

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

SHARON WILLIAMS,

Petitioner,

v.

PROFESSIONAL STANDARDS
COMMISSION,

Respondent.

:
:
:
:
:
:
:
:
:
:
:

: Docket No.
: OSAH-PSC-SAN-1648876-33-Howells



FILED
OSAH

AUG 12 2016

Kevin Westray, Legal Assistant

FINAL DECISION

Petitioner, Sharon Williams, appeals a decision by the Professional Standards Commission (“Commission”) to sanction her Georgia Educator Certificate based on violations of the Code of Ethics for Educators. The evidentiary hearing took place on July 15, 2016, before the undersigned administrative law judge.¹ Williams appeared and was represented by Jonathan A. Rapping Esq. The Commission was represented by Rebecca Mick, Senior Assistant Attorney General.

After consideration of the evidence and the arguments of the parties, and for the reasons stated below, the Commission’s decision to sanction Williams’ Georgia Educator Certificate is **AFFIRMED**. However, the proposed sanction, in light of the evidence, is not appropriate. The appropriate sanction, based on the evidence, is a two-year suspension, with retroactive credit applied in accordance with the Commission’s policies and procedures.

¹ The hearing in this matter was consolidated with the hearings in *Michael Pitts v. PSC*, No. OSAH-PSC-SAN-1648875-60 and *Tamara Cotman Johnson v. PSC*, No. OSAH-PSC-SAN-1648880-60.

I. FINDINGS OF FACT

1.

In its Statement of Matters Asserted, the Commission alleged that Williams “holds a teaching certificate in the State of Georgia, and held such certificate at all times relevant to the matters asserted herein.” In her Answer, Williams denied this allegation. However, at the hearing, counsel for Williams acknowledged that Williams was not denying that she held a teaching certificate. Rather, Williams was denying that her title was Deputy Superintendent. (Statement of Matters Asserted [“Matters Asserted”] ¶ 1; Answer, ¶ 1; Tr. 119; *see also* Petitioner’s Request for Hearing (referring to her “professional license”).)

2.

During the time at issue, Williams was the Executive Director of SRT 1 for Atlanta Public Schools (“APS”).² (Tr. 82-83.)

APS Cheating Scandal

3.

What has become known as the “APS Cheating Scandal” was uncovered after the Governor’s Office of Student Achievement (“GOSA”) discovered a high number of wrong to right erasures on the Criterion-Referenced Competency Tests (“CRCT”) in various schools within APS. (Tr. 56, 68-69.) GOSA rated schools as severe, moderate, or none, presumably depending on the number of wrong to right erasures. (Tr. 68.)

² “SRT” was not defined by any of the witnesses. APS was apparently divided into these smaller units called SRTs, which included multiple schools and school principals who were supervised by an Executive Director. (Tr. 32, 83, 91-92)

4.

Thereafter, the Governor's Special Investigation Team conducted an investigation. As a result, it submitted 185 complaints of alleged cheating to the Commission. (Tr. 24-25.) The Commission then conducted its own investigations. (*Id.*)

5.

In addition to the investigations conducted by the Governor's Special Investigation Team and the Commission, the District Attorney's office and the Attorney General's office conducted investigations. (Tr. 24-25) As a result of the District Attorney's investigation, multiple individuals within APS were indicted on charges of violating the Georgia Racketeer Influenced and Corrupt Organizations ("RICO") Act, as well as other charges. The Indictment includes allegations that educators and administrators engaged in a conspiracy to reach annual targets based on students' performance on the CRCT. The Indictment further alleged that educators and administrators changed students' answers on the CRCT from wrong to right, gave students the correct answers, did not report instances of cheating, received monetary gain for inflated test scores, made false statements to investigators, and influenced witnesses. (PSC Exhibit 1.)

6.

