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Gloria McDonald

Gloria McDonald, Chief Legal Assistant

: Gloria McDonald, Chief Legal Assistant
: **Docket No.: OSAH-PSC-SAN-1309128-47-**
: **Howells**

Agency Reference No.: 11-4-1026

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Petitioner Joey Dewayne James appeals the decision of the Professional Standards Commission (“Commission” or “Respondent”) to sanction his teaching certificate. The hearing in this matter was held on October 19, 2012. Petitioner was represented by Chris West, Esq. and Rodney Allen, Esq. The Commission was represented by Jennifer Colangelo, Assistant Attorney General, and Rebecca Mick, Senior Assistant Attorney General. For the reasons stated below, the Commission’s decision to sanction Petitioner’s teaching certificate is **AFFIRMED**.

1.

Petitioner holds a certificate to teach in the State of Georgia and held such certificate at all times relevant to this matter. (Statement of Matters Asserted at ¶ 1; Answer at ¶ 1).

2.

In early 2011, while employed as principal of Southside Middle School, Petitioner instituted a weight loss competition. (Tr. 18, 146-47.) Tiffany Malone-Ward, a paraprofessional for the hearing impaired at Southside Middle School, participated in the competition. She used the workout room alongside some of her overweight students. (Tr. 18.)

3.

Ms. Malone-Ward was successful in her weight loss efforts, in that she lost 21 pounds. On one occasion, Petitioner told Ms. Malone-Ward that she was “looking good.” (Tr. 19.) On another occasion, while Ms. Malone-Ward was exercising in the workout room alone, Petitioner came into the room and showed her a particular exercise. Following his instructions, Ms. Malone-Ward laid on the floor with her hands above her head, while holding onto barbells. Petitioner stood in front of Petitioner, while she was lying on the floor. He instructed Ms. Malone-Ward to lift her legs in the air. Each time she did so he pushed her legs back down. The purpose of the exercise was to work the abdominal muscles. (Tr. 19.) This incident made Ms. Malone-Ward uncomfortable, because they were the only two in the workout room together.¹ (*Id.*)

4.

On one day in February 2011, prior to the incident in the workout room, Ms. Malone-Ward approached Petitioner on the front porch of the school. She asked Petitioner for permission to leave early that day, because she had to take her daughter to the doctor. While she was standing there the sun was shining on her left side and Petitioner was on her right side. As she turned to block the sun, Petitioner told her “don’t move, don’t move, I like how the sun is glistening off your lips.” Petitioner was wearing lip gloss at the time. (Tr. 19-20, 38.) In addition to the comment about her lips, Petitioner said something to her about bending her over

¹ Two witnesses testified that they were in the workout room on one occasion when either Petitioner or Ms. Jolane Davis was demonstrating an exercise in which the individual holds their legs 6 inches off the ground. Ms. Jolane Davis testified that she did not see Petitioner touch Ms. Malone-Ward in an inappropriate way. (Tr. 131.) Ms. Shawn Bush testified that it was Jolane Davis, not Petitioner, who was demonstrating the exercise “6 inches” to Ms. Malone-Ward. (Tr. 134.) The testimony of these witnesses does not rebut Ms. Malone-Ward’s testimony. There was no evidence that the witnesses were describing the same incident. In fact, the exercise described by Ms. Malone-Ward was different than the exercise about which Ms. Bush and Ms. Davis testified. Further, Ms. Davis acknowledged that she was not in the workout room very often and that she does not know anything about any other times that Petitioner and Ms. Malone-Ward may have been in the workout room. (Tr. 131.)

his desk. Petitioner understood this to mean that he wanted to have sex with her. (Tr. 20-21.)

5.

