



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



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

WILFREDO CRUZ,

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EPC CASE N° 17-0604-D  
INDEX N°: 19-001-FOI  
PPS N° 167-0875-LA

### Final Order

Wilfredo Cruz holds Florida educator's certificate no. 1319402. The Commissioner has filed a Notice of Reasons to deny the Applicant authorization for an educator's certificate. A copy of the Notice of Reasons (NOR) is attached to and made a part of this Order.

This cause came before a teacher panel of the Education Practices on December 13, 2018 in Tallahassee, Florida. The Applicant was not present.


The Applicant has chosen not to dispute the allegations of the NOR and has requested an informal hearing to present evidence and testimony in mitigation.

Paragraphs 1 through 2 of the NOR were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 3 of the NOR were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that:

1. Applicant shall be permitted to pursue application for a Florida educator's certificate. If found qualified, the certificate shall be issued.
2. Applicant is assessed an administrative fine of \$500.00 to be paid within 1 year of the date of this Final Order.
3. Applicant is permanently prohibited from handling school funds.

DONE AND ORDERED, this 8<sup>th</sup> day of January, 2019.

  
CHRISTIE GOLD, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices  
Services

Bureau of Educator Certification

Superintendent  
Orange County Schools  
P.O. Box 271  
Orlando, FL 32802-0271

Director of Personnel  
Orange County Schools  
P.O. Box 271  
Orlando, FL 32802-0271

Lawrence Harris  
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 Wilfredo Cruz, [REDACTED], Tampa, FL 33619 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 32399-040 and Ron Weaver, Esq., Post Office Box 770088, Ocala, FL 34477, this 8<sup>th</sup> day of January, 2019.



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Lisa Forbess, Clerk  
Education Practices Commission

**STATE OF FLORIDA  
DEPARTMENT OF EDUCATION**

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

**CASE NO. 167-0875-LA**

**WILFREDO CRUZ.**  
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**NOTICE OF REASONS**

WILFREDO CRUZ, [REDACTED] Orlando, Florida 32827, Department of Education Number 1319402, having filed his application for a Florida Educator's Certificate before the Department of Education;

The Department of Education having reviewed the application in accordance with sections 1012.315, 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that WILFREDO CRUZ is not entitled to the issuance of a Florida Educator's Certificate, accordingly; and

The Department of Education files and serves upon the Applicant, WILFREDO CRUZ, its Notice of Reasons for its denial in accordance with the provisions of section 120.60, Florida Statutes.

The Department of Education alleges:

1. In or around March or April of 2012, Applicant removed merchandise from a retail establishment where he was employed without paying for the merchandise and with the intention of converting it to his own use. On or about April 6, 2012, Applicant was arrested and charged with one count of Petit Theft (reduced from Grand Theft Scheme to Defraud). On or about March 4, 2013, Applicant pled and was adjudicated guilty of the charge.

2. On or about July 13, 2016, Applicant filed an application for a Florida Educator's Certificate with the Florida Department of Education. On the application, Applicant responded, "no," in answer to the questions, "Have you ever been convicted of a criminal offense?", "Have you ever been found guilty of a criminal offense?" and "Have you ever pled guilty to a criminal offense?" Applicant's fraudulent answers were in conflict with Florida law and with his statement on the application that information provided was true, accurate and complete.

The Department of Education charges:

**STATUTE VIOLATIONS**

**COUNT 1:** The Applicant is in violation of section 1012.56(12)(a), Florida Statutes, which provides that the Department of Education may deny an Applicant a certificate if the department possesses evidence satisfactory to it that the Applicant has committed an act or acts, or that a situation exists for which the Education Practices Commission would be authorized to revoke a teaching certificate.

**COUNT 2:** The Applicant is in violation of section 1012.795(1)(a), Florida Statutes, in that Applicant obtained or attempted to obtain a teaching certificate by fraudulent means.

**COUNT 3:** The Applicant is in violation of section 1012.795(1)(f), Florida Statutes, in that the Applicant 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.

**(SIGNATURE ON FOLLOWING PAGE)**

**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 21<sup>st</sup> day of March, 2017.



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