

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of  
the Application  
Eric Brinkman

18-PPC-51

**FINAL ORDER**

NOW, on this 12th day of February 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 November 30, 2018. Eric Brinkman appeared not. The Kansas State Department of Education appeared through its attorney, R. Scott Gordon. After reviewing the evidence, the Commission voted **6 – 0**, to recommend the Board deny Eric Brinkman's application for an emergency substitute teaching license.

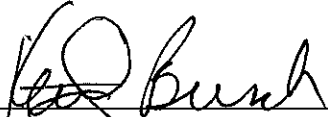
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Linda Sieck, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of **6 – 3, with 1 abstention**.

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 Eric Brinkman's application for an emergency substitute teaching license be denied.

This Final Order is made and entered this 12th day of February 2019.

Kansas State Board of Education

  
BY: Kathy Busch, Chairman  
Signed February 12, 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

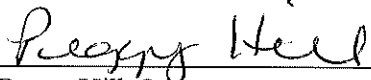
**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of February 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Eric Brinkman  
825 S 23<sup>rd</sup> Street  
St. Joseph, Missouri 64507

And via interoffice mail to:

R. Scott Gordon  
Kansas State Department of Education  
900 SW Jackson Street, Ste. 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  
Eric Brinkman

18-PPC-51

**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 Eric Brinkman's application for an Emergency Substitute Teaching License.

The hearing on this matter was held on November 30, 2018. Appearing for the Commission were chairperson, Linda Sieck, and members, Aaron Edwards, Bill Anderson, Jennifer Holt, Maret Schrader and Sylvia Ramirez. R. Scott Gordon appeared as counsel for KSDE. Mr. Brinkman did not appear.

**FINDINGS OF FACT**

1. Eric Brinkman applied for an emergency substitute license. He is not currently licensed.
2. In September, 1999, Brinkman was convicted of the misdemeanor offense of Possession of a Controlled Substance in Case No. 1999 CM 001452 in the Circuit Court of Winnebago County, Wisconsin.
3. In May, 2001, Brinkman was convicted of the misdemeanor offenses of Possession of THC and Possession of Drug Paraphernalia in Case No. 2001 CM 000345 in the Circuit Court of Winnebago County, Wisconsin.
4. Mr. Brinkman was not licensed by the Kansas State Board of Education at the time of these offenses.
5. On July 3, 2003, Mr. Brinkman submitted an application for an Emergency Substitute Teaching License to the Kansas State Board of Education.

6. On December 1, 2003, the Professional Practices Commission recommended that the State Board of Education deny Mr. Brinkman's application and found that Mr. Brinkman's conduct in failing to disclose his previous convictions was a misrepresentation of material facts.
7. On January 13, 2004, the State Board of Education denied Mr. Brinkman's application for an Emergency Substitute Teaching License as a consequence of his prior conduct which resulted in convictions for drug-related crimes and his failure to disclose on his application the material fact that he had been convicted of crimes involving a controlled substance.
8. Mr. Brinkman did not disclose his convictions nor his previous denial of a teacher's license at the time of his current application.

#### CONCLUSIONS OF LAW

1. Mr. Brinkman was not a licensed educator or employed in a position of public trust at the time of his offense.
2. The Kansas State Board of Education shall not knowingly issue a license to or renew the license of any person who has been convicted of any act described in any section of Article 36 of Chapter 21 of the Kansas Statutes Annotated, prior to their repeal without first determining that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act. (*See* K.S.A. 72-2165(b)(4),(c)).
3. Factors for the State Board to consider include the nature and seriousness of the offense or act, the conduct of the person subsequent to the commission of the offense or act, the time elapsed since the commission of the offense or act, the age of the person at the time of the offense or act, whether the offense or act was an isolated or recurring incident, and discharge from probation, pardon or expungement. (K.S.A. 72-2165(c)).
4. Any license issued by the State Board may be denied for misconduct or other just cause such as a conviction of any misdemeanor involving a minor, conviction of any act defined in any

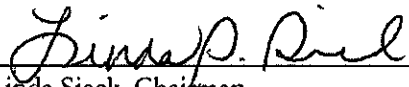
section of Article 36 of Chapter 21 of the Kansas Statutes Annotated, or for attempting to obtain a license by fraudulent means or through misrepresentation of material facts.

5. Mr. Brinkman did not appear, nor did he provide any evidence to support rehabilitation from his prior convictions.
6. The evidence shows Mr. Brinkman misrepresented material facts on his application and is not suitable to be placed in a position of trust.

THEREFORE the Professional Practices Commission recommends to the State Board by a vote of 6 – 0 that Eric Brinkman’s application for an Emergency Substitute Teaching License be denied.

This Initial Order is made and entered this November 30, 2018.

PROFESSIONAL PRACTICES COMMISSION

  
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Linda Sieck, Chairman  
Order signed on Jan. 25, 2018.

**NOTICE TO LICENSEE**

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.

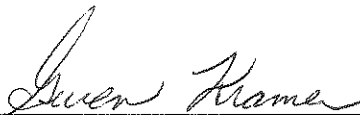
#### CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of January, 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:

Eric Brinkman  
825 S 23<sup>rd</sup> Street  
St. Joseph, Missouri 64507

And via interoffice mail to:

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

  
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Gwen Kramer  
Secretary, Professional Practices Commission