



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

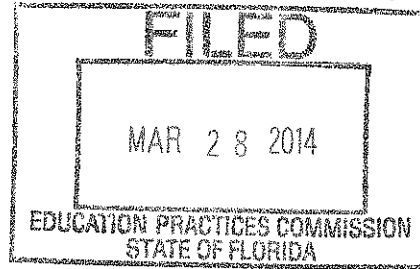
PAM STEWART, as the  
Commissioner of Education,

Petitioner,

vs.

KELLY BROCKETT,

Respondent.



EPC CASE N<sup>o</sup>: 13-0380-RT

Index N<sup>o</sup>: **14-106-FOI**

PPS N<sup>o</sup>: 101-2951

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### Final Order

Respondent, Kelly Brockett, holds Florida educator's certificate no. 878743. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate. A copy of the Administrative Complaint is attached to and made a part of this Order.

Service of the Administrative Complaint was made upon Respondent by certified mail. Respondent has failed to respond to the Administrative Complaint and has not requested a hearing or any other proceeding.

This cause came before a teacher panel of the Education Practices Commission on February 28, 2014, in Gainesville, Florida. Respondent was neither present or represented.

The Commission finds that Respondent was properly served with the Administrative Complaint, has failed to respond timely, and has waived any right to be heard.

Since Respondent has not replied to the Administrative Complaint and has not contested the factual allegations, Petitioner offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint. The Commission finds these materials clearly and convincingly support the allegation and establish a prima facie case.

### **FINDINGS OF FACT**

The allegations of fact in paragraphs 1 through 7 of the Administrative Complaint are adopted as findings of fact by the panel.

### **CONCLUSIONS OF LAW**

1. The conclusions of law alleged in Counts 1 through 4 of the Administrative Complaint are adopted as conclusions of law by the panel.
2. There is competent, substantial evidence to support the panel's conclusions.
3. The violations committed by Respondent warrant disciplinary action by the Education Practices Commission.

### **PENALTY**

Upon consideration, it is ORDERED:

1. Respondent's Florida educator's certificate is hereby permanently revoked and Respondent is permanently barred from applying for another Florida educator's certificate.

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

DONE AND ORDERED, this 26<sup>th</sup> day of March, 2014.



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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

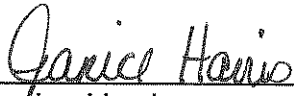
Rachel Clark  
Assistant Attorney General

**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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Kelly Brockett, [REDACTED] [REDACTED] Melbourne, Florida 32904 by Certified U.S. Mail and by electronic mail to Paul Rendleman, Assistant General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 28<sup>th</sup> day of March, 2014.

  
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Janice Harris  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

PAM STEWART, as  
Commissioner of Education,

Petitioner,

vs.

CASE NO. 101-2951

KELLY BROCKETT,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against KELLY BROCKETT. 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 6A-10.081, 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 878743, covering the areas of Elementary Education and English for Speakers of Other Languages (ESOL), which was valid through June 30, 2011.
2. At all times pertinent hereto, the Respondent was employed as a Fifth Grade Teacher at Jupiter Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about May 5, 2011, in Brevard County, the Respondent sold hydromorphone (a controlled substance) to an undercover law enforcement informant. The Respondent was arrested.
4. On or about July 19, 2011, the Respondent was charged by Information with Sale or Delivery of Oxycodone.

5. On or about July 25, 2011, the Respondent resigned from her position with the Brevard County School District.

6. On or about January 3, 2013, the Respondent entered a plea of nolo contendere to the crime of Use or Possession of Drug Paraphernalia. The Court withheld adjudication of guilt and sentenced the Respondent to probation for a period of one (1) year.

7. As a certified educator, the Respondent was required to self-report her arrest to the Brevard County School District within 48 hours of the arrest. The Respondent failed to self-report her arrest.

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)(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**

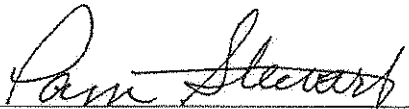
**COUNT 3:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(5)(a), Florida Administrative Code, in that Respondent has failed to maintain honesty in all professional dealings.

**COUNT 4:** The Respondent is in violation of Rule 6A-10.081(5)(m), Florida Administrative Code, in that Respondent has failed to self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Respondent shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

**(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 18 day of September, 2013.

  
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PAM STEWART, as  
Commissioner of Education  
State of Florida