



BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

FILED
SEP 30 2014

VALERIE RASHIDA LEWIS,
Educator/Petitioner,

v.

PROFESSIONAL STANDARDS
COMMISSION,
Respondent.

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Docket No.:
OSAH-PSC-SAN-1505029-31-Howells

K. Westray
Kevin Westray, Legal Assistant

FINAL DECISION
ORDER OF DEFAULT

On September 12, 2014, the Respondent, the Professional Standards Commission (“Commission”), moved for the entry of a default order against the Petitioner, Valerie Rashida Lewis, based on her failure to file an Answer to the Statement of Matters Asserted. By Order dated September 25, 2014, the Court deferred ruling on the Motion until September 30, 2014, the date scheduled for the evidentiary hearing. However, the Petitioner did not respond to the Commission’s Motion and failed to appear at the evidentiary hearing. Accordingly, for the reasons stated below, the Commission’s Motion is **GRANTED**.

The Commission referred this case to the Office of State Administrative Hearings (“OSAH”) on July 30, 2014. Thereafter, on August 11, 2014, a Notice of Hearing, scheduling the evidentiary hearing for September 30, 2014, was sent via certified mail to the Petitioner at 320 Sawtimber Lane, Columbia, South Carolina 29209. The certified mail was returned unclaimed to OSAH on September 18, 2014. See Court file.

Service upon the Petitioner was deemed complete on August 11, 2014, the date the Notice of Hearing was mailed to her address of record. Pursuant to O.C.G.A. § 20-2-984.4(d.1), “the mailing by certified mail of any notice, correspondence, or order regarding an investigation or disciplinary action to the last address specified by the educator after receiving written notice

of the investigation or, if the commission has not received a change of address from the educator, the address at which the educator received written notification of an investigation, shall constitute proper notice to the educator.” The statute further provides that “[n]otice by certified mail pursuant to this subsection shall be complete upon mailing.” *Id.*; see also Ga. Comp. R. & Regs. 505-6-.03(2). Here, because the Notice of Hearing was mailed to the Petitioner’s address of record on August 11, 2014, service was deemed complete on that date. O.C.G.A. § 20-2-984.4(d.1); Ga. Comp. R. & Regs. 505-6-.03(2).

The Notice of Hearing stated that the failure to file an Answer and/or failure to appear at the call of the case may result in the entry of a default judgment. Despite this, Petitioner did not file an Answer or a substantive response to the Commission’s Motion. Likewise, she did not appear at the hearing on September 30, 2014.

Under the Commission’s rules, an applicant’s failure to file an Answer and/or to appear for a hearing constitutes grounds for a default order.¹ Ga. Comp. R. & Regs. 505-6-.04(3)(b), (4)(c). Similarly, OSAH rules provide that “[a] default order may be entered against . . . a party that fails to file any required pleading.” Ga. Comp. R. & Regs. 616-1-2-.30(1). In addition, “[i]f a party fails to attend an evidentiary hearing after having been given written notice, the Administrative Law Judge may proceed with the hearing in the absence of the party unless the absent party is the party who requested the hearing, in which case the Administrative Law Judge may dismiss the action.” Ga. Comp. R. & Regs. 616-1-2-.30(5).

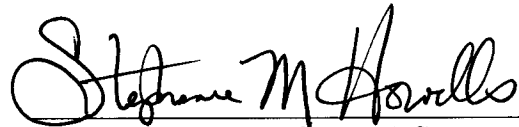
Based on the foregoing, the Court finds that the Petitioner is in default for failure to appear, failure to participate in the proceeding, and failure to file a required pleading. Ga. Comp. R. & Regs. 505-6-.04(3)(b), (4)(c); 616-1-2-.30(1), (5). The Commission’s Motion for Default is

¹ Further, the Commission’s rules state that “[a]ll allegations which are not specifically answered are deemed to be admitted.” Ga. Comp. R. & Regs. r. 505-6-.04(4)(a). Here, because Petitioner failed to file an Answer to the Statement of Matters Asserted, the allegations contained therein are deemed admitted.

therefore **GRANTED**.

Although Petitioner timely requested and was provided the opportunity for a hearing, she failed to participate in the proceeding. Consequently, Petitioner has waived or abandoned her right to contest the proposed sanction and it has become the final decision of the Commission. See Ga. Comp. R. & Regs. 505-6-.04 (1)(c). Accordingly, Petitioner's teaching certificate is **SUSPENDED** for one (1) year and this matter is **DISMISSED**.

SO ORDERED, this 30th day of September, 2014.

A handwritten signature in black ink, reading "Stephanie M. Howells". The signature is written in a cursive style with a large initial "S".

STEPHANIE M. HOWELLS
Administrative Law Judge