

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

| | | |
|---------------------------------------|---|-------------------------------|
| Roger D. Breed, Ed.D. |) | |
| Commissioner of Education |) | N.P.P.C. Case No. 11-11 |
| 301 Centennial Mall South - 6th Floor |) | Case No. 11036 |
| P.O. Box 94933 |) | |
| Lincoln, NE 68509-4933, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | |
| |) | Findings Of Fact, Conclusions |
| |) | Of Law And Recommendation |
| Kimberly Wiedeman |) | Of the Commission |
| 150432 Sally Road |) | |
| Mitchell, NE 69357, |) | |
| |) | |
| Respondent. |) | |

I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on November 30, 2011, by Roger D. Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against Kimberly Wiedeman, hereinafter referred to as "Respondent." The Petition alleges certain acts of conduct by the Respondent in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2003); Title 92, Nebraska Administrative Code, Chapter 27, Section 004.02D (effective date: November 12, 2003); Section 004.02E (same effective date); Section 004.02H (same effective date); 004.04E (same effective date); and Section 005.06D (same effective date).

On December 5, 2011, the Petition, Notice of Right to Submit an Answer, and a copy of Title 95, Nebraska Administrative Code, Chapter 1 (effective date: October 30, 1993), was served upon Respondent by certified mail, return receipt requested.

The Respondent has failed to file an Answer to the Petition. On December 28, 2011, the Petitioner filed a Motion for Default Judgment. On or about December 29, 2011, Kathi Vontz, Clerk of the Commission, filed a Request for Support Information. Also on December 29, 2011, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent 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 January 21,

2012, at 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 his duties.

The Petition and Default Motion came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan J. Anglemeyer, Robert Beck, Sarah Brown, Raymond Keller, Jodi Kupper, Brian Maher, Cindy Serfass, Karen Shelton, Lana Sides, Jane Stavem and Lynn Strack. Commissioner Keller 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. Neither the Respondent nor anyone representing the Respondent appeared. Exhibits were received in evidence and the Petitioner's General Counsel made his closing argument.

Thereupon, the Commission adjourned and deliberated based on the record before it, and makes the following Findings of Fact, Conclusions of Law, and Recommendation to the State Board of Education.

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 teaching certificate number 2008006986, endorsed in Music K-12, with an expiration date of August 20, 2013.
2. The Respondent was employed as a music teacher by the Mitchell Public Schools until her resignation was accepted by the Mitchell School Board on November 29, 2010.
3. On September 21, 2011, the Respondent was sentenced by the Scotts Bluff County District Court to three years of probation after being found guilty by a jury of ten counts of Acquire Controlled Substance by Fraud in violation of Section 28-418, all felonies.

III. DISCUSSION

The majority of eleven present agreed that the Respondent's certificate should be revoked for a period of at least five years. A minority of five members felt that a five year revocation was proper. A minority of five members felt that a permanent revocation was appropriate. Finally, a majority of eleven agreed that the Respondent's certificate should be revoked for a period of eight years.

IV. CONCLUSIONS OF LAW

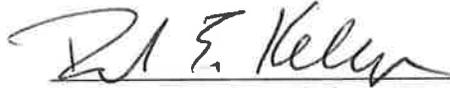
1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

2. The Petitioner has proven by a preponderance of the evidence that the Respondent committed an immoral act and an act of moral turpitude in violation of Neb. Rev. Stat. Section 79-866(2) (Reissue 2003); and that Respondent violated 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 004.02E (same effective date) which states, “the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage”; 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 004.04E (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”; Section 005.06D (same effective date) which states, “the educator shall: Develop and maintain positive standards of conduct.”

V. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the Respondent’s public Nebraska standard teaching certificate 2008006986, endorsed in Music K-12, with an expiration date of August 20, 2013 be revoked for a period of eight years from and after final action herein by the State Board of Education.

Dated this 25th day of JANUARY, 2012.



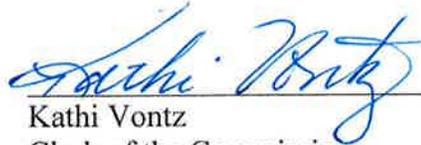
Raymond Keller, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

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. 11-11, was served upon Respondent, Kimberly Wiedeman, by certified U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 6th day of February, 2012, at the following addresses.

Kimberly Wiedeman
Respondent
150432 Sally Road
Mitchell, NE 69357

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



Kathi Vontz
Clerk of the Commission

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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

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I N D E X

EXHIBITS:

Marked Offered Ruled On Found

| | | | | | |
|---|---|---|---|---|----------|
| 1 | Pleadings (101 pages) | 5 | 6 | 6 | Appendix |
| 2 | Title 92, Nebraska Administrative Code, Chapter 27 (16 pages) | 5 | 6 | 6 | Appendix |
| 3 | Title 95, Nebraska Administrative Code, Chapter 1 (20 pages) | 5 | 6 | 6 | Appendix |

- - -

| | | | | |
|----------------------------------|--|--|--|--------|
| Appearances | | | | 2 |
| Reporter's Certificate | | | | 4 |
| Closing Argument by Mr. Halstead | | | | 7 |
| Motion | | | | 14, 15 |
| Decision | | | | 17 |

- - -

1 PROCEEDINGS:

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

4 CHAIRPERSON KELLER: Ladies and gentlemen, I am
5 Raymond Keller, chairperson of the hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:01 a.m. for the purposes of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against Kimberly Wiedeman,
10 Respondent, Case No. 11-11.

11 The other members of the hearing committee are
12 Susan Anglemeyer, Robert Beck, Sarah Brown, Jodi Kupper,
13 Brian Maher, Cindy Serfass, Karen Shelton, Lana Sides, Jane
14 Stavem, and Lynn Strack.

15 The Commission's attorney is Samuel Van Pelt. His
16 purpose is to advise the hearing panel, chairperson, and the
17 Commission on the performance of our duties under the
18 Commission's rule and regulations.

19 The court reporter is Wendy Cutting. Her purpose
20 is to record the testimony of the witness and mark the
21 exhibits.

22 The Clerk of the Commission is Kathi Vontz. Her
23 purpose is administrative.

24 This case arises from the request of the State
25 Board of Education that the Commission hear this matter

1 pursuant to Sections 79-859 through 79-871 of the Nebraska
2 statute and the rules and regulations thereunder.

