

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of  
the Application  
of Mallory Latimore

15-PPC-29

FINAL ORDER

NOW, on this 8<sup>th</sup> day of September, 2015, the above-captioned matter comes on for consideration by the Kansas State Board of Education (Board) upon the application of Mallory Latimore for an emergency substitute license. Appearing for the Board are Chairman, Jim McNiece, and members, Kathy Busch, Carolyn Wims-Campbell, Sally Cauble, Deena Horst, Jim Porter, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON, a complaint was filed by the Kansas State Department of Education and Ms. Latimore had the opportunity to respond to the complaint. Ms. Latimore did not respond to the complaint. The complaint and supporting evidence were reviewed by the Professional Practices Commission (Commission).


WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Chairman of the Commission, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 9 - 0.

All findings set forth in the Commission's Initial Order attached hereto are incorporated by reference and made a part of this Final Order as though fully set forth at length herein.

IT IS THEREFORE CONCLUDED by the Kansas State Board of Education that Mallory Latimore's application for an emergency substitute license is denied.

This Final Order is made and entered this 8<sup>th</sup> day of September, 2015.

Kansas State Board of Education

  
BY: Jim McNiece, Chairman  
Signed September 17, 2015

NOTICE TO APPLICANT

You may request a reconsideration of the above Order. To do so, you must file a Petition for Reconsideration with the Secretary to the State Board of Education, at the address stated below, within 15 days after service of this Final Order. The Petition must state the specific grounds upon which relief is requested.

The filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review.

Peggy Hill  
Secretary, KSBE  
Landon State Office Building  
900 SW Jackson Ave. Suite 600N  
Topeka, Kansas 66612

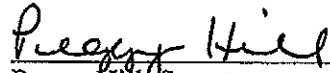
CERTIFICATE OF SERVICE

I hereby certify that on this 22<sup>nd</sup> day of September, 2015, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Mallory Latimore  
7171 Buffalo Spwy #2012  
Houston, Texas 77025

And via interoffice mail to:

Kelli M. Broers  
Attorney, Kansas State Department of Education  
Landon State Office Building  
900 SW Jackson Ave., Suite 102  
Topeka, Kansas 66612

  
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Peggy Hill, Secretary  
Kansas State Board of Education

**BEFORE THE KANSAS STATE BOARD OF EDUCATION  
PROFESSIONAL PRACTICES COMMISSION**

In the Matter of  
the Application  
of Mallory Latimore

15-PPC-29

**INITIAL ORDER**

The above-captioned case comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon Mallory Latimore's application for an emergency substitute license.

The hearing on this matter convened on August 5, 2015. Appearing for the Commission were chairperson, Linda Sleek, and members, Dorsoy Burgess, Tavis Desormiers, Kimberly Groom, Justin Henry, John McKinney, Bradley Nicks, and Jessica Sneider. Kelli Broers appeared as counsel for KSDR. Mallory Latimore did not appear.

**FINDINGS OF FACT**

1. Mallory Latimore applied for an emergency substitute license on July 14, 2012. This was her first application for a teaching license in Kansas.
2. On her application Ms. Latimore represented that she had never been convicted of any crime involving theft, drugs, or a child and she represented that she had never entered into a criminal diversion agreement after being charged with a felony or any crime involving theft, drugs, or a child. This was false.
3. In Case No. 2009-CR-1060, in the District Court of Riley County, Ms. Latimore was charged with misdemeanor possession of a hallucinogenic drug or marijuana and possession of drug paraphernalia. She entered into a diversion agreement in March 2010 and stipulated therein that there was sufficient evidence to convict her of the charges. She successfully completed diversion and the case was dismissed on May 18, 2011.
4. In Case No. 12-CR-505, in the District Court of Riley County, Ms. Latimore was charged with misdemeanor possession of marijuana and criminal damage to property for damage done to a Riley County police cruiser. She was granted probation/parole in February 2013. Additionally, she was sentenced to 60 days in the Riley County jail. She successfully completed the terms of her probation/parole and it was terminated on February 24, 2014.
5. In Case No. 13-CR-107, in the District Court of Riley County, Ms. Latimore was charged with misdemeanor possession of marijuana and possession of drug paraphernalia. She entered into a diversion agreement in December 2013 and stipulated therein that after she drove her vehicle into a mailbox and struck two parked vehicles, police searched her car and found marijuana. Later, a smoking device to ingest marijuana was found on her person. Ms. Latimore admitted to smoking marijuana 30-40 minutes before driving. She successfully completed diversion and the case was dismissed on February 17, 2015.

