



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

**FILE**  
AUG 0 2 1999

*Final Order*

IN RE: Administrative Complaint seeking  
disciplinary action against the Teacher's  
Certificate of Philip W. Diller.

\_\_\_\_\_/ CASE NO. 99-231-RT  
EPC INDEX NO. 99-177-FON

An Administrative Complaint seeking disciplinary action against the teacher's certificate of Respondent, Philip W. Diller, was filed by Tom Gallagher, as Commissioner of Education on , June 22, 1999.

Respondent, holder of Florida teacher's certificate number 752648, was served with a copy of the Administrative Complaint. Respondent has filed an answer to the Administrative Complaint stating that he did not wish to contest the charges, that he waived any further rights to due process or a public hearing, that he surrendered his certificate for permanent revocation, and that all his actions were free and voluntary.

The Administrative Complaint and the answers are incorporated as part of this Order.

In consideration of the foregoing, the Education Practices Commission, as empowered by F.S. 231.262(1980), hereby PERMANENTLY REVOKES teachers certificate number 752648, held by Philip W. Diller.

Reapplication will not be considered.

DONE AND ORDERED, this 1st day of August, 1999.

Toni Brummond  
Toni Brummond, Chairperson

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I HEREBY CERTIFY that a copy of the foregoing  
Order in the matter of Tom Gallagher vs. Philip W.  
Diller was mailed to, Philip W. Diller, [REDACTED]  
[REDACTED] Melbourne, Florida 32901,  
this 2 day of August 1999, by U. S. Mail.

  
KATHLEEN M. RICHARDS, Clerk

COPIES FURNISHED TO:

Professional Practices Services

Rivers Buford, Jr., Esquire  
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Florida Admin. Law Reports  
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Dr. David E. Sawyer, Superintendent  
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Leroy A. Berry, Asst. Supt.  
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2700 Judge Fran Jamieson Way  
Viera, Florida 32940-6699

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

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

**Petitioner,**

**vs.**

**CASE NO. 989-0907-M**

**PHILIP W. DILLER,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, TOM GALLAGHER, as Commissioner of Education, files this Administrative Complaint against PHILIP W. DILLER. 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 752648, covering the areas of Chemistry and Biology, which is valid through June 30, 2002.
2. At all times pertinent hereto, the Respondent was employed as a Biology teacher at Satellite High School, in the Brevard County School District.

**MATERIAL ALLEGATIONS**

3. On or about June 17, 1997, the Education Practices Commission issued a Final Order placing Respondent on probation for a period of two years. The conditions of probation included the requirement that Respondent violate no law and fully comply with all district school board regulations and State Board of Education Rule 6B-1.006.

4. During the spring semester of 1998, Respondent used his classroom computer for inappropriate internet searches which included viewing web sites that contained nudity and sexually explicit material. Students had access to said classroom computer.

5. Respondent's actions constitute a violation of his EPC probation as described in paragraph 3.

6. On or about August 25, 1998, Respondent resigned his teaching position with the Brevard County School Board effective September 11, 1998.

### **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 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/her] effectiveness as an employee of the school board.

**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.

### **RULE VIOLATIONS**

**COUNT 4:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical safety.


**COUNT 5:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(4)(c), Florida Administrative Code, in that Respondent has used institutional privileges for personal gain or advantage.

**COUNT 6:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(o), Florida Administrative Code, in that Respondent has failed to comply with the conditions

of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

**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 22 day of June, 1999.

  
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TOM GALLAGHER, as  
Commissioner of Education,  
State of Florida