3 At this time I ask the attorneys to enter their
4 appearance.

5 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
6 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
7 the Commissioner of Education.

8 CHAIRPERSON KELLER: Let the record show that the
9 respondent is not present nor is there anyone else present
10 on behalf of the respondent.

11 At this time, if there are no objections, I will
12 enter into the record the pleadings which are marked as
13 Exhibit 1; the standards of ethics and competency, which is
14 92 Nebraska Administrative Code, Chapter 27, and is marked
15 as Exhibit 2; and the Regulations Concerning Teacher and
16 Administrator Professional Practices Hearings, which is 95
17 Nebraska Administrative Code, Chapter 1, and is marked as
18 Exhibit 3. Are there any objections?

19 MR. HALSTEAD: I have no objections.

20 CHAIRPERSON KELLER: Exhibits 1, 2, 3 are
21 received.

22 (Exhibits 1 through 3 were received in evidence.
23 See Index.)

24 At this time the hearing committee's attorney will
25 conduct the hearing.

1 THE HEARING OFFICER: Thank you very much. Mr.
2 Halstead, do you have any opening statement that you wish to
3 make?

4 MR. HALSTEAD: I'd waive an opening statement,
5 Your Honor.

6 THE HEARING OFFICER: Do you have any evidence in
7 addition to the three exhibits that have been received?

8 MR. HALSTEAD: I do not.

9 THE HEARING OFFICER: Do you have any closing
10 comments that you wish to make?

11 MR. HALSTEAD: I do, Your Honor. May it please
12 the Commission the matter you have before you this morning,
13 Ms. Wiedeman was a teacher. She obviously became addicted
14 to pain medication she started taking when she had a neck
15 and back injury. And you can see from the information the
16 lies, the manipulation, the extent to which she went in
17 order to feed her drug addiction. The school district
18 became aware of some concerns because she was hustling staff
19 and students for pain medications, if you look. And they
20 put her on a plan of action, made her well aware you cannot,
21 if this is true, be doing it. Shortly thereafter, law
22 enforcement got involved, because the medical professionals
23 realized she'd been lying to them. She had been getting
24 prescription drugs from multiple doctors in multiple towns
25 in order to feed her drug addiction.

1 We certainly would suggest that her conduct fails
2 to meet the minimum standards of professional conduct and
3 ethics, the lies, the manipulation that she engaged in
4 between the 2009 and 2011. It ultimately got her charged
5 with ten felony counts for which a jury of her peers found
6 her guilty on all ten counts.

7 The only prior case I could find that was somewhat
8 similar and it's not quite similar dealt with the
9 Commissioner versus Robert Tomlin back in 2006. Mr. Tomlin
10 was a teacher at Cambridge at the time. He was breaking
11 into homes in his community and stealing prescription drugs
12 out of medicine cabinets to feed his drug addiction, because
13 he also had become addicted to pain medications. This
14 Commission recommended and the State Board of Education
15 revoked his certificate for five years. We certainly would
16 think at a minimum that is what you would require in this
17 case. Obviously, Ms. Wiedeman, the extent of her lies, her
18 deception, the fact that she was trying to solicit from
19 staff members at schools may, in fact, enhance what the
20 sanction should be in this case. It's not just a simple
21 one-time incident. It was a pattern of behavior over
22 multiple years. And obviously, the conduct we don't believe
23 rises to the level of that we expect from educators.

24 So, with that, I'd be more than happy to answer
25 any questions you might have in the materials before you.

1 THE HEARING OFFICER: Any of the Commission
2 members on my left have any questions of Mr. Halstead?

3 (No response.)

4 Any -- Yes, ma'am.

5 COMMISSIONER KUPPER: For new candidates that
6 would come to the Commissioner requesting the opportunity to
7 be certified having this sort of felony, would that be
8 something the Commissioner would generally approve for a new
9 candidate?

10 MR. HALSTEAD: As you -- I think you're all well
11 aware, the companion rule, Rule 21, for getting a Nebraska
12 teaching certificate provides that applicants shall not have
13 any felony conviction. They also shall not have the certain
14 misdemeanors that are also prohibited under Rule 27, and
15 also they should be of good moral character. So, at the
16 moment, would the Commissioner issue Ms. Wiedeman a Nebraska
17 teaching certificate? No. Obviously, we'll see what you
18 recommend to the State Board and what the State Board does
19 as to whether she has another opportunity to become an
20 educator. Obviously, that's the question you, as members of
21 the profession -- is five years after that time, would you
22 trust her? Would she be the one you want to be out
23 representing the profession at that time? Is her behavior
24 such that maybe she should look for something else in the
25 rest of her life to spend her time on, because right now her

1 number one focus ought to be dealing with her own addiction,
2 dealing with that issue, dealing with her family issues and
3 all of that. And then the question ultimately becomes,
4 okay, five years from now, ten years from now, ever again?
5 And I'll leave that to your judgment after you've read the
6 entire facts of the case as to whether, if you were the
7 Commissioner of Education, would you issue this person
8 another teaching certificate?

9 THE HEARING OFFICER: Any other questions?

10 COMMISSIONER SIDES: Brian, when a new candidate
11 tries to get a certificate, if the felony is ten, fifteen
12 years old, does that weigh into it?

13 MR. HALSTEAD: If you look at Rule 21, the State
14 Board in §009.04 set forth the criteria they'll look at.
15 Number one, it's the crime that's been committed, the
16 sentence received, and have you satisfied all terms and
17 conditions of the sentence, and has the sentence been set
18 aside or pardoned. That's the first criteria.

19 Number two, how recent is the event?

20 Number three, how old were you when you committed
21 the offense?

22 And number four, what positive social
23 contributions have you made to society since the offense.
24 So, in that regard, is it possible somebody can get another
25 certificate with a felony? Yes, it's possible. And as

1 you're well aware, you've had before this Commission
2 individuals who've committed felony offenses who've been
3 revoked for a period of time and have come back to you after
4 that period of time and then have demonstrated to you that
5 they feel they've met the criteria and and that you have
6 recommended them to the State Board for another opportunity
7 to get a certificate.

