

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA



FILED  
OSAH

FEB 22 2013

*Virginia Ramsey*  
Virginia Ramsey, Legal Assistant

**JAMES TURNER MOORE,** )  
 )  
 **Petitioner,** )  
 )  
 v. )  
 )  
 **PROFESSIONAL STANDARDS** )  
 **COMMISSION,** )  
 )  
 **Respondent.** )

**DOCKET NO. OSAH-PSC-SAN-  
1326553-155-OAKLEY**

**Agency No. 11-2-794**

**FINAL DECISION**

A hearing was held in this matter on February 21, 2013, pursuant to the Petitioner's appeal of the Respondent's recommended reprimand of his certificate to teach in the State of Georgia. The Petitioner was present and was represented by Cynthia Noles Johnson, Esq. The Respondent was represented by Allen I. Lightcap, Assistant Attorney General.

Findings of Fact

1.

The Petitioner is the holder of a certificate to teach in the State of Georgia. Answer to Statement of Matters Asserted; Testimony of Petitioner.

2.

The Petitioner was employed as an English teacher at Coosa High School in the Floyd County Public School System during the 2010-2011 school year. Answer to Statement of Matters Asserted; Testimony of Petitioner.

3.

The Petitioner received training regarding the Code of Ethics for Educators at the commencement of the 2010-2011 school year. Testimony of Mr. Wilson.

4.

The preponderance of the credible evidence supports a finding that on February 15, 2011, the Petitioner approached a female English teacher who was stationed at the door to the school's

auditorium as she performed morning duty for the purpose of initiating a conversation. The Petitioner asked his colleague if she had undergone surgery. Following this inquiry, the Petitioner asked his colleague if she had undergone surgery on her "butt". The Petitioner explained that he had overheard students discussing his colleague's "butt implants". The Petitioner had an amused, joking demeanor and was smiling during this verbal interaction. The Petitioner's inquiries were clearly audible to a teacher stationed at the opposite side of the door to the school auditorium. Testimony of Ms. Hart and Ms. Nichols.

5.

The Petitioner explained that he initiated the conversation with his colleague due to his concern for the integrity of his colleague's medical information. The Petitioner explained that he initiated the conversation on the basis of his military value system which emphasized courage and candor. The Petitioner denied using the word "butt" and suggested that he had made reference to "a personal procedure on your bottom". Testimony of Petitioner.

6.

There is credible evidence to support a finding that verbal interactions between educators should be characterized by serious, respectful communication and the use of common sense regarding the topics which are discussed. Professional conduct includes avoiding conversation about topics that may make another professional uncomfortable. Testimony of Mr. Wilson.

7.

The credible evidence supports a finding that the Petitioner's verbal interaction with his female colleague caused her embarrassment and humiliation. Testimony of Ms. Hart.

8.

The Petitioner expressed no remorse about the detrimental impact of his verbal interaction on his female colleague. Testimony of Petitioner.

#### Conclusions of Law

1.

The Professional Standards Commission (the "Commission") has adopted a Code of Ethics for Educators which defines the professional behavior of educators in the State of Georgia and which serves as a guide to educators for the standards of ethical conduct. The Code of Ethics defines unethical conduct which justifies disciplinary sanction of educators by the Commission. O.C.G.A. § 20-2-984.1(a); Ga. Comp. R. & Regs. 505-6-.01 (*effective* October 15, 2009).

2.

Standard Ten of the Code of Ethics requires educators to demonstrate conduct that follows generally recognized professional standards and which preserves the dignity and integrity of the teaching profession. Unethical conduct includes conduct that impairs or diminishes the educator's ability to function professionally in his employment position. Ga. Comp. R. & Regs. r. 505-6-.01(3)(j). The Respondent carried its burden of proof as to the assertion that the Petitioner violated Standard Ten of the Code of Ethics for Educators during the verbal interaction which he initiated with his female colleague on February 15, 2011. Id., Ga. Comp. R. & Regs. r. 616-1-2-.07.

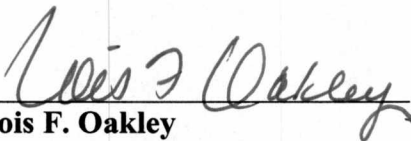
3.

It is concluded that there is a factual basis to support the Respondent's recommendation of a reprimand of the Petitioner's certificate to teach in the State of Georgia on the basis of his failure to demonstrate conduct that follows generally recognized professional standards in his initiation of a verbal interaction with a female colleague using coarse language referencing a private area of her body. Ga. Comp. R. & Regs. r. 505-6-.01(5).

#### Decision

For all the above and foregoing reasons, the Respondent's recommendation to reprimand the Petitioner's certificate is **AFFIRMED**.

This 22d day of February, 2013.

  
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**Lois F. Oakley**  
**Administrative Law Judge**