

Also on September 14, 2011, Kathi Vontz, Clerk of the Commission filed a Notice of Hearing which was sent to the Respondent and the Respondent's attorney, postage prepaid, and delivered by hand to the Petitioner's general counsel. The Notice of Hearing advised that a public hearing on the Petition would be held on Saturday, September 24, 2011, commencing at approximately 9:05 a.m., in the State Board Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Notice further advised that the hearing would be held before a designated hearing committee of the Commission, with Samuel Van Pelt serving as legal counsel to advise the Chair in the performance of her duties.

On September 21, 2011, the Commission received a copy of an email from the Petitioner's general counsel addressed to the Respondent's attorney, Joseph Daly, indicating that a signed Settlement Agreement was attached and further indicating that the Respondent and his attorney would be present at the Commission's hearing on September 24, 2011.

The Petition and Settlement Agreement came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan J. Anglemeyer (who recused herself from these proceedings), Robert Beck, Sarah Brown, Susan Johnson, Raymond Keller, Jodi Kupper, Cindy Serfass, Lana Sides, Jane Stavem and Lynn Strack. Commissioner Johnson served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Brian L. Halstead, General Counsel. The Respondent appeared with his attorney, Joseph Daly. Testimony and exhibits were received in evidence, and counsel for the Petitioner and Respondent made their closing arguments.

Thereupon, the Commission adjourned and 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, Roger D. Breed, is the Commissioner of Education for the State of Nebraska; Respondent holds a public Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013.

2. All of the parties hereto have acknowledged a Settlement Agreement for Revocation of Certificate in which the Respondent admits the allegations in the Petition and agrees to an Order by the State Board of Education revoking his certificate for a period of one (1) year. Petitioner has no objection to the entry of such an Order.

3. The Respondent was employed as a principal by the Millard Public Schools until he submitted his resignation on May 12, 2011, which was ultimately accepted by the Millard School Board on June 6, 2011.

4. On or about May 6, 2011, the Respondent took for personal use approximately \$100 from funds donated by staff for the purposes of assisting other staff with personal needs.

5. On or about May 9, 2011, the Respondent twice denied taking the funds when confronted by officials with the school district and later admitted on May 10, 2011 to taking the funds.

III. 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 in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2003); and Title 92, Nebraska Administrative Code, Chapter 27, Section 004.02D(effective date: November 12, 2003) which states, "the educator: Shall not make any fraudulent statements or fail to disclose material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; and Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities."

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the Respondent's Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013 be revoked for a period of one (1) year from and after final action herein by the State Board of Education.

Dated this 5th day of October, 2011.



Susan Johnson, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

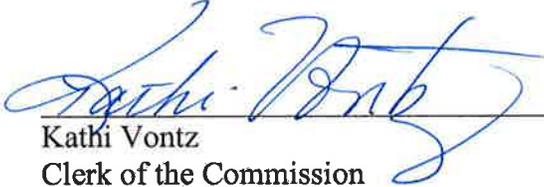
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation for Case No. 11-09, was served upon Respondent, Matthew Rega, by certified U.S. Mail, postage prepaid, and Respondent's attorney, Joseph Daly, by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 5th day of October, 2011, at the following addresses.

Matthew Rega
Respondent
1412 N. 151st Street
Omaha, NE 68118

Brian L. Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509

Joseph Daly
7000 Spring Street
Omaha, NE 68106



Kathi Vontz
Clerk of the Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

For the Commissioner: Brian L. Halstead, #18077
 Assistant Commissioner/
 General Counsel
 Department of Education
 301 Centennial Mall South
 Sixth Floor
 Lincoln, NE 68509

For the Respondent: Joseph S. Daly, #10896
 Attorney at Law
 7000 Spring Street
 Omaha, NE 68106

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

EXHIBITS:

Marked Offered Ruled On Found

1	Pleadings (16 pages)	5	6	8	Appendix
2	Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	5	6	8	Appendix
3	Title 95, Nebraska Administrative Code, Chapter 1 (20 pages)	5	6	8	Appendix
4	Title 92, Nebraska Administrative Code, Chapter 28 (23 pages)	5	9	9	Appendix
5	Title 92, Nebraska Administrative Code, Chapter 29 (12 pages)	5	9	9	Appendix

- - -

Appearances	2
Reporter's Certificate	4
Closing Statement by Mr. Halstead	10
Motion	15
Decision	16

- - -

1 PROCEEDINGS:

2 (Exhibits 1 through 5 were marked for
3 identification.)

4 CHAIRPERSON JOHNSON: Ladies and gentlemen, I am
5 Susan Johnson, chairperson of this hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:10 a.m. for the purpose of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against Matthew Rega, Case No. 11-09.

