

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Mark Hiebert

19-PPC-19

FINAL ORDER

NOW, on this 9th day of July 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 June 14, 2019. Mark Hiebert appeared on his own behalf. The Kansas State Department of Education appeared by and through its attorney, General Counsel, R. Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0**, to recommend the Board deny the application of Mark Hiebert's Kansas license from a non-Kansas institution.

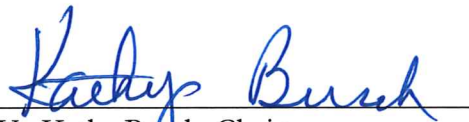
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Nathan Reed, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions 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 Mark Hiebert's application for a Kansas license from a non-Kansas institution be denied.

This Final Order is made and entered this 9th day of July 2019.

Kansas State Board of Education



BY: Kathy Busch, Chairman

Signed July 17, 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

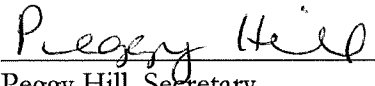
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July 2019, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Mark Hiebert
931 140th St.
Hillsboro, KS 67063

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
Mark Hiebert

19-PPC-19

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 Mark Hiebert's application for a Kansas license from a non-Kansas institution.

The hearing on this matter was held on June 14, 2019. Appearing for the Commission were acting chairperson, Nathan Reed, and members, William Anderson, Aaron Edwards, Jennifer Holt, Sylvia Ramirez, Stan Ruff, and Eric Filippi. The KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon. Mark Hiebert appeared on his own behalf.

FINDINGS OF FACT

1. Mark Hiebert applied for a Kansas teaching license based upon his out-of-state license. He is currently licensed by the Wisconsin Department of Public Instruction to teach in the state of Wisconsin.
2. On Mr. Hiebert's application, he appropriately disclosed the 2013 suspension of his license to practice veterinary medicine by the Wisconsin Veterinary Examining Board.
3. According to the Final Decision and Order of the State of Wisconsin Veterinary Examining Board, Mr. Hiebert diverted Tramadol and morphine sulfate from his veterinary hospital's daily use drug stock for his personal use. Both of those substances are used to treat post-operative and chronic pain in animals.
4. According to the Final Decision and Order of the State of Wisconsin Veterinary Examining Board, Mr. Hiebert's professional license is suspended for an indefinite period. The conditions

by which Mr. Hiebert must abide in order to no longer have a suspended professional license are listed within that Order.

5. Mr. Hiebert testified during the Professional Practice Commission's hearing that he removed morphine sulfate and diluted vials to hide its removal. Mr. Hiebert further testified he ingested the morphine. Mr. Hiebert also testified that other veterinarians would unknowingly use the diluted morphine in treating animals prior to and after undergoing treatments such as surgery. Mr. Hiebert testified that at no time did he ever inform or apologize to the families affected by his actions.
6. Mr. Hiebert testified that he has not informed his potential employer of his previous loss of licensure or of his hearing before the Professional Practices Commission.

CONCLUSIONS OF LAW

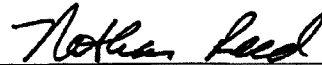
1. The Kansas State Board of Education (State Board) is responsible for the general supervision of Kansas education, including the certification and licensure of teachers. Kan. Const., Art. VI and K.S.A. 72-255.
2. The State Board may deny a license for misconduct or other just cause including the denial, revocation, cancellation, or suspension of a license in another state on grounds similar to any of the grounds described elsewhere within K.A.R. 91-22-1a. Id at (13).
3. Any applicant for licensure in Kansas whose license has been suspended, canceled, revoked, or surrendered in another state shall not be eligible for licensure in Kansas until the applicant is eligible for licensure in the state in which the suspension, cancellation, revocation, or surrender occurred. K.A.R. 91-22-1a(f). The State Board has consistently interpreted Sec. (f) to apply to the suspension, cancellation, revocation, or surrender of any professional license, not just a license to teach.
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. Hiebert is ineligible for licensure by the Kansas State Board of Education. No evidence was provided that he is currently eligible for licensure by the Wisconsin Veterinary Examining Board. Mr. Hiebert's testimony and the Wisconsin Veterinary Examining Board's order indicate certain requirements need to be met which have not yet been met by Mr. Hiebert, so it is reasonable to conclude that as of the date of this order, he is in fact not eligible for licensure.

THEREFORE the Professional Practices Commission, by vote of 7-0, recommends the Kansas State Board of Education deny the application of Mark Hiebert due to his ineligibility per K.A.R. 91-22-1a(f).

This Initial Order is made and entered this June 14, 2019.

PROFESSIONAL PRACTICES COMMISSION



Nathan Reed, Acting Chairman

Order signed on June 26, 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 26th day of June, 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:

Mark Hiebert
931 140th St.
Hillsboro, KS 67063

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