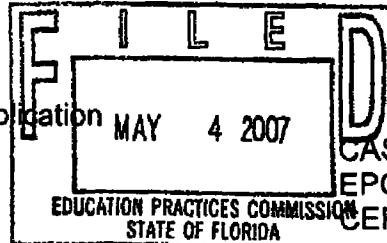




Before the Education Practices Commission of the State of Florida

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

DAX RANKINE



CASE N° 07-0049-D
EPC INDEX N° 07-157-AS
CERTIFICATE: 971448

Final Order

Dax Rankine, applied for a Florida educator's certificate and that application was denied. The Commissioner of Education has filed a Notice of Reasons stating the reasons for denial of the certificate.

Applicant and the Commissioner of Education 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 April 20, 2007, 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 becomes effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 20th day of April, 2007.

A handwritten signature in black ink, appearing to read "Deborah Shepard".
DEBORAH SHEPARD, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

Superintendent
Palm Beach County Schools
3340 Forest Hill Blvd., Room C316
West Palm Beach, FL 33406-5869

Chief Personnel Officer
Palm Beach County Schools
3362 Forest Hill Boulevard, Suite A-128
West Palm Beach, FL 33406-5870

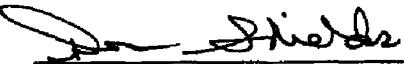
Ronald G. Stowers
DOE Counsel for PPS

Daniel Biggins
Assistant Attorney General

Probation Office

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

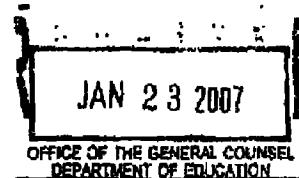
I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Dax Rankine, 3899 New Moon Parkway, Boynton Beach, Florida 33436 by Certified U.S. Mail this 4th day of May, 2007.



DON SHIELDS

Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



In re: The Denial of the
Application for Teacher's
Certificate of:

CASE NO. 056-3610-EA

DAX RANKINE.

SETTLEMENT AGREEMENT

Petitioner, DAX RANKINE, and Respondent, the Commissioner of Education, hereby stipulate and agree as follows:

1. **Application.** Petitioner applied for a Florida educator's certificate, which Respondent denied by Notice of Reasons previously filed herein.
2. **Allegations.** Petitioner neither admits nor denies, but elects not to contest the allegations set forth in Respondent's Notice of Reasons, which are incorporated herein by reference.
3. **Certificate.** Respondent agrees to issue a certificate to Petitioner for which he is otherwise qualified, subject to the restrictions and conditions set forth in this Settlement Agreement.
4. **Letter of Reprimand.** Petitioner 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. **Probation.** Petitioner agrees that he shall be placed on probation for a period of one (1) employment year. If Petitioner is currently employed in a position requiring a Florida educator's certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Petitioner is not currently employed in a position requiring a Florida educator's certificate, probation shall begin upon his re-employment in such a position. In the event Petitioner's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Petitioner resumes employment in a position requiring a Florida educator's certificate. As conditions of probation, Petitioner:

DAX RANKINE
Settlement Agreement
Page 2 of 4

a. shall immediately contact the Bureau of Professional Practices Services (BPPS) upon employment in Florida in a position requiring a Florida educator's certificate or upon termination from such a position. If currently employed in such a position, Petitioner shall contact the BPPS within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Petitioner shall provide the BPPS with the name and address of his work site as well as the name, address and telephone number of his immediate supervisor.

b. shall 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 ten (10) days of its preparation;

c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;

d. shall have the scope of his employment restricted to: not transporting students in or on any motor vehicle;

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

f. shall satisfactorily perform his duties in a competent, professional manner.

6. Fine. Petitioner agrees to pay a fine in the amount of \$300.00 to the EPC within the first year of the probationary period.

7. Violation. In the event Petitioner fails to comply with each condition set forth herein, he agrees that Respondent shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

8. Costs and Fees. Petitioner agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be his sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Petitioner is not employed as an educator pursuant to the terms of the Probation.

9. Force and Effect. This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the

EPC. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. **Notice of "Three Strikes" Provision.** Petitioner is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

11. **Waiver of Rights.** Petitioner understands provisions of this Settlement Agreement, their legal effect, and his rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Petitioner specifically waives his right to both a formal and an informal hearing, except he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Petitioner further acknowledges that he is under no duress, coercion or undue influence to execute this Settlement Agreement and that he has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

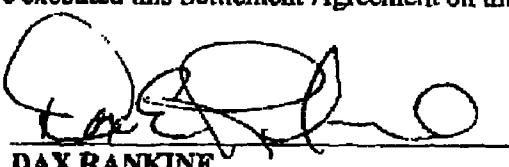
12. **Approval.** When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations of the Notice of Reasons if, in the exercise of its discretion, it deems such action to be appropriate.

13. **Notice.** Petitioner waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Petitioner is given reasonable advanced notice of time, place and date of said meeting.

(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

DAX RANKINE
Settlement Agreement
Page 4 of 4

18 th day of January, 2007.



