Before the Education Practices Commission of the State of Florida

PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

SAMUEL W. FIORE,

Respondent.
_____/

EPC CASE Nº: 17-0216-RT
Index Nº: 17-519-FOI
PPS Nº: 156-1351
Certificate No.: 869381

Final Order

This matter appeared before the Education Practices Commission ("Commission") at a duly-noticed public meeting on October 25, 2017 in Tallahassee, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the Respondent. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Respondent was not present.

FINDINGS OF FACT

Therefore, the Commission adopts as its finding of facts the facts alleged in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes the Respondent has violated Section(s) 1012.795(1)(d), 1012.795(1)(j), Florida Statutes.

The Commission is empowered by Sections 1012.795(1) and 1012.796(7), Florida Statutes, to impose a penalty against the Respondent.

Therefore, it is ORDERED that:

Respondent's Florida educator's certificate is hereby permanently revoked and Respondent is permanently barred from applying for another Florida educator's certificate.

This order shall become effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 7th day of November, 2017.

NICHOLAS PIETKIEWICZ, 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

Lee Ann Gustafson
Senior Assistant Attorney General

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.

Claudia Llado, Clerk
Division of Administrative Hearings

Probation Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Samuel W. Fiore, [redacted] Wellington, FL 33414 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 this 7th day of November, 2017.

Lisa Forbess, Clerk
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

PAM STEWART, as
Commissioner of Education,

Petitioner,

vs. **CASE NO. 156-1351**

SAMUEL W. FIORE,

Respondent.
_____/

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against SAMUEL W. FIORE. 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 869381, covering the areas of Mathematics 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 Seminole Ridge High School in the Palm Beach County School District.

MATERIAL ALLEGATIONS

3. During the 2014-2015 school year, Respondent cultivated a friendship with [redacted], a 15 year old, female student. Respondent and [redacted] engaged in daily conversation, exchanged candy, and exchanged notes. Then, on or about December 11, 2014, Respondent wrote several inappropriate notes to [redacted] and told [redacted] as he handed her the notes "I hope you know I am not a pervert," or words to that effect. The content of the notes is as follows:

a) "(sitting in a meeting daydreaming) It was such a awesome surprise when you brought me cupcakes. Just the thought of spending time to prepare and carry them

to school showed me such caring and sign of affection. My heart feel so warm inside by the gift. The cupcakes were so good and sweet but your much sweeter! ☺" (sic);

b) "Writing my thoughts to you makes me very happy inside. It makes me feel close to you.I think some times I might go overboard with notes. I cannot help it, I want our friendship to grow. ☺" (sic);

c) "(Still in meeting Day dreaming) Some thoughts are upsetting me inside. I am not a pervert. I never wanted to let my thoughts out to an under age person. I would never hurt you or do things against your will. That is not me! I have so so much to give to someone I care about. Why does it have to be you?" (sic);

d) "My issue lately is when I not working hard, I let my mind wonder thinking of you. Most of my thoughts are fanasties that scare me to death. Alott are happy just thinking of ways to make you happy!" (sic);

e) "(Bored in meeting day dreaming)- Communication: (1) phone- seens not to be a way right? (2) Email- would that be possible? (3) Only at school- ☹ not enough. What would be the safest way? What do you think?" (sic);

f) "(Out of room to write more ☹) Things I like about you! Wow I cannot believe I am saying this! (1) your eyes (they are so sexy) (2) your personality: (it is so caring (3) your body (your curves are spicy). Things that make me feel uncomfortable around yo. (1) my looks (it bothers me allott) (2) my fears of getting in trouble" (sic).

Respondent's notes to [redacted] made [redacted] feel upset and embarrassed.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of section 1012.795(1)(d), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

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(2)(a)1, 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(2)(a)5, Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(2)(a)8, Florida Administrative Code, in that Respondent has exploited a relationship with a student for personal gain or advantage.

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 21st day of March, 2017.

Pam Stewart

PAM STEWART, as
Commissioner of Education
State of Florida