During CRCT week, on March 9, 2011, Ms. Malone-Ward overheard a student cursing in the hallway. (Tr. 21, 49.) She told the coach what she heard and the coach told her to “write him up.” (Tr. 21.) Thereafter, Ms. Malone-Ward went to get a disciplinary referral form. (*Id.*) When she was returning to the gymnasium she saw Petitioner and Coach Pouncil standing near the adjacent snack machine. (*Id.*) Ms. Malone-Ward had only completed one other disciplinary referral before. (Tr. 22.) Thus, when she saw Petitioner, she asked him whether he wanted her to give him the referral or should she take it to the front office. (Tr. 21.) At the time, Ms. Malone-Ward had the student with her. Petitioner told her to go wait for him in his office. (Tr. 21-22.) Instead of waiting for Petitioner in his actual office, Ms. Malone-Ward and the student waited in the front office, which was outside of Petitioner’s office. (Tr. 22.) Petitioner subsequently entered the office through the back entrance. He directed Ms. Malone-Ward and the student to come into his office. Petitioner then asked the student what happened. While the student was explaining, Ms. Malone-Ward interjected that she overheard the student cursing. Petitioner attempted to get in touch with the student’s parents, but he was unable to do so. At that point, Petitioner signed and completed his portion of the referral form and directed the student to wait in the front office. (Tr. 21-23.) When the student left Petitioner’s office, Petitioner closed the door. (Tr. 149.) Malone-Ward remained standing on the side of Petitioner’s desk. Thereafter, Petitioner walked behind Ms. Malone-Ward and while instructing her how to complete the referral form, he brushed his groin against her buttocks and reached around and grabbed her right breast. (Tr. 23, 43.) At that point, Ms. Malone-Ward elbowed Petitioner in the stomach and left his office. (Tr. 23, 49.)

6.

On that same day, after school had been dismissed, Ms. Malone-Ward told Assistant Principal Patricia Green that someone in the building was making inappropriate comments to her.² Assistant Principal Green asked Ms. Malone-Ward if she wanted to speak to Principal James (i.e. Petitioner) about her concern. At that point, Ms. Malone-Ward quickly said “oh, no, no, no, I can’t because it’s him.” (Tr. 60-61.) Ms. Malone-Ward told Assistant Principal Green that she was uncomfortable, that she wanted to come to work in an environment where no one would make inappropriate comments to her, and that she did not know what to do. Assistant Principal Green told Ms. Malone-Ward that she needed to think about this accusation. Thereafter, Ms. Malone-Ward went home. Assistant Principal Green intended to speak with her on the following day (i.e. Thursday), but Ms. Malone-Ward did not come to work that day. The following day was a Friday. Assistant Principal Green is not sure whether that day was a school break or holiday. In any event, she did not see Ms. Malone-Ward on that day. (Tr. 61.)

7.

Ms. Malone-Ward returned to school on Monday March 14, 2011. Assistant Principal Green spoke to Ms. Malone-Ward that day. She observed that Ms. Malone-Ward was still nervous and scared. Assistant Principal Green told Ms. Malone-Ward that she was obligated to tell someone about this. Ms. Malone-Ward indicated to Assistant Principal Green that she understood and that she wanted it to stop. (Tr. 61-62.)

8.

On March 15, 2012, Assistant Principal Green called Superintendent Murfree’s office. At the time, he was not in the office. Superintendent Murfree returned Assistant Principal

² Although Ms. Malone-Ward could not specifically articulate why she did not initially report the physical contact, the nature of her testimony indicated that she was scared and that she did not want the incident to be documented, she merely wanted it to stop. (See Tr. 27, 28, 50.)

Green's call sometime after 1:00 p.m. Assistant Principal Green told Superintendent Murfree what Ms. Malone-Ward had told her. Superintendent Murfree immediately stated "I'll take care of it," and hung up the phone. (Ex. R-6; Tr. 62.)

9.

