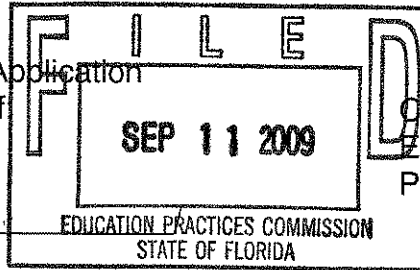




Before the Education Practices Commission of the State of Florida

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

EDWIN L. JONES



CASE N° 09-0329-D
EPC INDEX N° 09-509-FOI
PPS N° 089-1081-LA

Final Order

Edwin L. Jones, holds Florida educator's certificate no. 1105265. The Commissioner has filed a Notice of Reasons to deny the applicant authorization for an educator's certificate. A copy of the Notice of Reasons (NOR) is attached to and made a part of this Order.

This cause came before a teacher panel of the Education Practices Commission on August 7, 2009 in Tallahassee, Florida. The applicant was present.

The applicant has chosen not to dispute the allegations of the NOR and has requested an informal hearing to present evidence and testimony in mitigation. The Commission considered written material submitted by the applicant.

The factual allegations in paragraphs 1 through 3 of the NOR were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 6 of the NOR were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that the application for an educator's certificate of Edwin L. Jones shall be GRANTED. Further:

1. Upon employment in any public or private position requiring a Florida educator's certificate, applicant shall be placed on 3 employment years of probation with the

conditions that during that period, applicant shall:

A. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.

B. Have the applicant's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.

D. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.

E. Satisfactorily perform all assigned duties in a competent, professional manner.

F. Bear all costs of complying with the terms of a final order entered by the Commission.

G. Engage in, or verify that since January 1, 2004 the applicant has engaged in substance abuse counseling with a Recovery Network Program (RNP) approved licensed Florida provider until discharged from treatment. If, to fulfill this requirement, the applicant must now engage in such counseling, the applicant must have the professional submit quarterly reports to the EPC.

H. Not consume, inject or ingest any controlled substance unless prescribed or administered for legitimate medical purposes.

I. For the purpose of ascertaining compliance with the conditions of probation,

submit to random substance abuse testing as directed by the RNP or employer, and authorize direct reporting of results to each entity.

J. Pay an administrative fine of \$500.00 within the first year of probation.

This order shall become effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 4th day of September, 2009.



BRIAN T. DONOVAN, 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

DOE Counsel for PPS

Daniel Biggins
Assistant Attorney General

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.

Final Order
Edwin L. Jones
Page 4

Recovery Network Program
for Educators

Probation Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Edwin L. Jones, 5611 Talbot Boulevard, Cocoa, Florida 32926 by Certified U.S. Mail this 11 day of September, 2009.



DON SHIELDS
Education Practices Commission

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

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

CASE NO. 089-1081-LA

EDWIN LAMAR JONES.

NOTICE OF REASONS

EDWIN LAMAR JONES, 910 Stone Street, Cocoa, Florida 32922, Department of Education Number 1105265, having filed his application for a Florida Educator's Certificate before the Department of Education;

The Department of Education having reviewed the application in accordance with Sections 1012.315, 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that EDWIN LAMAR JONES is not entitled to the issuance of a Florida Educator's Certificate, accordingly; and

The Department of Education files and serves upon the Applicant, EDWIN LAMAR JONES, its Notice of Reasons for its denial in accordance with the provisions of Section 120.60, Florida Statutes.

The Department of Education alleges:

1. On or about July 20, 2003, the Applicant illegally possessed cocaine. The Applicant was arrested and charged with Possession of Cocaine. The Applicant pled nolo contendere to this offense, and adjudication was withheld.

2. On or about January 1, 2004, the Applicant illegally possessed cocaine. The Applicant was arrested and charged with possession of cocaine and other charges. On or about July 2, 2004, the Applicant pled nolo contendere to Possession of Cocaine, and adjudication was withheld on that offense.

3. On or about September 3, 2008, the Applicant submitted an application for a Florida Educator's Certificate to the Florida Department of Education. In response to the question, "have you ever been convicted, found guilty, had adjudication withheld, entered a pretrial diversion program, or pled guilty or nolo contendere (no contest) to a criminal offense other than a minor

traffic violation?" the Applicant falsely and fraudulently failed to disclose the 2004 arrest that resulted in the 2008 plea of nolo contendere to Possession of Cocaine, as described above.

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(11)(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)(d), Florida Statutes, in that he has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

COUNT 4: The Applicant is in violation of Section 1012.795(1)(j), 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-1.006(5)(h), Florida Administrative Code, in that he has submitted fraudulent information on a document in connection with professional activities.

(SIGNATURE ON FOLLOWING PAGE)

WHEREFORE, the undersigned concludes that the Applicant has committed an act or acts, or that a situation exists, which would authorize the Education Practices Commission to revoke or impose other sanctions against an educator's certificate. 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 Notice of Reasons, the undersigned respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Applicant's application or educator's certificate pursuant to the authority provided in Sections 1012.56(11), 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: affirming the Department of Education's denial of the issuance of an educator's certificate to the Applicant for any period of time or permanently; issuing the Applicant a written reprimand; placing the Applicant on probation for any period of time; restricting the Applicant's authorized scope of practice; assessing the Applicant an administrative fine; directing the Applicant to enroll in the Recovery Network Program; suspending the Applicant's educator's certificate for a period of time not to exceed five years; revoking the Applicant's educator's certificate for a period of time up to 10 years or permanently; determining the Applicant to be ineligible for certification; or barring the Applicant from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 30th day of March, 2009.



DR. ERIC J. SMITH, as
Commissioner of Education
State of Florida