

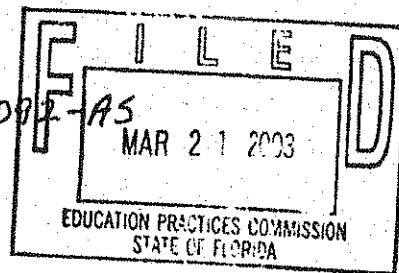


Before the Education Practices Commission of the State of Florida

IN RE The Denial of the Application for Educator's Certificate of:

WILLIAM L. FINCH.

CASE N° 01-0143-D
EPC INDEX N° 02-002-AS



Final Order

Applicant, WILLIAM L. FINCH, applied for a Florida educator's certificate and that application was denied. The Commissioner of Education has filed a Notice of Reasons (NOR) stating the reasons for denial of the certificate.

Applicant and the Commissioner of Education have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Notice of Reasons are attached to and made a part of this Final Order.

A teacher panel of the Education Practices Commission met on February 28, 2003, in Orlando, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Applicant shall comply with its terms and conditions.

This Order becomes effective upon filing.

DONE AND ORDERED, this 18th day of March, 2002.

Grace A. Williams
GRACE WILLIAMS, Presiding Officer

COPIES FURNISHED TO:

- Bureau of Educator Standards
- Bureau of Teacher Certification

NOTICE OF RIGHT TO JUDICIAL REVIEW
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW

Florida Administrative Law Reports

Superintendent
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, FL 32940-6699

Assistant Superintendent
Human Resources
Brevard County Schools

Ronald G. Stowers, Attorney at Law

PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES COMMISSION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

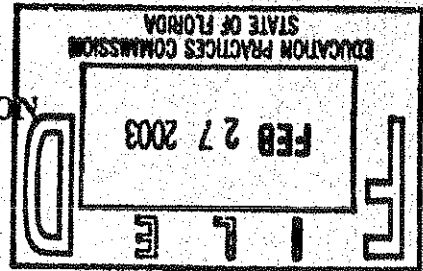
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of The Denial of the Application for Educator's Certificate of William L. Finch, was furnished to Nina Ashenafi, Attorney at Law, FEA, 118 N. Monroe St., Tallahassee, FL 32399-1700, this 21st day of March, 2002, by U.S. Mail.

Kathleen M. Richards

KATHLEEN RICHARDS, Clerk

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



IN RE: The Denial of the
Application for Teacher's
Certificate of :

PPS CASE NO. 001-0775-RA

WILLIAM L. FINCH.

SETTLEMENT AGREEMENT

COME NOW the Petitioner, William L. Finch, and the Respondent, Charlie Crist, as Commissioner of Education, who hereby stipulate and agree as follows:

1. **Application.** Petitioner applied for a Florida Educator's Certificate, which the Respondent denied by a Notice of Reasons previously filed herein.
2. **Allegations.** Petitioner neither admits, nor denies, but elects not to contest the allegations set forth in Respondent's Notice of Reasons, which are incorporated herein by reference.
3. **Certificate.** Respondent agrees to issue a certificate to the Petitioner for which he is otherwise qualified, subject to the restrictions and conditions set forth in this agreement.
4. **Reprimand.** Petitioner agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing Florida school district.
5. **Recovery Network Program.**
 - a) **Substance Abuse Evaluation.** Petitioner agrees to:
 - 1) submit to an evaluation, relating to issues cited in the Administrative Complaint as determined by the RNP, and conducted by a substance abuse counselor approved by the RNP;
 - 2) provide the RNP with written verification of successful completion of the evaluation within 60 days of issuance of the Final Order accepting this Settlement Agreement;

and, 3) undergo any treatment or counseling prescribed by said professional;

4) submit written verification of completion of all recommended treatment and counseling to RNP within 60 days of completion.

b) Employment. If Petitioner is not employed in a position requiring a Florida Educator's Certificate on the date, or within one year of the date, the initial RNP evaluation(s) required herein are performed, the Petitioner agrees to submit to follow-up evaluation(s) as determined by the RNP within 60 days of being employed in such a position.

c) Costs. Petitioner shall bear all costs associated with the evaluation, treatment, and counseling.

