



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

Final Order

TOM GALLAGHER, as
Commissioner of Education,

Petitioner,

vs.

WALTER JOHN ECKERT,

Respondent.

EPC CASE NO. 99-168-RT
EPC INDEX NO. 99-322 · AS

_____ /

Respondent, WALTER JOHN ECKERT, holds Florida educator's certificate no. 435284. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the license.

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

A teacher panel of the Education Practices Commission met on October 29, 1999, 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 Respondent shall comply with its terms and conditions. This Order takes effect upon filing.

Final Order
Walter John Eckert
Page Two

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 11th day of November, 1999.

COPIES FURNISHED TO:

Jerry Whitmore, Program Director
Professional Practices Services


Peggy Wolfe, Residing Officer

Florida Admin. Law Reports

Bureau of Teacher Certification

Frank R. Petruzielo, Supt.
Broward County Schools
K.C. Wright Bldg. 10th Flr.
600 S.E. 3rd Ave.
Ft. Lauderdale, FL 33301

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Gallagher vs. Walter John Eckert, was mailed to Walter John Eckert, 214 S.E. 3 St., Dania, FL 33004, this 18 day of November 1999, by U.S. Mail.

John Goonen, Jr., Director
Professional Standards
Broward County Schools


KATHLEEN M. RICHARDS, Clerk

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

Recovery Network Program
for Educators
325 W. Gaines St., Suite 224-D
Tallahassee, FL 32399
(850) 922-9733

Walter John Eckert, **Reg. and Cert.**



KATHLEEN M. RICHARDS
Executive Director

**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

RIVERS BUFORD, JR.
Counsel

COMMISSION MEMBERS

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GRACE WILLIAMS
ROY BROOKS
RENIER DIAZ DE LA PORTILLA

October 29, 1999

Walter John Eckert
214 S.E. 3 Street
Dania, Florida 33004

Re: Tom Gallagher vs. Walter John Eckert
EPC #: 99-168-RT; Social Security No.: [REDACTED]

Dear Mr. Eckert:

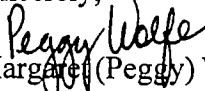
As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you on October 29, 1999. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

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 responsibilities 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 is being sent to the Broward County School Board for placement in your personnel file.

Sincerely,


Margaret (Peggy) Wolfe
Presiding Officer

PW/le

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**TOM GALLAGHER, as Commissioner
of Education,**

Petitioner,

vs.

CASE NO. 989-0382-W

WALTER ECKERT,

Respondent.

**RECEIVED
EDUCATION PRACTICES
COMMISSION
99 SEP -9 PM 3:00**

AMENDED SETTLEMENT AGREEMENT

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

1. The Respondent holds Florida teaching certificate 435284 issued by the Florida Department of Education covering the areas of social sciences and mathematics, which is valid through June 30, 2002.
2. At all times pertinent hereto, the Respondent was employed as a mathematics teacher and a social studies teacher at Pioneer Middle School, in the Broward County School District.
3. The Respondent neither admits nor denies, but elects not to contest the allegations set forth in the Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. The Respondent agrees to pay to the Education Practices Commission an administrative fine in the amount of \$750.00 within thirty days of the issuance of the Final Order accepting this amended settlement agreement.
5. The Respondent agrees to accept a letter of reprimand, 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 school district.

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6. The Respondent agrees, prior to employment or certification as an educator, or within thirty days of the issuance of the Final Order accepting this amended settlement agreement, whichever occurs later, to submit to an evaluation by a substance abuse counselor approved by the Recovery Network Program and undergo all recommended courses of treatment. Respondent shall submit written verification of successful completion of treatment. All cost are to be borne by Respondent.

7. The Respondent agrees that he shall be placed on probation for a period of 2 years, commencing upon the issuance of the Final Order by the Education Practices Commission [EPC] accepting this Amended Settlement agreement if the Respondent is currently employed as an educator in Florida. If the Respondent 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 Respondent'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 Respondent resumes employment as an educator in Florida. As conditions of probation, the Respondent shall:

(a) immediately contact the EPC upon any reemployment in the teaching profession within Florida [or if employed as an educator in Florida, shall contact the EPC within 10 days of the issuance of the Final Order accepting this Amended Settlement Agreement], indicating the name and address of the school, as well as the name, address and telephone number of his immediate supervisor;

(b) make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by his supervisor within 10 days of its preparation;

(c) pay to the EPC \$150.00 within the first six months of each probation year to defray the costs of monitoring probation;

(d) 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;

(e) agrees to have the scope of his employment restricted to not having alcohol or controlled substances in his blood during school hours, unless prescribed by a medical doctor;

(f) agrees to have the scope of his employment restricted to: not driving or transporting students;

(g) 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,

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

8. In the event the Respondent fails to comply with each condition of probation set forth herein, the Respondent agrees that the Petitioner shall be authorized to file an Administrative Complaint for sanctions up to and including the revocation of his teaching certificate based upon the violation of the terms of this agreement.

