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OSAH

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

FEB 17 2014

Kevin Westray, Legal Assistant

DARRYL KEAVIN HOSKIN,)
)
 Petitioner,)
)
 v.)
)
 PROFESSIONAL STANDARDS)
 COMMISSION,)
)
 Respondent.)

DOCKET NO. OSAH-PSC-SAN-
1428722-147-OAKLEY

Agency No. 13-4-976

FINAL DECISION

A hearing was held in this matter on February 14, 2014, pursuant to the Petitioner's appeal of the Respondent's finding of cause for revocation of his certification. The Petitioner was present and proceeded *pro se*. The Respondent was represented by Jennifer Colangelo, Assistant Attorney General, and Rebecca S. Mick, Senior Assistant Attorney General.

Findings of Fact

1.

The Petitioner was the holder of a non-renewable certificate to teach in the State of Georgia from July, 2006 through June, 2011. Exhibit R-8.

2.

On February 24, 2010, the Petitioner was arrested for the felony offense of Violation of the Controlled Substances Act: Possession of Cocaine (the "Felony Offense") and the misdemeanor offense of Violation of the Controlled Substances Act: Possession of Less Than One Ounce of Marijuana (the "Misdemeanor Offense"). Testimony of Capt. Roberts. There is credible evidence to support a finding that the Petitioner was in possession of cocaine at the time of his arrest for the Felony Offense. Exhibit R-6; Testimony of Ms. Dennis; *see* Testimony of Capt. Roberts.

3.

It is asserted that the Petitioner failed to report the Felony Offense and the Misdemeanor Offense to the Respondent. No evidence was proffered to support this assertion.

4.

On January 31, 2012, the Petitioner entered a plea of guilty to both the Felony Offense and the Misdemeanor Offense (the "Conviction"). The Petitioner received a two (2) year sentence, to be served on probation, and was ordered to pay a fine in the amount of \$1,500.00, and court costs (the "Sentence"). Exhibit R-7.

5.

There is no credible evidence to support the Petitioner's assertion that the terms of the Sentence have been satisfied. Testimony of Petitioner.

6.

It is asserted that the Petitioner failed to report the Conviction to the Respondent. No evidence was proffered to support this assertion.

7.

The Respondent's finding of cause to revoke the Petitioner's certification is consistent with the Respondent's actions in similar cases. Testimony of Mr. Grant.

Conclusions of Law

1.

The Respondent bears the burden of proof in this matter. Ga. Comp. R. & Regs. r. 616-1-2-.07(1).

2.

Pursuant to statutory directive, the Respondent has adopted a Code of Ethics for Educators. The Code of Ethics defines unethical conduct which justifies disciplinary sanction. O.C.G.A. § 20-2-984.1(a); Ga. Comp. R. & Regs. r. 505-6-.01(1) (*effective* October 15, 2009).

3.

Standard One of the Code of Ethics requires Georgia educators to abide by state laws and defines unethical conduct as the commission or conviction of a felony and of any criminal offense involving the possession of a marijuana. Ga. Comp. R. & Regs. r. 505-6-.01(3)(a). The Respondent carried its burden of proof as to the assertion that the Petitioner failed to abide by state law and engaged in unethical conduct through his commission of a felony and criminal offenses involving the possession of marijuana.

4.

There is no evidence to support the assertion that the Petitioner failed to notify the Respondent within ten (10) days of the Conviction in violation of O.C.G.A. § 16-13-111(a) and Standard Nine of the Code of Ethics. Ga. Comp. R. & Regs. r. 505-6-.01(3)(i).

5.

Standard Ten of the Code of Ethics requires Georgia educators to demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Standard Ten defines unethical conduct as any conduct that impairs or diminishes the educator's ability to function professionally in his employment position or behavior that is detrimental to the health, welfare, discipline or morals of students. Ga. Comp. R. & Regs. r. 5056-.01(3)(j). The Respondent carried its burden of proof as to the assertion that the Petitioner failed to demonstrate conduct that follows generally recognized professional standards and that is detrimental to the health, welfare and discipline of students by his commission of a felony drug offense.

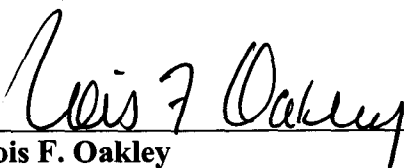
6.

The Respondent is authorized to revoke the Petitioner's certification on the basis of his commission of unethical conduct. Ga. Comp. R. & Regs. r. 505-6-.01(5)(1).

Decision

For all the above and foregoing reasons, the Respondent's finding of cause for the revocation of the Petitioner's certification is appropriate and is **AFFIRMED**.

This 14th day of February, 2014.



Lois F. Oakley
Administrative Law Judge