



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



PAM STEWART as the  
Commissioner of Education,

Petitioner,

vs.

KERRY MOWLAM,

Respondent.

EPC CASE N<sup>o</sup>: 18-0319-TC

Index N<sup>o</sup>: 19-008-FOI

PPS N<sup>o</sup>: 178-1430

Certificate No.: 1232367

### Final Order

This matter appeared before the Education Practices Commission (“Commission”) at a duly-noticed public meeting on December 13, 2018 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 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:


1. Respondent is hereby issued a letter of reprimand.
2. Respondent is assessed an administrative fine of \$750.00 to be paid within the first year of probation.
3. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 1 employment year 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. Complete in-service coursework in the area of Education Ethics, and provide documentation verifying successful completion to the probation compliance officer within the 1<sup>st</sup> year of probation.

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

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  
St. Johns County Schools  
40 Orange Street  
St. Augustine, FL 32084-3693

Lawrence Harris  
Assistant Attorney General

Claudia Llado, Clerk  
Division of Administrative Hearings

Probation

**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 Kerry Mowlam, [REDACTED] [REDACTED] Ponte Verda Beach, FL 32082 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 8<sup>th</sup> day of January, 2019.



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Lisa Forbess, Clerk  
Education Practices Commission

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

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

**Petitioner,**

vs.

**CASE NO. 178-1430**

**KERRY MOWLAM,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against KERRY MOWLAM. 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 1232367, covering the area of Athletic Coaching, which is valid through June 30, 2021.
2. At all times pertinent hereto, the Respondent was employed as an Athletic Coach at Ponte Vedra High School in the St. Johns County School District.

**MATERIAL ALLEGATIONS**

3. At all times pertinent hereto, Respondent was subject to St. Johns County School Board Rule 3.15 which addresses alcohol and drugs. Rule 3.15 states "No person shall be in possession of or under the influence of alcohol or drugs while on School Board property or at a school district sponsored activity."
4. During the 2017-2018 school year, Respondent failed to protect his students and violated St. Johns County School Board Rule 3.15 when Respondent was in possession of alcohol in the presence of students during a school sponsored activity.

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(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.

**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 19<sup>th</sup> day of June, 2018.

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



**EDUCATION PRACTICES COMMISSION**  
**STATE OF FLORIDA**

**GRETCHEN KELLEY BRANTLEY**

Executive Director

**LAWRENCE HARRIS**

Legal Counsel

**LISA FORBESS**

Clerk of Court

**CHRISTIE GOLD**

Chairperson

**NICHOLAS PIETKIEWICZ**

Co-Chairperson

January 8, 2019

Kerry Mowlam

[REDACTED]  
Ponte Verda Beach, Florida 32082

Re: Pam Stewart vs. Kerry Mowlam

EPC No.: 18-0319-TC; DOE No.: 1232367

Dear Ms. Mowlam:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Administrative Complaint which is incorporated herein.

This panel, which includes fellow educators, 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 and have diminished your position as an educational leader. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention never 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.

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

Sincerely,

A handwritten signature in blue ink that reads "Christie Gold".

Christie Gold  
Presiding Officer