6. KSDE filed a Complaint pursuant to K.A.R. 91-22-5a on June 24, 2015. That Complaint was placed in the mail to Ms. Latimore's last known address on June 25, 2015, by certified mail, return receipt requested. Ms. Latimore signed for the Complaint on June 29, 2015.
7. Ms. Latimore did not request a hearing, nor did she file an answer to KSDE's Complaint.

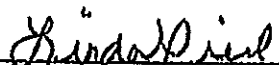
#### CONCLUSIONS

8. If no answer to a Complaint is filed within 20 days, the Applicant is deemed to have admitted the allegations contained in the Complaint and acquiesced in the proposed action, K.A.R. 91-22-9.
9. Pursuant to K.S.A. 72-8501, the Legislature has declared teaching and school administration to be professions in Kansas with all the similar rights, responsibilities and privileges accorded other legally recognized professions. An educator is in a position of public trust.
10. Any license issued by the State Board may be canceled by the State Board in the manner provided by law, on the grounds of immorality or for any cause that would have justified the withholding thereof when the same was granted. K.S.A. 72-1383.
11. It is within the authority of the State Board to adopt rules and regulations providing for the issuance, renewal, reinstatement and revocation of a license to teach.
12. A license may be denied by the State Board for misconduct or other just cause including conviction of any misdemeanor involving drug related conduct or entering into a diversion agreement after being charged with a misdemeanor for drug-related conduct. K.A.R. 91-22-1a. Ms. Latimore has been convicted of a misdemeanor involving drug-related conduct and has twice entered into a diversion agreement after having been charged with a misdemeanor for drug-related conduct.
13. Ms. Latimore's drug-related conduct, entry into a diversion agreement after such conduct, and drug-related convictions are grounds for denial of her application.

THEREFORE the Professional Practices Commission recommends, by a vote of 8 - 0, subject to the State Board's review, that Ms. Latimore's application should be denied.

This Initial Order is made and entered this August 5, 2015.

PROFESSIONAL PRACTICES COMMISSION

  
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Linda Steek, Chairperson  
Order signed on August 13, 2015.

**NOTICE TO APPLICANT**

This Order of the Professional Practices Commission is not a Final Order and is required to be reviewed by the State Board in accordance with the provisions of the Kansas Administrative Procedure Act.

You may submit to the State Board for its consideration as part of its review of the Initial Order, a written brief citing legal authority as to why the above recommendation should not be accepted. The legal brief must be filed with the Secretary of the Professional Practices Commission at the address indicated below within ten days after service of the Initial Order for transmittal to the State Board.

Theresa Coté  
Secretary, Professional Practices Commission  
Kansas State Department of Education  
900 SW Jackson St.  
Topeka, Kansas 66612-1182

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of August, 2015, a true and correct copy of the above and foregoing was filed with the Secretary for the Kansas State Board of Education and one (1) copy was mailed by certified mail, return receipt requested, to:

Mallory Latimore  
7171 Buffalo Spwy #2012  
Houston, Texas 77025

And via interoffice mail to:

Kelli Broers  
Assistant General Counsel  
900 SW Jackson Street, Ste. 102  
Topeka, Kansas 66612

  
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Theresa Coté  
Secretary, Professional Practices Commission