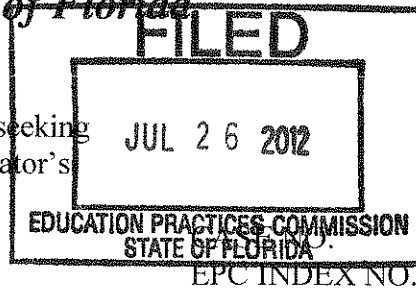




*Before the Education Practices Commission
of the State of Florida*

IN RE: Administrative Complaint seeking
disciplinary action against the Educator's
Certificate of **James W. Johnson.**



Final Order

12-0242-RT
12-220-FON

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **James W. Johnson**, was filed by **GERARD ROBINSON**, as Commissioner of Education on, May 11, 2012.

Respondent, holder of Florida educator's certificate number 887999, was served with a copy of the Administrative Complaint. Respondent has filed an answer to the Administrative Complaint stating that he did not wish to contest the charges, that he waived any further rights to due process or a public hearing, that he surrendered his certificate for permanent revocation, and that all his actions were free and voluntary.

The Administrative Complaint and the answers are incorporated as part of this Order.

In consideration of the foregoing, the Education Practices Commission, as empowered by F.S. 1012.796, hereby **PERMANENTLY REVOKES** educator's certificate number, 887999, held by, **James W. Johnson**.

Reapplication will not be considered.

DONE AND ORDERED this 25th day of **July** 2012.

A handwritten signature in cursive script, reading "Mark S. Strauss".

MARK S. STRAUSS, Chairperson
Education Practices Commission

Final Order
Re: **James W. Johnson**
Page Two

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of
GERARD ROBINSON vs. JAMES W. JOHNSON was furnished to **James**
W. Johnson, ε Mims, Florida 32754 this **26th** day of **July**
2012, by U. S. Mail.



Kathleen M. Richards
Education Practices Commission

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports
P. O. Box 385
Gainesville, Florida 32602

Superintendent
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Assistant Superintendent
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Daniel Biggins, Assistant Attorney General
The Capital Plaza Level 1
Tallahassee, Florida 32399

Margaret O'Sullivan Parker, Esquire
Office of General Counsel
Florida Department of Education
325 W. Gaines Street, Suite 1232
Tallahassee, Florida 32399-0400

ELECTION OF RIGHTS

Gerard Robinson, Commissioner of Education,
Petitioner,

vs.

JAMES W. JOHNSON
Respondent.

File No.: 112-1291

DEPT OF EDUCATION
BUREAU OF
PROFESSIONAL
PRACTICES SERVICES
2012 JUL 20 PM 2:57

Signify your election by checking an option:

1. FORMAL HEARING OPTION I dispute the allegations of the Administrative Complaint and I request a Formal Hearing before a Hearing Officer of the Division of Administrative Hearings. The allegations I dispute are: _____

Attach additional sheet(s) if needed.

2. INFORMAL HEARING OPTION I do not dispute the allegations of the Administrative Complaint and request an Informal Hearing before the Education Practices Commission.

3. SURRENDER OPTION I voluntarily surrender my certificate(s) for permanent revocation.

4. SETTLEMENT OPTION I request a forty-five (45) day period of time to try to negotiate a settlement with the Office of Professional Practices Services at (850) 245-0438. If an agreement is not reached within the forty-five (45) day period, the case will be scheduled for an Informal or Formal Hearing (if Formal Hearing is checked, please list the disputed allegations in 1a, b, and c). If neither Informal nor Formal is checked above, the action will be scheduled for an Informal Hearing.

I understand that I will be given notice of any date set for a Formal or Informal Hearing. I have read the Explanation of Rights, fully understand and/or have been advised of my legal rights. (If you do not understand your options, contact the Office of Professional Practices Services at (850) 245-0438.)

(EXECUTION BEFORE A NOTARY PUBLIC NOT REQUIRED IF CHOOSING OPTION 1)

James W. Johnson
Signature of Respondent

STATE OF FLORIDA
COUNTY OF Florida

The foregoing instrument was acknowledged before me this
18th day of July, 202012

Street Address _____
Mims, FL
City

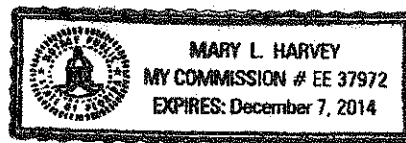
by James W. Johnson
(Print Respondent's Name)

Telephone No. _____

[Signature]
Signature of Notary Public

Personally Known or Produced Identification Type of FL DC

Print, Type or Stamp Commissioned Name of Notary Public _____



STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

GERARD ROBINSON, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 112-1291

JAMES W. JOHNSON,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Gerard Robinson, as Commissioner of Education, files this Administrative Complaint against JAMES W. JOHNSON. 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 887999, covering the areas of Elementary Education, Emotionally Handicapped, and Exceptional Student Education, which is valid through June 30, 2017.
2. At all times pertinent hereto, the Respondent was employed as a Specific Learning Disability Teacher at Quest Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about October 19, 2011, in Brevard County, Florida, the Respondent sold 25 Oxycodone Hydrochloride pills to a confidential informant. The Respondent was arrested and charged with Trafficking in Illegal Drugs. On or about March 15, 2012, the Respondent pled guilty to the reduced charge of Sale or Delivery of Oxycodone and was adjudicated guilty. The Respondent was ordered to serve 90 days in jail. The court also ordered that as condition of probation and community control there be a permanent revocation of the Respondent's teaching certificate.

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

5. The Respondent's conviction of a second degree felony under Chapter 893, Florida Statutes, relating to drug abuse prevention and control, disqualifies the Respondent from certification pursuant to Section 1012.315(1)(qq), Florida Statutes.

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.

COUNT 3: 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 4: The Respondent is subject to Section 1012.795(1)(m), Florida Statutes, in that Respondent has been the subject of a court order or plea agreement in a jurisdiction which requires the certificate holder to surrender or otherwise relinquish their educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. The Respondent may not surrender or otherwise relinquish their certificate prior to a finding of probable cause by the Commissioner of Education, as provided in s. 1012.796.

COUNT 5: The Respondent is subject to Section 1012.795(1)(n), Florida Statutes, in that Respondent has been disqualified from educator certification under 1012.315, 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 11th day of May, 2012.



GERARD ROBINSON, as
Commissioner of Education
State of Florida