

convicted on August 11, 2011 under the First Offender Act and sentenced to two years probation and ordered to pay various fees and a \$1,000 fine.

4.

Based on the facts stated above, the Commission found probable cause that Petitioner violated the laws, rules and regulations of the Commission. The Commission seeks a two year suspension of Petitioner's certificate.

5.

The offense of Theft by Taking was initiated when Petitioner failed to return a rental car to Budget Car Rental in a timely manner. Petitioner had been a regular and long term customer of Budget Car Rental before the incident. In 2011, she rented a car for 30 days. When she failed to return the car at the expiration of her contract, Budget Car Rental attempted to contact her, without success. Budget Car Rental contacted the police. The police went to Petitioner's home and retrieved the car without incident. Petitioner's failure to return the car at the expiration of the contract was mainly due to her carelessness than criminal intent.

Conclusions of Law

1.

Respondent seeks to sanction Petitioner's teaching certificate. Therefore, Respondent bears the burden of proof. GA. COMP. R. & REGS. r. 616-1-2-.07. The standard of proof is a preponderance of the evidence. GA. COMP. R. & REGS. r. 616-1-2-.21.

2.

Respondent alleges that Petitioner violated two provisions of The Code of Ethics for Educators. Specifically, Respondent alleges that Petitioner violated Commission Rules 505-6-.01(3)(a) [criminal acts], 505-6-.01(3)(d) [honesty], and 505-6-.01(3)(j) [professional conduct].

3.

“The Code of Ethics for Educators defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct.” GA. COMP. R. & REGS. r. 505-6-.01. Furthermore, The Code of Ethics for Educators defines unethical conduct which justifies disciplinary action against educators. Id.

4.

Petitioner admitted that she failed to return a rental car at the expiration of the rental contract. Petitioner further agrees that she was convicted on August 11, 2011 under the First Offender Act. Accordingly, Respondent has proven by a preponderance of the evidence that Petitioner violated Standard 3 of The Code of Ethics for Educators. GA. COMP. R. & REGS. r. 505-6-.01(3)(c).

5.

Respondent has also alleged that Petitioner’s conduct was a violation of Commission Rule 505-6-.01(3)(j), which provides:

Standard 10: Professional Conduct – An educator should demonstrate conduct that follows generally recognized professional standards. Unethical conduct is any conduct that impairs the certificate holder’s ability to function professionally in his or her employment position, or a pattern of behavior that is detrimental to the health, welfare, discipline, or morals of students.

GA. COMP. R. & REGS. r. 505-6-.01(3)(j).

6.

There is no evidence that Petitioner’s conduct impaired her ability to function professionally or that she exhibited a pattern of behavior that was detrimental to the health, welfare, discipline, or morals of students.

7.

Commission Rule 505-6-.01(5)(a) authorizes the Commission to suspend, revoke or deny certificates, to issue reprimands or warnings, or to monitor educators' conduct and performance. Rule 505-6-.01(5)(a) further states that unethical conduct as described in Standards 1-10 of The Code of Ethics for Educators shall be considered a cause for disciplinary action. GA. COMP. R. & REGS. r. 505-6-.01(5)(a). Respondent seeks a two year suspension of Petitioner's teaching certificate. Petitioner freely admitted to the criminal offense. She expressed remorse for her conduct. She has had no previous disciplinary actions. In light of these circumstances and the nature of the violation, the undersigned finds that a two year suspension of her teaching certificate is too harsh.

Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission's decision to sanction Petitioner's teaching certificate is **AFFIRMED**, but the proposed sanction is **MODIFIED**. Petitioner is hereby issued a warning for her conduct and is cautioned that further unethical conduct will lead to a more severe action.

SO ORDERED, April 26, 2013.



MICHAEL MALIHI
Administrative Law Judge