Williams was indicted on charges of violating the Georgia RICO Act, False Statements and Writings, and False Swearing in the Superior Court of Fulton County, Georgia. (Matters Asserted ¶ 2; Answer ¶ 2; PSC Exhibit 1.) The Indictment accused Williams of concealing the fact that during the 2009 CRCT at Perkerson Elementary School, Dr. Jackie Boyce (test monitor) was told by students that their teacher gave them correct answers. (PSC Exhibit 1.) The Indictment also accused Williams of making and using a false document by causing Dr. Jackie Boyce to omit from the standardized test feedback form his written observation that he witnessed a teacher pointing out correct answers to students during the 2009 CRCT at Herndon Elementary

School. (*Id.*) These accusations were two of the bases of the pattern of racketeering activity as well as the basis of two separate counts of False Statements and Writings.³ (*Id.*)

7.

The Indictment further accused Williams of making false statements to the Governor's Special Investigators, while under oath. (*Id.*) This accusation was one of the bases of the pattern of racketeering activity as well as the basis of a separate charge of False Swearing. (*Id.*)

8.

Williams was subsequently found guilty by a jury under the Georgia RICO Act. However, she was acquitted on two counts of False Statements and Writings and received a directed verdict of acquittal on the False Swearing charge. (*Id.*)

9.

Judge Jerry Baxter initially sentenced Williams under the First Offender Act to a total of twenty years, of which she was to serve seven in prison and the remaining thirteen on probation. (Matters Asserted ¶ 3; Answer ¶ 3.) On May 6, 2015, Judge Jerry Baxter re-sentenced Williams under the First Offender Act to a total of ten years, of which she is to serve three years in prison and the remaining seven on probation. (Matters Asserted ¶ 4; Answer ¶ 4; PSC Exhibit 1.)

10.

Based on the conviction, the Commission found probable cause that Williams had violated its laws, rules, and regulations. Specifically, the Commission determined that Williams had violated Rules 505-6-.01(3)(a) (Legal Compliance); 505-6-.01(3)(d) (Misrepresentation or

³ Williams was also accused of committing two overt acts in furtherance of the conspiracy. Specifically, the Indictment accused Williams of denying the grievance of a teacher who raised allegations of cheating and retaliation in 2008. (PSC Exhibit 1.) The second overt act described in the Indictment related to Dr. Jackie Boyce's allegation of cheating at Herndon Elementary School. (*Id.*) In particular, the Indictment accused Williams of issuing a memorandum of understanding to Dr. Boyce which stated that the allegation of cheating at Herndon Elementary School had been investigated and was determined to be unfounded. (*Id.*) The Indictment further accused Williams of reprimanding Dr. Boyce about the incident and not actually submitting the cheating allegation for investigation. (*Id.*)

Falsification⁴); 505-6-.01(3)(g) (Confidential Information); 505-6-.01(3)(i) (Failure to Make a Required Report⁵); and 505-6-.01(3)(j) (Professional Conduct). (Matters Asserted ¶ 5.)

11.

At the administrative hearing, the Commission did not present any evidence regarding Williams' specific role in what has been referred to as the "APS Cheating Scandal," other than the ninety-page Indictment, which named over thirty defendants, and the Final Disposition, issued by the Honorable Jerry Baxter, Fulton County Superior Court Judge, on May 6, 2015. The Commission's sole witness, John Grant, the Commission's chief investigator, did not testify regarding any specific allegations against Williams. His testimony regarding Williams' conduct consisted of an admission that he knew of no evidence that Williams received any financial reward for schools meeting CRCT targets and that he knew of no other ethics complaints against Williams prior to this one. (PSC Exhibit 1; Tr. 67, 70.)

Commission's Proposed Sanctions

12.