9. The parties acknowledge and the Respondent agrees that any costs associated with the fulfillment of the terms of this agreement and the terms of the Respondent's probation, including the statutory \$150.00 per year EPC monitoring fee, shall be the sole responsibility of the Respondent. It is provided that the probation monitoring fee shall be held in abeyance if the Respondent 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 amended 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 Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent 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

2ND day of Sept, 1999.

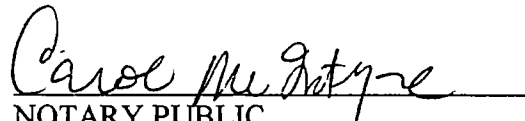


WALTER ECKERT
RESPONDENT

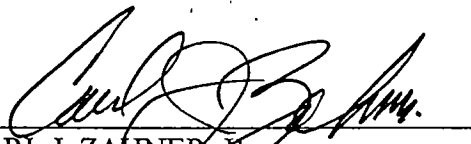
STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 2ND day of September, 1999, by WALTER ECKERT, who is _____ personally known or produced FL DLIC as identification [type of identification produced].

CAROL McINTYRE
Notary Public, State of Florida
My comm. exp. July 8, 2003
Comm. No. CC853074



NOTARY PUBLIC
My commission expires:



CARL J. ZAHNER II
Department of Education
Suite 1701, The Capitol
Tallahassee, Florida 32399-0400
(850) 922-7095
ATTORNEY FOR PETITIONER

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**TOM GALLAGHER, as
Commissioner of Education,**

Petitioner,

vs.

CASE NO. 989-0382-W

WALTER JOHN ECKERT,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, TOM GALLAGHER, as Commissioner of Education, files this Administrative Complaint against Walter John Eckert. 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 435284, covering the areas of Social Sciences and Mathematics, which is valid through June 30, 2002.
2. At all times pertinent hereto, the Respondent was employed as a Mathematics and Social Studies teacher at Pioneer Middle School, in the Broward County School District.

MATERIAL ALLEGATIONS

3. On or about April 9, 1975, Respondent was in possession of a controlled substance, Marijuana.
4. On or about May 2, 1975, Respondent was in possession of controlled substances, Marijuana, Hallucinogens and Barbiturates.

5. On or about October 16, 1980, Respondent operated his vehicle while he was intoxicated. Respondent was arrested and charged with Driving Under the Influence. On or about November 18, 1980, Respondent was adjudicated guilty by the court.

6. On or about March 1, 1981, Respondent operated his vehicle while he was intoxicated. Respondent was arrested and charged with Driving Under the Influence. On or about July 1, 1981, Respondent was adjudicated guilty by the court.

7. On or about May 12, 1994, Respondent operated his vehicle while he was intoxicated. Respondent was arrested and charged with Driving Under the Influence. On or about June 10, 1994, Respondent was adjudicated guilty by the court and sentenced to pay \$1,282.00 in fines and costs, 100 hours of community service, 12 months probation, attend DUI school and advanced CASAP program.

8. On Respondent's Applications for Certification dated March 23, 1982, December 26, 1984 and February 13, 1992, Respondent failed to fully acknowledge his criminal history as required on the form and in spite of the sworn statement by the Respondent that all the information provided was true and correct.

STATUTORY VIOLATIONS

COUNT 1: The allegations of misconduct set forth herein are in violation of Section 231.28(1)(a), Florida Statutes, in that Respondent has obtained the teaching certificate by fraudulent means.

COUNT 2: The allegations of misconduct set forth herein are in violation of Section 231.28(1)(e), Florida Statutes, in that Respondent has been convicted of a misdemeanor, felony, or other criminal charge, other than a minor traffic violation.

COUNT 3: The allegations of misconduct set forth herein are in violation of Section 231.28(1)(i), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession in Florida prescribed by State Board of Education.

COUNT 4: Section 231.28(2), Florida Statutes, provides that the plea of guilty in any court or a decision of guilty by any court is prima facie proof of grounds for the revocation of the certificate.

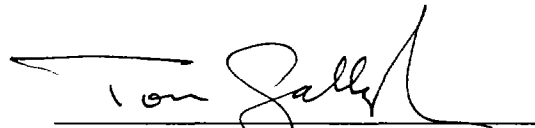
RULE VIOLATIONS

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(a), Florida Administrative Code, in that Respondent has failed to maintain honesty in all professional dealings.

COUNT 6: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(h), Florida Administrative Code, in that Respondent has submitted fraudulent information on a document in connection with professional activities.

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 1ST day of APRIL, 1999.



TOM GALLAGHER, as
Commissioner of Education,
State of Florida