



Before the Education Practices Commission of the State of Florida



PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

ANDRES CABEZAS,

Respondent.

EPC CASE N°: 18-0386-TC

Index N°: 19-072-FOI

PPS N°: 178-2000

Certificate No.: 1315973

Final Order

This matter appeared before the Education Practices Commission (“Commission”) at a duly-noticed public meeting on January 23, 2019 in West Palm Beach, Florida, for a hearing not involving disputed issues of material fact. 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.

RULING ON MOTION

Upon being served with the Administrative Complaint, Respondent filed an

Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes, involving disputed issues of material fact, and that this matter be referred to the Division of Administrative Hearings. After review, it was determined there are no material facts in dispute, and accordingly, Respondent is entitled to a section 120.57(2), F.S., hearing not involving disputed issues of material fact. In response, on December 13, 2018, Respondent filed a “Motion to Reinstate and Schedule Formal Hearing” (“Motion”).

After review of the Motion and otherwise being fully apprised in the premises thereof, the Commission determined there are no disputed issues of material fact, and therefore, Respondent’s Motion should be, and therefore is, DENIED. After denial of the Motion, the Commission convened a hearing not involving disputed issues of material fact.

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)(c), 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’s Florida educator’s certificate is hereby permanently revoked as of the date of this Final Order.
2. Respondent is permanently barred from re-application for a Florida

educator's certificate.

3. The Commission retains jurisdiction to enter any and such further orders as necessary to address the material change in circumstances if Respondent's criminal

conviction is overturned on appeal.

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

DONE AND ORDERED, this 4th day of February, 2019.



CRISTINA BASSO, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Lake County School Board
201 W. Burleigh Boulevard
Tavares, Florida 32778

Chief of Staff
Lake County School Board
201 W. Burleigh Boulevard
Tavares, Florida 32778

Lawrence Harris
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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Andres Cabezas, Register No. 68854-018, FCI Coleman Low, [REDACTED], Coleman, Florida 33521 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 and Ron Weaver, Esq., Post Office Box 770088, Ocala, Florida 34477 on this 4th day of February, 2019.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 178-2000

ANDRES CABEZAS,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against ANDRES CABEZAS. 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 1315973, covering the area of Engineering and Technology Education, which is valid through June 30, 2019.
2. At all times pertinent hereto, the Respondent was employed as a Business Technology Teacher at Carver Middle School in the Lake County School District.

MATERIAL ALLEGATIONS

3. On or about January 17, 2018, Respondent was pled guilty to and was adjudicated guilty of Receipt of Child Pornography. As such, Respondent has been convicted of a crime pursuant to Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1), which disqualifies Respondent from holding a Florida educator's certificate under Section 1012.315, Florida Statutes, in that Respondent's convictions are offenses prohibited by Subsections 1012.315(3) and 1012.315(1)(mm), Florida Statutes.

The Petitioner charges:


STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of section 1012.795(1)(f), Florida Statutes, in that Respondent 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.

COUNT 2: The Respondent is subject to section 1012.795(1)(n), Florida Statutes, in that Respondent has been disqualified from educator certification under section 1012.315, Florida Statutes.

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 22 day of June, 2018.



PAM STEWART, as
Commissioner of Education
State of Florida