



Before the Education Practices Commission of the State of Florida

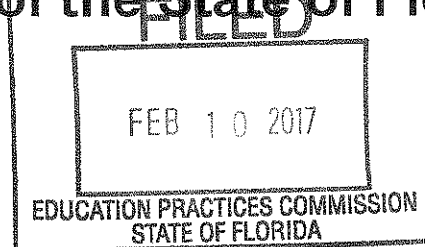
PAM STEWART
Commissioner of Education,

Petitioner,

vs.

ROBIN WELCH KENNEDY,

Respondent



EPC CASE N° 16-0403-RT
DOAH CASE N° 16-4600PL
EPC INDEX N° 17-064-FOF
PPS N° 145-0291
CERTIFICATE N° 889874

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 January 20, 2017 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by G. W. Chisenhall, Administrative Law Judge. Respondent was not present.

Respondent filed Exceptions to the Recommended Order. A copy of those Exceptions is attached to and incorporated by reference.

Ruling on Exceptions

Respondent filed an exception to paragraph 13 of the Recommended Order asserting that the witness "changed" her testimony. That is an issue of credibility for the Administrative Law Judge to determine. Respondent also relies on allegations of hostility, conflict and friction between the witness and Respondent. There was no finding of fact in support of this assertion. Respondent's exception to paragraph 13 of the Recommended Order is rejected.

Respondent filed an exception to paragraph 25 of the Recommended Order, in which the Administrative Law Judge made a finding of credibility. The Commission may not impose its own conclusion on the credibility of witnesses. Respondent's exception to paragraph 25 of the Recommended Order is rejected.

In paragraph 4 of Respondent's exceptions, Respondent "tried to claim the students were injured." The Administrative Law Judge did not make a finding that the students were injured. See paragraph 28 of the Recommended Order. To this extent this complaint may constitute an exception, it is rejected.

Respondent took exception to paragraph 40 in the Recommended Order, disagreeing with the Administrative Law Judge's conclusion that Petitioner proved the allegations of Counts 2, 3 and 4 by clear and convincing evidences. All of the Findings of Fact were supported by competent substantial evidence. Whether the evidence was "clear and convincing" is a decision to be made by the Administrative Law Judge. Respondent's exception to paragraph 40 is rejected.

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.

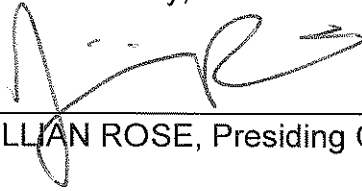
Penalty

It is therefore **ORDERED** that:

The Respondent's Florida educator's certificate is hereby suspended for a period of 12 months 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 7th day of February, 2017.



JILLIAN ROSE, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

Florida Administrative Law Reports

Superintendent
Duval County Schools
1701 Prudential Dr.
Jacksonville, FL 32207-8182

Professional Standards
Duval County Schools
1701 Prudential Dr.
Jacksonville, FL 32207-8182

Lee Ann Gustafson
Senior Assistant Attorney General

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
Robin Welch Kennedy
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G. W. Chisenhall
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to ROBIN WELCH KENNEDY, 275 First Street South, Seawind Unit 102, Jacksonville Beach, FL 32250 and Harold S. Lippes, Esq., 700 Ponte Vedra Lakes Blvd., Ponte Vedra Beach, FL 32082 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 34477-0088 this 10 day of February, 2017.



Lisa Forbess, Clerk
Education Practices Commission