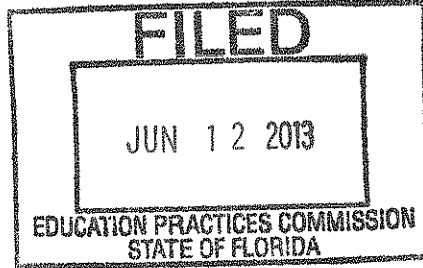




## Before the Education Practices Commission of the State of Florida



GERARD ROBINSON, as the  
Commissioner of Education,

Petitioner,

vs.

RYAN L. HAYES,

Respondent.

EPC CASE N<sup>o</sup>: 11-0470-RT

Index N<sup>o</sup>: **13-126-FOI**

PPS N<sup>o</sup> 090-2563

---

### Final Order

Respondent, Ryan L. Hayes, holds Florida educator's certificate no. 1026914. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate. A copy of the Amended Administrative Complaint is attached to and made a part of this Order.

This cause came before a teacher panel of the Education Practices Commission on May 17, 2013, in Altamonte Springs, Florida.

Respondent has chosen not to dispute the allegations of the Amended Administrative Complaint and has requested an informal hearing to present evidence and testimony in mitigation. Respondent was present.

Paragraphs 1 through 4 of the Amended Administrative Complaint were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 2 of the Administrative Complaint were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that:

1. Respondent's Florida educator's certificate shall be suspended for a period of One(1) year from the date of the final order.

2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 3 employment years of probation with the conditions that during that period, he 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 Respondent'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 substance abuse counseling with a Recovery Network Program (RNP) approved licensed Florida provider until discharged from treatment. If, to fulfill this requirement, Respondent must now engage in such counseling, Respondent 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.

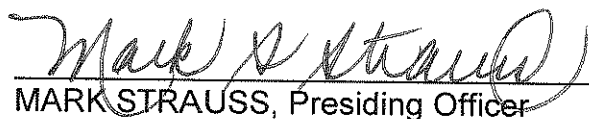
I. For the purpose of ascertaining compliance with the conditions of probation, submit to random substance abuse testing as directed by the RNP or employer, and authorize direct reporting of results to each entity.

J. Refrain from transporting minor students in or on motor vehicles.

K. Respondent is assessed an administrative fine of \$500.00 to be paid within One (1) year of the date of the final order.

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

DONE AND ORDERED, this 7<sup>th</sup> day of **June**, 2013.

  
MARK STRAUSS, 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

Rachel Clark  
Assistant Attorney General

Recovery Network Program  
for Educators  
325 W. Gaines Street, Suite 224  
Tallahassee, FL 32399  
850/245-0440


Probation Office 850/245-0439

**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 was mailed to Ryan L. Hayes, [REDACTED] Merritt Island, Florida 32953 by Certified U.S. Mail and by electronic mail to Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 12<sup>th</sup> day of **June**, 2013.

  
\_\_\_\_\_  
Janice Harris,  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

GERARD ROBINSON, as  
Commissioner of Education,

Petitioner,

vs.

CASE NO. 090-2563

RYAN L. HAYES,

Respondent.

---

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Gerard Robinson, as Commissioner of Education, files this Amended Administrative Complaint against RYAN L. HAYES. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.315, 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 1026914, covering the areas of Elementary Education, Middle Grades Integrated Curriculum and Exceptional Student Education, which is valid through June 30, 2014.
2. At all times pertinent hereto, the Respondent was employed as a Varying Exceptionalities Teacher at Mims Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about April 3, 2010, in Brevard County, Florida, a law enforcement officer observed Respondent drop a small plastic bag from his left hand and onto a parking lot. Upon making contact with Respondent, who was standing next to the plastic bag, the law enforcement officer noticed that the bag contained a white powdery substance. The law enforcement officer noted in his report that the bag was open and not secured in any way. The law enforcement officer field tested the substance in the bag, and the substance tested positive for cocaine. Respondent was arrested and charged with one count of Possession of Cocaine and one count of Resisting an Officer

Without Violence. On or about February 14, 2011, Respondent pled guilty to, and adjudication was withheld for the lesser included charge of Use or Possession of Drug Paraphernalia. The charge of Resisting an Officer Without Violence was nolle prossed.

4. Pursuant to Section 1012.795(2), Florida Statutes, the plea of guilty or the decision of guilty by a court is prima facie proof of grounds for the revocation or other sanction of a teaching certificate.

The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** The Respondent is in violation of Section 1012.795(1)(d), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

**COUNT 2:** The Respondent is in violation of Section 1012.795(1)(f), Florida Statutes, in that Respondent has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(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 Amended 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; determining the Respondent to be ineligible for certification; 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 18<sup>th</sup> day of January, 2012.

**GERARD ROBINSON**, as  
Commissioner of Education  
State of Florida



---

BRENT MCNEAL  
Assistant General Counsel  
Florida Bar No. 0073109  
Florida Department of Education  
325 West Gaines Street  
Turlington Building, Room 1244  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9379