



# Before the Education Practices Commission of the State of Florida

PAM STEWART  
Commissioner of Education,

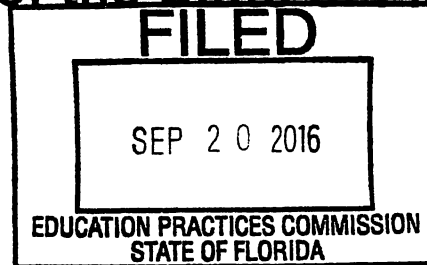
Petitioner,

vs.

MARK A. OSTERMEIER,

Respondent.

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EPC CASE N° 15-0629-RT  
DOAH CASE N° 15-7091  
PPS N° 123-0040  
CERTIFICATE N° 662488  
Index N°: 16-390-FOF

## 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 11, 2016 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by J. D. PARRISH, Administrative Law Judge. Respondent was present and represented. Petitioner was represented by Ron Weaver, Esq.

## Ruling on Exceptions

Exception #1: Respondent petitions the Commission to overrule the ruling of the Administrative Law Judge denying Respondent's Motion to Reopen Respondent's case. The Commission does not have the jurisdiction to overrule procedural decisions of the Administrative Law Judge. Denied.

Exception #2: Paragraph numbered 2 of Respondent's exceptions does not constitute an exception.

Exception #3: Paragraph numbered 3 of Respondent's exceptions is not an exception.

### **Findings of Fact**

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

### **Conclusions of Law**

1. The Education Practices Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 1012, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.


### **Penalty**

Upon a complete review of the record in this case, the Commission determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. 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 Final Order takes effect upon filing with the Clerk of the Education Practices Commission.

**DONE AND ORDERED**, this 8<sup>TH</sup> day of September , 2016.

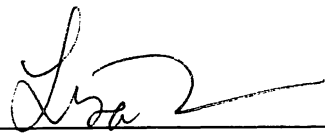
  
\_\_\_\_\_  
CHRISTIE GOLD, Presiding Officer

**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 mailed to MARK A. OSTERMEIER, 1066 Mollie Lane, Melbourne, Florida 32935 and Robert Charles McClain, Esq., 4910 Flora Drive, Melbourne, Florida 32934-7845 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, Esq., Post Office Box 770088, Ocala, Florida 34477 this 20 day of September, 2016.

  
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Lisa Forbess, Clerk  
Education Practices Commission

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Office of Professional Practices Services

Bureau of Educator Certification

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Claudia Llado, Clerk  
Division of Administrative Hearings