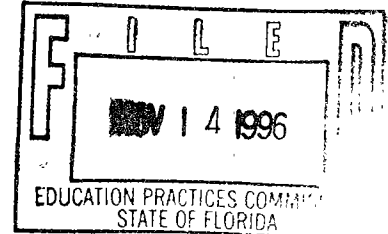




*Before the Education Practices Commission
of the State of Florida*



FRANK BROGAN, as
Commissioner of Education,

Petitioner,

EPC CASE N° 96-034-RT
EPC INDEX N° 96-186-FOI

vs.

CLAUDE WILLIAM WELLS,

Respondent.

Final Order

Respondent, CLAUDE WILLIAM WELLS, holds Florida educator's certificate no. 259127. Petitioner has filed an Amended Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate. A copy of the Amended Administrative Complaint is attached to and made a part of this Order.

Respondent has chosen not to dispute the allegations of the Amended Administrative Complaint and has requested an informal hearing to present evidence and testimony in mitigation.

This cause came before a teacher panel of the Education Practices Commission

Final Order
Claude William Wells
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(EPC) on October 31, 1996 , in Bradenton , Florida. Petitioner was represented by Carl Zahner, Attorney at Law. Respondent was neither present nor represented.

The Amended Administrative Complaint was adopted by the EPC as its findings of fact and conclusions of law.

The panel received and considered Respondent's submitted matters in mitigation.

Upon consideration of the entire record and the matters in mitigation, it is ORDERED that Respondent be issued a letter of reprimand for leaving his school assignment without permission.

It is further ORDERED that Respondent's educator's certificate be SUSPENDED for its duration, which is through June 30, 1997, and that no new or renewal Florida educator's certificate shall be issued to him prior to July 1, 1998.

It is further ORDERED that, as conditions to be met prior to recertification, Respondent shall:

1. Provide written verification from a Florida licensed psychologist, psychiatrist or mental health counselor that he poses no threat to children and is capable of resuming the responsibilities of an educator; and

2. Provide evidence that he has been evaluated by the Recovery Network Program for Educators (RNP) and has complied with any RNP recommended treatment.

It is further ORDERED that upon recertification and reemployment in a position requiring a Florida educator's certificate, he shall be placed on three employment year's probation with the conditions that during that period he shall:

- a. Notify EPC immediately upon employment as an educator in any public or private Florida school.

b. Have his immediate supervisor submit performance reports to the EPC at least every three months.

c. Within ten days of issuance, submit to the EPC copies of all formal observation/evaluation forms.

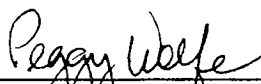
d. Participate in the Recovery Network Program for Educators which will designate a mutually acceptable treatment provider and will monitor compliance with the treatment program of the provider.

e. 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 probation terms will be borne by Respondent.

This Order may be appealed by filing notices of appeal and a filing fee, as set out in Section 120-68(2), F.S., and Florida Rule of Appellate Procedure 9.110(b) and (c), within thirty days of the date of filing.

DONE AND ORDERED, this 11 day of November, 1996.



PEGGY WOLFE, Presiding Officer

Copies furnished to:

Kathleen Richards, Program
Director
Professional Practices Services

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Claude William Wells
Page Four

Florida Admin. Law Reports

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

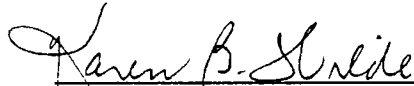
Jerry Copeland, Asst. Supt.
Brevard County Schools

Carl Zahner
Attorney at Law
1701 The Capitol
Tallahassee, FL 32399

Larry Richardson, Director
Recovery Network for Educators
P.O.Box 37206
Jacksonville, FL 32236-7206
1-888-258-5418

Claude William Wells, **Reg. and Cert.**

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Brogan vs. Claude William Wells, was mailed to Claude William Wells, 9114 Bayside Court, Orlando, FL 32819, this 14th day of November 1996, by U.S. Mail.


KAREN B. WILDE, Clerk

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EDUCATION PRACTICES
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STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

FRANK T. BROGAN, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 945-0722-C

CLAUDE WILLIAMS WELLS,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, FRANK T. BROGAN, as Commissioner of Education, files this Administrative Complaint against CLAUDE WILLIAMS WELLS. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 231.262 and 231.28, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 231.262(6) and 231.28(1), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 259127 covering the area of Music, which is valid through June 30, 1997.
2. At all times pertinent hereto, the Respondent was employed as a music teacher at Rockledge High School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about April 3, 1995, during daylight hours, Respondent approached an undercover police officer in a public park and exposed his sexual organs to the officer. Respondent began masturbating in front of the police officer who photographed Respondent performing the act. Respondent was arrested for Assignment to Commit Prostitution and Exposure of his sexual organs.

4. On August 18, 1995, Respondent pled Nolo Contendere to Exposure of his sexual organs and the Court accepted the entry of Nolle Prosequi on the charge of Assignment to Commit Prostitution. The Court withheld adjudication with the conditions that Respondent attend an HIV course, that he not return to the place of the violation and pay \$180 65 in court costs.

5. That due to the arrest and on going Sherrif's investigation, Respondent was suspended on April 5, 1995. Also on April 5, 1995, a news paper article appeared describing the arrest of Respondent.

The Petitioner charges:

STATUTORY VIOLATIONS

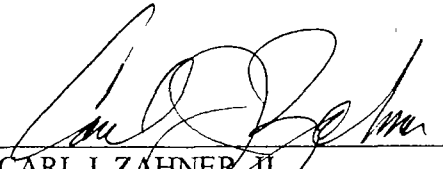
COUNT 1: The allegations of misconduct set forth herein are in violation of Section 231 28(1)(c), Florida Statutes, in that Respondent, has been found guilty of gross immorality or an act involving moral turpitude.

COUNT 2: The allegations of misconduct set forth herein are in violation of Section 231 28(1)(f), Florida Statutes, in that Respondent, upon investigation, has been found guilty of personal conduct which seriously reduces his effectiveness as an employee of the school board.

WHEREFORE, the Petitioner recommends that the Education Practices Commission impose an appropriate penalty pursuant to the authority provided in Sections 231.262(6) and 231 28(1), Florida Statutes, which penalty may include a reprimand, probation, restriction of the authorized scope of practice, administrative fine, suspension of the teaching certificate not to exceed three years, permanent revocation of the teaching certificate, or combination thereof, for the reasons set forth herein, and in accordance with the Explanation and Election of Rights forms which are attached hereto and made a part hereof by reference.

EXECUTED on this 3rd day of July, 1996.

FRANK T. BROGAN, as
Commissioner of Education,
State of Florida



CARL J. ZAHNER, II
Counsel for the Commissioner
State of Florida