

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

TREWELL ROSHELL BRADLEY,)
)
Petitioner,)
)
v.)
)
PROFESSIONAL STANDARDS)
COMMISSION,)
)
Respondent.)

DOCKET NO.: OSAH-PSC-APP
1339923-106-Oakley



JUN 11 2013

Virginia Ramsey
Virginia Ramsey, Legal Assistant

INITIAL DECISION

A hearing was held in this matter on June 11, 2013, pursuant to the Petitioner's appeal of the Respondent's finding of probable cause to deny her application for certification as a teacher. The Petitioner was not present. The Respondent was represented by Rebecca Mick, Senior Assistant Attorney General.

Findings of Fact

1.

This matter involves the Petitioner's submission of an application for a Clear Renewable Certificate to teach in the State of Georgia on August 21, 2012. The Petitioner's submission to the Commission included her denial of having ever been convicted of a felony or a crime of moral turpitude. Respondent's Exhibit 1.

2.

In March, 1997, the Petitioner entered a plea of guilty to the criminal offense of Breach of Trust in an amount greater than \$5,000.00 in violation of the laws of the State of South Carolina. The Petitioner was sentenced to serve three (3) years of confinement, which was suspended with probation for a term of five (5) years, and was ordered to pay restitution in the amount of \$8,475.00 plus costs and fees. Thereafter, the Petitioner was charged with having violated the terms of probation on three (3) separate occasions. Respondent's Exhibit 2.

3.

The Petitioner's Application to the Respondent contained an untruthful statement. Respondent's Exhibits 1 and 2.

4.

The Petitioner was notified of the pendency of the hearing in this matter by delivery of the Notice of Hearing by certified mail on May 16, 2013. Despite having been served with the Notice of Hearing, the Petitioner failed to appear at the hearing.

5.

The Notice of hearing set forth the requirement that the Petitioner file an answer, under oath, to the assertions contained in the Notice of Hearing. The Petitioner has not filed an answer to the Notice of Hearing.

Conclusions of Law

1.

Notice by certified mail is deemed complete upon mailing. O.C.G.A. § 20-2-984.4(d.1).

2.

The Petitioner's failure to file an answer to the assertions of the Notice of Hearing is deemed an admission of all allegations contained in the Statement of Matters Asserted. Ga. Comp. R. & Regs. r. 505-6-.04.

3.

The Petitioner's failure to participate in the hearing of this matter constitutes a default. Ga. Comp. R. & Regs. r. 616-1-2-.30(1) and (5); *see* Ga. Comp. R. & Regs. r. 505-6-.04(4)(c).

4.

The Professional Standards 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. r. 505-6-.01 (*effective* October 15, 2009).

4.

Standard One of the Code of Ethics requires an educator's compliance with federal, state and local laws, and declares that the conviction of a felony or any crime involving moral turpitude constitutes unethical conduct. Ga. Comp. R. & Regs. r. 505-6-.01(3)(a).

5.

Standard Ten of the Code of Ethics requires an educator's demonstration of conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Further, Standard Ten provides that conduct which is detrimental to the health, welfare, discipline and morals of students constitutes unethical conduct. Ga. Comp. R. & Regs. r. 505-6-.01(3)(j).

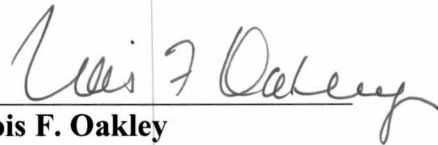
6.

The gravity of the Petitioner's criminal conviction supports the Respondent's denial of the Petitioner's application for certification on the basis of unethical conduct in violation of Standards One and Ten of the Code of Ethics for Educators.

Decision

For all the above and foregoing reasons, the Respondent's finding of probable cause to deny the Petitioner's application for a non-renewable Georgia teaching certificate is **AFFIRMED**.

This 11th day of June, 2013.



Lois F. Oakley
Administrative Law Judge