10 THE HEARING OFFICER: And I understand,
11 Commissioner Anglemeyer, that you wish to recuse yourself
12 from this proceeding, is that correct?

13 COMMISSIONER ANGLEMEYER: Yes, sir.

14 THE HEARING OFFICER: You will be so excused,
15 thank you.

16 CHAIRPERSON JOHNSON: The other members of the
17 hearing committee are Susan Anglemeyer, Robert Beck, Sarah
18 Brown, Raymond Keller, Jodi Kupper, Cindy Serfass, Lana
19 Sides, Jane Stavem, and Lynn Strack.

20 The Commissioner's attorney is Samuel Van Pelt.
21 His purpose is to advise the hearing panel chairperson, and
22 the Commission on the performance of our duties under the
23 Commission's rule and regulations.

24 The court reporter is Wendy Cutting. Her purpose

25 is to record the testimony of the witnesses and mark the
11.09.11 State Board of Education 7.6-10

1 exhibits.

2 The Clerk of the Commission is Kathi Vontz. Her
3 purpose is administrative.

4 This case arises from a request by the State Board
5 of Education that the Commissioner hear the matter pursuant
6 to Sections 79-859 through 79-871 of the Nebraska statutes
7 and the rules and regulations thereunder.

8 At this time I ask -- the attorneys are already
9 here. At this time, if there are no objections, I will
10 enter into the record the pleadings which are marked as
11 Exhibit 1, the standards of ethics and competency -- oh, I
12 ask the attorneys to enter their appearance.

13 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
14 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
15 the Commissioner of Education.

16 MR. DALY: Joseph F. Daly, 7000 Spring Street,
17 Omaha, Nebraska, appearing with the respondent, Matthew
18 Rega.

19 CHAIRPERSON JOHNSON: At this time, if there are
20 no objections, I will enter into the record the pleadings
21 which are marked as Exhibit 1; the standards of ethics and
22 competency, which is 92 Nebraska Administrative Code,
23 Chapter 27, and is marked as Exhibit 2; and the Regulations
24 Concerning Teacher and Administrator Professional Practices
25 Hearings, which is 95 Nebraska Administrative Code, Chapter

1 1, and is marked as Exhibit 3.

2 THE HEARING OFFICER: You do have the right to
3 object.

4 Mr. Halstead, do you have any objection to
5 Exhibits 1, 2, or 3?

6 MR. HALSTEAD: I have no objections, I just want
7 to --

8 THE HEARING OFFICER: Mr. Daly?

9 MR. DALY: No.

10 MR. HALSTEAD: Your Honor, I just want to make
11 sure that all the members have the settlement agreement
12 since it was filed on Wednesday of this past week.

13 THE HEARING OFFICER: That was attached -- that
14 was just filed.

15 Do all of the Commission members have the
16 settlement agreement?

17 COMMISSION MEMBERS: Yes.

18 THE HEARING OFFICER: Let the record show that
19 they are all indicating in the affirmative. Let me put it
20 this way. Is there anybody that didn't receive the
21 settlement agreement, please so state.

22 (No response.)

23 Let the record show that there was no response, so
24 that everybody did receive the settlement agreement, which
25 is attached to these exhibits.

1 But, Mr. Daly, I'm particularly -- I want to make
2 sure that you and your client had a chance to see these
3 three exhibits and do you have any objection to them?

4 MR. DALY: No, objection, Your Honor.

5 THE HEARING OFFICER: Very well. If there are no
6 objections, Exhibit 1, Exhibit 2, and Exhibit 3 will be
7 received into evidence.

8 (Exhibits 1 through 3 were received in evidence.
9 See Index.)

10 CHAIRPERSON JOHNSON: At this time the hearing
11 committee's attorney will conduct the hearing.

12 THE HEARING OFFICER: Thank you very much.

13 Mr. Halstead, do you have any opening statements
14 that you wish to make at this time?

15 MR. HALSTEAD: Your Honor, I would waive an
16 opening statement since we have a settlement agreement in
17 this matter. I only wish to offer two more rules so that
18 they're formally in the record and then just make a
19 statement about the settlement agreement.

20 THE HEARING OFFICER: Okay, let me just make sure.
21 Mr. Daly, do you have any opening statement that you wish to
22 make?

23 MR. DALY: No.

24 THE HEARING OFFICER: Very well, Mr. Halstead, you
25 may proceed, then, with any additional evidence that you

1 have.

2 MR. HALSTEAD: I would offer two exhibits, Your
3 Honor. The first being Exhibit No. 4, which is Title 92,
4 Nebraska Administrative Code, Chapter 28, the rules and
5 regulations regarding complaints and also including the
6 provisions on settlement agreements in professional
7 practices matters. We would offer Exhibit No. 4.

