



Before the Education Practices Commission of the State of Florida

PAM STEWART,
Commissioner of Education,

Petitioner,

vs.

FRANK JOSEPH ARDO,

Respondent.



EPC CASE N° 16-0520-RT
DOAH CASE N° 17-4217PL
PPS N° 145-2620
CERTIFICATE N° 946095
INDEX N°: 18-211-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 April 12, 2018, in Fort Lauderdale, Florida, for consideration of the Recommended Order (RO) entered in this case by J. LAWRENCE JOHNSTON, Administrative Law Judge. Respondent was not present. Petitioner was represented by Charles T. Whitelock, Esq. Attached hereto as Exhibit A is a copy of Respondent's Exceptions.

Ruling on Exceptions

Exception No. 1: Respondent filed an exception to the determination by the Administrative Law Judge on page 2 of the RO that Petitioner's voluntary dismissal was without prejudice and asks the Commission to overturn the determination. The Commission does not have authority to make that decision. The exception is rejected.

Exception No. 2: Respondent filed an exception to the admission of Petitioner's Exhibit 6 on authentication issues, citing Section 90.901, Florida Statutes. The Commission does not have substantive jurisdiction to interpret Section 90.901, Florida Statutes. The exception is rejected.

Exception No. 3: Respondent filed an exception again to the admission of Petitioner's Exhibit 6 on authentication issues, citing Section 90.901, Florida Statutes. The Commission does not have substantive jurisdiction to interpret Section 90.901, Florida Statutes. The exception is rejected.

Exception No. 4: Respondent filed an exception to conclusion of law in paragraph 10 of the RO because it is based on improper admission of evidence. The Commission does not have substantive authority to rule on admissibility of evidence. The exception is rejected.

Exception No. 5: Respondent filed an exception to conclusion of law in paragraph 11 of the RO. There is competent substantial evidence in the record to support the conclusion of law. The exception is rejected.

Exception No. 6: Respondent filed an exception to the conclusion of law in paragraphs 12 and 13 of the RO. There is competent substantial evidence in the record to support the conclusion of law. The exception is rejected.

Exception No. 7: Respondent filed an exception to the conclusion of law in paragraph 17 of the RO. There is competent substantial evidence in the record to support the conclusion of law. The exception is rejected.

Findings of Fact

1. The Panel hereby adopts the findings of fact in the Recommended Order. There is competent substantial evidence to support these 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 Panel hereby adopts the conclusions of law in the Recommended Order.

Penalty

Upon a complete review of the record in this case, 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 8th day of May, 2018.



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 furnished to FRANK JOSEPH ARDO, 1161 19th Street Southwest, Naples, FL 34117 and Robert J. Coleman, Esq., Post Office Box 2089, Fort Myers, FL 33902-2089 by Certified U.S. Mail, by electronic mail to Darby Shaw, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Charles T. Whitelock, Esq., 300 Southeast 13th Street, Suite E, Fort Lauderdale, FL 33316-1924 this 8th day of May, 2018.



Lisa Forbess, Clerk
Education Practices Commission

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Office of Professional Practices Services

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