

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Richard Dove

18-PPC-37

FINAL ORDER

NOW, on this 16th day of April 2019, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Kathy Busch, and members, Jean Clifford, Michelle Dombrosky, Deena Horst, Ben Jones, Jim McNiece, Ann Mah, Jim Porter, Steve Roberts, and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on March 1, 2019. Richard Dove did not appear. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted 6 - 0, to recommend the Board deny Richard Dove's application for an emergency substitute license.

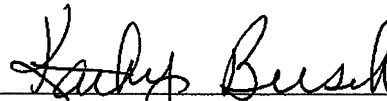
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of 10 - 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 Richard Dove's application for an emergency substitute license be denied.

This Final Order is made and entered this 16th day of April 2019.

Kansas State Board of Education



BY: Kathy Busch, Chairman
Signed April 25, 2019

NOTICE TO LICENSEE/APPLICANT

This is a Final Order and is effective upon service.

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

To request a stay of effectiveness of this order, you must file a Petition for Stay with the Secretary to the State Board of Education at the address below. A petition can be filed until the time which a petition for judicial review would no longer be timely.

To seek judicial review of a Final Order, you must file a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* within 30 days following the service of the Final Order. Filing a Petition for Reconsideration is not a prerequisite for seeking judicial review. A copy of any Petition for Judicial Review must be served upon the Secretary to the State Board of Education at the address below.

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

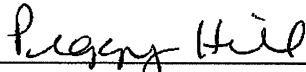
CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Richard Dove
2000 Windsor Creek Ct
Valley Center, Kansas 67147

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Ste. 102
Topeka, Kansas 66612



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
Richard Dove

18-PPC-37

INITIAL ORDER

The above-captioned case comes on for hearing before the Professional Practices Commissioner (Commission) of the Kansas State Board of Education (State Board) upon the Complaint filed by the Kansas State Department of Education seeking denial of Richard Dove's application for emergency substitute teaching license.

The hearing on this matter was held on March 1, 2019. Appearing for the Commission were chairperson, Linda Sieck, and members, William Anderson, Eric Filippi, Jennifer Holt, Nathan Reed, and Sylvia Ramirez. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Richard Dove did not appear.

FINDINGS OF FACT

1. Richard Dove applied for an emergency substitute teaching license.
2. On November 15, 2002, Richard Dove's Colorado Registered Nurse License, # 127675, was revoked by the Colorado State Board of Nursing for diversion and use of Demerol at the hospital where he was employed on or about February 10, 2002.
3. On March 18, 2004, Richard Dove's Kansas Registered Nurse License, # 13-71203-012, was revoked by the Kansas State Board of Nursing citing fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing; unprofessional conduct, by drug diversion; to be unable to practice with skill and safety due to current abuse of drugs or alcohol; to have a license to practice nursing as a registered nurse or as a practical nurse denied,

revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state in violation of the Kansas Nurse Practice Act.

4. On September 26, 2006, Richard Dove's application for reinstatement of his Kansas Registered Nurse License was denied citing failure to disclose employment as a nurse in Colorado, disciplinary action taken against him in Colorado, and the 2004 revocation of his Kansas Registered Nurse License.
5. The Kansas State Department of Education mailed a copy of the Complaint via certified mail to Mr. Dove's last known address. Mr. Dove signed for delivery on December 7, 2018.

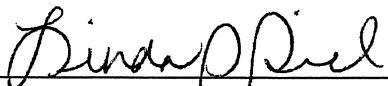
CONCLUSIONS OF LAW

1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may deny a license for misconduct or other just cause including denial, revocation, cancellation, or suspension of a license in another state on grounds similar to any of the grounds described in this subsection. K.A.R. 91 22 1a(a)(13) and (b).
3. One of the obvious goals of education is to "instill respect for the law." Hainline v. Bond, 250 Kan. 217 (1992). An educator is a role model. Hainline at 224.
4. Teaching and school administration are professions with all the similar rights, responsibilities and privileges accorded other legally recognized professions. K.S.A. 72-2308.
5. Mr. Dove's conduct is inconsistent with the commonly-held perceptions and expectations of a member of the teaching profession. Such conduct violates the public trust and confidence placed in members of the profession. Mr. Dove's conduct demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching and school administration professions and is sufficient and just cause to deny his application for license.

THEREFORE the Professional Practices Commission, by vote of 6-0, recommends the Kansas State Board of Education deny the application of Richard Dove for an emergency substitute license of based on the revocation of his Colorado and Kansas Registered Nurse licenses for drug diversion and use and for not requesting a hearing or submitting an answer in response to the Complaint.

This Initial Order is made and entered this March 7, 2019.

PROFESSIONAL PRACTICES COMMISSION



Linda Sieck, Chairman
Order signed on March 7, 2019.

NOTICE TO APPLICANT

This Order is not a Final Order and is required to be reviewed by the Kansas State Board of Education in accordance with the provisions of the Kansas Administrative Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

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. You must file the brief with the State Board Secretary at the address indicated below within ten calendar days after service of the Initial Order for transmittal to the State Board. You must also make any request for oral argument at that time.

Peggy Hill
Secretary, Kansas State Board of Education
900 SW Jackson Street, Suite 600
Topeka, KS 66612

Response briefs are due within ten calendar days after service of the legal brief upon the opposing party. Any reply brief is due five calendar days after service of any response brief upon the opposing party. Any response or reply briefs must also be filed with the State Board Secretary at the address indicated above.

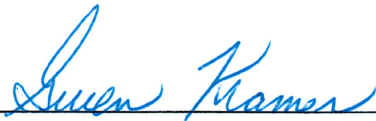
CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2019, 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:

Richard Dove
2000 Windsor Creek Ct
Valley Center, Kansas 67147

And via interoffice mail to:

R. Scott Gordon
Kansas State Department of Education
900 SW Jackson Street, Suite 102
Topeka, Kansas 66612



Gwen Kramer
Secretary, Professional Practices Commission