8 And Exhibit No. 5, which is Title 92, Nebraska
9 Administrative Code, Chapter 29, the rules and regulations
10 regarding hearings before the State Board of Education.
11 We'd offer Exhibit No. 5, Your Honor.

12 THE HEARING OFFICER: Mr. Daly, do you have any
13 objection to either Exhibit 4 or Exhibit 5?

14 MR. DALY: No, Your Honor.

15 THE HEARING OFFICER: Exhibit 4 and Exhibit 5 will
16 be received.

17 (Exhibits 4 and 5 were received in evidence. See
18 Index.)

19 Do you have any other evidence, Mr. Halstead?

20 MR. HALSTEAD: No, I do not, Your Honor.

21 THE HEARING OFFICER: Mr. Daly, do you have any
22 evidence that you wish to offer?

23 MR. HALSTEAD: You do have the settlement
24 agreement, correct, Your Honor? That's in Exhibit No. 1.

25 THE HEARING OFFICER: That's part of Exhibit 1,
11.09.11 State Board of Education 7.6-14

1 isn't it?

2 MR. DALY: That's what I want to make sure.

3 MR. HALSTEAD: We just want to make sure that that
4 is --

5 MR. DALY: I just wanted to make sure that the
6 settlement agreement was in evidence.

7 THE HEARING OFFICER: It's my understanding that
8 the settlement agreement is attached to and is a part of
9 Exhibit 1. Thank you.

10 MR. DALY: Thank you. We have no evidence.

11 THE HEARING OFFICER: Very well.

12 Mr. Halstead, do you wish to make any closing
13 remarks?

14 MR. HALSTEAD: I would, Your Honor. Ladies and
15 gentlemen of the Commission, as you can see by the
16 settlement agreement, the parties have admitted all of the
17 allegations that were made in the petition filed by the
18 Commissioner. If, in fact, we had a hearing on this matter,
19 the Commissioner would have produced evidence for witnesses
20 that would have indicated the respondent was employed by the
21 Millard Public Schools beginning in the 1998-99 school year
22 and between 2005-6 and 2010-11, he was principal at
23 Montclair Elementary School in Millard. During the 2010-11
24 school year, there were some questions about funds that were
25 missing. That on about May 6, the staff member who handled

1 funds at the school counted funds that were collected from
2 staff members for various different activities. She
3 recorded the amounts that she had on those, locked them in a
4 locked box, and placed them in a cabinet at the school and
5 left for the weekend.

6 When she returned on Monday morning, she again
7 checked the cash amounts and found that there was money
8 missing from several of the funds. They ultimately totaled
9 the \$100 that was missing. That she informed the assistant
10 principal about this, who contacted the central
11 administration for an investigation to be done. During that
12 investigation, the respondent was asked if he had taken the
13 funds and he denied taking that to the administration at the
14 Millard Public Schools. The school district subsequently
15 checked security video of the school and detected that the
16 respondent on a camera was the only person seen in the area
17 during the entire weekend for where the money was kept.
18 When confronted the next day, the respondent admitted he had
19 taken the money from the funds.

20 He has subsequently made full restitution to the
21 school district. He was informed that his contract was
22 going to be recommended for cancellation. He agreed to
23 resign his position from the Millard Public Schools, which
24 was accepted. The school district did, in fact, pay him for
25 the remainder of the term of his contract so that he, in

1 fact, did receive funds from the Millard Public Schools
2 throughout the year, the remainder of the year, and health
3 insurance.

4 We would certainly suggest to this Commission that
5 a one-year revocation of his certificate is warranted.
6 There are two prior precedents that this Commission and the
7 State Board have dealt with. Back in 1994, Commissioner
8 versus Richard Bonham. Mr. Bonham was an elementary
9 principal for the Ralston Public Schools. He took money
10 from a Booster Club event where they were raising money. It
11 totaled \$140, for which his certificate was revoked by the
12 State Board for one year.

13 The other case would be Commissioner versus
14 Michael Derr. Mr. Derr was an assistant principal at the
15 Aurora Public Schools when monies were found missing from
16 cash funds at the school and amazingly video, in fact,
17 caught Mr. Derr taking the money out of the fund. He
18 admitted to it, made full restitution, in fact, and was
19 revoked by this Commission and the State Board for a year.

20 We certainly believe that the settlement
21 agreement, in fact, sets the standard, maintains that
22 standard that's been put into place by both this Commission
23 and the Board. You know that usually in cases I cite to you
24 the six criteria that the Supreme Court has listed off for
25 how you determine appropriate sanctions in disciplinary

1 cases. Number one, the nature of the offense. Number two,
2 the need for deterring others. Three, the maintenance of
3 the reputation of the profession as a whole. Four, the
4 protection of the public. Five, the attitude of the
5 respondent generally. And six, the respondent's present and
6 future fitness to continue in the practice of law -- or in
7 this case, the practice of education. We certainly think
8 that we need to set the standard high, that the public
9 expects the administrators who are in charge of our schools,
10 who handle the funds for our schools are people you can
11 trust, that they are people in which there is no question
12 about how they account for funds and use funds. We believe
13 that this one-year revocation will send a clear message to
14 the profession and the public about that high standard. At
15 the same time it will also recognize that Mr. Rega has, in
16 fact, throughout this, since the time when he admitted to
17 it, expressed his remorse, has taken steps to make sure the
18 school district as a whole was reimbursed, that there has
19 been minimal impact to the school district because of his
20 conduct, and, in fact, is working now to try to make himself
21 a better person.

22 So, with that, we believe the settlement agreement
23 represents a very fair and just resolution of this matter.

24 THE HEARING OFFICER: Mr. Daly, do you have any
25 closing comments that you would like to make on behalf of

1 your client?

2 MR. DALY: We have nothing additional to add. We
3 would ask that the Commission accept the settlement that's
4 been entered into by the parties.

5 THE HEARING OFFICER: I'm going to ask if any of
6 the Commission members have any questions of either of the
7 attorneys, but just to make sure that it's clear, Mr.
8 Halstead and Mr. Daly, the settlement agreement, the last
9 paragraph, does state that neither of you have any objection
10 to the Commission entering a one-year revocation, is that a
11 correct statement?

12 MR. HALSTEAD: Correct. We have no -- we would
13 actually ask the Commission to recommend to the State Board
14 a one-year revocation of the respondent's certificate.

15 MR. DALY: And we would join.

16 THE HEARING OFFICER: I appreciate that and you've
17 stated it differently than I did and I appreciate the
18 correction.

19 Do any of the Commission members on my left have
20 any questions of either of the attorneys?

21 (No response.)

22 Do any on my right have any questions of either of
23 the attorneys?

24 (No response.)

25 Hearing none, I would ask the chair to close the

1 proceedings.

2 CHAIRPERSON JOHNSON: The hearing committee will
3 now adjourn and will consider the evidence. The hearing
4 committee's decision will be reduced to writing. A copy of
5 the hearing committee's findings, conclusions, and decision
6 will be furnished to the parties. If the decision includes
7 a recommendation to suspend or revoke the respondent's
8 certificate, the findings, conclusions, and recommendation
9 will be presented to the State Board of Education.

10 I now declare this hearing adjourned at 9:22 a.m.

11 (Whereupon, the hearing was adjourned at 9:22 a.m.
12 to be reconvened after executive session and deliberation of
13 the evidence.)

14 (Back on the record 9:32 a.m.)

15 CHAIRPERSON SIDES: Is there a motion regarding
16 the Commission's recommendation on Case No. 11-09?

17 COMMISSIONER KELLER: Yes, there is. I move that
18 the Nebraska Professional Practices Commission adopts the
19 findings of fact and conclusions of law and recommend to the
20 State Board of Education that the certificate of Matthew
21 Rega be revoked for a period of one year?

22 CHAIRPERSON SIDES: Second?

23 COMMISSIONER BECK: I'll second that.

24 CHAIRPERSON SIDES: It has been moved and seconded

25 to accept the findings of fact and conclusions of law and
11.09.11 State Board of Education 7.6-20

1 recommend that his certificate be revoked for one year. Is
2 there discussion?

3 (No response.)

4 CHAIRPERSON SIDES: Will the clerk please call the
5 roll?

6 THE CLERK: Beck.

7 COMMISSIONER BECK: Yes.

8 THE CLERK: Brown.

9 COMMISSIONER BROWN: Yes.

10 THE CLERK: Johnson.

11 COMMISSIONER JOHNSON: Yes.

12 THE CLERK: Keller.

13 COMMISSIONER KELLER: Yes.

14 THE CLERK: Kupper.

15 COMMISSIONER KUPPER: Yes.

16 THE CLERK: Maher. Serfass.

17 COMMISSIONER SERFASS: Yes.

18 THE CLERK: Shelton. Sides.

19 CHAIRPERSON SIDES: Yes.

20 THE CLERK: Stavem.

21 COMMISSIONER STAVEM: Yes.

22 THE CLERK: Strack.

23 COMMISSIONER STRACK: Yes.

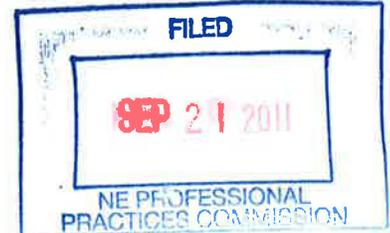
24 (Whereupon, at 10:19 a.m. on June 12, 2010, the

25 proceedings were concluded.)

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)
)
Petitioner,)
)
vs.)
)
Matthew Rega)
1412 N. 161st Street)
Omaha, NE 68118)
)
Respondent.)

Case No. 11026
PPC Case No. 11-09



SETTLEMENT AGREEMENT
FOR REVOCATION OF CERTIFICATE

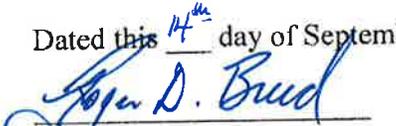
In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, Section 003.07 (effective date: December 25, 1989), the aforementioned parties agree to resolve the Petition in this matter as follows:

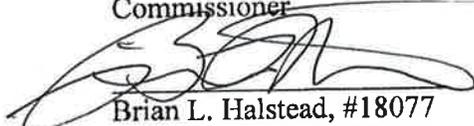
1. The Petitioner is Roger Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509, and the Respondent is Matthew Rega, 1412 N. 161st Street, Omaha, NE 68118;
2. The Petitioner and Respondent admit that the Respondent holds a public Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013;
3. The Petitioner and Respondent admit that the Respondent was employed by the Millard Public Schools beginning with the 1998-99 school year and was a principal at Montclair Elementary School until he submitted his resignation on May 12, 2011, which was accepted by the Millard School Board on June 6, 2011;
4. The Petitioner and Respondent admit that on or about May 6, 2011, the Respondent took for personal use approximately \$100 from funds donated by staff for the purposes of assisting other staff with personal needs;

5. The Petitioner and Respondent admit that on or about May 9, 2011, the Respondent twice denied taking the funds when confronted by officials with the school district, and later admitted on May 10 to taking the funds and made full restitution to the school district;
6. The Petitioner and Respondent admit that the Respondent violated Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) which, in part, states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities;" and Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"; and
7. The Respondent agrees to, and the Petitioner has no objection to, an Order by the State Board of Education revoking the Respondent's certificate for a period of one (1) year.

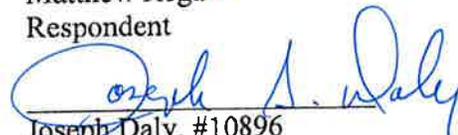
WHEREFORE, the undersigned parties request that the Nebraska Professional Practices Commission hold a hearing on September 24, 2011, and make a recommendation to the State Board to revoke the certificate of the Respondent for a period of one (1) year.

Dated this 14th day of September 2011.


 Roger Breed, Ed.D.
 Commissioner


 Brian L. Halstead, #18077
 Attorney for the Petitioner


 Matthew Rega
 Respondent


 Joseph Daly, #10896
 Attorney for the Respondent

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.
Commissioner of Education
301 Centennial Mall South - 6th Floor
P. O. Box 94933
Lincoln, NE 68509-4933

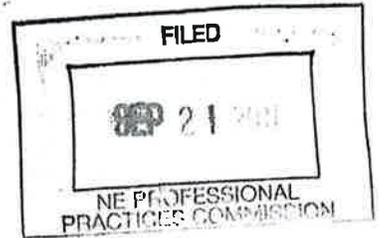
Petitioner,

vs.

Matthew Rega
1412 N. 161st Street
Omaha, NE 68118

Respondent.

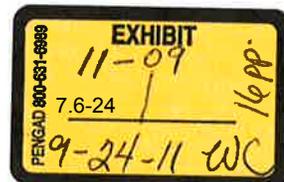
Case No. 11026
PPC Case No. 11-09



SETTLEMENT AGREEMENT
FOR REVOCATION OF CERTIFICATE

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, Section 003.07 (effective date: December 25, 1989), the aforementioned parties agree to resolve the Petition in this matter as follows:

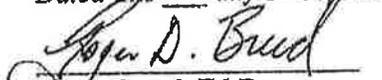
1. The Petitioner is Roger Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509, and the Respondent is Matthew Rega, 1412 N. 161st Street, Omaha, NE 68118;
2. The Petitioner and Respondent admit that the Respondent holds a public Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013;
3. The Petitioner and Respondent admit that the Respondent was employed by the Millard Public Schools beginning with the 1998-99 school year and was a principal at Montclair Elementary School until he submitted his resignation on May 12, 2011, which was accepted by the Millard School Board on June 6, 2011;
4. The Petitioner and Respondent admit that on or about May 6, 2011, the Respondent took for personal use approximately \$100 from funds donated by staff for the purposes of assisting other staff with personal needs;

