



Before the Education Practices Commission of the State of Florida

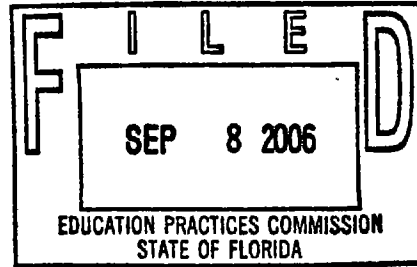
JOHN L. WINN as the
Commissioner of Education,

Petitioner,

vs.

DOUGLAS KITSCH,

Respondent.



CASE Nº 05-0156-RT
EPC INDEX Nº 06-288-AS

Final Order

Respondent, DOUGLAS KITSCH, holds Florida educator's certificate no. 642810. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Amended Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on August 24, 2006, in Tallahassee, 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 Respondent shall comply with its terms and conditions.

This Order takes effect upon filing.

DONE AND ORDERED, this 24th day of August, 2006.

DEBORAH SHEPARD, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

DOE Counsel for PPS

Daniel R. Biggins
Assistant Attorney General

Probation Office

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

Human Resources
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Fl. 32940-6699

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of JOHN L. WINN v. DOUGLAS KITSCH was furnished to Douglas Kitsch, [REDACTED] Titusville, Florida 32780-5995 and Nina Ashenafi, 118 North Monroe Street, Tallahassee, Florida 32399-6300 this 8th day of September, 2006, by Certified U.S. Mail.



DON SHIELDS
Education Practices Commission



**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

KATHLEEN RICHARDS
Executive Director

DEBORAH SHEPARD
Chairperson

DANIEL R. BIGGINS
EPC Legal Counsel
Assistant Attorney General

LUCILE CASEY
Co-Chairperson

August 24, 2006

Douglas Kitsch

[REDACTED]
Titusville, Florida 32780-5995

Re: John L. Winn vs. Douglas Kitsch
EPC No.: 05-0156-RT; DOE No.: 642810

Dear Mr. Kitsch:


As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

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.

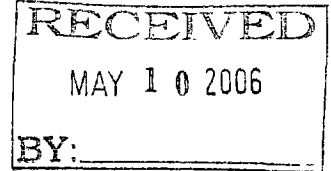
The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action being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


Deborah Shepard
Presiding Officer

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



JOHN L. WINN, as Commissioner
of Education,

Petitioner,

vs.

CASE NO. 012-0367-M

DOUGLAS S. KITSCH,

Respondent.

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EDUCATION PRACTICES
COMMISSION

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 642810 issued by the Department of Education covering the area of Elementary Education which is valid through June 30, 2010.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Sixth Grade Teacher at Enterprise Elementary School in the Brevard County School District.
3. **Allegations.** Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Amended Administrative Complaint, which are incorporated herein by reference.
4. **Letter of Reprimand.** Respondent 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 school district.
5. **Fine.** Respondent agrees to pay a fine in the amount of \$100.00 to the EPC within one (1) year of the date of the Final Order accepting this Settlement Agreement.
6. **Violation.** In the event Respondent fails to comply with each condition set forth herein, he agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

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DOUGLAS S. KITSCH
Settlement Agreement
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7. **Costs and Fees.** Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be his sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Respondent is not employed as an educator pursuant to the terms of the Probation.

8. **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 the 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.

9. **Notice of "Three Strikes" Provision.** Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

10. **Waiver of Rights.** Respondent understands 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 (DOAH) or an informal hearing before the EPC. Respondent specifically waives his right to both a formal and an informal hearing, except he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent 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 signing this 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 of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

12. **Notice.** Respondent 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 available scheduled meeting, provided that Respondent is given reasonable advanced notice of time, place and date of said meeting.

(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
_____ day of _____, 20_____.

Douglas S. Kitch
DOUGLAS S. KITSCH

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 27 day of
April, 2006, by Douglas S. Kitch
who is _____ personally known or produced RD
as identification [type of identification produced].



