



Before the Education Practices Commission of the State of Florida

PAM STEWART,
Commissioner of Education,

Petitioner,

vs.

EMILY MARTIN RANDALL,

Respondent.



EPC CASE N° 16-0172-RT
DOAH CASE N° 16-5124PL
PPS N° 145-2066
CERTIFICATE N° 701488
INDEX N° 17-285-FOF

Final Order

This matter was heard by a Teacher Panel of the Education Practices Commission pursuant to Sections 1012.795, 1012.796 and 120.57(1), Florida Statutes, on June 1, 2017 in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by LISA SHEARER NELSON, Administrative Law Judge.

Respondent was not present, but represented by Scarlett Davidson, Esq. Petitioner was represented by Darby G. Shaw, Esq.

Findings of Fact

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

Conclusions of Law

1. The Education Practices Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 1012, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

Penalty

Upon a complete review of the record in this case, the Commission determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. It is therefore **ORDERED** that:

1. Respondent is hereby suspended for a period of 18 months from the date of this Final Order.

2. Respondent is assessed an administrative fine of \$1,000.00 to be paid within the probationary period.

3. As part of the Recovery Network Program (RNP), Respondent shall:

Submit to a Substance Abuse Evaluation relating to the issues cited in the Administrative Complaint/Notice of Reasons as determined by the RNP and conducted by an RNP approved licensed provider and undergo any counseling or treatment as may be prescribed by said professional. If, to fulfill this requirement, Respondent must now engage in such counseling, have the professional submit quarterly reports to the RNP. Respondent shall provide the RNP written verification from the treatment provider(s) of successful completion of the evaluation within sixty (60) days of issuance of the Final Order OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later. Respondent is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP.

If Respondent has undergone evaluation(s) and treatment and/or counseling

after the incident(s) alleged in the Administrative Complaint/Notice of Reasons, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluations(s) and treatment and/or counseling, if acceptable to the RNP.

4. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 2 employment years of probation with the conditions that during that period, (s)he shall:

A. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.

B. Have Respondent's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.

D. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.


E. Satisfactorily perform all assigned duties in a competent, professional manner.

F. Bear all costs of complying with the terms of a final order entered by the Commission.

G. Provide a certified college transcript to verify successful (a grade of "pass" or a letter grade no lower than a "B") completion of 3 hours of college level course-work in the area(s) of Education Ethics, which may be taken online, within the first year of probation.

This Final Order takes effect upon filing with the Clerk of the Education Practices Commission.

DONE AND ORDERED, this 8th day of June, 2017.



CHRISTIE GOLD, Presiding Officer

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 Emily Martin Randall, [REDACTED] Oviedo, FL 32765 and Scarlett Davidson, Esq., 840 Brevard Avenue, Rockledge, FL 32955 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 13 day of June, 2017.



Lisa Forbess, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

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Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, FL 32940-6699

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Lee Ann Gustafson
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LISA SHEARER NELSON
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

Recovery Network Program

**PARTS OF THIS RECOMMENDED ORDER
ARE CONFIDENTIAL**

Contents of this file are confidential and exempt from public record. Confidential records may include such materials as:

- Victim of sexual assault
- Medical or mental health records
- Sealed or expunged records
- Minor names or information that identifies the minor

As provided in Chapter 1012, Florida Statutes, Florida public school districts are provided access to the information associated with the disciplinary action.