As a general matter, the Commission attempts to maintain consistency by imposing similar sanctions for similar offenses. (Tr. 23, 47-48.) In the APS Cheating Scandal cases, the Commission decided to seek the following sanctions for APS educators implicated in CRCT cheating in 2009: two-year suspensions of teaching certificates for teachers; and revocation of certificates for administrators.⁶ (Tr. 36, 42.) Notwithstanding this general policy, in some

⁴ The Code of Ethics for Educators is revised periodically by the Commission. Attached to the OSAH Form 1 as Exhibit B to Attachment 3 were five versions of the Code of Ethics for Educators (i.e., October 15, 2004, August 15, 2005, June 15, 2009, October 15, 2014, and June 15, 2015). In the two earliest versions, Standard 4 is entitled "Misrepresentation or Falsification." In the three later versions, Standard 4 is entitled "Honesty."

⁵ In the October 15, 2004 and August 15, 2005 versions of the Code of Ethics for Educators, Standard 9 is entitled "Failure to Make a Required Report." In the later versions, Standard 9 is entitled "Required Reports."

⁶ Mr. Grant also testified that whenever an educator has been convicted of a felony while certified, the Commission has consistently revoked that educator's certificate. (Tr. 26.) This testimony seems at odds with his testimony that teachers who were convicted in the APS cheating scandal received a two-year suspension.

instances the Commission proposed reduced sanctions based on the circumstances of a particular case. Specifically, special investigators for the Governor's office recommended to the Commission that educators who cooperated in their investigation receive reduced sanctions. (Tr. 28.) The Commission took the recommendations of the special investigator's into consideration in deciding the appropriate sanction. (Tr. 28.) Thereafter, if the educator appealed the sanction that was initially imposed by the Commission, the Attorney General's Office made a recommendation as to what the appropriate sanction should be for a cooperating witness. (*Id.*) The Commission often accepted lesser sanctions based on the recommendation of the Attorney General's Office. (Tr. 29.)

13.

As Grant testified at the administrative hearing, some of the administrators who agreed to cooperate committed egregious acts of cheating, yet they were given reduced, retroactive sanctions and can currently hold a license to teach in Georgia. (Tr. 53-54, 56-59, 65-66.)

14.

For example, Christopher Waller, the former principal of Parks Middle School admitted to purposefully orchestrating cheating at his school over several years, including buying pizzas for teachers who attended "answer-changing parties," convincing teachers to change CRCT answers, and personally changing CRCT answers. (Tr. 53-54.) Waller's conduct was the most egregious of those who pleaded guilty and who admitted what they had done. (Tr. 57.) He was given a negotiated retroactive one-year suspension. (Tr. 57-58.) Similarly, Clarietta Davis, former principal of Venetian Hills Elementary School, pleaded guilty to false statements and writings. (Tr. 65.) She admitted that she changed students' answers on the CRCT, knew that her teachers were doing so, and did not report the cheating. (Tr. 65.) Davis received a retroactive three-month suspension of her educator's certificate. (Tr. 66.) Finally, Lucious Brown, a

principal at Kennedy Middle School who agreed to cooperate with investigators, admitted to changing answers on the CRCT, making false statements, and that he had actual knowledge of the cheating. (*Id.*) Brown received a negotiated retroactive sixty-day suspension of his educator's certificate. (*Id.*)

15.

According to Grant, each of the educators involved in the APS Cheating Scandal who agreed to plead guilty and cooperate with the investigators received reduced sanctions that varied depending upon the particular educator's conduct. (Tr. 38-40.) On the other hand, for the educators who maintained their innocence, went to trial and were convicted of at least one count, the Commission sought a two-year suspension for teachers and revocation for administrators with no differentiation for individual conduct. (Tr. 40-44.)

16.

Williams did not agree to plead guilty and continues to maintain her innocence, despite her conviction. The Commission, following its general policy, proposed that Williams' certificate be revoked. (Matters Asserted, ¶ 6.)

Williams' Mitigating Evidence

17.

Seven witnesses testified on Williams' behalf at the administrative hearing. The witnesses included former principals who reported to Williams, a pastor from Williams' church, and the executive director of the non-profit organization where Williams volunteers. (Tr. 82-118.) All described Williams as professional. (Tr. 84, 88-89, 93-94, 98, 103, 108, 115.) Some testified that she had a reputation for requiring those she supervised to work hard and live up to high standards. (Tr. 86, 98-99.) Others testified that she had a reputation for integrity and trustworthiness. (Tr. 99, 110.) Some testified that they personally believed her to be honest and

trustworthy. (Tr. 103, 109, 115-16.) Others seemed to be more measured in their testimony. One witness testified that she had no reason to “question” Petitioner’s honesty, trustworthiness or integrity. (Tr. 84-85.) Another witness stated, “I feel that, from my interactions with her, she was very honest and trustworthy.” (Tr. 89.) Notwithstanding, each of the witnesses had no concerns about Petitioner working in a school system. (Tr. 85, 89, 95, 99, 104, 110, 117.)

II. CONCLUSIONS OF LAW

A. General Principles

1.

The Commission bears the burden of proof in this matter. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

When a contested case is referred to the Office of State Administrative Hearings, the administrative law judge assigned to the case has “all the powers of the referring agency” O.C.G.A. § 50-13-41(b). The evidentiary hearing is *de novo*, and the administrative law judge “shall make an independent determination on the basis of the competent evidence presented at the hearing.” Ga. Comp. R. & Regs. 616-1-2-.21(1).

3.

The Commission is the state agency responsible for certifying professional educators in Georgia and establishing standards for the teaching profession. O.C.G.A. §§ 20-2-984(5), 20-2-984.1, 20-2-200; Ga. Comp. R. & Regs. 505-1-.01. Educators⁷ are obliged to meet and comply

⁷ An “educator” is defined as “teachers and school or school system administrators and other education personnel of this state who hold certificates, permits, or other certification documents, including clearance certificates, issued by the Professional Standards Commission and persons who have applied for but have not yet received or have been denied such certificates, permits, or other certification documents from the Professional Standards Commission.” O.C.G.A. § 20-2-982.1(2).

with these standards and the Code of Ethics adopted by the Commission. O.C.G.A. § 20-2-984.1(b). The Commission is authorized to sanction an educator who has violated the statutes and rules governing the teaching profession, including the standards of performance contained in the Code of Ethics for Educators. O.C.G.A. § 20-2-984.1; *see* Ga. Comp. R. & Regs. 505-6-.01.⁸

Pursuant to O.C.G.A § 20-2-984.5(c):

If the commission finds that there is probable cause for imposing a sanction against the educator, it may recommend any combination of the following:

- (1) That the educator be warned, reprimanded, monitored, or any combination thereof; or
- (2) That the certificate of the educator be suspended, revoked, or denied.

See also Ga. Comp. R. & Regs. 505-6-.01(5). Here, the Commission proposes to sanction Williams' certificate based on five alleged violations of the standards contained in the Code of Ethics for Educators, as follows: Standard 1, Legal Compliance; Standard 4, Misrepresentation/Falsification; Standard 7, Confidential Information; Standard 9, Failure to Make a Required Report; and Standard 10, Professional Conduct. Ga. Comp. R. & Regs. 505-6-.01(3)(a), (d), (g), (i), (j).

B. Williams is an Educator and Is Subject to Disciplinary Action.

4.

Williams is an educator within the meaning of Georgia Code Section 20-2-982.1(2). She was an administrator within APS and held a teaching certificate. Accordingly, the Commission

⁸ In addition to unethical conduct as outlined in the Code of Ethics for Educators, the Commission's rules provide that violation of any other laws or rules applicable to the profession or any other good or sufficient cause that renders an educator unfit for employment as an educator are also grounds for disciplinary action against a certificate holder. Ga. Comp. R. & Regs. 505-6-.01(5). The Georgia Code also provides that the suspension, expiration or unapproved surrender of an educator's certificate does not deprive the Commission of its authority to deny, suspend or revoke the certificate. O.C.G.A. § 20-2-984.4(f).

has the authority to discipline her. O.C.G.A. § 20-2-984.5(c); Ga. Comp. R. & Regs. 505-6-.01(5).

C. Williams Violated the Code of Ethics for Educators.

Standard 1 – Legal Compliance

5.

Standard 1 of the Code of Ethics for Educators requires educators to abide by state laws and defines unethical conduct as including the conviction of a felony, even when first offender treatment is granted, and regardless of whether an appeal of the conviction has been sought. Ga. Comp. R. & Regs. 505-6-.01(3)(a). Williams was convicted of conspiring to engage in a pattern of racketeering activity under the Georgia RICO Act. O.C.G.A. § 16-14-4(c). Violation of the Georgia RICO Act is a felony. O.C.G.A. § 16-14-5(a). Accordingly, Williams' felony conviction violates Standard 1 and subjects her to disciplinary action by the Commission.

Standard 4 – Misrepresentation or Falsification (Honesty)

6.

The Court concludes that the Commission failed to prove that Williams violated Standard 4 of the Code of Ethics for Educators. Standard 4, in both the August 15, 2005 and June 15, 2009 versions, requires educators to exemplify honesty and integrity in the course of professional practice and defines unethical conduct to include falsifying, misrepresenting, or omitting information submitted to other governmental agencies, information regarding the evaluation of students, and information submitted in the course of an official inquiry or investigation. Ga. Comp. R. & Regs. 505-6-.01(3)(d). The Matter's Asserted do not allege any specific misrepresentation or falsification. Rather, the Matter's Asserted state that Williams "was indicted for concealing knowledge that teachers were providing correct answers to students during the [CRCT]." (Matters Asserted ¶ 2.)

7.

As noted above, the Indictment contains specific accusations; however, the Commission presented no evidence regarding any false statements or concealment. The Commission's sole evidence of any false statement or concealment was the Indictment and the Final Disposition, which are not sufficient to prove the underlying facts in a subsequent administrative proceeding. "[A] criminal conviction cannot be taken as evidence in a civil action to establish the truth of the facts on which the conviction was rendered...." *Anderson v. S. Gaur. Ins. Co.*, 235 Ga. App. 306, 307 n.1 (1998), citing *Continental Cas. Co. v. Parker*, 161 Ga. App. 614, 617 (1982).⁹

8.

In addition, the Court concludes that the doctrines of res judicata and collateral estoppel do not bar Williams from denying the facts underlying the convictions in this case. Under Georgia law, unlike federal and other state law, these doctrines are only applicable if the prior adjudication is a final judgment. *See Thomas v. Brown*, 708 F. Supp. 336, (N.D. Ga. 1989), citing *Lexington Developers, Inc. v. O'Neal Construction Co., Inc.*, 143 Ga. App. 440, 441 (1977) (Georgia Court of Appeals, which unequivocally stated that, "in Georgia a judgment is suspended when an appeal is entered within the time allowed. . . . and the judgment is not final as long as there is a right to appellate review," denied the application of res judicata to a subsequent state court action when the first judgment was still on appeal); *Greene v. Transport Insurance Co.*, 169 Ga. App. 504 (1984) (applying the same rule to collateral estoppel). *See also Depianti v. Jan-Pro Franchising Int'l, Inc.*, 39 F. Supp. 3d 112 (D. Mass. 2014), citing *CS-*

⁹ In *Anderson*, an insurance company sought a declaratory judgment that it was not obligated to defend its insured, Anderson, in a suit by a third-party, who claimed that Anderson had caused bodily injury through various intentional torts. The Court of Appeals reversed the trial court's granting of summary judgment in favor of the insurance company on this issue, holding that the fact that Anderson had been convicted on criminal charges arising out of the incident with the third-party, including aggravated assault, was not evidence in the case to establish that Anderson expected or intended bodily injury to the third-party. The *Anderson* court cited *Continental Cas. Co. v. Parker*, which recognized, "[t]he rule supported by the great weight of authority is to the effect that a judgment of conviction or acquittal rendered in a criminal prosecution cannot be given in evidence in a purely civil action, to establish the truth of the facts on which it was rendered." *Id.*

Lakeview at Gwinnett, Inc. v. Retail Dev. Partners, 268 Ga. App. 480 (2004) (under Georgia law, unlike either Massachusetts or federal law, “the fact that a prior court judgment has been appealed suspends the operation of any preclusive effect pending the appeal”); *Forsyth v. Monroe County*, 260 Ga. 296 (1990).

