



Before the Education Practices Commission of the State of Florida

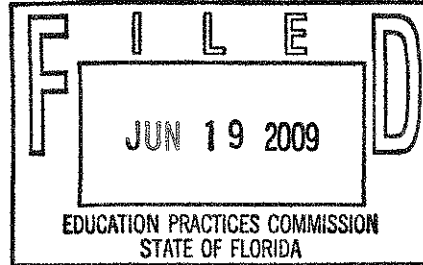
JEANINE BLOMBERG as the
Commissioner of Education,

Petitioner,

vs.

DONALD HILL,

Respondent.



CASE N^o: 09-0128-RT
EPC Index N^o 09-312-AS
PPS N^o 056-3344-P

Final Order

Respondent, Donald Hill, holds Florida educator's certificate no. 311192. 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 June 11, 2009 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 becomes effective upon filing.

DONE AND ORDERED, this 11 day of June, 2009.


DENNIS J. GRIFFIN, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

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

Probation Office

Ronald G. Stowers
DOE counsel for PPS

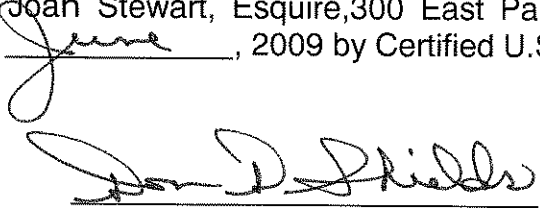
Daniel Biggins
Assistant Attorney General

NOTICE OF RIGHT TO JUDICIAL REVIEW

UNLESS WAIVED, 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 was mailed to Donald Hill, 2025 North Singleton Avenue, Mims, FL 32754 and Joan Stewart, Esquire, 300 East Park Avenue, Tallahassee, FL 32301 this 19 day of June, 2009 by Certified U.S. Mail.



DON D. SHIELDS
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

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

CASE NO. 056-3344-P

DONALD BRUCE HILL.
_____ /

SETTLEMENT AGREEMENT

RECEIVED

FEB 16 2009

Petitioner, DONALD BRUCE HILL, 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:

a. shall immediately contact the Bureau of Professional Practices Services upon (BPPS) 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 BPPS within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Petitioner shall provide the BPPS 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 transporting students in or on any motor vehicle;

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. **Fine.** Petitioner agrees to pay a fine in the amount of \$250.00 to the EPC within the first year of the probationary period.

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 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 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 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.

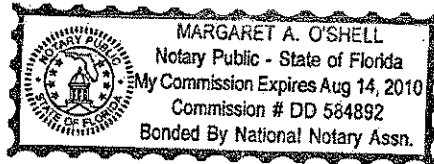
(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
11th day of FEBRUARY, 2009.

Donald B. Hill
DONALD BRUCE HILL

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 11th day of
FEBRUARY, 2009, by Donald B. Hill
who is _____ personally known or produced A Florida Drivers License
as identification [type of identification produced].



Margaret A. O'Shell
NOTARY PUBLIC
MARGARET A. O'SHELL
My commission expires: Aug 14, 2010

Bonnie Wilmot
BONNIE WILMOT
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

Joan Stewart
JOAN STEWART, ESQUIRE
Florida Education Association
300 East Park Avenue
Tallahassee, Florida 32301
Telephone (850) 224-7818
Facsimile (850) 681-2905

ATTORNEY FOR PETITIONER

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

JEANINE BLOMBERG, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 056-3344-P

DONALD BRUCE HILL,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Jeanine Blomberg, as Commissioner of Education, files this Administrative Complaint against DONALD BRUCE HILL. 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 311192, covering the areas of Biology, General Science, Physical Education and Middle Grades, which is valid through June 30, 2011.
2. At all times pertinent hereto, the Respondent was employed as a Physical Education Teacher at South Lake School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about June 18, 1994, Respondent was parking his car in a parking garage when he backed into another car causing property damage. Respondent left the scene without identifying himself or providing registration or insurance information. Respondent was charged with one count of Leaving Scene of Accident Without Giving Information. On or about December 19, 1994, the charge was nolle prossed by the state attorney's office.
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4. On or about February 8, 2001, the court adjudicated Respondent guilty of one count of Driving Under the Influence.

5. On or about October 21, 2002, the court adjudicated Respondent guilty of one count of Driving Under the Influence.

The Petitioner charges:

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.

(SIGNATURE ON FOLLOWING PAGE)

WHEREFORE, based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 10th day of October, 2007.


JEANINE BLOMBERG, as
Commissioner of Education
State of Florida



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

KATHLEEN RICHARDS
Executive Director

DANIEL BIGGINS
Assistant Attorney General

DENNIS J. GRIFFIN
Chairperson

BRIAN T. DONOVAN
Co-Chairperson

June 11, 2009

Donald Hill
2025 North Singleton Avenue
Mims, Florida 32754

Re: Jeanine Blomberg vs. Donald Hill
EPC No.: 09-0128-RT; DOE No.: 311192

Dear Mr. Hill:

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, appearing to read "Dennis J. Griffin".

Dennis J. Griffin
Presiding Officer