DAX RANKINE

STATE OF FLORIDA
COUNTY OF West Palm Beach

The foregoing instrument was acknowledged before me this 18th day of January, 2007, by Dax Rankine, who is personally known or produced Driver License as identification [type of identification produced].

Cathy Varney
NOTARY PUBLIC
My commission expires: 6-15-09

Cathy Varney
Commission # DD441155
Expires June 15, 2009
Bonded Notary Public - Insurance Inc. 800385-7010

Bonnie Wilmot
BONNIE WILMOT
Assistant General Counsel
Suite 1244, Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Telephone (850) 245-0443
Facsimile (850) 245-9425

ATTORNEY FOR RESPONDENT

STATE OF FLORIDA
DEPARTMENT OF EDUCATION

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

CASE NO. 056-3610-EA

DAX RANKINE.

NOTICE OF REASONS

DAX RANKINE, [REDACTED], Boynton Beach, Florida 33426, Department of Education Number 971448, 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 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that DAX RANKINE is not entitled to the issuance of a Florida Educator's Certificate, accordingly;

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

1. On or about May 8, 1998, Applicant was involved in an automobile accident with property damage and left the scene of the accident without identifying himself to the other driver or providing insurance information. Applicant was charged with Hit and Run Leaving Scene of Accident with Property Damage. On or about November 16, 1998, Applicant pled guilty to the charge and the court withheld adjudication of guilt.

2. On or about August 31, 1998, Applicant entered a retail establishment and verbally and physically abused E.J., a member of the store's security staff. Applicant threw a bottle at E.J. and punched him in the eye and about the head. Applicant was arrested and charged with Aggravated Assault. On or about October 21, 1998, the state attorney's office reduced the charge to the lesser included offense of Simple Battery. On or about November 16, 1998, the court withheld adjudication of guilt and placed Applicant on 6 months probation.

3. On or about June 13, 2002, Applicant was driving while intoxicated or otherwise impaired. Additionally, Applicant was in possession of an unknown substance, packaged to sell and accompanied by an account of sales. Applicant was also in possession of drug paraphernalia

with marijuana residue. Applicant was arrested and charged with: Count 1, Drug Possession to Distribute; Count 2, Drug Violation Near School/Park; Count 3, Operating Under the Influence Alcohol; Count 4, Operating Under the Influence Drugs; Count 5, Marijuana Possession; Count 6, Improper Operation of Motor Vehicle. On or about August 21, 2002, Applicant entered a plea of not guilty to all counts. The court dismissed all charges upon Applicant's completion of a driving under the influence program.

The Department of Education charges:

STATUTE VIOLATIONS

COUNT 1: The Applicant is in violation of Section 1012.56(2)(e), Florida Statutes, which requires that the holder of a Florida Educator's Certificate be of good moral character.

COUNT 2: The Applicant is in violation of Section 1012.56(11)(a), Florida Statutes, which provides that the Department of Education may deny an Applicant a certificate if the department 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 1012.795(1)(c), Florida Statutes, in that he has been guilty of gross immorality or an act involving moral turpitude.

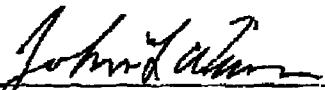
COUNT 4: The Applicant is in violation of Section 1012.795(2), Florida Statutes, which provides that the plea of guilty in any court or the decision of guilty by any court is *prima facie* proof of grounds for the revocation of the certificate.

(SIGNATURE ON FOLLOWING PAGE)

DAX RANKINE
Notice of Reasons
Page 3 of 3

WHEREFORE, the undersigned concludes that the Applicant has committed an act or acts, or that a situation exists, which would authorize the Education Practices Commission to revoke or impose other sanctions against an educator's certificate. Based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Notice of Reasons, the undersigned respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Applicant's application or educator's certificate pursuant to the authority provided in Sections 1012.56(11), 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: affirming the Department of Education's denial of the issuance of an educator's certificate to the Applicant for any period of time or permanently; issuing the Applicant a written reprimand; placing the Applicant on probation for any period of time; restricting the Applicant's authorized scope of practice; assessing the Applicant an administrative fine; directing the Applicant to enroll in the Recovery Network Program; suspending the Applicant's educator's certificate for a period of time not to exceed five years; revoking the Applicant's educator's certificate for a period of time up to 10 years or permanently; or barring the Applicant from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 21st day of November, 2006.



JOHN L. WINN, as
Commissioner of Education
State of Florida



**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

KATHLEEN RICHARDS
Executive Director

DEBORAH SHEPARD
Chairperson

DANIEL BIGGINS
Assistant Attorney General
April 20, 2007

DENNIS GRIFFIN
Co-Chairperson

Dax Rankine
3899 New Moon Parkway
Boynton Beach, Florida 33436

Re: Dax Rankine vs. John L. Winn
EPC No.: 07-0049-D; DOE No.: 971448

Dear Mr. Rankine:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. 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. The profession cannot condone your actions, nor can 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 Palm Beach County School Board for placement in your personnel file.

Sincerely,

A handwritten signature of Deborah Shepard.

Deborah Shepard
Presiding Officer