



Before the Education Practices Commission of the State of Florida



PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

LUTHER FUNCHES,

Respondent.

EPC CASE N^o: 18-0343-TC

Index N^o: 19-006-FOI

PPS N^o: 178-1490

Certificate No.: 1292118

Final Order

This matter appeared before the Education Practices Commission (“Commission”) at a duly-noticed public meeting on December 13, 2018 in Tallahassee, Florida. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate. A copy of the Administrative Complaint is attached to and made a part of this Order.

Service of the Administrative Complaint was made upon Respondent by certified mail. Respondent has failed to respond to the Administrative Complaint and has not requested a hearing or any other proceeding. Respondent was neither present or represented.

FINDING OF FACTS

The Commission finds that Respondent was properly served with the Administrative Complaint, has failed to respond timely, and has waived any right to be heard.

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 Sections 1012.795(1)(d) and 1012.795(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 8th day of January, 2019.


CHRISTIE GOLD, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent

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

Duval County Schools
1701 Prudential Dr.
Jacksonville, FL 32207-8182

Professional Standards
Duval County Schools
1701 Prudential Dr.
Jacksonville, FL 32207-8182

Lawrence Harris
Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

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 Luther Funches, [REDACTED] Greensboro, North Carolina 27403 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 8th day of January, 2019.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 178-1490

LUTHER FUNCHES,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against LUTHER FUNCHES. 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 1292118, covering the area of Athletic Coaching, which is valid through June 30, 2018.
2. At all times pertinent hereto, the Respondent was employed as a Paraprofessional and Girls' Basketball Coach at Westside High School in the Duval County School District.

MATERIAL ALLEGATIONS

3. On or about August 29, 2017, Respondent engaged in inappropriate physical conduct with [REDACTED], a twelfth grade female student, when he:
 - a. Pulled [REDACTED]'s panties to the side, and pulled his penis out; and
 - b. Touched [REDACTED]'s leg with his penis.
4. During the 2017-2018 school year, Respondent engaged in inappropriate physical conduct when he kissed [REDACTED] approximately 10 or 11 times.

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)8, Florida Administrative Code, in that Respondent has exploited a relationship with a student for personal gain or advantage.

(SIGNATURE ON FOLLOWING PAGE)

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 19th day of June, 2018.



PAM STEWART, as
Commissioner of Education
State of Florida