



BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS FILED  
STATE OF GEORGIA OSAH

MAR 20 2014

DARRYL KEAVIN HOSKIN, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 PROFESSIONAL STANDARDS )  
 COMMISSION, )  
 )  
 Respondent. )

DOCKET NO. OSAH-PSC-SAN-  
1428722-147-OAKLEY

Agency No. 13-4-976

*K. Westray*  
Kevin Westray, Legal Assistant

**ORDER DENYING REQUEST FOR RECONSIDERATION**

The Petitioner has requested reconsideration of the Final Decision issued in this matter on February 14, 2014. The Petitioner's request was filed on March 4, 2014. Attached to the Petitioner's request is a copy of an Order of Discharge of the Petitioner's conviction of the felony offense of Violation of the Controlled Substances Act: Possession of Cocaine (the "Felony Offense") and the misdemeanor offense of Violation of the Controlled Substances Act: Possession of Less Than One Ounce of Marijuana (the "Misdemeanor Offense"). The Order of Discharge was issued by the Superior Court of Gwinnett County on February 21, 2014, after the issuance of the Final Decision in this matter.

The Respondent opposes the Petitioner's request for reconsideration. The Respondent's position is based upon the following finding in the Final Decision "There is credible evidence to support a finding that the Petitioner was in possession of cocaine at the time of his arrest for the Felony Offense." The Respondent contends that the Order of Discharge does not negate the conclusion that the Petitioner violated the Code of Ethics for Educators by his possession of

cocaine.

The Petitioner's request for reconsideration fails on the basis of several reasons, each of which is sufficient to deny the request.

A. The Petitioner's request was filed more than ten (10) days from the entry of the Final Decision and does not require consideration. Ga. Comp. R. & Regs. r. 616-1-2-.28(1).

B. The Petitioner's request is based upon evidence that was referenced in the Petitioner's testimony at the hearing of this matter regarding the alleged pendency of a Petition for Discharge. The Petitioner responded to the Tribunal's inquiry for documentation of the alleged pendency of the Petition for Discharge by stating "it never crossed my mind" to present proof of my assertions at the hearing. Testimony of Petitioner. Reconsideration is "an extraordinary remedy to be employed sparingly." *Id.* As such, motions for reconsideration should be granted only in "certain limited situations, namely the discovery of new evidence, an intervening development or change in the controlling law, or the need to correct a clear error or prevent a manifest injustice." *Preserve Endangered Areas of Cobb's History, Inc. [P.E.A.C.H.] v. United States Army Corps of Eng'rs*, 916 F. Supp. 1557, 1560 (N.D. Ga. 1995). The Petitioner's belated submission of the Order of Discharge does not meet this standard in that the issuance of the Order of Discharge is not within the accepted meaning of "new evidence" or "an intervening development" and does not serve to "correct a clear error".

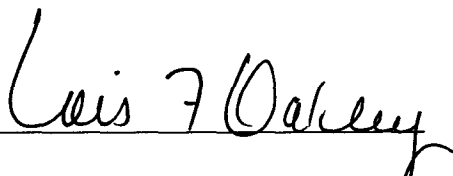
C. The Petitioner's request is devoid of reference to an intervening development, change in controlling law, or any grounds to support the grant of such an extraordinary remedy. For a party to obtain reconsideration of a decision, "there must be a reason why the court should reconsider its prior decision, and [the movant] must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." *Coppage v. United States*

*Postal Serv.*, 129 F. Supp. 2d 1378, 1379 (M.D. Ga. 2001) (quoting *Sussman v. Salem, Saxon & Nielson*, 153 F.R.D. 689, 694 (M.D. Fla. 1994)).

Of significance, the Petitioner's Order of Discharge does not serve to contradict the salient findings and conclusions within the Final Decision regarding the violations by the Petitioner of Standards One and Ten of the Code of Ethics for Educators. Specifically, the Petitioner's request does not dispute the following finding, "There is credible evidence to support a finding that the Petitioner was in possession of cocaine at the time of his arrest for the Felony Offense." Further, the Petitioner's request does not negate the conclusion that "the Respondent carried its burden of proof as to the assertion that the Petitioner . . . engaged in unethical conduct" through his commission of a criminal offense involving the possession of a controlled substance in violation of Standard One of the Code of Ethics for Educators. Ga. Comp. R. & Regs. r. 505-6-.01(3)(a). Further, the Petitioner's request does not negate the conclusion that "the Respondent carried its burden of proof as to the assertion that the Petitioner failed to demonstrate conduct that follows generally recognized professional standards and that is detrimental to the health, welfare and discipline of students" by his possession of cocaine in violation of Standard Ten of the Code of Ethics for Educators. Ga. Comp. R. & Regs. r. 505-6-.01(3)(j).

For all these reasons, the Petitioner's request is **DENIED**.

This 20<sup>th</sup> day of March, 2014.

  
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**Lois F. Oakley, Administrative Law Judge**