictures of [A.C.] naked that she sent me during the month of April, 2012.  
-one is of her posing in a bathroom fully naked.  
-one is of her bending over and taking a picture of her rear using the mirror.  
-one is of her sunbathing naked (face not shown), caesarean scar is visible.  
-one is of her sunbathing at the purple parrot just showing her body and feet.

I have sexual emails that she and I exchanged and have printed all pictures of her.

I want [A.C.] to contact [the District's investigator] in the presence of the principal and she can leave a message if he does not answer. I want her to admit that she lied about her statement.

When [the District's investigator] contacts me stating he received this clarification, then I will not pursue this matter.

If [A.C.] refuses, then the pictures and emails will be delivered to the District."

8. As a result of Respondent's conduct alleged in paragraph 7 of this Administrative Complaint, the Escambia County School District suspended Respondent's employment for a period of three days without pay.

68. Petitioner has proven the allegations in the Administrative Complaint by clear and convincing evidence, with two minor exceptions. With respect to the comment "at least you are not Mexican," alleged in paragraph three of the Administrative Complaint, the evidence indicates a slight variation in Respondent's response. He has a different memory of what he said, and Ms. Brao's account of his apology by e-mail is consistent with his claim. Whatever the exact verbiage, he apologized the same day as the comment (which was in fact a clumsy attempt to make contact with Ms. Brao), and she professed no offense taken by it. The interchange in paragraph three does

not factor into the conclusions regarding any discipline that should be taken against Respondent.

69. In addition, with respect to the allegations in paragraph seven, the evidence showed that Ms. Cravatt did not make a complaint against him, either in the Spring of 2012, or in November 2013. She simply answered the questions asked of her.

70. Based upon these allegations, Petitioner charged Respondent with violating section 1012.795(1)(g) and (j), Florida Statutes (2013), and Florida Administrative Code Rules 6A-10.081(4)(c), (5)(d), (5)(f), and (5)(o). Section 1012.795(1) provides in pertinent part:

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for up to 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with

students; may suspend the educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or may impose any other penalty provided by law, if the person:

\* \* \*

(g) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district school board.

\* \* \*

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

\* \* \*

(4) (a) An educator certificate that has been suspended under this section is automatically reinstated at the end of the suspension period, provided the certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate . . . .

(b) A person whose educator certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by the Education Practices Commission by making application therefor and by meeting the certification requirements of the state board current at the time of the application for the new certificate.

71. The relevant portions of rule 6A-10.081 provide the following:

(1) The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.

(2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

\* \* \*

(4) Obligation to the public requires that the individual:

\* \* \*

(c) Shall not use institutional privileges for personal gain or advantage.

\* \* \*

(5) Obligation to the profession of education requires that the individual:

\* \* \*

(d) Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

\* \* \*

(f) Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.

\* \* \*

(o) Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), F.S.

72. Count 1 of the Administrative Complaint charges Respondent with violating section 1012.795(1)(g), by being found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board. In its Proposed Recommended Order, Petitioner has elected to voluntarily withdraw this Count. In light of this decision by the Commissioner, no further discussion of Count 1 is necessary.

73. Count 2 of the Administrative Complaint alleges that Respondent has violated section 1012.795(1)(j), by violating the Principles of Professional Conduct for the Education Profession as prescribed by State Board of Education rules. Those Principles are found in rule 6A-10.081. As discussed below, inasmuch as Respondent's conduct violates one or more of Counts 3-6, it is concluded that Petitioner has demonstrated a violation of Count 2 by clear and convincing evidence.

74. Count 3 alleges that Respondent violated rule 6A-10.081(4)(c) by using institutional privileges for personal gain or advantage. The evidence is clear and convincing that

Respondent accessed Ms. Brao's personal cell phone number by using the school emergency phone list in order to contact her without her permission. He does not dispute doing so. The texts were not school-related in any way, in that they were not sent for any educational purpose or related to any school activity or in response to any emergency affecting students. The sole purpose of the texts was to attempt to establish some kind of personal relationship with Ms. Brao, notwithstanding that it was unsolicited and unwanted. Count 3 has been proven by clear and convincing evidence.

75. Count 4 charges Respondent with violating rule 6A-10.081(5)(d), which prohibits engaging in "harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment." Petitioner has proven that Respondent violated rule 6A-10.081(5)(d), with respect to both Ms. Brao and Ms. Cravatt. Respondent's unwanted texts and repeated pursuit of Ms. Brao through those texts frightened her and made it difficult for her to bring her full attention and abilities to her first year of teaching. She felt she had to limit her time at school and change her habits in order to avoid him. With respect to Ms. Cravatt, Respondent's demands that Ms. Moore



speak to her and have her "clarify" her statements were so upsetting that a substitute had be obtained for her classes, and she was suspended with pay while the allegations were addressed. Count 4 has been proven by clear and convincing evidence.

76. Count 5 charges Respondent with violating rule 6A-10.081(5)(f), by using coercive means or promised special treatment to influence professional judgments of colleagues. Respondent perceived that Ms. Cravatt was untruthful when questioned about him, and refused to believe that she had not come forward on her own to complain about him. As a result, he created a document with humiliating and very private information about her, and shared that information with her employer in an attempt to get her to change her statement with respect to a District investigation. Count 5 has been proven by clear and convincing evidence.

77. Finally, Count 6 charges Respondent with violating rule 6A-10.081(5)(o), which prohibits an educator from seeking reprisal against "any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1)." In determining whether Respondent violated this provision, it does not matter whether Ms. Cravatt was the instigator of an investigation, as Respondent mistakenly believed her to be, or whether she simply reported information that she knew in

response to questions posed to her. The Oxford Dictionary defines the term "report" as including, to "give a spoken or written account of something that one has observed, heard, done, or investigated," and to "make a formal statement or complaint about (someone or something) to the necessary authority."

[www.oxforddictionaries.com/us/definition/](http://www.oxforddictionaries.com/us/definition/)

[american\\_english/report?q=reported](http://american_english/report?q=reported). Here, in response to an inquiry by Mr. Marsh, Ms. Cravatt reported what she knew regarding the Groupwise e-mails sent to her by Respondent. She did not reveal other details of their shortlived relationship and those questions were not asked. Her statements were used in part to support a finding that Respondent engaged in conduct in violation of the Rules of Professional Conduct. Despite Respondent's assertions that he just wanted the truth to come out, his actions were clearly vindictive and aimed at hurting Ms. Cravatt for what he believed to be untruthful statements to the District investigator. He went so far as to say he wanted her to worry for the rest of her life. Count 6 has been demonstrated by clear and convincing evidence.

78. The Education Practices Commission has adopted disciplinary guidelines for the imposition of penalties authorized by section 1012.796, which are contained in rule 6B-11.007(2). The guidelines for each Count charged and for which the Commissioner has proven a violation are as follows:

- For using a position for personal gain: probation to revocation.
- For harassment or discrimination which interferes with an individual's performance or work: reprimand to revocation.
- For retaliation for reporting/interference with investigation/failure to cooperate with an investigation: suspension to revocation.
- For other violations of the Principles of Professional Conduct: probation to revocation.

79. Rule 6B-11.007(2) provides that the guidelines shall be interpreted to include probation, a letter of reprimand, the Recovery Network Program, restriction of the scope of practice, fines, and administrative fees and/or costs. Rule 6B-11.007(3) also includes aggravating and mitigating factors to be considered in determining an appropriate penalty and determining whether a deviation from the guidelines should be imposed.

Those aggravating and mitigating factors include the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the violation;
- (e) The number of times the educator has been previously disciplined by the Commission;
- (f) The length of time the educator has practiced and the contribution as an educator;
- (g) The actual damage, physical or otherwise, caused by the violation;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the educator's livelihood;

- (j) Any effort of rehabilitation by the educator;
- (k) The actual knowledge of the educator pertaining to the violation;
- (l) Employment status;
- (m) Attempts by the educator to correct or stop the violation or refusal by the educator to correct or stop the violation;
- (n) Related violations against the educator in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (o) Actual negligence of the educator pertaining to any violation;
- (p) Penalties imposed for related offenses under subsection (2) above;
- (q) Pecuniary benefit or self-gain inuring to the educator;
- (r) Degree of physical and mental harm to a student or a child;
- (s) Present status of physical and/or mental condition contributing to the violation including recovery from addiction;
- (t) Any other relevant mitigating or aggravating factors under the circumstances.

80. No evidence was presented to indicate that Respondent has been disciplined previously. There are multiple offenses found in this case, and Respondent's actions had a significant negative effect on other teachers at HCES. Moreover, Respondent showed no indication that he was aware of the extent to which his behavior crossed boundaries. With these guidelines in mind, for Count 2, no penalty is recommended, as the violations are addressed in Counts 3-6. For Count 3, it is recommended that the Commission impose two years of probation, a reprimand, and a \$500 fine. For Count 4, it is noted that Respondent is guilty of violating this provision with respect to two different

courses of conduct, affecting two different teachers. Accordingly, it is recommended that the Commission impose a one-year suspension for Count 4. Count 5 and 6 essentially address the same conduct, i.e., Respondent's threats regarding his past relationship with Ms. Cravatt and the potential publishing of pictures and texts in his possession to get her to change her statements about him. The minimum penalty for Count 6 is suspension. Therefore, it is recommended that for Counts 5 and 6, the Commission impose a one-year suspension for this violation, followed by a one-year probationary period, a condition of which is continuing education with the number of hours the Commission deems appropriate, with an emphasis on professionalism and boundaries.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Education Practices Commission enter a final order finding Respondent guilty of violating Counts 2-6 in the Administrative Complaint. It is further recommended that Respondent's license be suspended for a period of two years, followed by probation for three years; that he receive a reprimand and an administrative fine of \$500, due two years from the issuance of the Final Order in this case; and that as a condition of probation, Respondent be required to complete such continuing education as determined appropriate by

the Commission, with an emphasis on professionalism and boundaries.

DONE AND ENTERED this 5th day of June, 2015, in Tallahassee, Leon County, Florida.



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LISA SHEARER NELSON  
Administrative Law Judge  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 5th day of June, 2015.

ENDNOTES

<sup>1/</sup> Ms. Cravatt was unsure whether the encounter in the car had occurred when she met with Ms. Moore. However, she testified as to the date of the incident, presumably based on the date of her cousin's wedding, which she had attended earlier in the day. Mr. Madison testified that the whole "relationship" occurred over approximately two weeks, and the e-mails indicate that it started approximately April 5. Ms. Moore testified that Ms. Farish came to her in early May, and identified the date as either May 11 or 12. From these accounts, it is most likely that the incident in the car had already occurred and Ms. Cravatt was trying to distance herself from it.

<sup>2/</sup> There are no allegations in the Administrative Complaint regarding Mr. Madison's supposed relationship with Ms. Manthei, and no evidence was presented in an attempt to prove whether the rumors were in fact true. Evidence was presented simply to show that the rumors existed and how those rumors affected the atmosphere at the school. Mr. Madison testified that he has a relationship with Ms. Manthei presently, but did not have a

sexual relationship with her while they were both at HCES. Whether or not they had a relationship at the time is not relevant to the issues in this case.

<sup>3/</sup> The Facebook messages were received into evidence and are somewhat troubling. They include statements such as "cocaine is a hell of a drug," "beauty and kindness are not common and I have crossed the decency boundaries before," and "Fantasy lines and reality lines are very blurry for me at times." However, nothing related to the Facebook messages is charged in the Administrative Complaint. They are relevant only in terms of the atmosphere existing at the school with respect to Respondent, and their possible inclusion in the basis for discipline by the School District.

<sup>4/</sup> At hearing, Ms. Cravatt admitted having sex with Madison and to having sent the pictures and e-mails, but continued to deny having a "relationship" with Mr. Madison. She instead referred to it as a "sexual encounter," so felt justified in not admitting to a relationship. Given that the exchange of e-mails and pictures, and the one sexual episode spanned a two-week period, it was a relationship, albeit an extremely short one, and Ms. Cravatt's characterization is most likely wishful thinking.

<sup>5/</sup> In the original, the bracketed name is Moore. When read in context, it appears to be a scrivener's error.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.