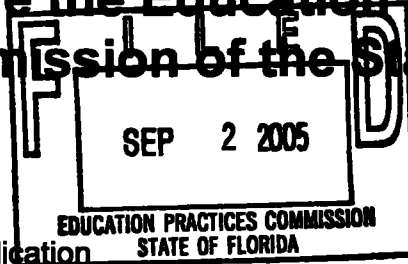




Before the Education Practices Commission of the State of Florida



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

JEFFREY LOPEZ.

CASE N° 05-0114-D
EPC INDEX N° 05-342-AS
CERTIFICATE: 961393

Final Order

Applicant, JEFFREY LOPEZ, applied for a Florida educator's certificate and that application was denied. The Commissioner of Education filed a Notice of Reasons 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 August 26, 2005, 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 Applicant shall comply with its terms and conditions.

This Order takes effect upon filing,
DONE AND ORDERED, this 26th day of August, 2005.


DEBORAH SHEPARD, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

DOE Counsel for PPS

Probation Office

SUPERINTENDENT
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Assistant Superintendent
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Florida 32940

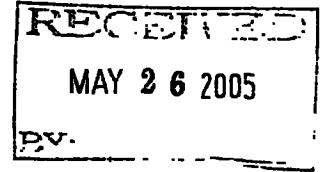
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of The Denial of the Application for Educator's Certificate of JEFFREY LOPEZ was furnished to Jeffrey Lopez, [REDACTED] Melbourne, Florida 32935 this 2 day of September, 2005, by Certified U.S. Mail.



DON D. SHIELDS
Program Specialist IV

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



In re: The Denial of the
Application for Teacher's
Certificate of:

CASE NO. 045-1001-EA

05 JUN - 1 PM 4: 15
EDUCATION PRACTICES
COMMISSION

JEFFREY ALEXANDER LOPEZ,
_____ /

SETTLEMENT AGREEMENT

Petitioner, JEFFREY ALEXANDER LOPEZ, and Respondent, the Commissioner of Education, hereby stipulate and agree as follows:

1. **Application.** Petitioner applied for a Florida educator's certificate, which Respondent denied by 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 Petitioner for which he is otherwise qualified, subject to the restrictions and conditions set forth in this Settlement Agreement.
4. **Letter of 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 school district.
5. **Probation.** Petitioner agrees that he shall be placed on probation for a period of two (2) employment years. If Petitioner 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 Petitioner 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 Petitioner's employment 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, Petitioner:

05 JUN -1 PM 4: 15

a. shall 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, Petitioner shall contact the BES within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Petitioner 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. shall 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 ten (10) days of its preparation;

c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;

d. shall have the scope of his employment restricted to: not handling school funds;

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

f. shall satisfactorily perform his duties in a competent, professional manner.

6. **Investigative Fees.** Petitioner agrees to pay a fee in the amount of \$100.00 to the Department of Education within one (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, he agrees that Respondent 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.

8. **Costs and Fees.** Petitioner agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement, including those associated with the Recovery Network Program (RNP) and probation, if applicable (including the statutory \$150.00 per year probation monitoring fee), shall be the sole responsibility of Petitioner. However, the probation monitoring fee shall be held in abeyance if Petitioner is not employed as an educator pursuant to the terms of the Probation.

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

RECEIVED
EDUCATION PRACTICES
COMMISSION

05 JUN -1 PM 4: 15

JEFFREY ALEXANDER LOPEZ
Settlement Agreement
Page 3 of 4

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. **Notice of "Three Strikes" Provision.** Petitioner 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.

11. **Waiver of Rights.** Petitioner 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. Petitioner 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. 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 signing this Settlement Agreement.

12. **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 Notice of Reasons if, in the exercise of its discretion, it deems such action to be appropriate.

13. **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 available scheduled meeting, provided that Petitioner is given reasonable advanced notice of time, place and date of said meeting.

