



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

Final Order

FRANK BROGAN, as
Commissioner of Education,

Petitioner,

vs.

JOHN LUKAS,

Respondent.

Education Practices Commission

APR 10 1995

[Handwritten signature] Clerk

CASE NO. 94-119-RT
EPC INDEX NO. 95-107-FOI

Respondent, JOHN LUKAS, holds Florida educator's certificate no. 374883. Petitioner's predecessor in office 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.

On or about April 1, 8, 15 and 22, 1995, service of the Administrative Complaint was perfected upon Respondent by publication in a local newspaper after Respondent had not returned an Election of Rights form mailed to his last known address and after a diligent, unsuccessful search was made to locate him.

Respondent has failed to respond to the Administrative Complaint and has not requested a hearing or any other proceeding.

This matter was heard by a teacher panel of the Education Practices Commission pursuant to Section 231.262, Florida Statutes, and Rule 6B-11.004(6), Florida Administrative Code, on June 20, 1995, in Tampa, Florida.

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

As the Respondent has not replied to the Administrative Complaint nor contested the factual allegations, the Petitioner's attorney offered evidence to prove the facts as alleged in the Administrative Complaint. This was received into evidence and was found to clearly and convincingly support the allegations and establish a prima facie case.

FINDINGS OF FACT

1. The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact by the panel.

2. There is competent, substantial evidence to support the panel's findings.

CONCLUSIONS OF LAW

1. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the conclusions of law by the panel.

2. There is competent, substantial evidence to support the panel's conclusions.

3. The violations committed by the Respondent warrant disciplinary action by the Education Practices Commission.

PENALTY

In consideration of the foregoing findings of fact and conclusions of law, it is hereby ORDERED AND ADJUDGED:

The Respondent's educator's certificate is suspended for a period of three years from the date of this order. As a condition to recertification, Respondent shall provide written verification from a licensed psychologist, psychiatrist, or mental health counselor that he poses no threat to children and is capable of resuming the responsibilities of an educator.

If Respondent is hereafter employed in a position requiring a Florida educator's certificate, he shall be placed on probation for five years of such employment, the conditions of which are that he:

1. Notify EPC immediately upon employment as an educator in any public or private school in the State of Florida.
2. Arrange for immediate supervisor to submit performance reports to the EPC at least every three months.
3. Submit true copies of all formal observation/evaluation forms within ten days of issuance.
4. Do not consume, inject, or ingest any controlled substance unless prescribed or administered for legitimate medical purposes.

Final Order
John Lukas
Page Four

5. Submit to random blood and urine testing, for the purposes of ascertaining compliance with conditions of probation, at the direction of the EPC or the employing school district and authorize direct reporting of results to both agencies.

6. During the first three months of each probation year, pay to the EPC the sum of \$150.00 to defray the costs of monitoring probation during that year.

All costs incurred in fulfilling the terms of probation will be borne by the Respondent.

This Order becomes effective upon filing with the clerk of the Education Practices Commission.

This Order may be appealed, unless otherwise waived, by filing notices of appeal and a filing fee, as set out in Section 120.68, F.S., and Florida Rule of Appellate Procedure 9.110, within 30 days of the date of filing.

DONE AND ORDERED, this 7 day of July, 1995.

COPIES FURNISHED TO:

Kathleen Richards, Program
Director
Professional Practices Services



Toni Brummond, Presiding
Officer

Final Order
John Lukas
Page Five

Florida Admin. Law Reports

Dr. David Sawyer, Supt.
Brevard County Schools
2700 St. Johns St.
Melbourne, FL 32940-6800

Jerry Copeland
Asst. Supt.
Brevard County Schools

Larry T. Richardson, Dir.
Recovery Network Program
P.O. Box 61474
Jacksonville, FL 32236

J. David Holder
Attorney at Law
1408 N. Piedmont Way
Tallahassee, Florida 32308

John Lukas, Reg. and Cert.

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Brogan vs. John Lukas, was mailed to John Lukas, PO Box 360061, Melbourne, FL 32936-0061, this 10th day of July, 1995, by U.S. Mail.


KAREN B. WILDE, Clerk

**PARTS OF THIS ADMINISTRATIVE COMPLAINT
ARE CONFIDENTIAL**

Contents of this file are confidential and exempt from public record. Confidential records may include such materials as:

- ❖ Victim of sexual assault
- ❖ Medical or mental health records
- ❖ Sealed or expunged records
- ❖ Minor names or information that identifies the minor

As provided in Chapter 1012, Florida Statutes, Florida public school districts are provided access to the information associated with the disciplinary action.