



Before the Education Practices Commission of the State of Florida

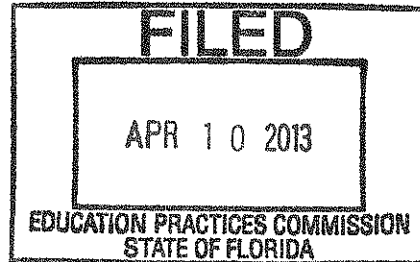
GERARD ROBINSON, as the
Commissioner of Education,

Petitioner,

vs.

GREGORY JAMES AZCUETA,

Respondent.



EPC CASE N^o: 12-0295-RT
Index N^o 13-040-AS
PPS N^o 101-1328

Final Order

Respondent, Gregory James Azcueta, holds Florida educator's certificate no. 814384. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

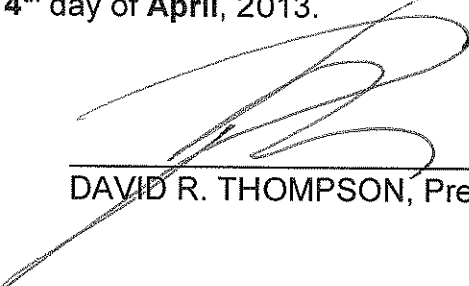
Petitioner and Respondent have entered into a Revised Settlement Agreement for resolution of this cause. The Revised Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on April 4, 2013, in Altamonte Springs, Florida. The Commission accepts the Revised Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Revised Settlement Agreement is hereby ACCEPTED and Respondent shall comply with its terms and conditions.

This Order becomes effective upon filing.

DONE AND ORDERED, this 4th day of April, 2013.



DAVID R. THOMPSON, 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

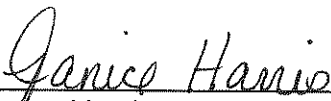
Daniel Biggins
Assistant Attorney General

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.

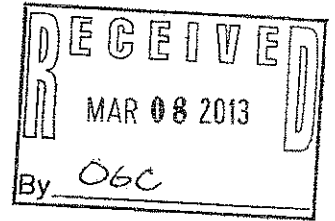
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Gregory James Azcueta, Melbourne, Florida 32937 and Ronald G. Stowers, 245 East Virginia Street, Tallahassee, Florida 32301 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 and to Ron Weaver, Esquire, P.O. Box 5675, Douglasville, Georgia 30154 this 10th day of April, 2013.



Janice Harris,
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



GERARD ROBINSON, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 101-1328

GREGORY JAMES AZCUETA,

Respondent.

REVISED SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 814384 issued by the Department of Education covering the areas of Elementary Education, Emotionally Handicapped, and English for Speakers of Other Languages (ESOL), which is valid through June 30, 2014.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Fifth Grade Teacher at Harbor City Elementary School in the Brevard County School District.
3. **Allegations.** Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. **Suspension.** Respondent agrees to accept a two (2) year suspension of his Florida educator's certificate, commencing upon issuance of the Final Order entered by the Education Practices Commission (EPC) accepting this Settlement Agreement. (Suspension means that Respondent may not teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for the duration of the suspension period.) However, if applicable, Respondent may renew the certificate.
5. **Probation.** Respondent agrees that he shall be placed on probation for a period of two (2) employment years. If 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 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:

a. shall immediately contact the Department of Education 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 Department of Education within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the Department of Education 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, within the first year of probation, take a 3-credit hour college level course in the area of Adolescent Child Development. The class may be taken in person, or from accredited on-line source, and submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education;

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. Respondent agrees to pay a fine in the amount of \$500.00 to the EPC within the first year of the probationary period.

7. Violation. In the event Respondent fails to comply with each condition set forth herein, he agrees that the Petitioner 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. Respondent 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 Respondent 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.** Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes, 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.** Respondent 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. 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. 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.

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 Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

13. **Notice.** 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 Respondent 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
19 day of Feb, 2013.



GREGORY JAMES AZCUETA

STATE OF FLORIDA
COUNTY OF Brevard


The foregoing instrument was acknowledged before me this 19 day of
Feb, 2013, by Gregory James Azcueta,
who is _____ personally known or produced Florida DL
as identification [type of identification produced]:



Rachel L. Bentley
Notary Public
State of Florida
My Commission # EE 219562
Expires: July 25, 2016




NOTARY PUBLIC
My commission expires: July 25, 2016



RON WEAVER, ESQUIRE
The Law Office of Ron Weaver
Post Office Box 5675
Douglasville, Georgia 30154
Telephone (850) 980-0254
Facsimile (678) 391-0573

ATTORNEY FOR RESPONDENT



RONALD STOWERS, ESQUIRE
Levine & Stivers, LLC
245 East Virginia Street
Tallahassee, Florida 32301
Telephone (850) 222-6580
Facsimile (850) 224-6270

ATTORNEY FOR PETITIONER

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 101-1328

GREGORY JAMES AZCUETA,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Gerard Robinson, as Commissioner of Education, files this Administrative Complaint against GREGORY JAMES AZCUETA. 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 814384, covering the areas of Elementary Education, Emotionally Handicapped, and English for Speakers of Other Languages (ESOL), which is valid through June 30, 2014.

2. At all times pertinent hereto, the Respondent was employed as a Fifth Grade Teacher at Harbor City Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. During the 2009-2010 school year, in Brevard County, Florida, Respondent stated to his students that they were "acting like retards," or words to that effect; told female students and _____, in the presence of other students, to "put on your big girl panties"; referred to male student _____, in the presence of other students, as "Mr. Dyslexia"; referred to students as "stupid," "dumb," "twerp," "baby," and "obese"; and asked the class if they thought male student _____ was fat.

4. During the 2010-2011 school year, Respondent viewed pornographic images and

viewed numerous pornographic websites on his school-issued laptop computer. On or about October 7, 2010, Respondent was placed on administrative leave pending the outcome of an investigation into allegations that he repeatedly accessed pornographic websites on his school-issued computer. On or about October 26, 2010, Respondent's employment with the School District of Brevard County was terminated.

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)(g), Florida Statutes, in that Respondent has been found guilty of personal conduct which seriously reduces his effectiveness as an employee of the school board.

COUNT 3: The Respondent is in violation of Section 1012.795(1)(j), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

RULE VIOLATIONS

COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

(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; 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 5th day of March, 2012.



GERARD ROBINSON, as
Commissioner of Education
State of Florida