



Before the Education Practices Commission of the State of Florida

PAM STEWART,
Commissioner of Education,

Petitioner,

vs.

KEARY W. RYLAND,
A/K/A KEARY WHITE

Respondent.



EPC CASE N° 17-0001-RT
DOAH CASE N° 17-0128PL
PPS N° 145-3068
CERTIFICATE N° 1128573
Index N°: 17-397-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 July 11, 2017, in Naples, Florida, for consideration of the Recommended Order entered in this case by E. GARY EARLY, Administrative Law Judge. Respondent was not present. Petitioner was represented by J. David Holder, Esq.

Ruling on Exceptions

Petitioner's Exception to the Recommended Penalty was rejected by the Commission stating that the allegations in paragraph 3 of the Amended Administrative Complaint were not prosecuted. The allegations in paragraphs 4(a) and 4(b) were not proved by clear and convincing evidence. The allegations in paragraph 5 do not constitute grounds for discipline that are charged in Court 1 of the Amended Administrative Complaint.

Findings of Fact

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

Penalty

Upon a complete review of the record in this case, it is therefore **ORDERED** that:

1. As part of the Recovery Network Program (RNP), Respondent shall:

Submit to a Substance Abuse Evaluation relating to the issues cited in the Administrative Complaint/Notice of Reasons as determined by the RNP and conducted by an RNP approved licensed provider and undergo any counseling or treatment as may be prescribed by said professional. If, to fulfill this requirement, Respondent must now engage in such counseling, have the professional submit quarterly reports to the RNP. Respondent shall provide the RNP written verification from the treatment provider(s) of successful completion of the evaluation within sixty (60) days of issuance of the Final Order OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later. Respondent is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP.

If Respondent has undergone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint/Notice of Reasons, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluations(s) and treatment and/or counseling, if acceptable to the RNP.

2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 5 employment years of probation with the conditions that during that period, (s)he shall:

A. 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.

B. Have Respondent's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.

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

E. Satisfactorily perform all assigned duties in a competent, professional manner.

F. Bear all costs of complying with the terms of a final order entered by the Commission.

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

DONE AND ORDERED, this 9th day of August, 2017.



NICHOLAS PIETKIEWICZ, 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 furnished to Keary W. Ryland, a/k/a/ Keary White, 121 San Carlos Avenue, Gulf Breeze, FL 32561 by Certified U.S. Mail, by electronic mail to Darby Shaw, Deputy General and J. David Holder, Esq., 387 Lakeside Drive, DeFuniak Springs, Florida 34235 this 16 day of August, 2017.



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

Probation Office
Recovery Network Program