



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

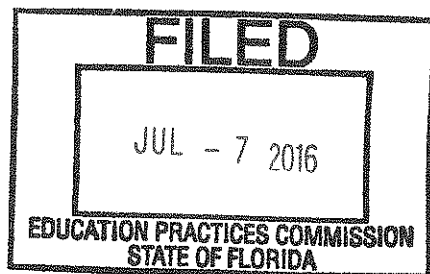
PAM STEWART, as the  
Commissioner of Education,

Petitioner,

vs.

SUSAN EVE OYER,

Respondent.



EPC CASE N<sup>o</sup>: 16-0112-RT  
Index N<sup>o</sup>: 16-305-AS  
PPS N<sup>o</sup> 134-2003

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### Final Order

Respondent, Susan Eve Oyer, holds Florida educator's certificate no. 750236. 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 June 23, 2016, in West Palm Beach, Florida. 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 June, 2016.

  
\_\_\_\_\_  
JILLIAN ROSE, Presiding Officer

**COPIES FURNISHED TO:**

Office of Professional Practices  
Services

Bureau of Educator Certification

Superintendent  
Palm Beach County Schools  
3300 Forest Hill Blvd., Room C316  
West Palm Beach, FL 33406-5869

Chief Personnel Officer  
Palm Beach County Schools  
3300 Forest Hill Boulevard,  
Room A-152  
West Palm Beach, FL 33406-5870

Probation Office


Lee Ann Gustafson  
Senior Assistant Attorney General

Claudia Llado, Clerk  
Division of Administrative Hearings

**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 Susan Eve Oyer, [REDACTED] Boynton Beach, Florida 33425-0057 and Mark Herdman, Esq., 29605 US Highway 19 North, suite 110, Clearwater, Florida 33761 by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 7<sup>TH</sup> day of July, 2016.

  
\_\_\_\_\_  
Gretchen Kelley Brantley, Clerk  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

PAM STEWART, as  
Commissioner of Education

Petitioner,

vs.

CASE NO. 134-2003

SUSAN EVE OYER,

Respondent.

\_\_\_\_\_ /

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 750236 issued by the Department of Education covering the areas of Elementary Education, English for Speakers of Other Languages (ESOL) and Social Science, which is valid through June 30, 2017.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Social Studies Teacher at Boca Raton Community Middle School in the Palm Beach 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. **Letter of Reprimand.** Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in her certification file with the Department of Education and a copy of which shall be placed in her personnel file with the employing school district.
5. **Probation.** Respondent agrees that she shall be placed on probation for a period of three (3) 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 her 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 her work site as well as the name, address and telephone number of her immediate supervisor;

b. shall make arrangements for her immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by her 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 violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6A-10.081; and

f. shall satisfactorily perform her 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, she agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against her Florida educator's certificate up to and including permanent revocation of her 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 her 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.

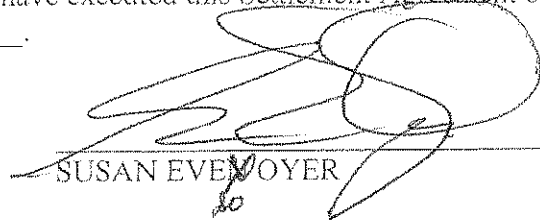
11. **Waiver of Rights.** Respondent understands provisions of this Settlement Agreement, their legal effect, and her rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Respondent specifically waives her right to both a formal and an informal hearing, except she may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that she is under no duress, coercion or undue influence to execute this Settlement Agreement and that she 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.

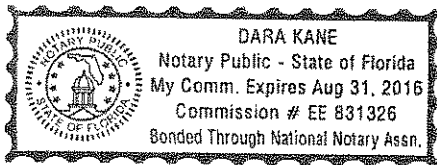
(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)


IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 19<sup>th</sup> day of February, 20 16.


  
\_\_\_\_\_  
SUSAN EVE OYER

STATE OF FLORIDA  
COUNTY OF Deer Beach

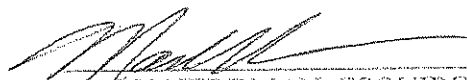
The foregoing instrument was acknowledged before me this 19 day of February, 20 16, by Susan Eve Oyer, who is NOT personally known or produced FLDL as identification [type of identification produced].



