



**Before the Education Practices
Commission of the State of Florida**



LUIS AMARANTE,

Petitioner,

vs.

PAM STEWART,

Commissioner of Education,

Respondent.

EPC CASE 17-0220-D
INDEX NO: 19-100-FOF
DOAH CASE 18-5314PL
PPS NO:167-1760
Certificate NO: 1319340

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 March 1, 2019, in Altamonte Springs, Florida, for consideration of the Recommended Order (RO) entered in this case by E. GARY EARLY, Administrative Law Judge (ALJ). Respondent was present and was not represented by legal counsel. Petitioner was represented by J. David Holder, Esq. Neither party filed exceptions to the Recommended Order, issued January 14, 2019.

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.

Decision on Certificate

1. The recommendation of the ALJ was the Commission enter a final order denying Petitioner's application for a Florida Educator's Certificate.

2. After complete review of the record, the Panel finds that the ALJ did not address all mitigating factors enumerated in Rule 64B-11.007(3), Florida Administrative Code. Upon review of those factors, the Panel finds factors (3)(b), (h), (i), (l), and (r) warrant departure from the recommendation of the ALJ.

3. Accordingly, due to the above identified mitigating factors, the Panel determines that the penalty recommended by the Administrative Law Judge be REJECTED. It is, therefore,

ORDERED that:

4. Respondent is permitted to pursue application for a Florida educator's certificate; if found qualified, the certificate shall be issued.

5. Respondent is hereby issued a letter of reprimand.

6. Respondent is assessed an administrative fine of \$750.00 to be paid within the first two (2) years of the probationary period.

7. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on three (3) employment years of probation with the conditions that during that period, 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.

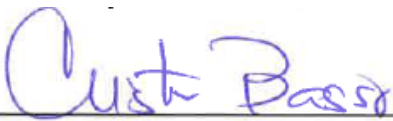
E. Satisfactorily perform all assigned duties in a competent, professional manner.

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

G. Provide a certified college transcript to verify successful (a grade of "pass" or a letter grade no lower than a "B") completion of 3 hours of college level course-work in the area of Education Ethics, which may be taken online, within two years of probation.

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

DONE AND ORDERED, this 8th day of March, 2019.




CRISTINA BASSO, 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 LUIS AMARANTE, 1 Condominio Los Naranjales, Apartment 229, Carolina, Pureto Rico 00985-5879 by Certified U.S. Mail, by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and J. David Holder, Esq., 300 Fox Meadow Lane, Thomasville, GA 31757 this 8th day of March, 2019.



Lisa Forbess, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

Lawrence Harris
Senior Assistant Attorney General

E. Gary Early
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

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Legal Counsel

LISA FORBESS

Clerk of Court

CHRISTIE GOLD

Chairperson

NICHOLAS PIETKIEWICZ

Co-Chairperson

March 8, 2019

Luis Amarante

1 Cond. Los Naranjales

Apartment 229

Carolina, Puerto Rico 00985-5879

Re: Pam Stewart vs. Luis Amarante

EPC No.: 17-0220-D; DOE No.: 1319340

Dear Mr. Amarante:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Recommended Order which is incorporated herein.

This panel, which includes fellow educators, believes that, as a future teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession and have diminished your position as an educational leader. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention never to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Out of State County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in blue ink that reads "Cristina Basso".

Cristina Basso
Presiding Officer