On that same day or the following day, Ms. Malone-Ward had been on a field trip with students. When she returned to school, she reported to Mr. Foreman's sixth grade class. While in Mr. Foreman's class, Ms. Malone-Ward heard an announcement over the intercom, directing her to report to the office. (Tr. 29, 62.) When Ms. Malone-Ward heard the announcement, she told Mr. Foreman that she did not intend to report to the office. Mr. Foreman then left the classroom to attend a math meeting. (Tr. 29.) Ms. Malone-Ward then retrieved her mobile phone and attempted to call her Georgia Association of Educators representative, Ms. Rosa Ward.³ (*Id.*) Before she was able to speak to Ms. Ward, Ms. Malone-Ward saw Petitioner standing on the other side of the classroom door. (*Id.*) Ms. Malone-Ward dropped her phone and Petitioner opened the classroom door. Petitioner motioned with the walkie-talkie that he was holding for Ms. Malone-Ward to exit the classroom. As Ms. Malone-Ward was exiting the classroom, Petitioner asked her "what's going on." Before Ms. Malone-Ward could answer, she saw Assistant Principal Green coming around the corner.⁴ (Tr. 29.) When Assistant Principal Green approached the classroom, she asked Petitioner if he thought it was appropriate to speak to Ms. Malone-Ward alone. (Tr. 29, 63.) In response, Petitioner stated "I am the administrator of the school. I can take care of this, I'll handle this myself." Petitioner continued to tell Ms. Malone-Ward to come with him. He told Assistant Principal Green that she had to stay with the

³ Ms. Malone-Ward and Ms. Rosa Ward are not related.

⁴ Assistant Principal Green heard Petitioner make the announcement over the PA system. At that time, she was concerned because she knew she had just reported the inappropriate comments to Superintendent Murfree. When she saw Petitioner leave the office, she believed he was going to look for Ms. Malone-Ward. Because of her concern, she also left the office to find Ms. Malone-Ward. (Tr. 63.)

class, and that he was going to talk to Ms. Malone-Ward. Ms. Malone-Ward indicated that she did not want to go with him, but Petitioner told her that she needed to come with him, and that he was her "boss." (Tr. 29-30, 63-64.)

10.

Ms. Malone-Ward reluctantly walked with Petitioner down the hallway to a conference room. At that time, the Georgia Association of Educators building representative, Ms. Houston came around the corner with a notepad and pencil. Petitioner asked Ms. Houston what she needed. Ms. Houston indicated that she was there for a meeting. Petitioner told her that there was no meeting. Ms. Houston then went back to her class, and Ms. Malone-Ward and Petitioner entered the empty conference room. When they entered the room Ms. Malone-Ward asked Petitioner not to close the door. Thereafter, Petitioner suggested that they take a walk. As they were walking, Petitioner told Ms. Malone-Ward "let's just squash it." Ms. Malone-Ward told Petitioner that she did not think that they could "just squash it" because it was "out there." (Tr. 30-31, 64.)

11.

Ms. Rosa Ward is the field representative for the Georgia Association of Educators in the Dougherty County School System. (Tr. 68.) She first learned that Ms. Malone-Ward had made some accusations against Petitioner through a phone conversation that she had with Assistant Principal Green and Ms. Houston. (Tr. 69.) Ms. Ward also learned that Petitioner had attempted to meet with Ms. Malone-Ward after she made the accusation. (*Id.*) Upon learning this, Ms. Rosa Ward notified Superintendent Murfree that Petitioner had attempted to meet with Ms. Malone-Ward and that he should not have done so. (*Id.*) Superintendent Murfree directed Ms. Rosa Ward to go to the school and go into the meeting. (*Id.*) That day, Ms. Rosa Ward went to

the school.

12.

When Ms. Rosa Ward arrived at the school, she asked to see Petitioner. (Tr. 69-70.) At about the same time, Petitioner walked into the office. (Tr. 70.) He escorted Ms. Rosa Ward to his office. (*Id.*) She told him that she needed to meet with Ms. Malone-Ward. The office manager then called Ms. Malone-Ward to the office. While they were waiting for Ms. Malone-Ward to arrive, Ms. Rosa Ward did not share any details with Petitioner about the accusations. She did, however, ask Petitioner whether he met with Ms. Malone-Ward alone. Petitioner denied meeting with Ms. Malone-Ward alone. (Tr. 70-71.)

13.