EILEEN S. KERSEY
MY COMMISSION # DD 468556
EXPIRES: September 23, 2009
Bonded Thru Budget Notary Services

Eileen S. Kersey
NOTARY PUBLIC
My commission expires:

Ronald G. Stowers

RONALD G. STOWERS
Assistant General Counsel
Suite 1244, Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Telephone (850) 245-0443
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

Nina Ashenafi Esquire

NINA ASHENAFI, ESQUIRE
Florida Education Association
118 North Monroe Street
Tallahassee, Florida 32301
Telephone (850) 224-7818
Facsimile (850) 224-0447

ATTORNEY FOR RESPONDENT

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NOTARY PUBLIC
STATE OF FLORIDA

MAY 10 2006

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EDUCATION PRACTICES COMMISSION

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JOHN L. WINN, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 012-0367-M

DOUGLAS S. KITSCH,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, John L. Winn, as Commissioner of Education, files this Amended Administrative Complaint against DOUGLAS S. KITSCH. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.795 and 1012.796, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 642810, covering the area of Elementary Education, which is valid through June 30, 2010.
2. At all times pertinent hereto, the Respondent was employed as a Sixth Grade Teacher at Enterprise Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about May 29, 1992, Respondent was driving while intoxicated or otherwise impaired. Applicant was arrested and charged with Driving Under the Influence. On or about January 7, 1993, Respondent pled nolo contendere to the reduced charge of Reckless Driving. The court adjudicated Respondent guilty of the charge.
4. On or before February 27, 1994, Respondent engaged in a physical altercation with his wife and a law enforcement officer. Respondent was arrested and charged with: Count 1, Battery

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DOUGLAS S. KITSCH
Amended Administrative Complaint
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(Spouse Abuse); and, Count 2, Resisting an Officer with Violence. On or about October 2, 1994, Count 1 was nolle prossed. Respondent pled nolo contendere to Resisting an Officer without Violence. The court withheld adjudication of guilt and placed Respondent on probation for 9 months.

5. On or about August 7, 2001, Respondent engaged in a physical altercation with his wife during an argument. On or about August 8, 2001, Respondent was arrested and charged with Domestic Violence Battery. On or about October 15, 2001, the state attorney's office filed no information on the charge.

6. On his 1995 and 2004 applications to renew his Florida Educator's Certificate, Respondent failed to acknowledge his criminal background as required by Florida law and in conflict with his sworn statement on the application that all information provided was true and correct in that he failed to acknowledge his 1994 charge.

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of Section 1012.795(1)(a), Florida Statutes, in that Respondent obtained the teaching certificate by fraudulent means.

COUNT 2: The Respondent is in violation of Section 1012.795(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude.

COUNT 3: The Respondent is in violation of Section 1012.795(1)(e), Florida Statutes, in that Respondent has been convicted of a misdemeanor, felony, or other criminal charge, other than a minor traffic violation.

COUNT 4: The Respondent is in violation of Section 1012.795(1)(i), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

COUNT 5: The Respondent is in violation of Section 1012.795(2), Florida Statutes, which provides that the plea of guilty in any court or the decision of guilty by any court is prima facie proof of grounds for the revocation of the certificate.

RULE VIOLATIONS

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

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DOUGLAS S. KITSCH
Amended Administrative Complaint
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COUNT 7: The Respondent is in violation of Rule 6B.1006(5)(h), Florida Administrative Code, in that Respondent has submitted fraudulent information on a document in connection with professional activities.

WHEREFORE, the Petitioner recommends that the Education Practices Commission impose an appropriate penalty pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes, which penalty may include a reprimand, probation, restriction of the authorized scope of practice, administrative fine, suspension of the teaching certificate not to exceed three years, permanent revocation of the teaching certificate, or combination thereof, for the reasons set forth herein, and in accordance with the Explanation and Election of Rights forms which are attached hereto and made a part hereof by reference.

EXECUTED on this 4th day of August, 2005.



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Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER