

**BEFORE THE KANSAS STATE BOARD OF EDUCATION**

In the Matter of  
the License of  
Gary Mies

PPC No. 19-PPC-34  
OAH No. 21ED0005 ED

**FINAL ORDER**

NOW, on this 9th day of March 2021, 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, Betty Arnold, Jean Clifford, Michelle Dombrosky, Melanie Haas, Deena Horst, Ben Jones, Jim McNiece, Ann Mah and Janet Waugh.

WHEREUPON the Professional Practices Commission (Commission) considered the matter on February 5, 2021. Gary Mies appeared on his behalf. The Kansas State Department of Education appeared through its attorney, Scott Gordon. After reviewing the evidence, the Commission voted **7 – 0, with 1 abstention**, to recommend the Board grant the emergency substitute license subject to public censure.

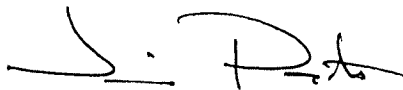
WHEREUPON the Board reviewed the Commission's Initial Order and after considering the presentation by Jennifer Holt, Commission Chair, who was available to answer the Board's questions and being otherwise duly advised in the premises, the Board adopted the Commission's findings of fact and conclusions of law by a vote of **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 Gary Mies' emergency substitute license is granted subject to public censure.

This Final Order is made and entered this 9th day of March 2021.

Kansas State Board of Education



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BY: Jim Porter, Chairman  
Signed March 15, 2021

**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

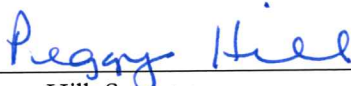
**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of March 2021, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, to:

Gary A. Mies  
17000 West Maple St.  
Lot B12  
Goddard, KS 67052

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 DEPARTMENT OF EDUCATION  
PROFESIONAL PRACTICES COMMISSION

In the Matter of  
the License of  
**Gary Mies**

Case No. 19-PPC-34

OAH No. 21ED0005 ED

**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 7 to 0, with 1 abstention, recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke the emergency substitute teaching license of Gary Mies (Mies) be denied and that Mies be granted his emergency substitute teaching license subject to a public censure due to his criminal conduct.

**Statement of Case**

This matter comes on for hearing before the Commission upon the Complaint filed by the KSDE seeking revocation of Fielding's teaching license.

The hearing was held on February 5, 2021. Appearing for the Commission were Acting Chairperson, Jennifer Holt, and members William Anderson, Eric Filippi, Nathan Reed, Stan Ruff, Aaron Edwards, Caroline Spaulding, and Kimberly Gilman.

Mies appeared in person and *pro se*.

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

**Evidentiary Rulings**

Counsel for KSDE requested that KSDE Exhibits 1 through 4 be admitted as evidence. Fielding had no objection. KSDE Exhibits 1 through 4 were admitted.

Mies offered Exhibit A. KSDE had no objection to the offered exhibit. Exhibit A, as offered by Mies, was admitted.

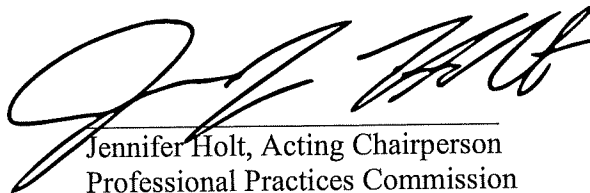
## Findings of Fact

1. Mies holds an emergency substitute teaching license issued by the Kansas State Board of Education. Mies has been licensed since 2016. (Exhibit 1)
2. On or about December 7, 2018, a Uniform Criminal Complaint and Notice to Appear was filed in the Municipal Court of the City of Wichita, Kansas, case number 18C079379, charging Mies with one count of theft in violation of K.S.A. 21-5801(a)(1). (Exhibit 2)
3. Mies was licensed as an emergency substitute teacher in the State of Kansas at the time of the offense. (Exhibit 1)
4. On or about July 23, 2019 Mies pled no contest and was ultimately found guilty of the charged offense of misdemeanor theft. (Exhibit 3)
5. Mies submitted an application to the Kansas State Board of Education to renew his Emergency Substitute License. The exact date of the application is unknown; however, it was submitted after the conviction on July 23, 2019. (Exhibit 4) On the application Mies was asked "Have you ever been convicted of ANY crime involving theft, drugs, or a child." Mies responded by marking "No."
6. Mies did not disclose the July 23, 2019 theft conviction in the Municipal Court of the City of Wichita, Kansas, case number 18C079379.
7. On October 5, 2020 KSDE filed a Complaint seeking revocation of Mies's emergency substitute teaching license.
8. Mies acknowledged shoplifting from Target store. Mies testified he had lost everything and was homeless at the time of the offense. Mies was living in a van parked by a pond located on a three (3) parcel he owned. The three (3) acre parcel of land was all that Mies had left, having had everything else taken from him.
9. Mies testified he had stolen the items to give as Christmas gifts.
10. Mies testified about his mental health treatment and provided a letter of support from his therapist. (Exhibit A)
11. Mies took responsibility and expressed remorse for his actions.
12. Mies is currently working at a grocery store as a night closer and has a home.
13. Mies also acknowledged he had lied on the application when asked about his criminal history. Mies testified he knew what he was doing was wrong, but he was scared and worried he would not get an opportunity. Mies thought, and hoped, his criminal conviction would not matter since he had completed his probation and the matter was over.

## Conclusions of Law

1. The Kansas State Board of Education (“State Board”) is responsible for the general supervision of education, including the certification and licensure of teachers, in Kansas. Kan. Const., Art. VI and K.S.A. 2017 Supp. 72-255.
2. 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: for “(3) conviction of any misdemeanor involving theft.”
3. Mies acknowledged that he was charged with and convicted of misdemeanor theft in the Municipal Court of Wichita, Kansas. Mies explained the circumstances that led to his conviction and took full responsibility for his actions.
4. K.A.R. 91-22-1a(g) sets forth what must be satisfied for a teacher that has had their license denied or revoked based on a violation of the provisions in subsection (a) of the same regulation to apply for a new license
5. Although not required in this matter, the Commission felt it was appropriate to consider the factors set forth in K.A.R. 91-22-1a(g)(1) in determining if Mies should be revoked or if there was sufficient evidence that he had been rehabilitated.
6. 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. *Wright v. State Bd. of Educ.*, 268 P.3d 1231 (Kan.App. 2012). The Commission has utilized these same principles in determining if a teacher’s license should be revoked.
7. In considering the factors in relation to the facts in this matter, the Commission felt that Mies demonstrated fitness to have an emergency substitute license to teach. Among other factors the Commission considered the time that had lapsed since the offense had occurred, the circumstances leading to the offense, Mies expression of remorse and recognition of the wrongfulness of his actions, Mies’s evidence of rehabilitation, and Mies’s truthfulness and being forthcoming in his testimony. The Commission felt Mies remained suitable to be placed in a position of trust and would be a suitable role model for students.
8. On a vote of 7 in favor, 0 opposed, and 1 abstention, the Commission recommends to the Kansas State Board of Education that the Complaint filed by KSDE seeking to revoke Gary Mies’s license be denied, and that Gary Mies be granted an emergency substitute teaching license subject to being publicly censured due to his criminal conduct.

**IT IS SO ORDERED.**



Jennifer Holt, Acting Chairperson  
Professional Practices Commission

**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 **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,  
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**

On February 22, 2021, I certify that I caused a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Gary Mies  
17000 West Maple St., Lot B12.  
Goddard, KS 67052

and further certify that a copy of the foregoing to be hand-delivered to:

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



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