

BEFORE THE KANSAS STATE BOARD OF EDUCATION

In the Matter of
the Application of
Rustin Rankin

Case No: 22-PPC-06
OAH No. 22ED0012 ED

FINAL ORDER

NOW, on this 14th day of February 2023, the above-captioned matter comes for consideration by the Kansas State Board of Education (Board). Appearing for the Board are Chairwoman, Melanie Haas, and members, Dennis Hershberger, Michelle Dombrosky, Cathy Hopkins, Deena Horst, Jim McNiece, Ann Mah, and Danny Zeck.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on November 18, 2022¹. Rustin Rankin appeared in person. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **8 – 0**, to recommend the Board deny the application of Rustin Rankin's emergency substitute license.

WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jennifer Holt, 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 **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 Rustin Rankin's application for an emergency substitute license is denied.

This Final Order is made and entered this 14th day of February 2023.

Kansas State Board of Education



BY: Melanie Haas, Chairwoman
Signed February 14, 2023

¹ The Initial order stated the evidentiary hearing was on November 29, 2022. The evidentiary hearing was on November 18, 2022, as stated on the final order.

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.

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

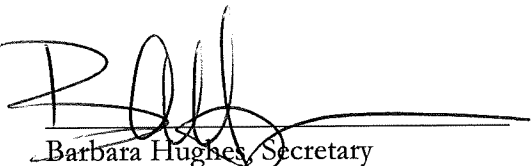
CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February 2023, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Rustin Rankin
P.O. Box 365
Fredonia, Kansas 66736

And via interoffice mail to:

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


Barbara Hughes, Secretary
Kansas State Board of Education

BEFORE THE KANSAS STATE DEPARTMENT OF EDUCATION
PROFESIONAL PRACTICES COMMISSION

In the Matter of
the License of

Rustin Rankin

OAH Case No.: 22ED0012 ED
KSDE Case No.: 22-PPC-06

INITIAL ORDER

Decision

Having heard the testimony of the witnesses, considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, the Professional Practices Commission (Commission) of the Kansas State Department of Education (KSDE) on a vote of 8 to 0 recommends to the Kansas State Board of Education (State Board) that the Complaint filed by KSDE seeking to deny the application for an emergency substitute teaching license submitted by Rustin Rankin (Rankin) be affirmed.

Statement of Case

This matter comes on for hearing before the Commission upon the request for hearing made by Rankin concerning a complaint filed by the KSDE on April 29, 2022 seeking denial of Rankin's application for an emergency substitute teaching license.

The hearing was held on November 29, 2022. Appearing for the Commission were Chairperson, Jennifer Holt, and members Caroline Spaulding, Aaron Edwards, Jamie Wetig, Darrin San Romani, Eric Filippi, and Ricardo Sanchez. Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

Rankin appeared in person without an attorney.

KSDE appeared by and through its attorney, General Counsel, R. Scott Gordon.

Evidentiary Rulings

KSDE offered documents marked as Exhibits A through C and requested they be admitted as evidence. Rankin had no objection. Exhibits A through C were admitted.

Rankin offered document identified as Exhibits 1 through 10 and requested they be admitted as evidence. KSDE objected to the admission of the exhibits by pleading filed November 9, 2022. By Prehearing Order issued November 16, 2022 the ALJ addressed the issues raised by KSDE and overruled the objections. Exhibits 1 through 10 were admitted.

Findings of Fact

1. Rankin submitted an application to KSDE for an emergency substitute teaching license in January of 2022. (Exhibit A). The exact date of the application is unknown to the PPC.

2. From 1999 to 2015 Rankin held a State of Kansas license to practice law.

3. On June 12, 2015 the Supreme Court of the State of Kansas filed an opinion disbarring Rankin from the practice of law. (Exhibit B). In the opinion it was concluded that Rankin had violated several of the rules pertaining to professional conduct of attorneys, including engaging in conflicts of interest, failing to safekeep the property of a client, engaging in conduct involving misrepresentation, and engaging in conduct adversely reflecting on an attorney's fitness to practice law.

4. Rankin acknowledged having been disbarred by the Supreme Court of the State of Kansas. Rankin testified that he was a different person now than he was when he engaged in the conduct that led to his disbarment. Rankin testified that he accepted responsibility for failing to safekeep property and engaging in a conflict of interest but did not believe he had overcharged the client.

5. Rankin had not sought reinstatement of his license to practice law.

Conclusions of Law

The State Board is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas.¹

“Any applicant for licensure 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.”²

“An attorney is required to act at all times, both professionally and personally, in conformity with the standards established by the Kansas Rules of Professional Conduct, the Rules Relating to Discipline of Attorneys, and the attorney's oath of office.”³

“An attorney who commits misconduct may be disciplined by any of the following: (1) disbarment by the Supreme Court;...”⁴

¹ Kan. Const., Art. VI and K.S.A. 72-255.

² K.A.R. 91-22-1a(f).

³ Supreme Court Rule 203(a).

⁴ Supreme Court Rule 225(a).

“A respondent disbarred by the Supreme Court is eligible to petition for reinstatement five years after the date of disbarment.”⁵ The rule then goes on to set forth the steps that must be taken in order to petition for reinstatement.

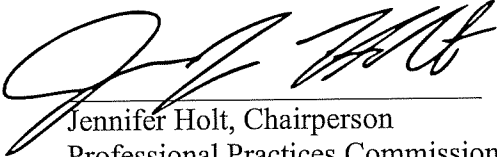
While Rankin may be eligible to petition for reinstatement of his law license, Rankin has taken no steps towards reinstatement, and, as of the date of the hearing, is not eligible to have his law license restored. As such, Rankin does not comply with the provisions of K.A.R. 91-22-1a(f) which requires that an applicant that has had a professional license suspended, canceled, revoked or surrendered must be eligible to have that license reinstated prior to being eligible for licensure by the State of Kansas. Being eligible to request reinstatement is not the equivalent of being eligible for reinstatement.

The Commission, in determining whether to recommend to the Board that an individual’s application should be granted, is required to determine the extent of the applicant’s efforts at rehabilitation as well as the fitness of the applicant to be a member of the teaching profession.⁶

In considering the evidence presented, the PPC concluded that Rankin had not accepted full responsibility for the conduct that led to his disbarment from the practice of law. It was noted that Rankin testified as if he believed there was some justification for his actions. Furthermore, the PPC concluded that Rankin had not demonstrate that he was suitable to be placed in a position of public trust.

On a vote of eight (8) in favor and zero (0) opposed, the Commission recommends to the State Board that the Complaint filed by KSDE seeking to deny the issuance of an emergency substitute teaching license to Rankin be affirmed.

IT IS SO ORDERED.


Jennifer Holt, Chairperson
Professional Practices Commission

⁵ Supreme Court Rule (a)(3).

⁶ *Wright v. State Bd. of Educ.*, 46 Kan.App.2d 1046, 1052, 268 P.3d 1231 (2012).

Notice

This Initial Order of the Professional Practices Commission 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.

You may submit to the Kansas State Board of Education for its consideration as a 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 **fifteen 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.

Barbara Hughes
Secretary, Kansas State Board of Education
900 SW Jackson Street,
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 on 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 13th day of January, 2023, 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:

Rustin Rankin
P.O. Box 365
Fredonia, Kansas 66736

And via interoffice mail to:

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



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