After Ms. Malone-Ward arrived, Petitioner began apologizing by saying things like, "If I said or did anything that you misunderstood, please forgive me, I didn't mean it." (Tr. 71.) He specifically mentioned helping Ms. Malone-Ward with her exercise and apologized if it made her uncomfortable.⁵ (Tr. 72.) Ms. Rosa Ward noted that Petitioner was sweating profusely during the meeting. (*Id.*) At some point, Ms. Malone-Ward became upset and left the office. She felt nauseated and ran into the bathroom. (Tr. 73.) Ms. Rosa Ward followed her into the restroom. After Ms. Malone-Ward calmed down, they went back to Petitioner's office. Petitioner told Ms. Malone-Ward that she could go home or to an empty room down the hall. (Tr. 73-74.) Thereafter, Ms. Rosa Ward went looking for Ms. Malone-Ward. When she found her in her assigned classroom, Ms. Rosa Ward asked the teacher if she could speak to Ms. Malone-Ward. Thereafter, they walked to an empty room. At that time, Ms. Malone-Ward told Ms. Rosa

⁵ At the hearing, Petitioner asserted that he did not know the substance of Ms. Malone's allegations against him at the time this meeting took place. (Tr. 155-57.) Further, Ms. Rosa Ward testified that she had not discussed any details about the allegation with Petitioner prior to him apologizing. Nevertheless, in his apology, Petitioner specifically mentioned assisting Ms. Malone-Ward with exercises.

Ward about the incident in Petitioner's office when he rubbed his private parts against her buttocks and touched her right breast.⁶ (Tr. 74.)

14.

J.C. Phillips is the Assistant Chief of Police for the Dougherty County School System Police Department. (Tr. 82.) Superintendent Murfree notified him of the allegations against Petitioner on the evening of March 15, 2012. Assistant Chief Phillips began his investigation on the morning of March 16, 2012. (Tr. 83.) That day he interviewed Ms. Malone-Ward at the school. During that interview, Ms. Malone-Ward only told Assistant Chief Phillips about the inappropriate comments by Petitioner. (Tr. 84-86.) He again interviewed Ms. Malone-Ward that evening at police headquarters. (Tr. 88, 94.) It was during the second interview that Ms. Malone-Ward told Assistant Chief Phillips about the physical contact by Petitioner. (Tr. 88.) At that time, she told Assistant Chief Phillips about the incident in Petitioner's office. She said that Petitioner rubbed his penis against her buttocks, and rubbed one hand along her panty line on her buttocks and reached around and grabbed her breast with the other hand. (*Id.*) She made it clear to Assistant Chief Phillips that the contact was deliberate and unwanted. (Tr. 89.)

15.

Assistant Chief Phillips also interviewed Petitioner during the course of his investigation. (Tr. 90.) During the interview, Assistant Chief Phillips observed that Petitioner was remorseful and very concerned. (Tr. 91.) Initially, Petitioner denied ever being alone in the office with Ms. Malone-Ward. (*Id.*) Later in the interview, he acknowledged that they had been alone in the office on March 9, 2011. He also initially denied that he had any physical contact with Ms.

⁶ Ms. Malone-Ward testified that she told Ms. Rosa Ward about the physical contact during a telephone call. (Tr. 56-57.) However, Ms. Rosa Ward was certain that Ms. Malone-Ward told her about the physical contact in an empty room at the school, after the meeting with Petitioner. It appears that Ms. Malone-Ward has remembered this particular detail incorrectly.

Malone-Ward. (*Id.*) Later he admitted that there was some incidental contact. (*Id.*) Assistant Chief Phillips found Petitioner to be very inconsistent throughout the interview. (*Id.*)

16.

Thereafter, Petitioner was charged with two counts of sexual battery. (Tr. 92; Ex. R-5.) A jury trial was commenced on June 5, 2012. However, that matter ended in a mistrial. (Ex. P-1.)

17.

At the hearing, Petitioner denied making any inappropriate or sexual comments to Ms. Malone-Ward. (Tr. 147-48.) He also denied making any physical contact with Ms. Malone-Ward in his office on March 9, 2012. (Tr. 150-51.)

18.

The Dougherty County School System suspended Petitioner on two occasions related to the allegations and investigation in this matter. He was first suspended for 10 days with pay or until the investigation was completed. (Ex. R-6.) Thereafter, he was suspended a second time, for fifteen days without pay, "because of his inappropriate use of administrative procedures." (Ex. R-7.) Petitioner asserts that the second suspension was because he returned to work before the investigation was completed. (Tr. 164-65.)

