

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the License
of Melinda Wilson

Case No: 17-PPC-37

OAH No: 18ED0008

FINAL ORDER

NOW, on this 12th day of June 2018, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairman, Jim Porter, and members, John Bacon, Kathy Busch, Sally Cauble, Deena Horst, Jim McNiece, Ann Mah, Steve Roberts, Janet Waugh, and Ken Willard.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on April 13, 2018. Melinda Wilson appeared not. The Kansas State Department of Education appeared through its attorney, Kelli Broers. After reviewing the evidence, the Commission voted **5 – 0**, to recommend the Board to revoke Wilson’s 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 Melinda Wilson’s license be revoked.

This Final Order is made and entered this 12th day of June 2018.

Kansas State Board of Education



BY: Jim Porter, Chairman
Signed June 13th, 2018

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

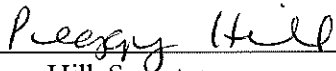
CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June 2018, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Melinda Wilson
818 North Sycamore
Iola, Kansas 66749

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 DEPARTMENT OF EDUCATION
PROFESSIONAL PRCTICES COMMISSION

In the Matter of
the License
of Melinda Wilson

Case No. 17-PPC-37

OAH No. 18ED0008

INITIAL ORDER

Statement of Case

This matter comes on for hearing before the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) upon the Amended Complaint filed by the KSDE requesting revocation of Melinda Wilson's emergency substitute license.

The hearing was scheduled for April 13, 2018. Appearing for the Commission were chairperson, Linda Sieck, vice-chairperson, Jessica Snyder, and members, Vici Jennings, Nathan Reed, and Maret Schrader.

The KSDE appeared by and through its attorney, Kelli Broers.

Ms. Wilson did not appear.

Findings of Fact

Ms. Wilson, approximately 40 years old, has held an emergency substitute license since October 5, 2016.

On May 10, 2017, Ms. Wilson was convicted of misdemeanor theft in Case No. 17CR0250 and Case No. 17CR0251, in the Municipal Court of Iola, Kansas. She

received probation and was ordered to pay restitution and fines. In exchange, two additional cases were dismissed.

On December 13, 2017, the KSDE filed the Complaint seeking revocation of Ms. Wilson's license based on the above-referenced criminal conduct.

On or about December 29, 2017, Ms. Wilson requested a hearing

On January 29, 2018, a prehearing conference was held. Ms. Wilson appeared *pro se*. Ms. Broers appeared as counsel for the KSDE.

During the conference, this matter was scheduled for hearing on April 13, 2018 at 2:30 p.m.

A Prehearing Order was issued on January 30, 2018, memorializing the hearing date and other deadlines. The Prehearing Order also provided that "[a]ny party who fails to attend or participate in a . . . hearing . . . may be held in default pursuant to K.S.A 77-520 of the Kansas Administrative Procedure Act."

Thereafter, the KSDE learned that Ms. Wilson had a prior charge for theft. She had entered a diversion agreement after having been charged with misdemeanor theft in 2015, also in the Municipal Court of Iola, Kansas, Case No. 15 CR 472.

On April 2, 2018, the KSDE filed an Amended Complaint adding the 2015 theft charge as an additional ground for revocation of Ms. Wilson's license.

The hearing was convened on April 13, 2018. Ms. Wilson did not appear.

The KSDE presented its evidence to the Commission regarding this matter.

Conclusions of Law
and
Discussion

Initially, since Ms. Wilson failed to appear for the hearing, pursuant to K.S.A 77-520, the Commission could find that she is in default and recommend to the Board that her license be revoked on this basis alone. However, the Commission also considered the merits of this matter.

K.A.R. 91-22-1a(a) provides, in pertinent part, that “[a]ny license issued by the state board may be suspended or revoked, or the license holder may be publicly censured by the state board for misconduct or other just cause including any of the following: . . . 3) conviction of any misdemeanor involving theft; . . . 11) entry into a criminal diversion agreement after being charged with any offense or act described in this section [in this case, theft].”

K.A.R. 91-22-1a(g)(1) provides factors relevant to a determination as to rehabilitation. (*See also* K.S.A. 72-2165(c).) The factors are as follows:

- (A) The nature and seriousness of the conduct that resulted in the denial or revocation of a license;
- (B) the extent to which a license may offer an opportunity to engage in conduct of a similar type that resulted in the denial or revocation;
- (C) the present fitness of the person to be a member of the profession;
- (D) the actions of the person after the denial or revocation;
- (E) the time elapsed since the denial or revocation;

- (F) the age and maturity of the person at the time of the conduct resulting in the denial or revocation;
- (G) the number of incidents of improper conduct; and
- (H) discharge from probation, pardon, or expungement.

Ms. Wilson is approximately 40 years old. She held an emergency substitute license at the time she committed the thefts in 2017.

Given the incident in 2015, Ms. Wilson has a pattern for this type of criminal behavior.

Ms. Wilson did not appear to provide any evidence of rehabilitation or establish her fitness to be a member of the teaching profession.

The Commission finds that Ms. Wilson'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 the profession and demonstrates a lack of fitness to perform the duties and responsibilities of a member of the teaching profession. The Commission finds such conduct is sufficient and just cause to revoke Ms. Wilson's license.

On a unanimous vote of 5-0, the Commission recommends to the Board of Education that Ms. Wilson's emergency substitute license be revoked based on her failure to appear at the hearing and as a consequence of her pattern of criminal misconduct.

This Order is not a Final Order. The Kansas State Board of Education must review the order in accordance with the provisions of the Kansas Administrative

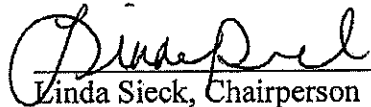
Procedure Act. The State Board will review all issues. Notice of review with the specific date and time will be provided to the parties within 15 days of the review.

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, Kansas 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.

This Initial Order is made and entered this 7 day of May, 2018.



Linda Sieck, Chairperson
Professional Practices Commission

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2018, a true and correct copy of the above and foregoing Initial Order was deposited in the U.S. Mail, postage paid, addressed to:

Melinda Wilson
818 North Sycamore
Iola, KS 66749

and via interoffice mail to:

Scott Gordon, Chief Counsel
Kansas State Department of Education
900 SW Jackson, Ste. 102
Topeka, KS 66612
Telephone: 785-296-3204



Gwen Kramer, Secretary
Professional Practices Commission
Kansas State Department of Education
900 SW Jackson Street
Topeka, KS 66612-1182