one year of probation
WLF
WLF
S

6. Probation. Petitioner agrees that he shall be placed on probation for a period of employment years. If Petitioner is currently employed in a position requiring a Florida Educator's Certificate, probation shall begin upon issuance of the Final Order by the Education Practices Commission (EPC) accepting this Settlement Agreement. If Petitioner is not currently employed in a position requiring a Florida Educator's Certificate, probation shall begin upon his employment in a position requiring a Florida Educator's Certificate. In the event Petitioner's employment as an educator is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Petitioner resumes employment in a position requiring a Florida Educator's Certificate. As conditions of probation, the Petitioner shall:

a) immediately contact the Bureau of Educator Standards (BES) upon employment in Florida in a position requiring a Florida Educator's Certificate or, if currently employed in such a position, Petitioner shall contact the BES within 10 days of the issuance of the Final Order accepting this Settlement Agreement and Petitioner shall provide the BES the name and address of his work site, as well as the name, address, and telephone number of his immediate supervisor;

b) make arrangements for his immediate supervisor to provide the BES with a true and accurate copy of each written annual performance evaluation or assessment prepared by his supervisor within 10 days of its preparation;

c) pay to the EPC \$150.00 within the first 6 months of each probation year to defray the cost of monitoring his probation;

d) violate no law and shall fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006; and,

e) satisfactorily perform his assigned duties in a competent, professional-

manner;

f) not consume, inject or ingest any controlled substance unless prescribed or administered for legitimate medical purposes;

g) submit to periodic blood and urine testing at the direction of the EPC, the employing school district, or the RNP; and,

h) pay a fine to the EPC in the amount of \$250.00 within 1 year of the date of the Final Order accepting this Settlement Agreement.

7. **Violation.** In the event Petitioner fails to comply with each condition set forth herein, Petitioner agrees that the Respondent is authorized to file an Administrative Complaint or an Order to Show Cause seeking sanctions against his Florida Educator's Certificate, up to and including permanent revocation and permanent bar to re-application, based upon the violation of the terms of this Settlement Agreement.

8. **Cost and Fees.** The parties acknowledge and Petitioner agrees that any cost associated with the terms of this Settlement Agreement and the terms of the Petitioner's probation, including the statutory \$150.00 per year probation monitoring fee, will be the sole responsibility of the Petitioner. However, the probation monitoring fee shall be held in abeyance, if Petitioner is not employed as an educator pursuant to the terms of Probation above.

9. **Force and Effect.** This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the EPC. If this Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. **Waiver of Rights.** Petitioner understands the provisions of this Settlement Agreement, their legal effect, and his rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings or an informal hearing before the EPC. Petitioner specifically waives his right to both a formal or an informal hearing, except that he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Petitioner further acknowledges that he is under no duress, coercion, or undue influence to execute this Settlement Agreement, and that he has had the opportunity to receive the advice of legal counsel prior to executing the Settlement Agreement.

11. **Approval.** When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand

that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations in the Notice of Reasons if, in the exercise of its discretion, it deems such action appropriate.

12. Notice. Petitioner waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next regularly scheduled meeting, provided that Petitioner is given reasonable advanced notice of the time, place, and date of said meeting.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this

25 day of FEBRUARY, 2007¹³



William L. Finch, Petitioner

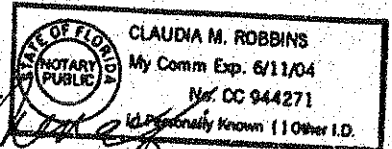
STATE OF FLORIDA
COUNTY OF BREVARD

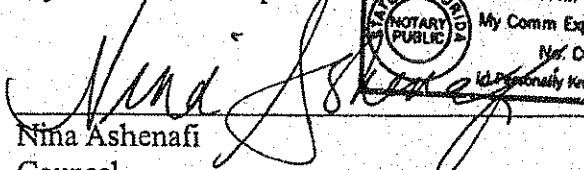
The foregoing instrument was acknowledged before me this 25 day of

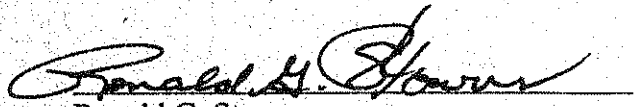
FEB, 2007¹³ by William L. Finch, who is personally known or produced

_____ as identification (type of identification produced).


NOTARY PUBLIC
My commission expires:




Nina Ashenafi
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Florida Education Association
118 North Monroe Street
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Facsimile (850) 414-8976

ATTORNEY FOR RESPONDENT

ATTORNEY FOR PETITIONER

**STATE OF FLORIDA
DEPARTMENT OF EDUCATION**

**IN RE: The Denial of the
Application for Teacher's
Certificate of :**

CASE NO. 001-0775-RA

William L. Finch.