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.

The credibility of witnesses is within the sole discretion of the trier of fact. In non-jury cases that discretion lies with the judge. *See Mustang Transp., Inc. v. W.W. Lowe & Sons, Inc.*, 123 Ga. App. 350, 352 (1971). Furthermore, in assessing the credibility of a witness, the trier of fact may consider “the witnesses’ manner of testifying, their intelligence, their means and opportunity for knowing the facts to which they testified, the nature of the facts to which they testified, the probability or improbability of their testimony, their interest or want of interest, and their personal credibility” as it appears during the trial. O.C.G.A. § 24-4-4; *see also* 1 Ga. Jury Instructions - Civil § 00.050.

3.

After considering all of the testimony and evidence in this case, the undersigned found Ms. Malone-Ward’s version of the events to be more credible than Petitioner’s version. Despite Ms. Malone-Ward’s slightly imperfect recollection of some details and the fact that she did not initially report the physical contact, the specificity of the facts described by her, the manner in which she testified, and the lack of any motive to fabricate the facts, lead the undersigned to credit her version of events over Petitioner’s. Additionally, the undersigned considered Petitioner’s interest in not having his teaching certificate revoked, his inconsistent statements to Assistant Chief Phillips, and the manner in which he testified to come to this conclusion. The Findings of Fact listed above represent the facts that the undersigned found to be credible.

4.

Respondent alleges that Petitioner has violated two provisions of The Code of Ethics for Educators. Specifically, Respondent alleges that Petitioner committed the crime of Sexual Battery and therefore he violated Commission Rule 505-6-.01(3)(a) (Legal Compliance).

Respondent also alleges that Petitioner's conduct violated Commission Rule 505-6-.01(3)(j) (Professional Conduct).

5.

"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(1). Furthermore, the Code of Ethics for Educators defines unethical conduct which justifies disciplinary action against educators. *Id.*

6.

Standard 1 of the Code of Ethics for Educators states, in pertinent part:

An educator should abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16; or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100; or any other laws applicable to the profession.

Ga. Comp. R. & Regs. r. 505-6-.01(3)(a).

7.

An individual commits the crime of Sexual Battery "when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person." O.C.G.A. § 16-6-22.1(b). Based on the above Findings of Fact, Respondent did prove within the confines of this civil proceeding that Petitioner did commit the crime of Sexual Battery. Notwithstanding, this tribunal concludes that commission of a Sexual Battery does not amount to a violation of Standard 1 of the Code of Ethics for Educators. While rule 505-6-.01(3)(a) does provide that unethical conduct includes *but is not limited to* the commission of certain crimes, that rule also specifically lists certain crimes and excludes others. For example,

the rule includes all felonies, any crime involving moral turpitude, and any crime involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance as provided for in Chapter 13 of Title 16. However, when listing sexual offenses, the rule specifically includes the sexual offenses in code sections 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, and 16-12-100. The rule does not list the sexual offenses in code sections 16-6-18 (Fornication), 16-6-19 (Adultery), 16-6-21 (Marrying a Bigamist), 16-6-22 (Incest), 16-6-22.1 (Sexual Battery), 16-6-23 (Publication of Name or Identity of Female Raped or Assaulted with Intent to Commit Rape), 16-6-24 (Adoption of Ordinances by Counties and Municipalities which Proscribe Loitering or Related Activities), or 16-6-25 (Harboring, Concealing, or Withholding Information Concerning a Sexual Offender). If the Commission intended to include all sexual offenses, it could have listed any sexual offense as provided for in Chapter 6 of Title 16. But the Commission did not do so. Rather, it listed select sexual offenses and did not list others. Accordingly, the undersigned concludes that the commission of a Sexual Battery, which is not included in the rule, does not amount to a violation of rule 505-6-.01(3)(a).

8.

