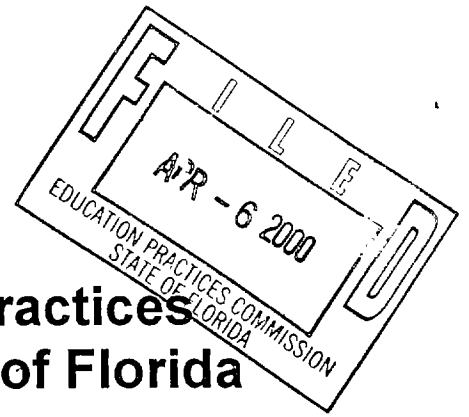




Before the Education Practices Commission of the State of Florida



TOM GALLAGHER, as Commissioner of Education, Petitioner,

vs.

BRYAN CONTI, Respondent.

EPC CASE N° 99-0415 -RT

EPC INDEX N° 00- -AS

Final Order

Respondent, BRYAN CONTI, holds Florida educator's certificate no. 745733. 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 March 24, 2000, 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.

DONE AND ORDERED, this 31st day of March, 2000.

Margaret Wolfe, Presiding Officer

COPIES FURNISHED TO:

Jerry Whitmore, Chief Bureau of Education Standards

NOTICE OF RIGHT TO JUDICIAL REVIEW A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO

Bureau of Teacher Certification

Florida Administrative 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 J. Zahner, Attorney at Law

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

JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES COMMISSION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Gallagher vs. Conti, was furnished to Bryan Conti, 1955 Furman Court, Cocoa, FL 32922, this 6 day of April, 2000, by U.S. Mail.


KATHLEEN RICHARDS, Clerk



KATHLEEN M. RICHARDS
Executive Director

**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

RIVERS BUFORD, JR.
Counsel

COMMISSION MEMBERS

TONI BRUMMOND
Chair

MARGARET A. WOLFE
Vice Chair

STEPHEN J. BRODIE
ROY BROOKS
LUCILE CASEY
CLARISSA CODDINGTON
JAMES DAVIS
JERRY E. KELLEY
THOMAS JAMES
JAYNE PALMER
DIANE PORTER
RENIER DIAZ DE LA PORTILLA
ANA M. RASCO
AMY SUAN
GRACE WILLAVIS

March 24, 2000

Bryan Conti
1955 Furman Court
Cocoa, FL 32922

Re: Tom Gallagher vs. Bryan Conti
EPC #: 99-415-RT; Social Security No.: [REDACTED]

Dear Mr. Conti:

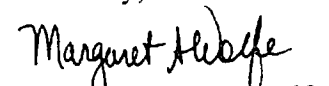
As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you on, March 24, 2000. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

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 that practice our profession. The profession cannot condone your actions, nor can the public who employs 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 Brevard 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.

BRYAN CONTI,

Respondent.

CASE NO. 989-2069-M

RECEIVED
EDUCATION PRACTICES
COMMISSION
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SETTLEMENT AGREEMENT

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

1. The Respondent holds Florida teaching certificate 745733 issued by the Florida Department of Education covering the area of social studies, which is valid through June 30, 2002.
2. At all times pertinent hereto, the Respondent was employed as a history teacher at Cocoa High School, in the Brevard 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 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.
5. The Respondent agrees, prior to employment in Florida, in a position requiring a Florida educator's certificate, or within sixty days of the issuance of the Final Order accepting this settlement agreement, whichever occurs later, to submit to an evaluation by a substance abuse counselor approved by the Recovery Network Program (RNP), and undergo all recommended

courses of treatment. Respondent shall submit written verification to the Education Practices Commission (EPC) of successful completion of the evaluation prior to employment in Florida, in a position requiring a Florida educator's certificate, or within sixty days of the final order accepting this settlement agreement, whichever occurs later. Respondent agrees to follow any recommended treatment until released from such treatment, and to provide written verification from a provider approved by RNP, of release from any treatment, to the EPC within sixty days of completion of treatment. Or in the alternative, Respondent may submit written verification of an evaluation done prior to this settlement agreement, but since the November 1998 incident, if approved by RNP. All costs are to be borne by Respondent.

6. The Respondent agrees that he shall be placed on probation for a period of 3 years, commencing upon the issuance of the Final Order by the Education Practices Commission [EPC] accepting this settlement agreement if the Respondent is currently employed in Florida, in a position requiring a Florida educator's certificate. If the Respondent is not currently employed in Florida, in a position requiring a Florida educator's certificate, the probationary period shall commence upon his employment in Florida, in a position requiring a Florida educator's certificate. 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 in Florida, in a position requiring a Florida educator's certificate. As conditions of probation, the Respondent shall:

(a) immediately contact the EPC upon any reemployment in Florida, in a position requiring a Florida educator's certificate [or if employed as an educator in Florida, in a position requiring a Florida educator's certificate, shall contact the EPC within 10 days of the issuance of the Final Order accepting this 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) within the first year take and submit to the EPC, written verification of successful completion with a grade of "C" or better, of a three credit hour college level course in the area of Professional Responsibilities;

(e) submit to random drug testing at the direction of the Education Practices Commission, the director of the Recovery Network Program, or the employing school district;

- (f) agrees to have the scope of his employment restricted to: not 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.

7. 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.

8. 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 in Florida, in a position requiring a Florida educator's certificate, pursuant to the terms of probation above.

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

10. 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.

11. 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.

12. 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.

13. 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 28
day of January, 2000.

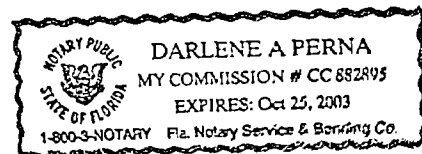
Bryan S Conti
BRYAN CONTI
RESPONDENT

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 28 day of
January, 2000, by BRYAN CONTI, who is _____ personally known or produced
FL Drivers License _____
as identification [type of identification produced].

Darlene A. Perna
NOTARY PUBLIC
My commission expires: 10-25-2003

Carl J. Zahner, II
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. 989-2069-M

BRYAN S. CONTI,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, TOM GALLAGHER, as Commissioner of Education, files this Administrative Complaint against Bryan S. Conti. 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 745733, covering the areas of Social Studies, which is valid through June 30, 2002.
2. At all times pertinent hereto, the Respondent was employed as a History teacher at Cocoa High School, in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about August 16, 1997, Respondent operated his vehicle while he was intoxicated. Respondent was arrested and charged with Driving Under the Influence. On or about November 5, 1997, Respondent pled Nolo Contendere and the court adjudicated him guilty. Respondent was sentenced to 12 months probation, driver's license revoked for 6 months, DUI school, alcohol treatment and \$1,286.00 costs and fines.

4. On or about August November 27, 1998, Respondent operated his vehicle while he was intoxicated. Respondent was arrested and charged with Driving Under the Influence. On or about January 11, 1999, Respondent pled Nolo Contendere and the court adjudicated him guilty. Respondent was sentenced to 9 months probation, driver's license revoked for 5 years, Victim Awareness program, alcohol treatment, AIDS awareness class and \$806.00 in costs and fines.

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)(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: 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.

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 23 day of November, 1999.



TOM GALLAGHER, as
Commissioner of Education,
State of Florida