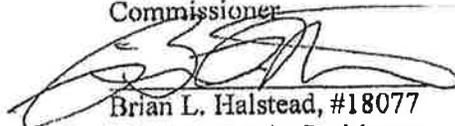


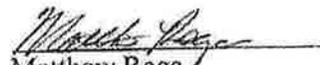
5. The Petitioner and Respondent admit that on or about May 9, 2011, the Respondent twice denied taking the funds when confronted by officials with the school district, and later admitted on May 10 to taking the funds and made full restitution to the school district;
6. The Petitioner and Respondent admit that the Respondent violated Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) which, in part, states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities;" and Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"; and
7. The Respondent agrees to, and the Petitioner has no objection to, an Order by the State Board of Education revoking the Respondent's certificate for a period of one (1) year.

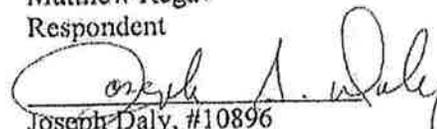
WHEREFORE, the undersigned parties request that the Nebraska Professional Practices Commission hold a hearing on September 24, 2011, and make a recommendation to the State Board to revoke the certificate of the Respondent for a period of one (1) year.

Dated this 14th day of September 2011.


Roger Breed, Ed.D.
Commissioner


Brian L. Halstead, #18077
Attorney for the Petitioner


Matthew Rega
Respondent


Joseph Daly, #10896
Attorney for the Respondent

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South – 6th Floor)
P.O. Box 94933)
Lincoln, NE 68509-4933)

NPPC Case No. 11-09
Case No. 11026

Petitioner,)

vs.)

NOTICE OF HEARING

Matthew Rega)
1412 N. 161st St.)
Omaha, NE 68118,)

Respondent.)

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Roger D. Breed, on August 5, 2011, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Saturday, the 24th day of September, 2011, commencing at 9:05 a.m.

Commission members of the Nebraska Professional Practices Commission will hear and consider the case.

Samuel Van Pelt, Route 1, Box 169, Hickman, Nebraska 68372 has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated September 14, 2011

Susan Johnson, Chairperson, Hearing Panel
NEBRASKA PROFESSIONAL PRACTICES COMMISSION


By Kathi Vontz, Clerk of the Commission
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

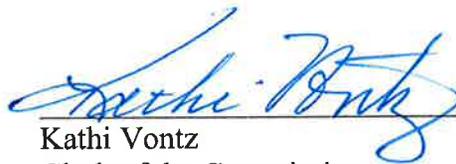
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated September 14, 2011, for Case Number 11-09, was mailed to Matthew Rega, Respondent, and Joseph Daly, Respondent's attorney, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 14th day of September, 2011, at the following addresses.

Matthew Rega
Respondent
1412 N. 161st Street
Omaha, NE 68118

Brian Halstead
Attorney for Petitioner
301 Centennial Mall South
Lincoln, NE 68509

Joseph Daly
7000 Spring Street
Omaha, NE 68106



Kathi Vontz
Clerk of the Commission



Roger D. Breed, Ed.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

301 Centennial Mall South Tel: (402) 471-2295
PO Box 94987 Fax: (402) 471-0117
Lincoln, NE 68509-4987 Web: www.education.ne.gov

September 14, 2011

Mr. Joseph Daly
Attorney at Law
200 Century Professional Plaza
7000 Spring Street
Omaha NE 68106

RE: Commissioner vs. Rega, Case No. 11026

Dear Mr. Daly:

Pursuant to our telephone conversation on Tuesday, September 13, 2011, enclosed is a Settlement Agreement in the aforementioned matter. If the Settlement Agreement meets with your approval, please have your client sign the document, and return it with your signature to the following address:

General Counsel
P. O. Box 94933
Lincoln, NE 68509

Upon receipt, I will then file it with the Nebraska Professional Practices Commission. I will also provide you with a filed copy at that time. If you have any questions, feel free to contact me at 402-471-0732.

Sincerely,

Brian L. Halstead
Assistant Commissioner and General Counsel

Enclosure

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)	Case No. 11026
Commissioner of Education)	PPC Case No. 11-09
301 Centennial Mall South - 6th Floor)	
P. O. Box 94933)	
Lincoln, NE 68509-4933)	
)	
Petitioner,)	
)	
vs.)	SETTLEMENT AGREEMENT
)	FOR REVOCATION OF CERTIFICATE
Matthew Rega)	
1412 N. 161 st Street)	
Omaha, NE 68118)	
)	
Respondent.)	

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, Section 003.07 (effective date: December 25, 1989), the aforementioned parties agree to resolve the Petition in this matter as follows:

1. The Petitioner is Roger Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509, and the Respondent is Matthew Rega, 1412 N. 161st Street, Omaha, NE 68118;
2. The Petitioner and Respondent admit that the Respondent holds a public Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013;
3. The Petitioner and Respondent admit that the Respondent was employed by the Millard Public Schools beginning with the 1998-99 school year and was a principal at Montclair Elementary School until he submitted his resignation on May 12, 2011, which was accepted by the Millard School Board on June 6, 2011;
4. The Petitioner and Respondent admit that on or about May 6, 2011, the Respondent took for personal use approximately \$100 from funds donated by staff for the purposes of assisting other staff with personal needs;

5. The Petitioner and Respondent admit that on or about May 9, 2011, the Respondent twice denied taking the funds when confronted by officials with the school district, and later admitted on May 10 to taking the funds and made full restitution to the school district;
6. The Petitioner and Respondent admit that the Respondent violated Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) which, in part, states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities;" and Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"; and
7. The Respondent agrees to, and the Petitioner has no objection to, an Order by the State Board of Education revoking the Respondent's certificate for a period of one (1) year.

WHEREFORE, the undersigned parties request that the Nebraska Professional Practices Commission hold a hearing on September 24, 2011, and make a recommendation to the State Board to revoke the certificate of the Respondent for a period of one (1) year.

Dated this ____ day of September 2011.

 Roger Breed, Ed.D.
 Commissioner

 Matthew Rega
 Respondent

 Brian L. Halstead, #18077
 Attorney for the Petitioner

 Joseph Daly, #10896
 Attorney for the Respondent

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Matthew Rega
 1412 N. 161 St
 Omaha Ne 68118

10

2. Article Number

(Transfer from service label)

7010 0780 0000 3456 0483

10

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Matthew Rega

Agent

Addressee

B. Received by (Printed Name)

Matthew Rega

C. Date of Delivery

8-26-11

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

Restricted Delivery

4. Restricted Delivery? (Extra Fee)

Yes

11.09.11 State Board of Education

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.

11-09

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Sherry Jost

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)

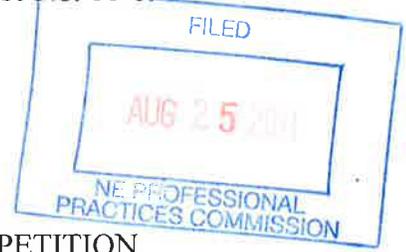
Petitioner,)

vs.)

Matthew Rega)
1412 N. 161st Street)
Omaha, NE 68118)

Respondent.)

Case No. 11026
PPC Case No. 11-09



Petitioner, in accordance with Section 79-859 through 79-871 of the Revised Statutes of Nebraska, Title 95, Chapter 01, of the Nebraska Administrative Code, and Title 92, Chapters 27 and 28 of the Nebraska Administrative Code, states and alleges as follows:

1. The Petitioner is Roger D. Breed, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509;
2. The Respondent is Matthew Rega, 1412 N. 161st Street, Omaha, NE 68118;
3. The Respondent holds a public Nebraska standard administrative certificate number 2008002558, endorsed as Principal PK-8, Elementary Education K-6, and Coaching 7-12, with an expiration date of December 5, 2013;
4. The Respondent was employed as a principal by the Millard Public Schools until he submitted his resignation on May 12, 2011, which was ultimately accepted by the Millard School Board on June 6, 2011;
5. On or about May 6, 2011, the Respondent took for personal use approximately \$100 from funds donated by staff for the purposes of assisting other staff with personal needs;
6. On or about May 9, 2011, the Respondent twice denied taking the funds when confronted by officials with the school district, and later admitted on May 10 to taking the funds; and

12

7. Based upon the factual allegation contained in paragraphs 5 and 6 of the Petition, the Respondent violated the following statute and standard: The following statute and standards would appear applicable: Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) which, in part, states, "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; Section 004.04B (same effective date) which states, "the educator: Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities;" and Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21".

WHEREFORE, the Petitioner requests that the Professional Practices Commission hold hearings and make recommendations to the State Board of Education as is warranted, regarding the certificate(s) of the Respondent.

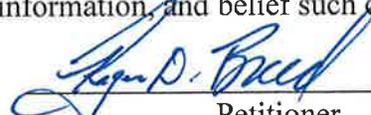
Dated this 25th day of August 2011.


 Roger D. Breed, Ed.D.,
 Commissioner of Education

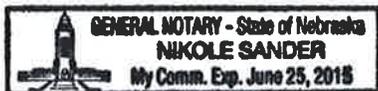
VERIFICATION

STATE OF NEBRASKA)
) ss.
 COUNTY OF LANCASTER)

I, Roger D. Breed, being first duly sworn under oath, state that I have read the contents of the Petition and that to the best of my knowledge, information, and belief such contents are true.


 Petitioner

Subscribed and sworn to before me this 25th day of August 2011 by Roger D. Breed, Commissioner of Education, as Petitioner.



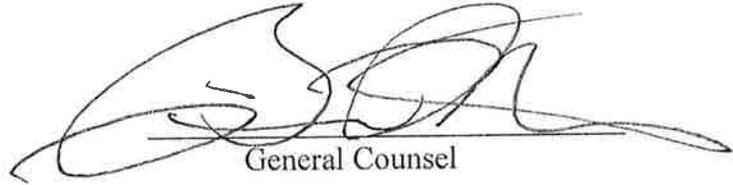


CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Petition and a copy of Title 95, *Nebraska Administrative Code*, Chapter 1, was mailed to the following persons, postage prepaid, by certified mail, return receipt requested, this 25th day of August 2011:

Matthew Rega
1412 N. 161st Street
Omaha, NE 68118
Article Number 7010 0780 0000 3456 0483

Joseph Daly
Attorney at Law
7000 Spring Street
Omaha NE 68106
Article Number 7010 0780 0000 3456 0476


General Counsel

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)

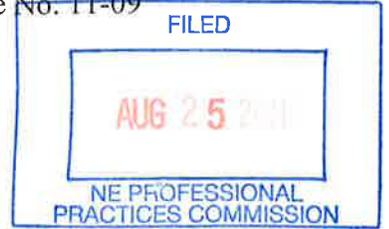
Petitioner,)

vs.)

Matthew Rega)
1412 N. 161st Street)
Omaha, NE 68118)

Respondent.)

Case No. 11026
PPC Case No. 11-09



NOTICE OF RIGHT
TO SUBMIT ANSWER

Notice is hereby given that Respondent has a right to submit an Answer within 21 days after the receipt of this Notice by filing an Answer with the Nebraska Professional Practices Commission, P. O. Box 94941, Lincoln, NE 68509.

Brian L. Halstead #18077
General Counsel
Nebraska Department of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Notice was mailed to the following persons, postage prepaid, by certified mail, return receipt requested, this 25th day of August 2011:

Matthew Rega
1412 N. 161st Street
Omaha, NE 68118
Article Number 7010 0780 0000 3456 0483

Joseph Daly
Attorney at Law
7000 Spring Street
Omaha NE 68106
Article Number 7010 0780 0000 3456 0476

Brian L. Halstead #18077
General Counsel
Nebraska Department of Education

**NEBRASKA DEPARTMENT
OF EDUCATION**

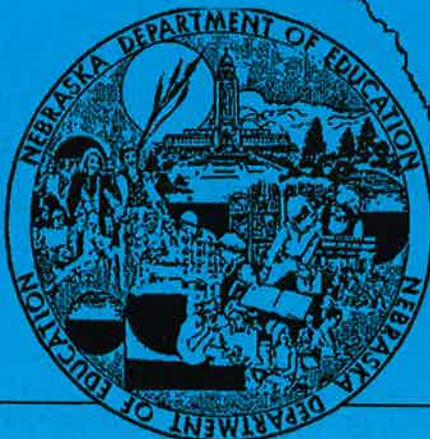
RULE 27

**REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CRITERIA**

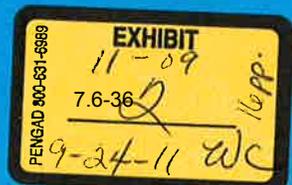
**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27**

**EFFECTIVE DATE
November 12, 2003
(REVISED)**

**State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner**



11.09.11 State Board of Education



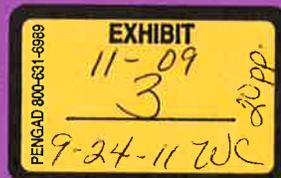
NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 1

REGULATIONS CONCERNING
TEACHER AND ADMINISTRATOR
PROFESSIONAL PRACTICES HEARINGS



Effective Date
October 30, 1993



NEBRASKA DEPARTMENT
OF EDUCATION

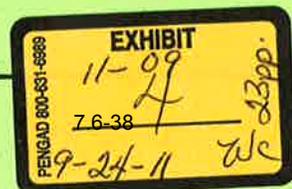
RULE 28

REGULATIONS AND STANDARDS FOR
INVESTIGATIONS AND NONPUBLIC
PROFESSIONAL PRACTICES HEARINGS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 28

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Joseph E. Lutjeharms
Commissioner



NEBRASKA DEPARTMENT
OF EDUCATION

RULE 29

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CASE
DETERMINATIONS BY THE STATE BOARD

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 29

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Douglas D. Christensen, Ph.D.
Commissioner

