



Before the Education Practices Commission of the State of Florida

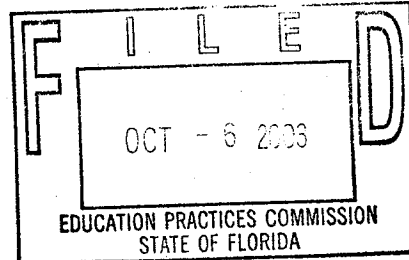
JIM HORNE as the
Commissioner of Education,

Petitioner,

vs.

GEORGE A. GOODMAN, III,

Respondent.



CASE N^o: 03-0210-RT

EPC Index N^o 03-379-AS

Final Order

Respondent, George A. Goodman, III, holds Florida educator's certificate no. 747397. 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 Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on September 18, 2003, in Tampa, 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 becomes effective upon filing.

DONE AND ORDERED, this 18th day of September, 2003.


MARGARET WOLFE, Presiding Officer

COPIES FURNISHED TO:

Bureau of Educator Standards

Bureau of Teacher Certification

Florida Administrative Law Reports

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

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

Recovery Network Program
for Educators
325 W. Gaines Street, Suite 126
Tallahassee, FL 32399

Heidi Maynard, Attorney at Law

Probation Officer, 850/488-0548

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 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 Horne v. George A. Goodman, III was furnished to George Goodman, III, 4519 N. Shore Rd., Lynn Haven, FL 32444 by U.S. Mail this 6 day of October, 2003.


KATHLEEN RICHARDS
Executive Director



KATHLEEN M. RICHARDS
Executive Director

**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

MARGARET WOLFE
Chairperson

Ann Cocheu
Counsel

GRACE WILLIAMS
Co-Chairperson

September 18, 2003

George Goodman, III
4519 North Shore Road
Lynn Haven, Florida 32444

Re: Jim Horne vs. George Goodman, III
EPC No.: 03-0210-RT; _____

Dear Mr. Goodman:

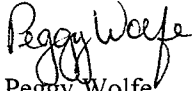
As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

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,


Peggy Wolfe
Presiding Officer

IPC

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STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

JIM HORNE, as Commissioner
of Education,

Petitioner,

vs.

CASE NO. 023-1393-M

GEORGE A. GOODMAN, III,

Respondent.

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SETTLEMENT AGREEMENT

COME NOW the Petitioner and the Respondent, who hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate 747397 issued by the Department of Education covering the area of Elementary Education which is valid through June 30, 2007.
2. **Employment.** At all times pertinent hereto, the Respondent was employed as a 6th Grade Teacher at Cambridge Elementary School in the Brevard County School District.
3. **Allegations.** The Respondent neither admits nor denies, but elects not to contest the allegations set forth in the Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. **Reprimand.** The 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. **Recovery Network Program.**
 - a) **Substance Abuse Evaluation.** Respondent agrees to:
 - 1) submit to an evaluation relating to the issues cited in the Administrative Complaint as determined by the Recovery Network Program (RNP) and conducted by a Florida substance abuse counselor approved by the RNP;
 - 2) provide the RNP and the employing school district or private or

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charter school with written verification from the treatment provider(s) of successful completion of the evaluation within 60 days of issuance of the Final Order accepting this Settlement Agreement;

3) undergo any counseling or treatment as may be prescribed by said professional;

4) provide the RNP and the employing school district or private or charter school with written verification from the treatment provider(s) of completion of all recommended treatments within 60 days of completion.

b) **Prior Evaluation.** If Respondent has undergone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluation(s) and treatment and/or counseling agreed to herein, if acceptable to the RNP.

c) **Employment.** If Respondent 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 Respondent agrees to submit to follow-up evaluation(s) as determined by the RNP within 60 days of being employed in such a position.

d) **Costs.** Respondent shall bear responsibility for all costs associated with the evaluation, treatment and counseling.

6. **Probation.** Respondent agrees that he shall be placed on probation for a period of two (2) employment years. If the Respondent is currently employed in a position requiring a Florida Educator's Certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Respondent is not currently employed in a position requiring a Florida Educator's Certificate, probation shall begin upon his re-employment in such a position. In the event Respondent's employment as an educator is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Respondent resumes employment in a position requiring a Florida Educator's Certificate. As conditions of probation, Respondent shall:

(a) immediately contact the Bureau of Educator Standards (BES) upon employment in Florida in a position requiring a Florida Educator's Certificate or upon termination from such a position. If currently employed in such a position, Respondent shall contact the BES within 10 days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the BES with 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 EPC 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 six months of each probation year to defray the costs of monitoring probation;

(d) submit to periodic substance abuse screenings at the direction of the EPC, the BES, the employing school district or private or charter school, or the RNP and authorize reporting of results to each entity;

(e) not transport students in or on any motor vehicle;

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

(g) satisfactorily perform his assigned duties in a competent, professional manner.

