



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

PAM STEWART, as the  
Commissioner of Education,

Petitioner,

vs.

EMMANUEL FLEURANTIN,

Respondent.



EPC CASE N<sup>o</sup>: 16-0525-RT  
Index N<sup>o</sup>: 17-417-AS  
PPS N<sup>o</sup> 112-3051

---

### Final Order

Respondent, Emmanuel Fleurantin, holds Florida educator's certificate no. 1090412. 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 Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Hearing Panel of the Education Practices Commission met on October 23, 2017, via Phone Conference. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

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

This Order becomes effective upon filing.

DONE AND ORDERED, this 23<sup>rd</sup> day of October, 2017.

  
ELIZABETH TROP-ROBERTS, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices  
Services

Bureau of Educator Certification

Superintendent of Schools  
1450 NE Second Avenue #912  
Miami, FL 33132

Director  
Office of Professional Standards  
Dade County Schools  
1500 Biscayne Blvd., Suite 222  
Miami, FL 33132

Lee Ann Gustafson  
Senior Assistant Attorney General

Claudia Llado, Clerk  
Division of Administrative Hearings

Probation

**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 Emmanuel Fleurantin, [REDACTED] North Miami Beach, FL 33162 and Branden Vicari, Esq., 29605 US Highway 19 North, #110, Clearwater, FL 33761 by Certified U.S. Mail and by electronic mail to Darby Shaw, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Charles Whitelock, Esq., 300 Southeast 13<sup>th</sup> Street, Suite E, Fort Lauderdale, Florida 33316-1924 this 24 day of October, 2017.



---

Lisa Forbess, Clerk  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

RECEIVED

APR 10 2017

PAM STEWART, as  
Commissioner of Education

Petitioner,

vs.

CASE NO. 112-3051

EMMANUEL FLEURANTIN,

Respondent.

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 1090412 issued by the Department of Education covering the areas of Mathematics, Middle Grades Integrated Curriculum and Business Education, which is valid through June 30, 2018.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Mathematics Teacher at Miami Norland High School in the Miami 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 year. 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 Education Ethics. The class may be taken in person, or from an accredited on-line source, and Respondent shall submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education;

e. shall have the scope of his employment restricted to not proctoring, supervising or administering any state or national standardized tests, including, but not limited to, the HSCT, FCAT, ASVAB, PSAT, SAT and ACT, unless another proctor, supervisor or administrator is present;

f. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6A-10.081; and

g. shall satisfactorily perform his duties in a competent, professional manner.

6. Fine. Respondent agrees to pay a fine in the amount of \$750.00 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  
5<sup>th</sup> day of April, 2017.

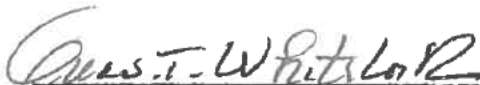
  
\_\_\_\_\_  
EMMANUEL FLEURANTIN

STATE OF FLORIDA  
COUNTY OF Dade


The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of  
April, 2017, by Emmanuel T. Fleurantin  
who is \_\_\_\_\_ personally known or produced Florida Drivers License  
as identification [type of identification produced].



  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: 03/02/2019

  
CHARLES T. WHITELOCK, ESQUIRE  
Charles T. Whitelock, P.A.  
300 S.E. 13<sup>th</sup> Street  
Fort Lauderdale, Florida 33316  
Telephone (954) 463-2001  
Facsimile (954) 232-0410

ATTORNEY FOR PETITIONER

  
\_\_\_\_\_  
BRANDEN VICARI, ESQUIRE  
Herdman & Sakellariades, P.A.  
29605 U.S. Hwy 19 North, Suite 110  
Clearwater, Florida 33761  
Telephone (727) 785-1228  
Facsimile (727) 786-4107

ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**PAM STEWART, as  
Commissioner of Education,**

**Petitioner,**

**vs.**

**CASE NO. 112-3051**

**EMMANUEL FLEURANTIN,**

**Respondent.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against EMMANUEL FLEURANTIN. 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 1090412, covering the areas of Mathematics, Middle Grades Integrated Curriculum and Business Education, which is valid through June 30, 2018.

2. At all times pertinent hereto, the Respondent was employed as a Mathematics Teacher at Miami Norland High School in the Miami County School District.

**MATERIAL ALLEGATIONS**

3. During the 2011-2012 school year, Respondent served as the exam proctor for the Adobe Dreamweaver and Adobe Photoshop industry certification exams at Norland High School. On or about April 3, 2012, while proctoring the Adobe Photoshop exam, Respondent allowed students to use study guides or other materials containing answers to the exam while testing. Such assistance on the exam is prohibited.



4. As a result of Respondent's conduct alleged in paragraph 3 herein, Respondent's employment was terminated by the Miami-Dade School District. Respondent contested the termination and on or about July 29, 2014, an Administrative Law Judge for the Division of Administrative Hearings entered a Recommended Order recommending that the Miami-Dade School District enter a final order terminating Respondent's employment. Respondent then tendered his resignation on or about August 25, 2014.

The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** 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 effectiveness as an employee of the school board.

**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(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 4:** 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 5:** The Respondent is in violation of Rule 6A-10.081(5)(h), Florida Administrative Code, in that Respondent has submitted fraudulent information on a document in connection with professional activities.

**(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 12<sup>th</sup> day of February, 2016.



**PAM STEWART**, as  
Commissioner of Education  
State of Florida