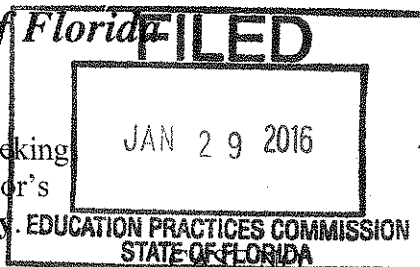




*Before the Education Practices Commission
of the State of Florida*

IN RE: Administrative Complaint seeking
disciplinary action against the Educator's
Certificate of **John Michael Hackney**.



Final Order

16-0035-RT
16-059-FON

EPC INDEX NO.

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent **John Michael Hackney**, was filed by **Pam Stewart**, as Commissioner of Education on, September 30, 2015.

Respondent, holder of Florida educator's certificate number 653403, 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, 653403, held by, **John Michael Hackney**.

Reapplication will not be considered.

DONE AND ORDERED this 27th day of **January** 2016.



DAVID R. THOMPSON, Chairperson
Education Practices Commission

Final Order
Re: **John Michael Hackney**
Page Two

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **PAM STEWART vs. JOHN MICHAEL HACKNEY** was furnished to **John Michael Hackney**, at 2314 9th Avenue East, Room 16F, Palmetto, Florida 34221 this 29th day of **January** 2016, by Certified U. S. Mail.



Gretchen Kelley Brantley, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

Division of Administrative Hearings

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

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

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DOE Assistant General Counsel
325 West Gaines Street, Suite 1232
Tallahassee, Florida 32399

ELECTION OF RIGHTS

FLORIDA DEPARTMENT OF
PROFESSIONAL
PRACTICES SERVICES

2016 JAN 22 AM 11:16

File No.: 123-0553

Pam Stewart, Commissioner of Education,
Petitioner,

vs.

JOHN MICHAEL HACKNEY
Respondent.

Signify your election by checking option 1, 2, 3 or 4. (Select one 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 facts I dispute are:

Attach additional sheet(s) if needed.

2. SETTLEMENT OPTION I neither admit nor deny the allegations and request a forty-five (45) day period to negotiate a settlement agreement. If an agreement is not reached I request: (Select One)

Informal Hearing - I do not dispute the allegation
Or
 Formal Hearing - The facts I dispute are:

*If neither Informal nor Formal is checked, the action will be scheduled for an Informal Hearing.

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

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

I have read the Explanation of Rights and understand my options.

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

John Hackney
Signature of Respondent

Street Address

City

321-750-4677
Telephone No.

STATE OF FLORIDA
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this
2016 day of January, 2016.

by JOHN MICHAEL HACKNEY
(Print Respondent's Name)

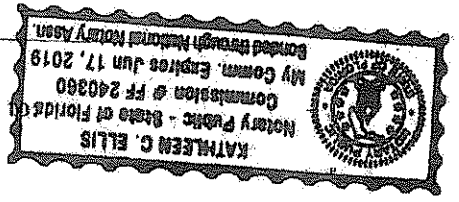
Kathleen C. Ellis
Signature of Notary Public

Personally Known ___ or Produced Identification Type of FL DR Lic

Print, Type or Stamp Commissioned Name of Notary Public _____

Your election of rights from must be fully executed, notarized and returned

FLORIDA DEPARTMENT OF EDUCATION
PROFESSIONAL PRACTICES SERVICES
325 WEST GAINES STREET, SUITE 224-E
TALLAHASSEE, FLORIDA 32399-0400



EXPLANATION OF ELECTION OF RIGHTS

The enclosed Administrative Complaint outlines charges brought against you by the Florida Commissioner of Education. To respond to the charges you must indicate your choice of response on the enclosed Election of Rights form and **return it within 21 days of the date of receipt**. If you fail to return this fully executed form within 21 days of receipt, you waive your right to request a hearing and the complaint will be filed with the Education Practices Commission for final action.

1. **Formal Hearing** before the Division of Administrative Hearings. The Administrative Procedures Act, Section 120.57(1), Florida Statutes, and Section 1012.796, Florida Statutes, govern the formal hearing process. This choice means you deny some or all of the factual allegations in the Administrative Complaint. There will be a full administrative hearing on the issues. The Commissioner will be represented by an attorney and will bring forth witnesses. You may choose to have an attorney or represent yourself in the proceedings. (See www.doah.state.fl.us for more information.)
2. **Informal Hearing** before the Education Practices Commission. The Florida Administrative Procedures Act, Section 120.57(2), Florida Statutes, governs the informal hearing process. This option means you choose not to dispute the factual allegations or charges of the Administrative Complaint. You have the right to appear before a panel of the Education Practices Commission to state why a lenient penalty or no penalty is appropriate. If you do not want to make a personal appearance, you or your representative, may submit written statements on your behalf. Any written statement must be submitted to the Education Practices Commission staff no later than 30 days before the scheduled informal hearing.
3. **Voluntary Surrender** of your Florida Educator's Certificate. This choice means you do not contest any of the allegations or charges in the Administrative Complaint and voluntarily surrender your certificate for **permanent revocation**. Once surrendered, the certificate will never be reinstated and the rules of the Department of Education do not permit you to apply for a new certificate. Your right to any Florida Educator's Certificate is forever revoked and relinquished.
4. **Settlement Agreement** with the Department of Education. This choice means you neither admit nor deny the allegations in the Administrative Complaint, but wish to negotiate a settlement. In a settlement agreement, you will accept certain conditions in order to resolve the case. If you do not reach a settlement, you have the choice to reschedule the case to a formal or informal hearing by indicating that selection on the attached form. (If you fail to indicate your back-up selection, your case will automatically be scheduled for an informal hearing.)

Regardless of which selection you make, the Education Practices Commission (Sections 1012.79 and 1012.795, Florida Statutes) will issue a Final Order to finalize the process. For more information on this process, please visit www.myfloridateacher.com

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 123-0553

JOHN HACKNEY,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against JOHN HACKNEY. 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 653403, covering the areas of Elementary Education, Mathematics, Social Science and Specific Learning Disabilities, which is valid through June 30, 2016.
2. At all times pertinent hereto, the Respondent was employed as an Exceptional Student Education Teacher at Cocoa High School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about January 7, 2015, Respondent was adjudicated guilty of two counts of Child Molestation in violation of O.C.G.A., Section 16-4. Violations of this Georgia act constitute an offense under §794.011 F.S. Respondent's felony convictions render him ineligible for educator certification in accordance with §1012.315 (1)(p) F.S.

The Petitioner charges:

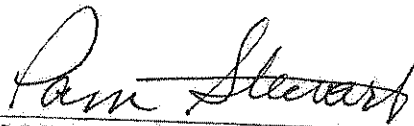
STATUTE VIOLATIONS

COUNT 1: 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 2: The Respondent is subject to section 1012.795(1)(n), Florida Statutes, in that Respondent has been disqualified from educator certification under section 1012.315, Florida Statutes.

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 30 day of September, 2015.



PAM STEWART, as
Commissioner of Education
State of Florida