8 So, it's possible in that regard. And I only
9 point out to you the case of Mr. Tomlin, which was five
10 years. His was not as extensive of behavior as the
11 respondent in this matter and I only point out to you the
12 extent and the steps she went to to feed her addiction. The
13 lies, the manipulation of people, all of that as to if you
14 believe she has the opportunity to rehabilitate herself,
15 then when is it you feel that she would be eligible to
16 return. We've always said for felonies five years is the
17 minimum we're going to suggest to you is the time to sit
18 out.

19 THE HEARING OFFICER: Any other questions? Yes,
20 ma'am.

21 COMMISSIONER BROWN: Other than the behaviors
22 you've mentioned, was there any other investigation on
23 behaviors while she was under the influence in school?

24 MR. HALSTEAD: If you look, you can see the report
25 of investigation notes that the school district did their

1 own investigation, and I believe there's mention in there
2 about a substantial bill that is owed to the district that
3 hadn't been paid, so I would suggest to you that maybe her
4 focus on her work at school was not as clear as it should
5 have been. Obviously, I don't have specific evidence where
6 the administration said, in class on this day, she was
7 loopy, but --

8 COMMISSIONER BROWN: Because with 18 to 20 per
9 day, I kind of thought maybe there would be other behaviors
10 exhibited that we should know about.

11 MR. HALSTEAD: And, unfortunately, you know,
12 sometimes there may have been but nobody thought about it.
13 I mean, we've dealt with educators in the past who've had
14 alcohol addiction and after you've been addicted for a
15 while, you sometimes develop a tolerance. You've managed to
16 be able to hide the symptoms from others or others don't
17 notice it just thinking, aw, she's just having a bad day.
18 The only thing I can point to you to the record there was
19 their notation about an account that was still open, a bill
20 that hadn't been paid, and what she was responsible in doing
21 in that regard. I can only presume it eventually was paid
22 accordingly, but it does indicate to you there was some
23 impact on -- I would argue her abilities to be a teacher.

24 THE HEARING OFFICER: Any other questions?

25 COMMISSIONER STAVEM: I just have a comment. I

1 think the other aspect that I want to note is that this
2 presented a horrendous risk for the students. With the
3 abuse of prescription drugs, this was potentially really
4 harmful to students who maybe able to, you know, get on
5 board with this type of behavior and have a teacher actually
6 working with them to both get some illegal prescription
7 drugs or anything that could be associated with it. And I
8 think that's important to note.

9 THE HEARING OFFICER: Thank you, any other
10 questions or comments?

11 (No response.)

12 If not, the chair will proceed to close the
13 hearing.

14 CHAIRPERSON KELLER: The hearing committee will
15 now adjourn and will consider the evidence. The hearing
16 committee's decision will be reduced to writing. A copy of
17 the hearing committee's findings, conclusions, and decision
18 will be furnished to the parties. If the decision includes
19 a recommendation to suspend or revoke the respondent's
20 certificate, the findings, conclusions, and recommendation
21 will be presented to the State Board of Education.

22 I declare this hearing adjourned at 9:12 a.m.

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

1 (Back on the record 11:00 a.m.)

2 CHAIRPERSON SIDES: Is there a motion regarding
3 the Commission's recommendation in Case No. 11-11?

4 COMMISSIONER STAVEM: I move that the Nebraska
5 Professional Practices Commission adopt the findings of fact
6 and conclusion of law and recommend to the State Board of
7 Education that the certificate of Kimberly Wiedeman be
8 revoked permanently.

9 CHAIRPERSON SIDES: Is there a second?

10 COMMISSIONER KELLER: I second.

11 CHAIRPERSON SIDES: Is there discussion?

12 (No response.)

13 It has been moved and seconded to accept the
14 findings of fact and conclusions of law and recommend that
15 his certificate be permanently revoked -- revoked. Is
16 there discussion?

17 (No response.)

18 CHAIRPERSON SIDES: Will the clerk please call the
19 roll?

20 THE CLERK: Anglemeyer.

21 COMMISSIONER ANGLEMEYER: Yes.

22 THE CLERK: Beck.

23 COMMISSIONER BECK: No.

24 THE CLERK: Brown.

25 COMMISSIONER BROWN: No.

1 THE CLERK: Johnson. Keller.

2 COMMISSIONER KELLER: Yes.

3 THE CLERK: Kupper.

4 COMMISSIONER KUPPER: No.

5 THE CLERK: Maher

6 COMMISSIONER MAHER: Yes.

7 THE CLERK: Serfass.

8 COMMISSIONER SERFASS: No.

9 THE CLERK: Shelton.

10 COMMISSIONER SHELTON: No.

11 THE CLERK: Sides.

12 CHAIRPERSON SIDES: No.

13 THE CLERK: Stavem.

14 COMMISSIONER STAVEM: Yes.

15 THE CLERK: Strack.

16 COMMISSIONER STRACK: Yes.

17 THE CLERK: Failed.

18 COMMISSIONER MAHER: I move that the Nebraska
 19 Professional Practices Commission adopts the findings of
 20 fact, conclusions of law, and recommend to the State Board
 21 of Education that the certificate of Kimberly Wiedeman be
 22 revoked for a period of eight years.

23 CHAIRPERSON SIDES: Is there a second?

24 COMMISSIONER BECK: I will second.

25 CHAIRPERSON SIDES: It has been moved and seconded

1 to accept the findings of fact and the commission (sic) of
2 law and recommend the Kimberly Wiedeman's certificate be
3 revoked for a period of eight years. Is there discussion?

4 (No response.)

5 Will the clerk please call the roll?

6 THE CLERK: Anglemeyer.

7 COMMISSIONER ANGLEMEYER: Yes.

8 THE CLERK: Beck.

9 COMMISSIONER BECK: Yes.

10 THE CLERK: Brown.

11 COMMISSIONER BROWN: Yes.

12 THE CLERK: Johnson. Keller.

13 COMMISSIONER KELLER: Yes.

14 THE CLERK: Kupper.

15 COMMISSIONER KUPPER: Yes.

16 THE CLERK: Maher.

17 COMMISSIONER MAHER: Yes.

18 THE CLERK: Serfass.

19 COMMISSIONER SERFASS: Yes.

20 THE CLERK: Shelton.

21 COMMISSIONER SHELTON: Yes.

22 THE CLERK: Sides.

23 CHAIRPERSON SIDES: Yes.

24 THE CLERK: Stavem.

25 COMMISSIONER STAVEM: Yes.

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THE CLERK: Strack.

COMMISSIONER STRACK: Yes.

(Whereupon, at 11:03 a.m. on January 21, 2012, the 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.)
Kimberly Wiedeman)
150432 Sally Road)
Mitchell, NE 69357,)
Respondent.)

Case No. 11036
PPC Case No. 11-11

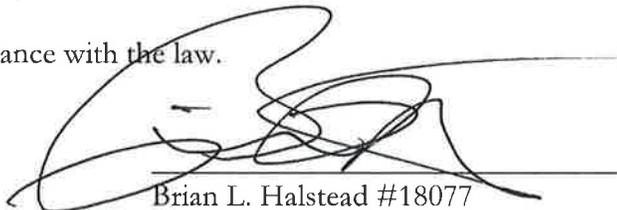
SUPPORT INFORMATION



COMES NOW the Petitioner, by and through the undersigned attorney of record, and pursuant to the Commission's Request for Support Information, submits the following information requested as provided in Title 95, *Nebraska Administrative Code*, Chapter 1, Section 003.05:

1. Title 92, *Nebraska Administrative Code*, Chapter 28, a copy of which is attached and marked as Exhibit "A", and by this reference is incorporated herein;
2. 2. Title 92, *Nebraska Administrative Code*, Chapter 29, a copy of which is attached and marked as Exhibit "B", and by this reference is incorporated herein;
3. An Affidavit of Kevin Peters, Director for the Teacher Education/Certification Division of the Nebraska Department of Education, a copy of which is attached and marked as Exhibit "C", and by this reference is incorporated herein; and
4. The Report of Investigation in Case No. 11036, a copy of which is attached and marked as Exhibit "D", and by this reference is incorporated herein.

WHEREFORE, the Petitioner prays that the Commission make a recommendation to the State Board of Education that is in accordance with the law.


Brian L. Halstead #18077
Attorney for Petitioner



CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above motion and exhibits was mailed to the parties of record, by U. S. mail, sufficient postage prepaid, on this 3rd day of January 2012.



Brian L. Halstead #18077
General Counsel
P. O. Box 94933
Lincoln, NE 68509

NEBRASKA DEPARTMENT
OF EDUCATION

RULE 28

REGULATIONS AND STANDARDS FOR
INVESTIGATIONS AND NONPUBLIC
PROFESSIONAL PRACTICES HEARINGS

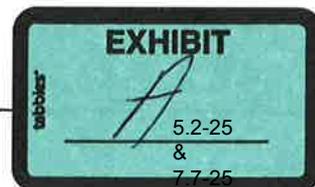
TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 28

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509



03.06.12 State Board of Education
&
03.06.12 State Board of Education



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NEBRASKA DEPARTMENT
OF EDUCATION

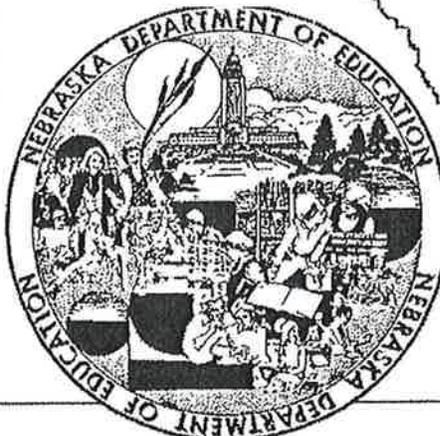
RULE 29

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

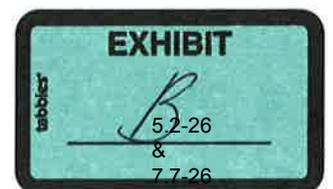
TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 29

EFFECTIVE DATE
DECEMBER 25, 1989

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509



03.06.12 State Board of Education
&
03.06.12 State Board of Education



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)

Case No. 11036
 PPC Case No. 11-11

Petitioner,)

vs.)

AFFIDAVIT

Kimberly Wiedeman)
 150432 Sally Road)
 Mitchell, NE 69357)

Respondent.)

STATE OF NEBRASKA)
) SS
 COUNTY OF LANCASTER)

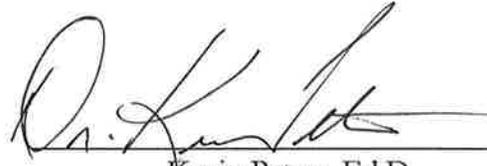
Kevin Peters, Ed.D., being first duly sworn, deposes and says:

1. I am the Director of the Teacher Certification Division of the Nebraska Department of Education.
2. The Petitioner is Roger D. Breed, Commissioner of Education, 301 Centennial Mall South - 6th Floor, P. O. Box 94933, Lincoln, NE 68509-4933, telephone: (402) 471-5020.
3. The duties as Director include being the custodian of records regarding individuals who currently hold valid certificates issued by the Department pursuant to Title 92, *Nebraska Administrative Code*, Chapter 21.
4. The records indicate that the Respondent, Kimberly Wiedeman holds a public Nebraska standard teaching certificate number 2008006986, endorsed in Music K-12, with an expiration date of August 20, 2013.
5. The acts, events, or conditions appearing on the records under my custody are made at or near the time of such acts, events, or conditions, in the course of regularly conducted activity, and that it is the regular course of activity for the Department to make such record.

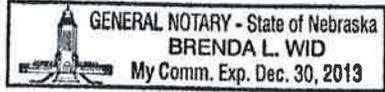


FURTHER AFFIANT SAITH NOT.

Dated this 3rd day of January 2012.


Kevin Peters, Ed.D.

Subscribed and sworn to before me this 3rd day of January 2012.




Notary Public

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander)
301 Centennial Mall South)
Lincoln, NE 68509-4987)

Case No. 11036

Complainant,)

vs.)

REPORT OF INVESTIGATION

Kimberly Wiedeman)
150432 Sally Road)
Mitchell, NE 69357)

Respondent.)

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 11036 is submitted to the Commissioner of Education on the 30th day of November 2011. The Report was submitted to the Respondent on the 16th day of November 2011, and no exceptions were filed.

P. Jeffrey Schneider
Certification Investigator

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BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander
301 Centennial Mall South
Lincoln, NE 68509-4987

Complainant,

vs.

Kimberly Wiedeman
150432 Sally Road
Mitchell, NE 69357

Respondent.

Case No. 11036

REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 11036 is submitted to the Respondent on the 16th day of November 2011.

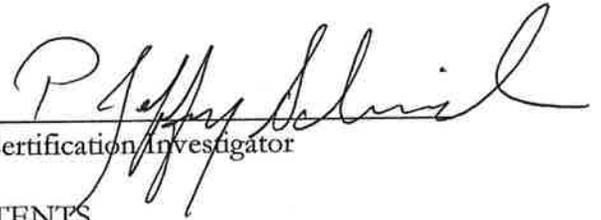

Certification Investigator

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JURISDICTION

On September 6, 2011, Nikole Sander filed a Complaint with the Commissioner of Education against Kimberly Wiedeman, the Respondent. A copy of the Complaint was sent by regular mail to the Respondent on October 11, 2011. A copy of the Complaint is attached and marked as exhibit "E-1".

The Teacher Certification Office Records revealed that the Respondent holds a public Nebraska standard teaching certificate number 2008006986, endorsed in Music K-12, with an expiration date of August 20, 2013.

SUMMARY OF COMPLAINT

The Complainant alleged that on August 16, 2011, the Respondent was found guilty in the Scotts Bluff County District Court of ten felony counts of Acquire Controlled Substance by Fraud.

POSITION OF RESPONDENT

The Respondent did not respond to the complaint in this matter, and when contacted by the investigator acknowledged receipt of the complaint.

FINDINGS

The investigator obtained documents from the Mitchell Public Schools relating to the Respondent's employment with the school district, copies of which are collectively attached and marked as exhibit "E-2". The documentation includes the suspension letter, Report to Superintendent of Schools recommending the cancellation of the Respondent's contract, Mitchell School Board meeting minutes accepting the Respondent's resignation, Mitchell School Board policies, and the Respondent's contract. According to the documentation, the Respondent had been employed as a K-12 instrumental music teacher since the 2005-2006 school year. On October 28, 2010, a suspension meeting was held with the Respondent, Superintendent Kent Halley, High School Principal Heath Peters, and Elementary Principal Kirk Kuxhausen. Mr. Halley began the meeting by addressing the Respondent's suspension during the 2009-2010 school year because of patrons accusing the Respondent of illegally obtaining and using prescription drugs. Mr. Halley also brought up the Plan of Action from the 2009-2010 school year which stated any further allegations of misconduct would be just cause for immediate cancellation of the Respondent's contract. Mr. Halley brought up a bill in the amount of \$11,669.00 with accrued interest of \$2,000.00 for a five-month late fee. The Respondent advised she was aware of the invoices and the money was being collected from a fundraiser. In addition, Mr. Halley stated administration was notified that the Respondent had been cited for two felony counts of attempted possession of a controlled substance by fraud. The Respondent stated, "I know what these say. I better not say anything". The Respondent was informed she was suspended with pay.

//

On November 24, 2010, a report to Mr. Halley from Mr. Peters was presented to the Mitchell School Board. The report recommended cancellation of the Respondent's contract due to the administration becoming aware of the Respondent being arraigned on two felony counts on October 22, 2010. The report also referred to an internal investigation culminating in January 2008. At that time the Respondent was reprimanded and put on a plan of action for unprofessional conduct relating to allegations that she was soliciting and/or attempting to obtain from other staff members and students narcotic pain medications, which the Respondent denied. The report indicates the Respondent was not truthful in February 2010 when questioned about her conduct. The Respondent violated several board policies as well as Department standards of conduct. The Respondent acknowledged receipt of the principal's report on November 24, 2010, which recommended the termination of the Respondent's employment contract effective immediately. On November 29, 2010, the Mitchell School Board accepted the Respondent's resignation.

The investigator obtained Gering Police Department records relating to the Respondent's arrest in this matter. Investigator Jackson of the WING "Western Nebraska Intelligence and Narcotics Group" unit of the Gering Police Department supplied most of the information. The following is a synopsis of the information received:

Chimney Rock Medical Center is an extension of Morrill County Community Hospital located in Bayard, NE. On August 26, 2010, Kevin Harriger, a nurse practitioner (NP) at the medical center was filling in for another NP and was seeing her patients. Mr. Harriger told Inv. Jackson the Respondent came in to refill prescriptions. The Respondent had seen the other NP earlier in the month. Mr. Harriger wrote the Respondent prescriptions for Percocet, Fastin, and Soma. Mr. Harriger advised he thought it was suspicious that the Respondent came all the way from Mitchell, Nebraska to Bayard, Nebraska, to see the NP. Mr. Harriger told Inv. Jackson he had called a couple of Scottsbluff pharmacies and found that the Respondent had been given prescriptions for Hydrocodone, Oxycodone, and Phentermine and had been seeing several doctors from different medical practices for the prescriptions.

Based on the information received from Mr. Harriger, Inv. Jackson served search warrants on all of the pharmacies in Scottsbluff regarding the Respondent from August 1, 2009, through August 27, 2010. The records showed a consistent purchase of the aforementioned prescriptions as well as others. The prescriptions were from different physicians and filled at several pharmacies several times for each month for the time period.

Inv. Jackson executed a search warrant on August 31, 2010, of the Respondent's vehicle and residence. The search of the vehicle revealed Phentermine in the center console, which is used for weight loss. In the residence three Hydrocodone pills were located in the medicine cabinet. The Respondent admitted she had an addiction and stated she would take 18-20 pills of Hydrocodone on a daily basis. The Respondent told Inv. Jackson the addiction began several years prior when she had pain in her neck due to fused vertebrae and a slipped disk in her neck.

On September 1, 2010, Inv. Jackson executed another search warrant for the Respondent's records at the Regional West Medical Center, and 25 pages of documents were received for the prior year. Those records showed the Respondent was given a prescription for Carisoprodol, (Soma), which is not a federally scheduled compound used as a muscle relaxant. The Respondent had also been given a prescription for Endocet, which is a combination of Oxycodone and Acetaminophen. It is basically the same as Percocet. She also received prescriptions for Vicodin which is a combination of Hydrocodone and Acetaminophen, and Fastin which is a diet pill.

On September 21, 2010, the Respondent was arrested on two counts of acquiring a controlled substance by fraud.

Inv. Jackson contacted Regional West Medical Clinic physician Dr. Cheloha on December 6, 2010. Dr. Cheloha stated she had seen the Respondent as a patient, and she was shown the prescriptions acquired by the Respondent over the prior year. Dr. Cheloha advised Inv. Jackson the Respondent was taking entirely too much of Norco, Vicodin, and Percocet, but that the narcotics were not the main issue. According to Dr. Cheloha, the amount of Acetaminophen was the problem as too much can cause serious harm to the liver.

On December 7, 2010, Inv. Jackson subpoenaed medical records from Morrill County Hospital Clinic and Chimney Rock Medical Center. Inv. Jackson received 107 pages from the med center and 8 pages from Morrill County Hospital. The documents revealed the Respondent had told the doctors she was suffering from rheumatoid arthritis, but was screened by the doctors and found not to have it.

According to Scotts Bluff County District Court documents, on February 24, 2011, an Information against the Respondent was filed in the Scotts Bluff District Court charging the Respondent with ten felony counts of Acquire Controlled Substance by Fraud. On August 16 a jury found the Respondent guilty on all ten counts, and on September 21 the Respondent was sentenced to three years of probation. Copies of court documents are collectively attached and marked as exhibit "E-3".

The investigator contacted the Respondent on November 14, 2011. The Respondent stated she had received a copy of the complaint about two weeks prior. The Respondent stated she felt her certificate was going to be revoked for life and she did not know any recourse to the allegations. The Respondent stated she had been in counseling, had not stolen any prescription pads and forged them, and hadn't taken anything since August 31, 2010.

The Respondent stated she believes the addiction started due to a couple of factors. The Respondent advised she had injured her neck and was placed on medication, and her husband had returned from Iraq and the two of them were not communicating. The Respondent admitted she had gone to different physicians and pharmacies to obtain prescriptions. The Respondent stated she wants to teach again and believes she was a good educator. According to the Respondent, she stated she had also been involved in different professional organizations dedicated to the advancement of band.

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS

The following statute and standards would appear applicable: Neb. Rev. Stat. § 79-866(2) (Reissue 1996) 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 004.02E (same effective date) which states, "the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"; 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 004.04E (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"; Section 005.02B2 (same effective date) which states, "Each teacher and special services provider shall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider"; and Section 005.06D (same effective date) which states, "the educator shall: Develop and maintain positive standards of conduct".

DETERMINATION OF LEGAL SUFFICIENCY

There is legally sufficient evidence to indicate a violation of the above-referenced statute and standards with regard to this allegation.

RECOMMENDATION

The Certification Investigator would recommend the Commissioner of Education file a petition in this matter.

EXHIBITS

- E-1. Copies of the Complaint and return receipt.
- E-2. Copies of documentation of the Mitchell Public Schools.
- E-3. Copies of Scotts Bluff County District Court documentation.

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander
301 Centennial Mall South
Lincoln, NE 68509-4987

Complainant,

vs.

Kimberly Wiedeman
150432 Sally Road
Mitchell, NE 69357

Respondent.

Case No. 11036

COMPLAINT



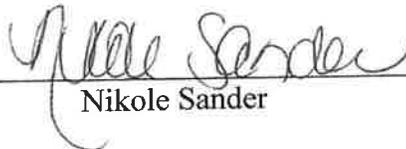
In accordance with Title 92, Chapter 28, of the *Nebraska Administrative Code*, the

Complainant states as follows:

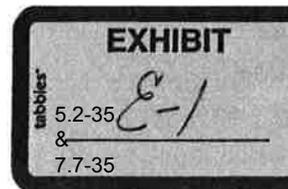
1. The Complainant is Nikole Sander. Her address is 301 Centennial Mall South, Lincoln, NE 68509-4987;
2. The Respondent is Kimberly Wiedeman. Her address is 150432 Sally Road, Mitchell, NE 69357;
3. The Mitchell Public Schools reported that on August 16, 2011, the Respondent was found guilty in the Scottsbluff County District Court of ten counts of Acquire Controlled Substance by Fraud, a felony, and is scheduled to be sentenced on September 21. A copy of the letter and enclosures from the Mitchell Public Schools is attached; and
4. Witness(es): Kent Halley, Superintendent, Mitchell Public Schools, 1819 19th Avenue, Mitchell, NE 69357; 308-623-2235.

WHEREFORE, Complainant requests that the Commissioner of Education investigate this Complaint and take such action as is warranted, including the filing of a petition.

Dated this 6th day of September 2011.



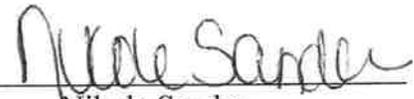
Nikole Sander



VERIFICATION

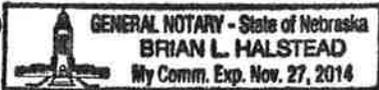
State of Nebraska)
) ss
County of Lancaster)

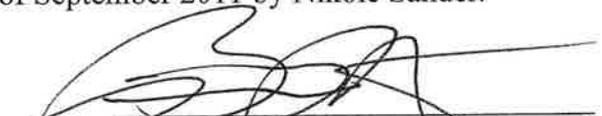
I, Nikole Sander, being first duly sworn under oath, state that I have read the contents of the Complaint and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said document.



Nikole Sander

Subscribed and sworn before me this 6th day of September 2011 by Nikole Sander.

(Seal) 



Notary Public



Mitchell Public Schools



REC'D SEP 02 2011

Mitchell, NE 69357-1199

Jr. Sr. High School
1819 19th AVE.
(308) 623-1707
Supt. Kent Halley
(308) 623-2235
Prin. Heath Peters
Fax (308) 623-1330

Elementary
1439 13th Ave.
(308) 623-2828
Prin. Kirk Kuxhausen
Fax (308) 623-1690
A.D. Chad Kenworthy
(308) 623-2034



August 29, 2011

Dr. Roger Breed
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
Lincoln, NE 68509-4987

RE: Kimberly Wiedeman

Dear Dr. Breed:

Pursuant to Chapter 27, and the advice of our attorneys, I am reporting a possible violation of Chapter 27 by Kimberly Wiedeman. Ms. Wiedeman was employed as a teacher by our school district for a portion of the 2010-2011 school year. The allegation, in brief, is that Ms. Wiedeman fraudulently obtained prescription drugs as set forth in the "Information" filed by the Scotts Bluff County attorney on February 24, 2011, alleging ten counts of acquiring a controlled substance by fraud under Neb. Rev. Stat. § 28-418, a Class IV Felony, a copy of the Information is attached hereto and incorporated herein by this reference. Ms. Wiedeman was found guilty by jury trial of all ten counts as set forth in the Verdict of the Jury entered on August 16, 2011, a copy of the Verdict of the Jury is also attached hereto and incorporated herein by this reference.

I am reporting the allegation to you to comply with any reporting obligation I may have. Unless I am informed otherwise by your office, I will consider any obligation to report the allegation to have been fulfilled by this report.

If you have any questions or need anything further, please feel free to contact me. Unless I am informed otherwise by your office, we will consider our legal obligation to report this incident to have been fulfilled.

Sincerely,


Kent Halley, Superintendent
Mitchell Public Schools

IN THE DISTRICT COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

CASE NO. CR11-26

Plaintiff,

INFORMATION

COUNTS 1 THROUGH 10

ACQUIRE CONTROLLED SUBSTANCE BY FRAUD

VS

§ 28-418,
CLASS IV FELONY

Kimberly D. Wiedeman,
150432 Sally Rd.,
Mitchell NE
8-20-1969

Defendant.

STATE OF NEBRASKA

ss.

COUNTY OF SCOTTS BLUFF

IN THE January 1st, 2011 Term of the District Court of Scotts Bluff County, Nebraska, the undersigned, County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, informs before the District Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT I

On or about April 1, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT II

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about April 14, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

FILED Feb 24 20 11
Ann Rosenberry
CLERK OF THE DIST COURT
5.2-38
BY *Scotts Bluff County* DEPUTY
7.7-38



COUNT III

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about May 3, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT IV

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about May 24, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT V

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 1, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VI

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 13, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VII

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 21, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VIII

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about July 19, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT IX

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about August 9, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT X

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about August 23, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.
contrary to the statutes of the State of Nebraska.

Trisha Lacey
Briana Hill
Steve Van Noy
Mike Calvert
Omar Jimenez
John Port
Chris Bosche

Pharmacist at Coop Pharmacy
Pharmacist at Regional West Medical Center Pharmacy
Pharmacist at K-Mart Pharmacy
Pharmacist at Wal-Mart Pharmacy
Pharmacist at U-Save Pharmacy

Dr. Kent Lacey
Chelsea Voth
Don Graham
Diane Gilles
Mary Schweitzer
Wayne Nochi
Daryl Payne

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

| | | |
|------------------------|---|---------------------|
| THE STATE OF NEBRASKA, |] | |
| Plaintiff, |] | |
| |] | CASE NO. CR 11-26 |
| -vs- |] | |
| |] | VERDICT OF THE JURY |
| KIMBERLY D. WIEDEMAN, |] | |
| |] | |
| Defendant. |] | |

We the jury, duly impaneled in this cause do find the defendant:

ON COUNT I

[] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT II

[] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT III

[] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT IV

[] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.



000134382D21

FILED Aug 16 20 11
Ann Osborn
CLERK OF THE DIST COURT

23

ON COUNT V
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT VI
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

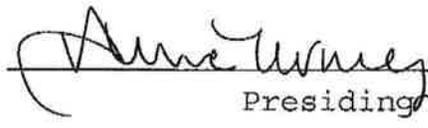
ON COUNT VII
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT VIII
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT IX
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT X
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

DATED this 16th day of August, 2011.



Presiding Juror

4:02 P.M.
on August 16,
2011.



Mitchell Public Schools



Mitchell, NE 69357-1199

Jr. Sr. High School
1819 19th AVE.
(308) 623-1707
Supt. Kent Halley
(308) 623-2235
Prin. Heath Peters
Fax (308) 623-1330

Elementary
1439 13th Ave.
(308) 623-2828
Prin. Kirk Kuxhausen
Fax (308) 623-1690
A.D. Chad Kenworthy
(308) 623-2034

October 28, 2010

BY HAND DELIVERY

Ms. Kim Wiedeman
Mitchell High School
1819 19th Ave.
Mitchell, NE 69357-1199

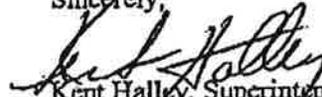
Dear Ms. Wiedeman:

This letter confirms that you have been suspended with pay effective immediately. This suspension will continue until you are notified otherwise by me.

This letter further confirms that an initial investigation has been conducted into allegations that constitute a basis for cancellation of your employment contract. Based on the investigation into those matters and your prior performance, the administration has determined that student learning and well being will continue to suffer if you remain in the classroom. Before notifying you of your suspension the administration presented you with the information obtained in the initial investigation and gave you an opportunity to present your side of the story.

You are not authorized to be on school property or at any school function or event without my consent or supervision until otherwise notified. You are directed to return any and all school property which may be in your possession, including any keys and passwords, immediately. Contact Mr. Peters to arrange for delivery of such items.

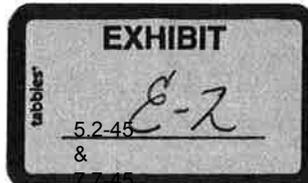
Sincerely,


Kent Halley, Superintendent
Mitchell Public School District

RECEIPT

 The undersigned hereby acknowledges receipt of a copy of this notice of suspension letter this day of October, 2010.


Kim Wiedeman



**REPORT TO SUPERINTENDENT OF SCHOOLS
FROM SECONDARY SCHOOL PRINCIPAL**

Personnel Matter

To: Kent Halley, Superintendent of Schools, Mitchell Public School District.
From: Heath Peters, Secondary Principal, Mitchell High School.
**Re: Kim Wiedeman, Music Teacher, Mitchell High School – Recommendation of
Cancellation of Continuing Contract.**
Date: November 24, 2010.