7. **Violation.** In the event the Respondent fails to comply with each condition set forth herein, the Respondent agrees that the Petitioner shall be 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 of his teaching 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.

8. **Costs and Fees.** The parties acknowledge and the Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement and the terms of the Respondent's probation, including the statutory \$150.00 per year probation monitoring fee, shall be the sole responsibility of the Respondent. However, the probation monitoring fee shall be held in abeyance if the Respondent 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 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.

10. **Waiver of Rights.** The Respondent understands the provisions of this

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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. The 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. The 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 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.** The 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 the Respondent 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

11 day of July, 2003.

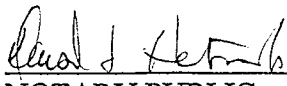


GEORGE A. GOODMAN, III

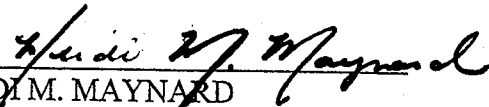
STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 11TH day of June, 2003, by GEORGE A. GOODMAN, III, who is _____ personally known or produced FLORIDA DRIVERS LICENSE as identification [type of identification produced].

DAVID I. HETRICK
Notary Public - State of Florida
My Commission Expires March 18, 2005
Commission No. CC 991763



NOTARY PUBLIC
My commission expires: 03/18/05


HEIDI M. MAYNARD
Assistant General Counsel
Fla. Bar No. 0544825
Suite 1244, Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Telephone (850) 245-0443
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENT

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COMMISSION
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**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**JIM HORNE, as
Commissioner of Education,**

Petitioner,

vs.

CASE NO. 023-1393-M

GEORGE A. GOODMAN, III,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Jim Horne, as Commissioner of Education, files this Administrative Complaint against GEORGE A. GOODMAN, III. 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 1012.795(7), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 747397, covering the area of Elementary Education, which is valid through June 30, 2007.
2. At all times pertinent hereto, the Respondent was employed as a 6th Grade Teacher at Cambridge Elementary School, in the Brevard School District.

MATERIAL ALLEGATIONS

3. In 1996, the Respondent was investigated by Professional Practices Services for a 1977 Reckless Driving charge and a 1993 charge of Carrying a Concealed Weapon. On or about February 8, 1996, the Commissioner of Education found no probable cause to deny the Respondent's application for a Florida Educator's Certificate (PPS Case #956-0304-LA).
4. In 2002, the Respondent was investigated by Professional Practices Services for a November 2001 charge of Driving Under the Influence. On or about December 17, 2002, the

Commissioner of Education found no probable cause to sanction the Respondent's Florida Educator's Certificate (PPS Case # 012-1150-C).

5. On or about September 30, 2002, in Brevard County, the Respondent's vehicle had been stopped in the middle of the road straddling the turn lane. A second vehicle drove up behind the Respondent's vehicle and the driver blew the horn for fifteen seconds to prompt the Respondent to move, but got no response. Finally the Respondent made a U-turn in the middle of the road. The driver of the second vehicle did the same, in order to obtain the Respondent's tag number. Both vehicles then stopped on the shoulder of the road. The driver of the second vehicle and the Respondent got out of their vehicles and exchanged words. The driver of the second vehicle and his passenger noticed a strong smell of alcoholic beverages on the Respondent's person. The driver of the second vehicle then flagged down a patrolling law enforcement officer. As the officer approached the two vehicles, the Respondent got back in his vehicle and drove off. The officer followed the Respondent with siren on and emergency red lights flashing. The Respondent continued to drive toward his residence. Upon arrival at the residence, the officer ordered the Respondent to stay in his vehicle. Instead, the Respondent exited his vehicle and continued to walk toward his front door, stating that he was going inside. Back-up officers arrived on scene. They knocked several times on the front door, but got no response. The officers received notice via radio several minutes later that a white male fitting the description of the Respondent had just jumped a neighbor's fence and run through his back yard. The Respondent was later found running barefoot in the neighboring subdivision. Officers noted a the smell of an alcoholic beverage on his breath. He was arrested and charged with one count of Fleeing or Attempting to Elude a Police Officer and one count of Resisting an Officer Without Violence. He pled *nolo contendere* to both counts. On or about January 6, 2003, the court adjudicated the Respondent guilty of both counts and ordered him to pay \$746.50 in court costs and fines. He continues to be employed.

STATUTE VIOLATIONS

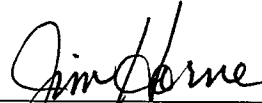
COUNT 1: The Respondent is in violation of Section 1012.795(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude.

COUNT 2: 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 3: 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.

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 7th day of May, 2003.



JIM HORNE, as
Commissioner of Education
State of Florida