



Before the Education Practices Commission of the State of Florida

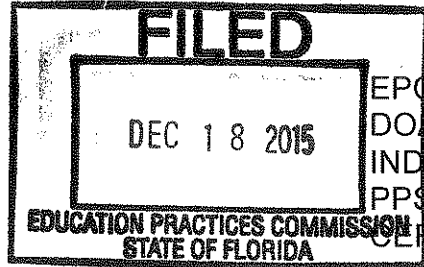
PAM STEWART
Commissioner of Education,

Petitioner,

vs.

IRWIN N. KELLEN,

Respondent



EPC CASE N° 15-0083-RT
DOAH CASE N°: 15-1191PL
INDEX N°: 15-472-FOF
PPS N°: 134-0636
CERTIFICATE N°: 1007357

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 October 29, 2015, in Tampa, Florida, for consideration of the Recommended Order entered in this case by J. Bruce Culpepper, Administrative Law Judge dated August 27, 2015. Respondent was not present.

Respondent filed exceptions to the Recommended Order. The exceptions do not identify any paragraphs of the Recommended Order to which he objects. Therefore, Respondent's objections do not constitute exceptions and are denied.

Respondent attempted to "establish a pattern" attacking the credibility of one of the witnesses. Judging the credibility of witnesses is in the purview of the administrative law judge. Therefore, the attempted exception is rejected.

Respondent objects to the admission of Exhibit 6. Admissibility of evidence is in the purview of the administrative law judge. Therefore, the attempted exception is rejected.

Respondent objects to the admission of evidence reflected on page 79 of the transcript of the hearing. Admissibility of evidence is in the purview of the administrative law judge. Therefore, the attempted exception is rejected.

After reviewing the complete record accompanying the Recommended Order, the Recommended Order, and being fully advised in the premises, the Commission hereby adopts the findings of fact, (paragraphs 1-19), conclusions of law, (paragraphs 20-28), 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 revoked for a period of 5 years from the date of this Final Order.

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

DONE AND ORDERED, this 17th day of **December**, 2015.



PAMELA BONDURANT, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
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Ft. Myers, FL 33901-3916

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Lee Ann Gustafson
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J. Bruce Culpepper
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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Irwin N. Kellen, Post Office Box 2682, Bonita Springs, Florida 34133 by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Ron Weaver, Post Office Box 5675, Douglasville, Georgia 30154 this **18nd** day of **December**, 2015.



Gretchen Kelley Brantley, Clerk
Education Practices Commission