  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: 8-31-16

  
\_\_\_\_\_  
BONNIE WILMOT  
Deputy General Counsel  
Suite 1244, Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

  
\_\_\_\_\_  
MARK HERDMAN, ESQUIRE  
Herdman & Sakellarides, 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. 134-2003

SUSAN EVE OYER,

Respondent.

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AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Amended Administrative Complaint against SUSAN EVE OYER. 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 750236, covering the areas of Elementary Education, English for Speakers of Other Languages (ESOL) and Social Science, which is valid through June 30, 2017.

2. At all times pertinent hereto, the Respondent was employed as a Social Studies Teacher at Boca Raton Community Middle School in the Palm Beach County School District.

MATERIAL ALLEGATIONS

3. During the 2012/2013 and 2013/2014 school years, Respondent directed inappropriate and disparaging comments towards students. Examples of Respondent's conduct include but are not limited to:

- a) On or about August 22, 2012, [REDACTED], an eighth grade, female student, was in Respondent's class when Respondent began to make disparaging remarks about [REDACTED] brother, an Exceptional Student Education student who had been in a



previous class with Respondent. Respondent's remarks were in front of [REDACTED] classmates and included comparisons of [REDACTED] to her brother. Respondent had made similar comments when [REDACTED] was in her class two years prior.

- b) On or about August 31, 2012, Respondent embarrassed [REDACTED] a seventh grade, female student, when Respondent stated in front of the class that [REDACTED] pants looked too tight on her butt and suggested that [REDACTED] would not want to be a "hoochie missy" and that "Kids these days are useless," or words to that effect.
- c) On or about February 5, 2013, when [REDACTED] a middle school, female student, explained that she would miss a few days of class because she was traveling to Mexico with her father to get ingredients for his restaurant, Respondent embarrassed [REDACTED] by stating in front of the class, "Ingredients for what, a bomb?" or words to that effect.
- d) During the 2012/2013 school year, Respondent administered a test on which the answer to one of the questions was, 'Soul Train.' Respondent embarrassed African American students by telling them that they were a disgrace to their race, or words to that effect, because they got that answer wrong.
- e) On or about August 20, 2013, Respondent embarrassed [REDACTED] a seventh grade, male student by criticizing his penmanship in front of the class.
- f) On or about November 26, 2013, [REDACTED] a female student, was in Respondent's seventh grade class. [REDACTED] shared with Respondent that her school age sister was pregnant. Respondent embarrassed [REDACTED] when Respondent shared this information with the class in conjunction with a lesson about underage pregnancy.

4. During the 2012/2013 school year, Respondent told her middle school students that Governor Rick Scott should be kicked out or assassinated or words to that effect.

5. During the 2014/2015 school year, Respondent imposed her personal views on her class with regards to a controversial subject. Respondent presented to her class, in a prejudicial manner, information that may or may not have been true, regarding a domestic chocolate company. Respondent presented her personal views to the class as fact and used class instructional time to advance Respondent's own cause. Further, Respondent offered students extra credit to write accusatory letters to the chocolate company espousing Respondent's point of view. Respondent encouraged her students to copy media outlets and public agencies on their letters.

The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** 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 2:** 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 3:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

**COUNT 4:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(4)(a), Florida Administrative Code, in that Respondent has failed to take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.


**COUNT 5:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(4)(c), Florida Administrative Code, in that Respondent has used institutional privileges for personal gain or advantage.

(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 Amended 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 28<sup>th</sup> day of December, 2015.

PAM STEWART, as  
Commissioner of Education  
State of Florida

  
BONNIE WILMOT  
Deputy General Counsel  
Florida Bar Number 29822  
Suite 1244 Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9425



EDUCATION PRACTICES COMMISSION  
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY  
Executive Director

DAVID R. THOMPSON  
Chairperson

LEE ANN GUSTAFSON  
Counsel

CHRISTIE GOLD  
Co-Chairperson

June 23, 2016

Susan Oyer

Boynton Beach, Florida 33425-0057

Re: Pam Stewart vs. Susan Oyer  
EPC No.: 16-0112-RT; DOE No.: 750236

Dear Ms. Oyer:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

This panel, composed of your peers, believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action being taken against you.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Palm Beach County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in black ink, appearing to read "Jillian Rose".

Jillian Rose  
Presiding Officer