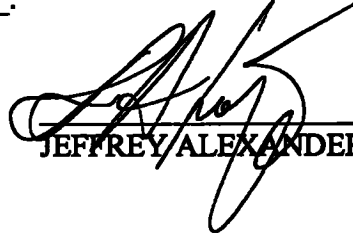
(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

RECEIVED
SOLICITATION PRACTICES
COMMISSION

05 JUN -1 PM 4:15

JEFFREY ALEXANDER LOPEZ
Settlement Agreement
Page 4 of 4

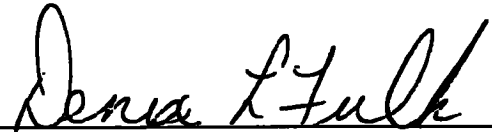
IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
23 day of May, 2005.



JEFFREY ALEXANDER LOPEZ


STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 23 day of
May, 2005, by Jeffrey Alexander Lopez,
who is personally known or produced
as identification [type of identification produced].



NOTARY PUBLIC
My commission expires:




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 RESPONDENT

ATTORNEY FOR PETITIONER

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

05 JUN - 1 PM 4: 16

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

CASE NO. 045-1001-EA

JEFFREY ALEXANDER LOPEZ.

NOTICE OF REASONS

JEFFREY ALEXANDER LOPEZ, [REDACTED] Melbourne, Florida 32935, Department of Education Number 961393, 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 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that JEFFREY ALEXANDER LOPEZ is not entitled to the issuance of a Florida Educator's Certificate, accordingly;

The Department of Education files and serves upon the Applicant, JEFFREY ALEXANDER LOPEZ, 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 December 15, 1994, Applicant pled and the court adjudicated him guilty of Operating a Motor Vehicle Impaired by Alcohol.
2. On or about March 18, 1996, Applicant pled and was adjudicated guilty of Driving While Intoxicated and Aggravated Unlicensed Operator.
3. On or about September 29, 1998, Applicant pled and was adjudicated guilty of Aggravated Unlicensed Operator.
4. On or about October 23, 2000, Applicant pled and was adjudicated guilty of Petit Larceny. The court ordered Applicant to pay restitution in the amount of \$3,137.47.
5. On or about March 12, 2001, Applicant pled and the court adjudicated him guilty of Forgery. The court ordered Applicant to pay \$205.62 in restitution.

05 JUN -1 PM 4: 16

The Department of Education charges:

STATUTE VIOLATIONS

COUNT 1: The Applicant is in violation of Section 1012.56(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 1012.56(10)(a), Florida Statutes, which provides that the Department of Education may deny an Applicant a certificate if the department 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.

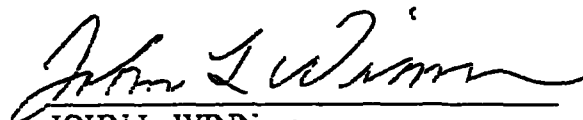
COUNT 3: The Applicant is in violation of Section 1012.795(1)(c), Florida Statutes, in that he has been guilty of gross immorality or an act involving moral turpitude.

COUNT 4: The Applicant is in violation of Section 1012.795(1)(e), Florida Statutes, in that he has been convicted of a misdemeanor, felony, or other criminal charge, other than a minor traffic violation.

COUNT 5: The Applicant 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 undersigned concludes that JEFFREY ALEXANDER LOPEZ 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 20th day of April, 2005.



JOHN L. WINN, as
Commissioner of Education
State of Florida



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

KATHLEEN RICHARDS
Executive Director

DEBORAH SHEPARD
Chairperson

ANN COCHEU
Counsel
August 26, 2005

LUCILE CASEY
Co-Chairperson

Jeffrey Lopez

Melbourne, Florida 32935

Re: Jeffrey Lopez vs. John L. Winn
EPC No.: 05-0114-D; DOE No.: 961393

Dear Mr. Lopez:

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,

A handwritten signature in cursive script that reads "Deborah Shepard".

Deborah Shepard
Presiding Officer