9.

Thus, although Georgia Code Section 9-12-40 provides that “[a] judgment of a court of competent jurisdiction shall be conclusive between the same parties and their privies as to all matters put in issue or which under the rules of law might have been put in issue in the cause wherein the judgment was rendered until the judgment is reversed or set aside,” Georgia courts have held that the judgment is not conclusive if its suspended during an appeal. *Id.* Williams was entitled to demand that the Commission, as the party with the burden of proof, present sufficient probative evidence to prove the allegations in the Matters Asserted by a preponderance of the admissible, probative evidence. As the evidence of the convictions could not establish the truth of the facts upon which the convictions were rendered and the Commission’s failed to produce any other evidence of a false statement or concealment, the Court concludes that the Commission failed to meet its burden of proof on the alleged violation of Standard 4.

Standard 7 – Confidential Information

10.

The Court concludes that the Commission failed to prove that Williams violated Standard 7 of the Code of Ethics for Educators. Under the version of Standard 7 in effect during the 2009 administration of the CRCT, educators were required to “comply with state and federal laws and local school board/governing board policies relating to the confidentiality of student and personnel records, standardized test material and other information covered by confidentiality agreements.” Ga. Com. R. & Regs. 505-6-.01(3)(g). Pursuant to Standard 7, “[u]nethical

conduct includes but is not limited to: . . . violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, [or] violating local school system or state directions for the use of tests or test items.” Ga. Com. R. & Regs. 505-6-.01(3)(g)(2). The Commission made no specific factual allegations regarding confidentiality agreements or policies in its Matters Asserted and presented no evidence on this subject at the administrative hearing. Nor did the Commission identify any law or board policy relating to confidentiality that Williams allegedly violated. Finally, the Commission did not present any evidence that Williams divulged or mishandled any tests or test items.

Standard 9 – Failure to Make Required Reports

11.

The Court concludes that the Commission failed to prove that Williams violated Standard 9 of the Code of Ethics for Educators. Under the versions of Standard 9 in effect during and after the 2009 administration of the CRCT, educators are required to “report a violation of one or more standards of the Code of Ethics for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner.” Ga. Comp. R. & Regs. 505-6-.01(3)(i)(2). In its Matters Asserted, the Commission made no specific allegations regarding which Code of Ethics violations Williams was required to report, who violated the Code of Ethics, or when the alleged violations should have been reported. The Matters Asserted does state that Williams was “indicted for concealing knowledge that teachers were providing correct answers to students during the [CRCT].” Other than the Indictment, Respondent presented no evidence regarding specific Code of Ethics violations that Williams was required to report.

Standard 10 – Professional Conduct

12.

The Court concludes that the Commission proved that Williams violated Standard 10 of the Code of Ethics for Educators. Standard 10 currently requires educators to demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Ga. Comp. R. & Regs. 505-6-.01(3)(j). The court concludes that an educator who is convicted of a felony as a result of involvement in cheating on standardized tests has fallen below generally recognized professional standards and has, by virtue of such conviction, injured the dignity and integrity of the education profession. Thus, even without evidence regarding the underlying facts, the conviction of a felony offense that stemmed from a certificate holder's conduct as an educator is sufficient to prove a violation of Standard 10.

D. The appropriate sanction is a Retroactive Suspension.

13.

