

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

**LECRISHA PEYTON WEBB,** )  
 )  
       **Petitioner,** )  
 )  
 v. )  
 )  
 **PROFESSIONAL STANDARDS** )  
 **COMMISSION,** )  
 )  
       **Respondent.** )

**DOCKET NO. OSAH-PSC-SAN-  
1405702-69-OAKLEY**

**Agency No. 11-9-433**



*Kevin Westray*  
Kevin Westray, Legal Assistant

**INITIAL DECISION**

A hearing was held in this matter on September 9, 2013, pursuant to the Petitioner's appeal of the Respondent's recommended one (1) year suspension of her certificate to teach in the State of Georgia. The Petitioner was present and was represented by Quinton G. Washington, Esq. The Respondent was represented by Kelly Campanella, Assistant Attorney General.

**Procedural Matters**

At the commencement of the hearing, the Respondent renewed the Motions for Continuance which had been denied in writing. For the third time, the Respondent's request for a continuance was denied. The Respondent moved the tribunal to compel the attendance of its witnesses which were served with a subpoena on Friday, September 6, 2013. The Respondent's motion was denied as without merit. Ga. Comp. R. & Regs. 616-1-2-.19(2). The Respondent's motion to dismiss at the conclusion of the Respondent's presentation of evidence was denied as without basis.

The Petitioner failed to file an Answer as required on the basis of the basis that the hearing in this matter was scheduled on a date less than thirty (30) days from the service of the Notice of Hearing. See Ga. Comp. R. & Regs. r. 505-6-.04(4). The Respondent did not move for a default and none was entered. See Ga. Comp. R. & Regs. 616-1-2-.30(1).

**Findings of Fact**

A preponderance of the credible evidence supports the following findings:

1.

The Petitioner is the holder of a certificate to teach in the State of Georgia. Testimony of Petitioner; see Exhibits R-1 and R-2.

2.

The Petitioner was employed as a guidance counselor at East Hall Middle School in the Hall County School System (the "School") during the 2010-11 and 2011-12 school year. The Petitioner served as an assistant cheerleading coach during the summer of 2011 and the first portion of the 2011-12 school year. Testimony of Petitioner and Mr. Bales.

3.

After the commencement of the 2011-12 school year, the Petitioner received from the parent of a student in the cheerleading squad the amount of \$215.00 in cash in payment of cheerleading fees (the "Cash"). The Petitioner received the Cash at the conclusion of the school day in mid-August, 2012. The Petitioner failed to provide the parent with a receipt for the Cash. The Petitioner placed the Cash into her purse and left the school campus with the Cash. The following day on her way to school, the Petitioner used a portion of the Cash for a personal purchase. Testimony of Petitioner; Exhibits P-2, P-3 and R-8.

4.

The Petitioner failed to submit the Cash to the school's bookkeeper for a period of time which is estimated to be approximately two (2) weeks. After three (3) requests and the initiation of an investigation by the principal of the School, the Petitioner submitted the Cash to the school principal. Testimony of Petitioner, Mr. Bales, Ms. Grizzle and Ms. Edwards; Exhibits P-2, R-6 and R-8.

5.

The policy of the School, as articulated in the School's Staff Handbook, required an educator's daily submission of collected funds and prohibited School staff from taking funds home. Exhibit R-4 at § 4-H, p. 17. The School's policy was based upon the imperative to safeguard collected funds, guard against the loss or theft of collected funds and to provide sufficient records for the monthly audit of these funds by the School's principal. Testimony of Mr. Bales.

6.

The policy of the School, as articulated in the School's Staff Handbook, included a requirement for the issuance of a cash receipt upon a staff member's collection of a cash amount greater than \$10.00. Exhibit R-4 at §4-H, p. 17. The School's policy was based upon the imperative to maintain accurate records sufficient for the monthly audit of these funds by the School's principal. Testimony of Mr. Bales.

7.

On three (3) separate occasions during the 2011-2012 school year, the Petitioner removed cash from containers of collected funds to which she had access. On February 10, 2011, the Petitioner removed the amount of \$253.00 from collected funds. On February 11, 2011, the Petitioner removed the amount of \$64.00 from collected funds. On February 14, 2011, the Petitioner removed the amount of \$75.00 from collected funds. Exhibits R-5 and R-6. The Petitioner contends that she repaid the funds which were removed on February 11 and February 14. Further, the Petitioner contends that she repaid the funds removed on February 10 by her purchase of school supplies in the amount of \$253.00. Testimony of Petitioner.

8.

The policy of the School, as articulated in the School's Staff Handbook, prohibited the payment of expenses out of collected funds and required pre-approval of such purchases. In addition, the School's Staff Handbook prohibited the chasing of checks from collected funds. Exhibit R-3 at §4-H, p. 18; see Testimony of Mr. Bales and Ms. Edwards.

9.

The Petitioner retained the sum of \$130.00 in cash collected from the sale of sunglasses to benefit the School's cheerleading squad in her classroom. Testimony of Petitioner.

10.

The policy of the School, as articulated in the School's Staff Handbook, required the daily submission of collected funds. Exhibit R-3 at §4-H, p. 17. The School's policy was formulated out of a concern for the preventing the loss or the theft of funds. Testimony of Mr. Bales.

11.

The Petitioner supplied a written admission of her violations of School Policy to the Respondent. Exhibit R-8.

#### 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 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).

2.

Standard Five of the Code of Ethics requires educators to conduct themselves with a "high level of honesty, accuracy and responsibility" when handling public funds. Unethical conduct includes the misuse of funds, the failure to account for funds collected from students or parents and the comingling of school related funds with personal funds. Ga. Comp. R. & Regs. r. 505-6-.01(3)(e). The Respondent carried its burden of proof as to the assertion that the Petitioner violated Standard Five of the Code of Ethics for Educators by her use of school funds for personal use, her commingling of school funds with those of her own, and her failure to account for the funds collected from students and parents. Id.; Ga. Comp. R. & Regs. r. 616-1-2-.07.

3.

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. Ga. Comp. R. & Regs. r. 505-6-.01(3)(j). Unethical conduct includes conduct that impairs or diminishes the educator's ability to function professionally in her employment position. The Respondent carried its burden of proof as to the assertion that the Petitioner violated Standard Ten of the Code of Ethics through her failure to follow her school's established protocol for the handling of funds, her use of school funds for personal uses, and her failure to account for collected funds all of which conduct failed to preserve the dignity and integrity of the teaching profession. Id., Ga. Comp. R. & Regs. r. 616-1-2-.07.

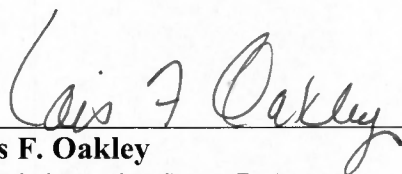
4.

It is concluded that there is an ample factual basis to support the Respondent's recommendation of a one (1) year suspension of the Petitioner's certificate to teach in the State of Georgia on the basis of her repeated failures to conduct herself with a high level of honesty, accuracy and responsibility in her handling of school funds and her blatant disregard of established standards for the collection and handling of school funds. Ga. Comp. R. & Regs. r. 505-6-.01(5).

#### Decision

For all the above and foregoing reasons, the Respondent's recommendation to suspend the Petitioner's certificate for a period of one (1) year is **AFFIRMED**.

This 23d day of September, 2013.

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