NOTICE OF REASONS

William L. Finch, [REDACTED] Florida 32903-4134, Department of Education Number 331522, having filed his application for a Florida Educator's Certificate before the Department of Education; and

The Department of Education having reviewed the application in accordance with Sections 231.17 and 231.262, Florida Statutes, has determined that William L. Finch is not entitled to the issuance of a Florida Educator's Certificate, accordingly;

The Department of Education files and serves upon the Applicant, William L. Finch, its Notice of Reasons for its denial in accordance with the provisions of Section 120.60, Florida Statutes, and as grounds therefore, alleges:

1. On or about September 1, 1996, Applicant was in unlawful possession of ketamine and methamphetamine, which are controlled substances. Applicant was arrested and charged by law enforcement authorities in Los Angeles, California, with: Count 1, Maintaining a Synthetic Drug; and, Count 2, Possession of Controlled Substances. On or about December 12, 1996, Count 1 was dismissed by the court and Applicant entered a diversion program as to Count 2. On or about February 10, 1998, Count 2 was dismissed pursuant to the diversion agreement.

2. On his application for a Florida Educator's Certificate dated August 3, 2000, Applicant failed to acknowledge his criminal background as required by Florida law and in conflict with his sworn statement on the application that all the information provided was true and correct in that he failed to acknowledge his 1996 arrest.

The Department of Education charges:

STATUTE VIOLATIONS

COUNT 1: The applicant is in violation of Section 231.17(2)(e), Florida Statutes, which requires that the holder of a Florida Educator's Certificate be of good moral character.

COUNT 2: The applicant is in violation of Section 231.17(10)(a), Florida Statutes, which provides that the Department of Education is authorized to deny an Applicant an educator's certificate if it possesses evidence satisfactory to it that the Applicant has committed an act or acts or that a situation exists for which the Education Practices Commission would be authorized to revoke a teaching certificate.

COUNT 3: The Applicant is in violation of Section 231.2615(1)(c), Florida Statutes, in that he has been guilty of gross immorality or an act involving moral turpitude.

COUNT 4: The Applicant is in violation of Section 231.2615(1)(i), Florida Statutes, in that he has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

RULE VIOLATIONS

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(a), Florida Administrative Code, in that Applicant has failed to maintain honesty in all professional dealings.

COUNT 6: The Applicant is in violation of Rule 6B.1006(5)(h), F.A.C., in that he has submitted fraudulent information on a document in connection with professional activities.

WHEREFORE, the undersigned concludes that William L. Finch has committed an act or acts or that a situation exists for which the Education Practices Commission would be authorized to revoke an educator's certificate. It is therefore, respectfully recommended that the Education Practices Commission affirm the Department of Education's denial of the issuance of a teaching certificate to the Applicant based upon the reasons set forth herein, in accordance with the Explanation of Rights form which is attached to and made a part of this Notice of Reasons.

EXECUTED on this 27 day of July, 2001.



Charlie Crist, as
Commissioner of Education
State of Florida



KATHLEEN M. RICHARDS
Executive Director

EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

MARGARET WOLFE
Chairperson

RIVERS BUFORD
Counsel

GRACE WILLIAMS
Co-Chairperson

February 28, 2003

William Finch

[REDACTED]
Palm Bay, Florida 32905

Re: William Finch vs. Tom Gallagher
EPC No.: 01-0143-D; Social Security No.: [REDACTED]

Dear Mr. Finch:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Notice of Reasons which is incorporated herein.

This panel, composed of your peers, believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action being taken against you.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Brevard County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in cursive script that reads "Grace Williams".

Grace Williams
Presiding Officer