

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

██████████,
Petitioner,

v.

PROFESSIONAL STANDARDS
COMMISSION,
Respondent.

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Docket No.: OSAH-PSC-SAN-██████████-
Malihi

FINAL DECISION

Petitioner requested a hearing to oppose the sanction proposed by the Professional Standards Commission (“Commission” or “Respondent”). The hearing in this matter was held today, November 18, 2013. For the reasons stated below, the Commission’s decision to sanction Petitioner’s teaching certificate is **AFFIRMED**.

Findings of Fact

1.

Petitioner holds a valid certificate to teach in the State of Georgia and held such certificate at all times relevant to the issues before this Court. (Statement of Matters Asserted ¶ 1.)

2.

Petitioner was a substitute teacher in the Henry County School System in Georgia at all times relevant to the events at issue.

3.

Petitioner was arrested for Felony Theft by Taking on September 1, 2011. He failed to report the criminal charges and arrest to his employing school system. He was convicted on October 22, 2012, in Henry County Superior Court. Petitioner was sentenced to three years

probation, ordered to pay restitution of \$718.00, a fine of \$250, and a probation fee of \$32.00 per month. The evidenced showed that Petitioner was employed by Walmart. The evidence further showed that between May 29, 2011 and August 28, 2011, Petitioner uploaded on fifty separate days various dollar amounts to gift cards at Walmart without paying for them. He used the gift cards for personal use.

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 the revocation of Petitioner's certificate.

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 four 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], 506-6-.01(3)(i) [required report], 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 agrees that he was convicted of the criminal charge of Felony Theft by Taking. He further admits that he failed to report the arrest and criminal charges to the school system. Accordingly, Respondent has proven by a preponderance of the evidence that Petitioner violated The Code of Ethics for Educators.

5.

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 the revocation of Petitioner's teaching certificate. Petitioner admitted to the criminal offense. He did not express remorse for his conduct. Having considered the facts, the undersigned finds that the revocation of Petitioner's certificate is justified.

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**. Respondent may revoke Petitioner's certificate.

SO ORDERED, November 18, 2013.

MICHAEL MALIHI
Administrative Law Judge