

was argued and submitted. Thereupon, the Commission deliberated based on the record before it, and makes the following Findings of Fact, Conclusions of Law and Order .

II. FINDINGS OF FACT

1. The Petitioner is the Commissioner of Education of the State of Nebraska. The Respondent holds a Nebraska public schools teaching certificate, No. -7380, Type 2, Rank C, Level 7, endorsed in English 7-12, with an expiration date of August 31, 2001.

2. At all times relevant here, the Respondent was employed as a teach by the Crofton, Nebraska Schools.

3. On or about November 29, 1996, the Respondent struck his step-daughter Megan, who was less than two years of age, with a closed fist on her buttocks. This striking by the Respondent resulted in bruising to the child's buttocks and anal area.

III. DISCUSSION

The Hearing Committee unanimously agreed that the Respondent's actions involving his step-daughter Megan on or about November 29, 1996, resulting in bruising to the child, was an immoral act and an act which involved moral turpitude, in violation of Section 79-866(2) and Title 92, Nebraska Administrative Code, Chapter 27, Section 004.04E (effective December 25, 1989). A majority of six Commission members felt that since this was an isolated incident and considering the support that Respondent has received from his colleagues, supervisors, and the Crofton community, that a public reprimand would be an appropriate sanction. A minority of three Commission members felt that a public reprimand or admonishment was not a severe enough punishment, and that the Respondent's certificate should either be suspended or revoked. The Commission did not find that Respondent had been convicted of a felony, even though he entered a guilty plea to a felony charge, as the court never accepted the plea. Consequently, under applicable case law, a plea cannot be considered entered until it is officially accepted by the court before which it is entered.

IV. CONCLUSIONS OF LAW

1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory requirements.

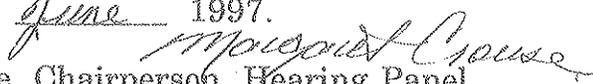
2. The Petitioner has proven by a preponderance of the evidence that the Respondent committed an immoral act which was also an act involving moral turpitude, in violation of Title 92, Nebraska Administrative Code, Chapter 27, Section 004.04E (effective date: December 25, 1989), and Neb. Rev. Stat. sec. 79-866(2) (Reissue 1996).

3. The Petitioner has failed to prove by a preponderance of the evidence that the Respondent has committed or had been convicted of a felony.

V. ORDER

Therefore, the Commission issues a public reprimand to the Respondent for his conduct involving his step-daughter Megan on or about November 29, 1996.

Dated this 27 day of June 1997.


Margaret Crouse, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Order of the Commission for Case No. 97-6 was served upon Justin L. Bossman, Respondent, Scott Norby, Attorney for Respondent, and Respondent by first class, postage prepaid, mail, and hand delivered to Brian Halstead, Attorney for the Petitioner on this 1st day of July, 1997, at the following addresses:

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Kathi Vontz, Clerk
Nebraska Professional Practices
Commission

