



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

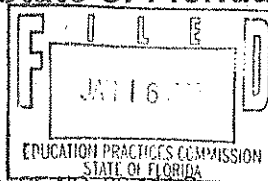
DANIEL RODDENBERRY,

Petitioner,

vs.

FRANK BROGAN, as  
Commissioner of Education,

Respondent,



CASE NO. 96-111-D  
EPC INDEX NO. 97-334-S

***Final Order***

Petitioner, DANIEL RODDENBERRY, applied for a Florida educator's certificate and that application was denied. Respondent has filed a Notice of Reasons stating the reasons for denial of the certificate.

Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause; the Settlement Agreement and the Notice of Reasons are attached to and made a part of this Final Order.

A teacher panel of the Education Practices Commission met on December 11, 1997, in Tampa, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Petitioner shall comply with its terms and conditions. This Order takes effect upon filing.


Final Order  
Daniel Roddenberry  
Page Two

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 16<sup>th</sup> day of January, 1997. <sup>8</sup>

COPIES FURNISHED TO:

Jerry Whitmore, Director  
Professional Practices Services

  
Amy O'Brien Sijan, Presiding Officer

Florida Admin. Law Reports

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

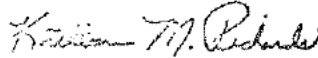
Leroy Berry, Asst. Supt.  
Human Resources  
Brevard County Schools

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

Larry T. Richardson, Dir.  
Recovery Network Program  
P.O. Box 37206  
Jacksonville, FL 32236-7206  
1-888-258-5418

Daniel Roddenberry, Reg. and Cert.

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Daniel Roddenberry vs. Brogan, was mailed to Daniel Roddenberry, [REDACTED] Melbourne Beach, FL 32951, this 16<sup>th</sup> da. of January, 1997, by U.S. Mail.



KATHLEEN M. RICHARDS, Clerk

RECEIVED  
EDUCATION PRACTICES  
COMMISSION

97 OCT -8 PM 4: 54

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

DANIEL RODDENBERRY,

Petitioner,

vs.

CASE NO. 956-0347-LA

FRANK T. BROGAN, as  
Commissioner of Education,

Respondent.

SETTLEMENT AGREEMENT

COME NOW the Petitioner and the Respondent, who hereby stipulate and agree as follows:

1. The Petitioner has applied for a Florida teaching certificate, which the Respondent denied by Notice of Reasons previously filed herein.
2. The Petitioner neither admits nor denies, but elects not to contest the allegations set forth in the Respondent's Notice of Reasons, which are incorporated herein by reference.
3. The Respondent agrees to issue the Petitioner the appropriate educator's certificate to which the Petitioner is entitled pursuant to the application filed by the Petitioner.
4. The Petitioner agrees to accept a letter of reprimand for the conduct described in the Notice of Reasons, a copy of which shall be placed in his certification file with the Department of Education, and a copy of which shall be placed in his personnel file with the employing Florida county school district.
5. The Petitioner agrees to pay to the Education Practices Commission an administrative fine in the amount of \$125.00 within the first thirty days of the first year of probation and \$125.00 within the first thirty days of the second year of probation.

6. The Petitioner shall, within thirty days of the issuance of the Final Order accepting this settlement agreement or within thirty days of employment, whichever occurs later, submit to a psychological evaluation by a qualified provider as required by the Recovery Network Program; thereafter, follow all recommended treatment until released from such treatment and provide written verification of successful completion of treatment. Petitioner shall be responsible for all costs of the evaluation and treatment.

7. The Petitioner agrees that he shall be placed on probation for a period of two years, commencing upon the issuance of the final order by the Education Practices Commission (EPC) accepting this settlement agreement if the Petitioner is currently employed as an educator in Florida. If the Petitioner is not currently employed as an educator in Florida, the probationary period shall commence upon his reemployment as an educator in Florida. In the event that the Petitioner's employment in the teaching profession is interrupted for any reason prior to the expiration of the probationary period, the probationary period shall be tolled until such time as the Petitioner resumes employment as an educator in Florida. As conditions of probation, the Petitioner shall:

- (a) immediately contact the EPC upon employment as a certified educator in Florida and indicate the name and address of the school, as well as the name, address, and telephone number of his immediate supervisor; or if Petitioner is currently employed as an educator in Florida, he shall contact the EPC within ten days of the issuance of the Final Order accepting this settlement agreement and indicate the school and supervisor information requested above;
- (b) make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written performance evaluation or assessment prepared by his supervisor within ten days of its preparation;
- (c) make arrangements for his immediate supervisor to make quarterly reports to the EPC of his teaching performance, including, but not limited to, compliance with school rules and school district regulations and any disciplinary action imposed upon Petitioner by his immediate supervisor or by the school district;
- (d) pay to the EPC \$150.00 within the first six months of each probation year to defray the costs of monitoring probation;
- (e) submit to random blood and/or urine testing at the direction of the Education Practices Commission, the director of the Recovery Network Program, or the employing school district;

(f) violate no law and shall fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006; and,

(g) satisfactorily perform his assigned duties in a competent, professional manner.

8. In the event that the Petitioner fails to comply with each condition of probation set forth herein, the Petitioner agrees that the Respondent shall be authorized to file an administrative complaint seeking action against his teaching certificate up to and including the revocation of the same based upon the violation of the terms of this agreement.

9. The parties acknowledge and the Petitioner agrees that any costs associated with the fulfillment of the terms of this agreement and the terms of the Petitioner's probation, including the statutory \$150.00 per year EPC monitoring fee, shall be the sole responsibility of the Petitioner. It is provided that the probation monitoring fee shall be held in abeyance if the Petitioner is not employed as an educator pursuant to the terms of probation above.

10. This agreement shall be void and shall have no force or effect unless signed by all parties and accepted by the EPC.

11. This agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. If this agreement is not accepted and executed by all parties, the terms hereof shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

12. The Petitioner understands the provisions of this agreement, their legal effect and his rights under Florida law to a formal hearing before a hearing officer at the Division of Administrative Hearings or an informal hearing before the EPC. The Petitioner specifically waives his right to both a formal and informal hearing, except he may appear before the EPC in order to urge the adoption of this agreement. The Petitioner further acknowledges that he is under no duress, coercion or undue influence in signing this agreement, and that he has had the opportunity to receive the advice of legal counsel prior to signing this agreement.

13. The agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this agreement and order a full evidentiary hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

14. The Petitioner waives all statutory and regulatory provisions concerning notice of hearing and agrees that this agreement may be presented to the EPC for consideration at its next regularly scheduled meeting, provided that the Petitioner is given reasonable advance notice of the time, place and date of said meeting.

IN WITNESS WHEREOF, the parties have executed this agreement on this

30<sup>th</sup> day of September, 1997.

Dan Roddenberry  
DANIEL RODDENBERRY  
PETITIONER

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September, 1997, by DANIEL RODDENBERRY, who is  personally known or produced \_\_\_\_\_ as identification [type of identification produced].

Cheryl L. Tavick  
NOTARY PUBLIC NOTARY SEAL  
My commission expires \_\_\_\_\_  
CHERYL L. TAVICK  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC390032  
MY COMMISSION EXP. AUG. 8, 1998

Carl J. Zainer, II  
CARL J. ZAINER, II  
Department of Education  
Suite 1701, The Capitol  
Tallahassee, Florida 32399-0400  
(904) 922-7095  
ATTORNEY FOR RESPONDENT

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

RECEIVED  
EDUCATION PRACTICES  
COMMISSION

96 DEC 31 AM 10:55

IN RE: The Denial of the  
Application for Teacher's  
Certificate of :

CASE NO. 956-0347-LA

DANIEL JACKSON RODDENBERRY,

AMENDED NOTICE OF REASONS

Daniel Jackson Roddenberry, [REDACTED] Melbourne Beach, Florida, 32951, Department of Education Number 742674, having filed his application for a Florida Educator's Certificate before the Department of Education, and

The Department of Education having reviewed the application in accordance with Sections 231.17 and 231.262, Florida Statutes, has determined that DANIEL JACKSON RODDENBERRY is not entitled to the issuance of a Florida Educator's Certificate, accordingly

The Department of Education files and serves upon the Applicant, DANIEL JACKSON RODDENBERRY, its Notice of Reasons for its denial in accordance with the provisions of Section 120.60, Florida Statutes, and as grounds therefore, alleges:

The Department of Education charges:

1. That on or about August 9, 1990, Applicant was arrested in Dare County, North Carolina for possession of Marijuana. He pled guilty to the charge and on January 11, 1991, the court adjudicate him guilty sentenced him to one year probation, \$100.00 in fines and court costs and required Applicant to complete a drug education course.
2. On or about June 27, 1992, Applicant was arrested for Driving Under the Influence. He pled Nolo Contendere and on July 20, 1992, he was adjudicated guilty and sentenced to six months probation and was required to pay \$485.00 in court costs and fees.
3. In an Application for a Florida Teacher's Certificate dated March 30, 1995,

Applicant did not acknowledge the arrest in 1990 for possession of Marijuana.

#### STATUTE VIOLATIONS

**COUNT 1:** The Applicant is in violation of Section 231.17(1)(c)6., Florida Statutes, requires that the holder of a Florida Educator's Certificate be of good moral character.

**COUNT 2:** The Applicant is in violation of Section 231.17(5)(a), Florida Statutes, provides that the Department of Education is authorized to deny an Applicant an educator's certificate if it possesses evidence satisfactory to it that the Applicant has committed an act or acts or that a situation exists for which the Education Practices Commission would be authorized to revoke a teaching certificate.

**COUNT 3:** The Applicant is in violation of Section 231.28(1)(e), Florida Statutes, in that he has been convicted of a misdemeanor, felony, or other criminal charge, other than a minor traffic violation.

**COUNT 4:** The Applicant is in violation of Section 231.28(1)(I), Florida Statutes, in that he has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education Rules.

**COUNT 5:** The Applicant is in violation of Section 231.28(1)(j), Florida Statutes, which provides that he has otherwise violated the provisions of law, the penalty of which is the revocation of the teaching certificate.

**COUNT 6:** Section 231.28(2), Florida Statutes, provides that the plea of guilty in any court or the decision of guilty by any court is prima facie proof of grounds for the revocation of the certificate.

#### RULE VIOLATIONS

**COUNT 7:** The Applicant is in violation of Rule 6B.1006(5)(a), F.A.C., in that he has failed to maintain honesty in all professional dealings.

**COUNT 8:** The Applicant is in violation of Rule 6B.1006(5)(h), F.A.C., in that he has submitted fraudulent information on a document in connection with professional activities.



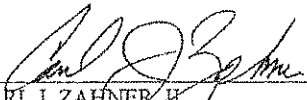
Daniel Jackson Roddenberry  
Notice of Reasons  
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COUNT 9: The Applicant is in violation of Rule 6B.1006(5)(i), F.A.C., in that he made a fraudulent statement or failed to disclose a material fact in his or another's application for a professional position.

WHEREFORE, the undersigned concludes that DANIEL JACKSON RODDENBERRY has committed an act or acts or that a situation exists for which the Education Practices Commission would be authorized to revoke an educator's certificate. It is therefore, respectfully recommended that the Education Practices Commission affirm the Department of Education's denial of the issuance of a teaching certificate to the Applicant based upon the reasons set forth herein, in accordance with the Explanation of Rights form which is attached to and made a part of this Notice of Reasons.

EXECUTED on this 19<sup>th</sup> day of August, 1996.

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

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



KATHLEEN M. RICHARDS  
Executive Director

RIVERS BUFORD, JR.  
Counsel

EDUCATION PRACTICES COMMISSION  
STATE OF FLORIDA

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RONALDS WRIGHT  
KEITH YARBROUGH

January 7, 1998

Dan Roddenberry

Melbourne Beach, Florida 32951

RE: Dan Roddenberry vs. Frank T. Brogan  
EPC #96-111-D

Dear Mr. Roddenberry:

The teacher panel of the Education Practices Commission, as you know, reviewed the matter pending against you on December 11, 1997. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

This panel, composed of your peers, 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. Your actions cannot be condoned by the profession nor by the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibility as an educator. To violate the standards of the profession will surely result in further action being taken against you.

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

Sincerely,  
  
Amy O'Brien Sifan,  
Presiding Officer

AS/bm  
325 West Gaines Street • Room 224 - E • Tallahassee, Florida 32399 • (850) 488-0547