

**Professional Practices Commission  
Office of Administrative Hearings  
1020 S. Kansas Avenue  
Topeka, Kansas**

**November 17, 2014**

**Minutes**

**1. CALL TO ORDER**

The November 17, 2014 meeting was called to order at 8:43 a.m. by Chairman Kendall

Members present:	Dorsey Burgess Phil Clark Calin Kendall Susan Myers Bradley Nicks Linda Sieck
KSDE Staff:	Kelli Broers, Assistant General Counsel Theresa Coté, PPC Secretary Scott Gordon, Director, General Counsel
KNEA Staff:	Sherry Swanz
Office of Administrative Hearings (OAH):	Michele Tunnell

**2. ANNOUNCEMENTS**

Mr. Gordon introduced Kelli Broers, Assistant General Counsel, Kansas State Department of Education. Also, Sherry Swanz from KNEA was introduced.

Also, with the resignation of Sherry Turnbull, KSDE is working with organizations in filling her position as an elementary school teacher.

Members were reminded of the upcoming meeting dates. The Commission may need to look at adding more dates; however, nothing was decided at this time.

**2014-2015 Meeting Dates**

<u>Meeting Date</u>	<u>Location</u>
February 26 & 27, 2015	Board Room, KSDE
March 30 & 31, 2015	Board Room, KSDE
April 27, 2015	Board Room, KSDE
June 15 & 16, 2015	Board Room, KSDE

### 3. APPROVAL OF MINUTES

*It was M/S (Susan Myers/Dorsey Burgess) that the minutes of the August 25, 2014 PPC Meeting be approved. Motion carried.*

### 4. OLD BUSINESS

There was no old business.

### 5. NEW BUSINESS

#### a. Election of chairman and Vice Chairman

*It was M/S (Phil Clark/Linda Sieck) that Calin Kendall continue serving as Chairman until June 30, 2015. Motion carried.*

*It was M/S (Susan Myers/Dorsey Burgess) that Tavis Desormiers continue serving as Vice Chairman until June 30, 2015. Motion carried.*

#### b. Defaults

##### **Eden Bloom – 14-PPC-31**

R. Scott Gordon appeared on behalf of KSDE. Mr. Gordon reviewed the documents members had received. Ms. Bloom was not present.

*It was M/S (Dorsey Burgess/Susan Myers) to recommend to the State Board of Education that Eden Bloom's application for a license be revoked/denied. Motion carried unanimously 6-0.*

Recessed at 9:12 a.m.

Reconvened at 9:45 a.m.

### 6. HEARINGS

#### a. Kimberly Dinkel: Case # 14-PPC-36

Chairman Kendall convened the Kimberly Dinkel hearing at 9:45 a.m.

R. Scott Gordon appeared on behalf of KSDE. Kimberly Dinkel appeared in person. Also appearing with Ms. Dinkel was her husband, Christopher Dinkel. Mr. and Mrs. Dinkel provided testimony.

The hearing was recessed at 10:12 a.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 10:44 a.m.

*It was M/S (Bradley Nicks/Linda Sieck) to recommend to the State Board of Education that Ms. Dinkel's application for a license be approved. Motion carried 5-1, with Phil Clark voting in opposition.*

Both Chairman Kendall and Mr. Clark shared comments with Ms. Dinkel, including the Commission considered this situation very carefully and believe Ms. Dinkel has some issues that she needs to continue to be address. It was suggested that in addition to counseling that safeguards be put in place. Her position is a position of trust and she is a role model for students.

**b. Brett Gearheart: Case # 14-PPC-37**

Chairman Kendall convened the Brett Gearheart hearing at 10:49 a.m.

R. Scott Gordon appeared on behalf of KSDE. Brett Gearheart appeared in person, and with his attorney, John Boyd. Mr. Gearheart provided testimony.

The hearing was recessed at 11:19 a.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 11:38 a.m.

*It was M/S (Bradley Nicks/Linda Sieck) to continue the Brett Gearheart hearing until the Commission's next scheduled meeting in February, and at which time the applicant shall provide documentation of the completion of his diversion. Motion carried unanimously, 6-0.*

Chairman Kendall suggested that Mr. Gearheart provide evidence of completion of the requirements of diversion, positive drug testing results, as well as any other evidence in support of his rehabilitation upon his return to the commission.

**c. Cindy Benitez: Case # 14-PPC-24**

Chairman Kendall convened the Cindy Benitez hearing at 11:40 a.m.

Kelli Broers appeared on behalf of KSDE. Ms. Benitez appeared in person and provided testimony.

The hearing was recessed at 11:58 a.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 12:15 p.m.

*It was M/S (Bradley Nicks/Dorsey Burgess) to recommend to the State Board of Education that Cindy Benitez' application be denied. Motion carried unanimously, 6-0.*

Recessed for lunch at 12:20 p.m.

Reconvened at 1:28 p.m.

**d. Craig Willett: Case 14-PPC-39**

Chairman Kendall convened the Craig Willett hearing at 1:28 p.m.

Kelli Broers appeared on behalf of KSDE. Mr. Willett appeared in person and provided testimony.

The hearing was recessed at 1:59 p.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 2:20 p.m.

*It was M/S (Bradley Nicks/Susan Meyers) to recommend to the State Board of Education that Craig Willett's application be approved. Motion carried unanimously, 6-0.*

At 2:22 p.m., due to a prior commitment, Bradley Nicks was excused from the meeting.

**e. Stacie Bowman: Case # 14-PPC-40**

Chairman Kendall convened the Stacie Bowman hearing at 2:25 p.m.

Kelli Broers appeared on behalf of KSDE. Ms. Bowman appeared in person and provided testimony.

The hearing was recessed at 2:55 p.m. for deliberations by the Commission. Following deliberations, the hearing reconvened at 3:10 p.m.

*It was M/S (Dorsey Burgess/Linda Sieck) to recommend to the State Board of Education that Stacie Bowman's application be approved. Motion carried unanimously, 5-0.*

**7. New Business (cont'd)**

Mr. Gordon shared they may be looking at complaints with summary orders, where a person who is convicted of a serious crime, e.g., sex offense, etc. , but not sentenced , a summary order would be issued by the State Board of Education, not the PPC. Unless a hearing is requested within a certain period of time, then their license would be revoked and would not come before the PPC.

Meeting adjourned at 3:33 p.m.