

William Carter
Voluntary Surrender

The Background:

Prior History: N/A

Facts: On March 21, 2022, Mr. Carter was found guilty of the federal offenses of Conspiracy to Defraud the United States, Wire Fraud and Aiding and Abetting, and Aggravated Identity Theft and Aiding and Abetting. On September 2, 2022, the Alabama Department of Education revoked Mr. Carter's Alabama Professional Leadership Certificate and Alabama Professional Educator Certificate based upon these felony convictions.

Applicable

Law/Rule: 0520-02-03-.09(1)(a) defines "Conviction" as a judgment entered by a court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. Conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, in any other state of the United States, other jurisdiction, or other country. Conviction also includes a plea taken in conjunction with Tennessee Code Annotated ("T.C.A.") § 40- 35-313 or its equivalent in any other jurisdiction.

0520-02-03-.09(1)(k) defines "Other Good Cause" as conduct that calls into question the fitness of an educator to hold a license including, but not limited to, violation of any provision in the Teacher Code of Ethics as contained in T.C.A. §§ 49- 5-1001, et seq.

0520-02-03-.09(1)(q) defines "Revocation" as the nullification of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b). Revocation also includes the voluntary surrender of an educator's license for a period of at least five (5) years, after which an educator may petition the State Board for restoration under paragraph (7)(b).

0520-02-03-.09(3)(a) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for conviction of a felony.

0520-02-03-.09(3)(h) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for the denial, formal reprimand, suspension, or revocation of a license or certificate in another

jurisdiction for reasons which would justify denial, formal reprimand, suspension, or revocation under this rule.

0520-02-03-.09(3)(i) provides that the State Board of Education may revoke, suspend, formally reprimand, or refuse to issue or renew an educator's license for Other good cause as defined in subparagraph (1)(k) of this rule.

0520-02-03-.09(5)(a)(1) provides upon receiving notification that an individual has been convicted of a felony, the educator shall be subject to disciplinary action within the range of a suspension of not less than two (2) years up to and including permanent revocation of the convicted individual's educator license.

0520-02-03-.09(5)(a)(8) provides that an individual holding an educator's license who is found to have violated the Teacher Code of Ethics contained in T.C.A. Title 49, Chapter 5, Part 10 shall be subject to a disciplinary action within the range of a formal reprimand up to and including revocation.

T.C.A. § 49-5-1004(c)(2) provides an educator shall conduct themselves in a manner that preserves the dignity and integrity of the education profession.

Status: Respondent was notified by certified mail of the Board's intent to **revoke** Respondent's educator license based upon these findings. Respondent received said notice and agreed to the voluntary surrender of Respondent's license.

Board Action Consistency Considerations:

July 2018 – Board approved the denial of an educator's license based upon the educator's conviction of conspiracy and bribery charges.

July 2021 – Board approved the voluntary surrender of an educator's license based upon the educator's conviction of identity theft.

October 2022 – Board approved the denial of an educator's permit based upon the educator's conviction of aggravated identity theft and theft of government money.

The Recommendation:

Board counsel recommends the Board approve the signed Consent Order submitted by the Respondent for the voluntary surrender of Respondent's license based upon the facts and applicable rule noted above.