Respondent has also alleged that Petitioner's conduct was a violation of Commission Rule 505-6-.01(3)(j). That Rule provides:

Standard 10: Professional Conduct – An educator should demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

Ga. Comp. R. & Regs. r. 505-6-.01(3)(j).

9.

Respondent has established that Petitioner engaged in unprofessional conduct that impaired his ability to function in his employment position. Petitioner engaged in sexual harassment and sexual battery of a subordinate employee. Petitioner was the principal of the school and Ms. Malone-Ward was a paraprofessional. While it is unclear whether Petitioner could fire Ms. Malone-Ward, he certainly had the authority to determine whether or not she could take leave. Furthermore, Petitioner insisted on speaking with Ms. Malone-Ward alone, despite admonitions from his assistant principal, he told Ms. Malone-Ward to “squash” the allegations, and thereafter, he lied to the Georgia Association of Educators field representative about having met with Ms. Malone-Ward alone. Subsequently, Petitioner received two suspensions related to the allegations and his conduct during the investigation of the matter. Those suspensions removed him from the school and thus impaired his ability to function in his employment. Accordingly, Respondent has proven by a preponderance of the evidence that Petitioner violated Commission Rule 505-6-.01(3)(j).

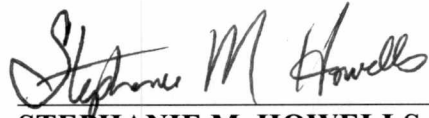
10.

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. & Reg. R. 505-6-.01(5)(a). Respondent seeks revocation of Petitioner’s teaching certificate. Given the egregious nature of Petitioner’s conduct, the undersigned finds that revocation is appropriate.

Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission's decision to sanction Petitioner's teaching certificate is hereby **AFFIRMED**.
Petitioner's teaching certificate is hereby **REVOKED**.

SO ORDERED, this 16th day of November, 2012.

A handwritten signature in cursive script, reading "Stephanie M. Howells", is written over a horizontal line.

STEPHANIE M. HOWELLS
Administrative Law Judge

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

JOEY DEWAYNE JAMES,	:	
Educator/Petitioner,	:	
	:	
v.	:	Docket No.: OSAH-PSC-SAN-1309128-47-Howells
	:	
PROFESSIONAL STANDARDS COMMISSION,	:	Agency Reference No.: 11-4-1026
Respondent.	:	

NOTICE OF INITIAL DECISION

This is the Initial Decision of the Administrative Law Judge (Judge) in the case. This decision is reviewable by the Referring Agency. **If a party disagrees with this decision**, the party may file a motion for reconsideration, a motion for rehearing, or a motion to vacate or modify a default order with the OSAH Judge. A party may also seek agency review of this decision.

FILING A MOTION WITH THE JUDGE AT OSAH

The Motion must be filed in writing within ten (10) days of the entry, i.e., the issuance date, of this decision. **The filing of this motion may or may not toll the time for filing an application for agency review.** See O. C.G.A. §§ 50-13-19 and 50-13-20.1. Motions must include the case docket number, be served simultaneously upon all parties of record and be filed with the OSAH clerk at:

Clerk
Office of State Administrative Hearings
Attn.: Virginia Ramsey, vramsey@osah.ga.gov
230 Peachtree Street, NW, Suite 850
Atlanta, Georgia 30303-1534

APPLICATION FOR AGENCY REVIEW

An application for Agency Review must be filed within thirty (30) days after entry of the Initial Decision. O.C.G.A. §§ 50-13-17, 50-13-41. A copy of the application for agency review must be simultaneously served upon all parties of record and filed with the OSAH clerk. The application for Agency Review should be filed with:

Georgia Professional Standards Commission
Attn: Kimberly Anderson
Educator Ethics Division
2 Peachtree Street, N.E.
Suite 6000
Atlanta, Georgia 30303

This Initial Decision will become the Final Decision of the agency if neither party makes a timely application for agency review. O.C.G.A. §§ 50-13-17, 50-13-41. A party who wishes to appeal an agency's Final Decision may do so by filing an application for judicial review within thirty (30) days in the Superior Court of Fulton County or the county of residence of the appealing party. O.C.G. A. § 50-13-19(b).