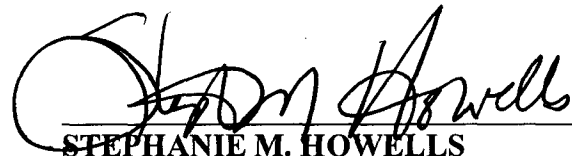
Based on the violations of Standards 1 and 10, the Commission is authorized to sanction Williams' Educator Certificate. Ga. Comp. R. & Regs. 505-6-.01(5)(a). Having considered the evidence in the record of this case, the Court concludes that the revocation of Williams' Educator Certificate is not the appropriate sanction. Rather, weighing the serious nature of the felony conviction and its undeniable connection with the education profession against Williams' alleged indirect involvement in the cheating scheme, the evidence that other, more culpable individuals received relatively mild sanctions in exchange for taking a plea, the absence of any evidence of the specific acts Williams allegedly committed, and the uncontroverted evidence of Williams' professionalism, good reputation and continued support from educators and community members despite the conviction, the Court concludes that the appropriate sanction is a two-year

suspension, with retroactive credit applied in accordance with the Commission's routine policies and procedures.¹⁰

III. DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, the Commission's decision to sanction Williams' Georgia Educator Certificate is **AFFIRMED**, but the proposed sanction is **REDUCED** to a two-year suspension. Williams shall be given retroactive credit for any period of time after the 2008-2009 school year that she neither worked nor was paid as an educator, provided that she provide adequate proof of such unemployment to the Commission in a manner consistent with the Commission's policies and procedures.

SO ORDERED, this 12th day of August, 2016.



STEPHANIE M. HOWELLS
Administrative Law Judge

¹⁰ Determining the appropriate sanction in professional licensing and employment cases is a subtle endeavor, which requires the balancing of many factors. See generally *Dollar v. Dept. of Human Resources*, 196 Ga. App. 696, 700-01 (1990) (upholding the State Personnel Board's reduction of a proposed adverse action from termination to a three-day suspension, the Court of Appeals "acknowledge[d] the existence of the sound policy prohibiting blind insistence on meting out uniform penalties to employees technically charged with the same offenses, based on the principle that proper discipline always involves weighing numerous factors, and what is a minor offense in one work situation may well be major in another"). Williams' counsel argued that Williams should receive the same sanction as the educator in *Evans v. Professional Standards Commission*, No. OSAH-PSC-SAN-1616752-60 decided by Judge Schroer. However, in some respects, the evidence in the *Evans* case differed from the evidence in this case. For example, in *Evans*, Judge Schroer had affidavits from Judge Baxter and five jurors who heard the evidence in the criminal case. Judge Baxter opined that Evans' involvement in the cheating scandal was less than other educators and the jurors found her less culpable. That evidence was not present in this case. Additionally, in determining the appropriate sanction, Judge Schroer relied, in part, on evidence that Evans' convictions were based on a finding that Evans knew or should have known about the cheating and failed to stop it. That evidence was also not present in this case.

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

SHARON WILLIAMS,	:	
Educator/Petitioner,	:	
	:	
v.	:	Docket No.: OSAH-PSC-SAN-1648876-33-
	:	Howells
PROFESSIONAL STANDARDS	:	
COMMISSION,	:	
Respondent.	:	Agency Reference No.: 11-9-457

NOTICE OF FINAL DECISION

This is the Final Decision of the Administrative Law Judge (Judge) in the case. This decision is appealable in Superior Court. **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.

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 a Petition for Judicial 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.: Kevin Westray, kwestray@osah.ga.gov
225 Peachtree Street, NE, South Tower, Suite 400
Atlanta, Georgia 30303-1534

PETITION FOR JUDICIAL REVIEW

A party who wishes to appeal the Judge's Final Decision may do so by filing a Petition for Judicial Review. O.C.G.A. §§ 50-13-19, 50-13-41. The Petition for Judicial Review must be filed 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. A copy of the Petition for Judicial Review of the Final Decision must be filed with the OSAH clerk and the clerk of the Superior Court and simultaneously served upon all parties.