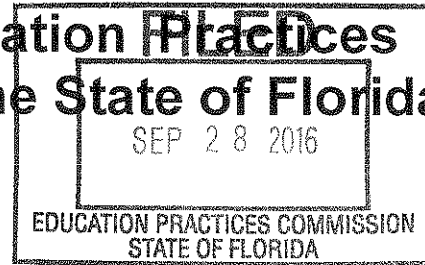




# Before the Education Practices Commission of the State of Florida



*IN RE* The Denial of the Application  
for Teacher's Certificate of:

MATTHEW DAILEY

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EPC CASE N<sup>o</sup> 16-0390-D  
INDEX N<sup>o</sup>: 16-461-AS  
CERTIFICATE: 849340  
PPS N<sup>o</sup> 156-0618-LA

## Final Order

Matthew Dailey, applied for a Florida educator's certificate and that application was denied. The Commissioner of Education has filed a Notice of Reasons stating the reasons for denial of the certificate.

Applicant and the Commissioner of Education have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Notice of Reasons are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on September 23, 2016, in Tampa, 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 Applicant shall comply with its terms and conditions.

This Order becomes effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 23<sup>rd</sup> day of September, 2016.



PAMELA BONDURANT, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices  
Services

Bureau of Educator Certification

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

Assistant Superintendent  
Human Resources  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, FL 32940-6699

Lee Ann Gustafson  
Senior Assistant Attorney General

Claudia Llado, Clerk  
Division of Administrative Hearings

**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 Matthew Dailey [REDACTED]  
[REDACTED] Edgewater, FL 32141 and Carol R. Buxton, Esq., FEA, 1516 East Hillcrest  
Street, Suite 109, Orlando, FL 32803 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 28 day of September, 2016.

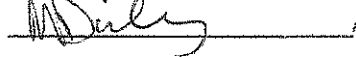
  
\_\_\_\_\_  
Lisa Forbess, Clerk  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

In re: The Denial of the  
Application for Teacher's  
Certificate of:

CASE NO. 156-0618-LA

MATTHEW DAILEY.



SETTLEMENT AGREEMENT

Petitioner, MATTHEW DAILEY, and Respondent, the Commissioner of Education, hereby stipulate and agree as follows:

1. **Application.** Petitioner applied for a Florida educator's certificate, which Respondent denied by Notice of Reasons previously filed herein.
2. **Allegations.** Petitioner neither admits nor denies, but elects not to contest the allegations set forth in Respondent's Notice of Reasons, which are incorporated herein by reference.
3. **Certificate.** Respondent agrees to issue a certificate to Petitioner for which he is otherwise qualified, subject to the restrictions and conditions set forth in this Settlement Agreement.
4. **Letter of Reprimand.** Petitioner agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing school district.
5. **Limitation of Scope of Practice.** Petitioner agrees that he shall have the scope of his employment restricted to not handling school funds for a period of two (2) years, commencing upon the date of the Final Order accepting this Settlement Agreement.
6. **Fine.** Petitioner agrees to pay a fine in the amount of \$500.00 to the EPC within one (1) year of the Final Order accepting this Settlement Agreement.
7. **Violation.** In the event Petitioner fails to comply with each condition set forth herein, he agrees that Respondent 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.** Petitioner 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 Petitioner 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.** Petitioner is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), 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.** Petitioner 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. Petitioner 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. Petitioner 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 Notice of Reasons if, in the exercise of its discretion, it deems such action to be appropriate.

13. **Notice.** Petitioner waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for

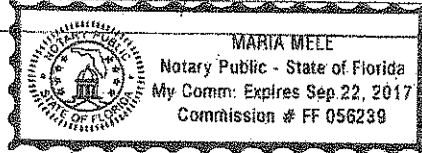
consideration at its next available scheduled meeting, provided that Petitioner is given reasonable advanced notice of time, place and date of said meeting.

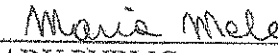
IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

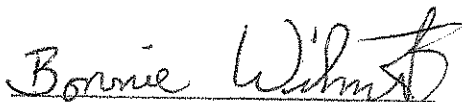
  
MATTHEW DAILEY

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_


The foregoing instrument was acknowledged before me this 15 day of June, 2016, by Matthew Dailey who is  personally known or produced as identification [type of identification produced].



  
NOTARY PUBLIC  
My commission expires:

  
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 RESPONDENT

  
CAROL R. BUXTON, ESQUIRE  
Florida Education Association  
1516 East Hillcrest Street, Suite 109  
Orlando, Florida 32803  
Telephone (407) 893-3373  
Facsimile (407) 893-3369

ATTORNEY FOR PETITIONER

**THE ADMINISTRATIVE COMPLAINT OR NOTICE OF REASONS CONTAINS CONFIDENTIAL INFORMATION AND IS EXEMPT FROM PUBLIC RECORD**

Confidential information may include:

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

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

**WHEREFORE**, the undersigned concludes that the Applicant has committed an act or acts, or that a situation exists, which would authorize the Education Practices Commission to revoke or impose other sanctions against an educator's certificate. 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 Notice of Reasons, the undersigned respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Applicant's application or educator's certificate pursuant to the authority provided in sections 1012.56(11), 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: affirming the Department of Education's denial of the issuance of an educator's certificate to the Applicant for any period of time or permanently; issuing the Applicant a written reprimand; placing the Applicant on probation for any period of time; restricting the Applicant's authorized scope of practice; assessing the Applicant an administrative fine; directing the Applicant to enroll in the Recovery Network Program; suspending the Applicant's educator's certificate for a period of time not to exceed five years; revoking the Applicant's educator's certificate for a period of time up to 10 years or permanently; determining the Applicant to be ineligible for certification; or barring the Applicant from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 27<sup>th</sup> day of January, 2016.



PAM STEWART, as  
Commissioner of Education  
State of Florida





EDUCATION PRACTICES COMMISSION  
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY  
Executive Director

DAVID R. THOMPSON  
Chairperson

LEE ANN GUSTAFSON  
Legal Counsel

CHRISTIE GOLD  
Co-Chairperson

September 23, 2016

Matthew Dailey

[REDACTED]  
Edgewater, Florida 32141

Re: Pam Stewart vs. Matthew Dailey  
EPC No.: 16-0390-D; DOE No.: 849340

Dear Mr. Dailey:

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 Brevard County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Bondurant".

Pamela Bondurant  
Presiding Officer