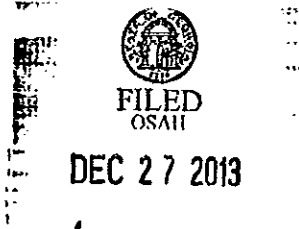


**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

Petitioner,)
)
 v.)
)
PROFESSIONAL STANDARDS)
COMMISSION,)
)
 Respondent.)

**DOCKET NO. OSAH-PSC-APP-
OAKLEY**

Agency No. .



Jenna Judy
 Jenna Judy, Legal Assistant

FINAL DECISION

A hearing was held in this matter on December 18, 2013, pursuant to an appeal of the Respondent’s determination to impose a reprimand upon the Petitioner’s certificate to teach in the State of Georgia in response to the Petitioner’s application for certification. The Respondent’s oral motion to amend the Statement of Matters Asserted to reflect with accuracy the status of the Petitioner’s application was granted. The Petitioner was present and proceeded *pro se*. The Respondent was present and proceeded *pro se*. The Respondent Commission was represented by Rebecca Mick, Senior Assistant Attorney General.

Findings of Fact

1.

In February, 2013, the Petitioner submitted an application to the Respondent on which he admitted having a criminal history. Testimony of Petitioner. The Petitioner’s disclosure of his criminal history prompted an investigation by the Respondent which culminated in a decision to grant the Petitioner’s application and to issue to the Petitioner a reprimand in conjunction with the issuance of a certificate to teach in the State of Georgia.

2.

In June, 2008, the Petitioner entered a plea of guilty to eight (8) counts of the felony crime of Financial Transaction Card Fraud in the Superior Court of Carroll County, Georgia (the “Coweta County Criminal Proceedings”). The Petitioner was sentenced under the terms of the First Offender Act and was ordered into Probation Boot Camp for a period of ninety (90) to one hundred twenty (120) days. Exhibit R-1. The Petitioner was ordered to pay restitution in the amount of Five Thousand Nine Hundred Sixty-Seven (\$5,967) Dollars. *Id.* In February, 2012, an Order of Termination of Probation was entered in the Coweta County Criminal Proceedings.

Following the termination of the Petitioner's probation, an Order of Discharge was entered in April, 2012. *Id.*

3.

The Petitioner asserts that the Coweta County Criminal Proceedings are not reflective of his present conduct and character and that the Commission's reprimand interferes with his ability to pursue his keen interest in serving as a role model to students. Testimony of Petitioner.

The Petitioner avers that his work history since 2012, as a paraprofessional and as an in school suspension teacher at _____ School, constitute evidence of his passion for a career in education. The Petitioner contends that his volunteer work as coach of a football team is evidence of his present good character. Testimony of Petitioner. There is some evidence in the record supporting a finding that the Petitioner has "greatly matured" from 2008 Coweta Criminal Proceedings which were the result of the Petitioner's involvement with the wrong crowd. Testimony of Ms. T _____ B _____ and Ms. J. _____ B _____. The foregoing testamentary evidence does not controvert the Petitioner's culpability in the Coweta Criminal Proceedings and is relevant only to an assessment of the Petitioner's conduct since the termination of his probation and discharge in April, 2012. For these reasons, this testimony is accorded minimal weight in the assessment of the Petitioner's present good character.

There is evidence in the record in the form of letters of recommendation from many of the Petitioner's colleagues at the _____ School, and from others who are familiar with his work as a football coach. Exhibits P-1 through P-12. Scant weight is accorded this evidence for the reason that not one of the letters of support for the Petitioner reflects the author's awareness of the Petitioner's criminal history. Similarly, the Petitioner's supervisor in his role as a coach with students at _____ Elementary School testified as to his lack of familiarity with the Coweta Criminal Proceedings. Testimony of Mr. H _____. Accordingly, this testimony is accorded scant weight in the determination of the Petitioner's present good character.

Taken in the most favorable light, the Petitioner's evidence is probative of his employment by providers of early childhood education, his attainment of an undergraduate degree in 2012, his anticipated attainment of a graduate degree in December, 2013, and his leadership position in an organization relating to young children. See Testimony of Petitioner, Ms. T _____ B _____ and Ms. J. _____ B _____. Exhibits P-1 through P-12.

Conclusions of Law

1.

The Petitioner bears the burden of proof in this appeal of the Respondent's imposition of a reprimand on the certificate to teach issued by the Respondent upon the Petitioner's application for certification. Ga. Comp. R. & Regs. r. 616-1-2-.07(1)(d).

2.

The Professional Standards Commission (the "Commission") has adopted a Code of Ethics for Educators which defines the professional behavior of educators and which constitutes a guide to educators for an understanding of standards of ethical conduct. The Code of Ethics defines the unethical conduct which justifies the Commission's imposition of restrictions upon a certificate to teach in the State of Georgia. O.C.G.A. §§ 20-2-984.1(a) and 20-2-984(g); Ga. Comp. R. & Regs. r. 505-6-.01(5)(a)(1) (*effective* October 15, 2009).

3.

Standard One of the Code of Ethics requires educators to abide by state laws and statutes, and defines unethical conduct to include the conviction of a felony or any crime involving moral turpitude. The uncontroverted evidence supports a conclusion that the Petitioner has committed eight (8) felony crimes of moral turpitude, and has engaged in unethical conduct within the meaning of Standard One of the Code of Ethics. Ga. Comp. R. & Regs. r. 505-6-.01(3)(a).

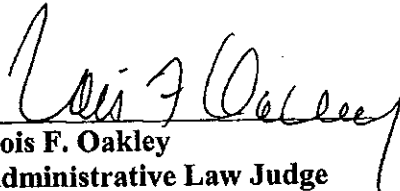
4.

The Georgia Professional Standards Commission has the authority to issue a reprimand to the Petitioner's application for certification on the basis of his violation of Standard One of the Code of Ethics. O.C.G.A. 20-2-984.5(c)(1); Ga. Comp. & Regs. 505-6-.01(5)(a).

Decision

For all the above and foregoing reasons, the Commission's finding of probable cause to impose a reprimand upon the Petitioner's certificate to teach in the State of Georgia is **AFFIRMED**.

This 23d day of December, 2013.


Lois F. Oakley
Administrative Law Judge