This report relates to the continuing teaching contract of Mrs. Kim Wiedeman with the Mitchell Public School District. Mrs. Wiedeman has been a certificated teacher with the Mitchell Public School District for six (6) years, providing instruction in K-12 music. While Mrs. Wiedeman's instructional performance has overall met district standards, Mrs. Wiedeman's personal and professional performance of her duties with the school district have been found in past school and contract years to either not meet district standards or have been called into question (see discussion of prior conduct below).

On or about October 28, 2010, the Administration of the Mitchell Public School District became aware that Mrs. Wiedeman had been arraigned on October 22, 2010, before the County Court of Scottsbluff County, Nebraska, on two counts of violating Neb. Rev. Stat. §§ 28-405 and 28-418, relating to the unlawful and felonious knowing and intentional communication to a medical practitioner in an effort to unlawfully procure a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe Oxycodone and Hydrocodone, both controlled substances under such statute. (See, Exhibit 1, Complaint, "Acquire Controlled Substance by Fraud," Case No. CR10-2032, In the County Court of Scotts Bluff County, Nebraska). Upon receipt of this information, the Administration contacted school district legal counsel to determine the appropriate action under the circumstance presented. Subsequently, the administration met with Mrs. Wiedeman on October 28, 2010, presented her with the information regarding the two felony counts filed against Mrs. Wiedeman, provided her an opportunity to respond. Mrs. Wiedeman responded, "I know why I am here." (Minutes of the meeting of Thursday, October 28, 2010 are attached hereto as Exhibit 2). Mrs. Wiedeman was suspended with pay pending an investigation into the felony counts and consideration of her overall professional conduct as a teacher for MPSD by the Administration. (See, Exhibit 3 attached hereto).

The Administration then contacted Scotts Bluff County Attorney and requested information regarding the felony charges filed against Mrs. Wiedeman. The County Attorney provided to the School District a copy of the investigative report of detective James Jackson, Investigator for the WING Task Force, Gering Police Department, Gering, Nebraska dated September 7, 2010. (See, Exhibit 4, entitled "Kimberly D. Wiedeman – Prescription Fraud, 2010-4182, WING DTF, Inv. James Jackson"). Investigator Jackson's report, among other things, established that Mrs. Wiedeman had procured over seventy (70) prescriptions for narcotic medications during the months of August 2009 through August 2010.

As you are aware, in January 2010, concerns were relayed to the Administration by certificated staff members with regard to conduct on the part of Mrs. Wiedeman, both on and off school ground, regarding conduct by Mrs. Wiedeman to solicit and/or attempt to obtain from other staff members and students narcotic pain medications. The Administration investigated such allegations and determined that there was sufficient direct and circumstantial evidence to indicate that Mrs. Wiedeman had engaged in such conduct, and that such conduct, if engaged in, was in violation of school district policy and state law. The findings of such investigation were presented to Mrs. Wiedeman on February 8, 2010. (See, Exhibit 5, January 2010 statements of staff and students regarding Kim Wiedeman's conduct). Mrs. Wiedeman denied soliciting, attempting to obtain or obtaining by theft from fellow staff members or students of the Mitchell Public School District of narcotic pain medications. (See, Exhibit 6, for the "Administrative Leave and Action Plan for Kim Wiedeman" issued on February 11, 2010). Mrs. Wiedeman was evaluated for the 2009-2010 school year in April, 2010 (see, Exhibit 7 attached), and was admonished as follows:

"SUGGESTIONS FOR IMPROVEMENT: Mrs. Wiedeman is currently following a plan of improvement which stems from issues of alleged conduct which have had a direct impact on the school. Although these allegations have not been proven, Mrs. Wiedeman understands that her conduct is very critical at this point. It is suggested that Mrs. Wiedeman follow all conduct expectations that are mentioned in said plan of improvement and plan of improvement from January 28, 2008."

Mrs. Wiedeman had been reprimanded for unprofessional conduct in January, 2008; a copy of such reprimand is attached hereto as Exhibit 8.

Notwithstanding such admonishment, Investigator Jackson's report establishes that Mrs. Wiedeman was continuously seeking to unlawfully procure prescription narcotics, and specifically during the months of January and February 2010, the period when the complaints were received from MPSD staff members of Mrs. Wiedeman's conduct regarding the attempted procurement of narcotic pain medications from such staff members. The investigative records show that Mrs. Wiedeman had obtained six (6) prescription for pain medications during the month of January 2010, and five (5) during the month of February 2010.

Based upon the forgoing information, I find that:

1. Mrs. Wiedeman was not truthful in February 2010, when she stated that she had not attempted to procure narcotic pain medications from fellow staff members and students, as the evidence provided by Investigator Jackson establishes a pattern of conduct of action by Mrs. Wiedeman to unlawfully obtain narcotics during the time period that was the subject to the complaint to school officials in January 2010.
2. Mrs. Wiedeman did seek to procure and did procure such narcotic medications during the performance of her professional duties, and from fellow staff members and students either during or after the school day; again, the evidence provided by Investigator Jackson establishes a pattern

of conduct of action by Mrs. Wiedeman to unlawfully obtain narcotics during the time period that was the subject of the complaint to school officials in January 2010.

3. Mrs. Wiedeman's conduct in seeking to procure and procuring narcotic medications from medical practitioners and fellow staff members and students is a violation of school policy applicable to a teacher's ethical and moral conduct as an exemplar for students; school policy that Mrs. Wiedeman has acknowledged and promised to comply with and enforce, specifically:

a. Board Policy JICC, "Substance-Free Workplace." (See attached as Exhibit 9; see also, "ACKNOWLEDGMENT OF UNDERSTANDING AND RECEIPT OF BOARD STANDARDS AND POLICIES PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS, ALCOHOL AND PRESCRIPTION DRUGS ON THE SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S ACTIVITIES" signed by Kimberly D. Wiedeman on August 17, 2009 (Exhibit 10) and August 19, 2010 (Exhibit 11)).

b. Board Policy JICC, "Public Conduct on School Premises." (See attached as Exhibit 12; the policy provides in pertinent part as follows: "No person on district property will: . . . "Consume, sell, give or deliver unlawful drugs including drug paraphernalia and alcoholic beverages.")

c. Board Policy JICC, "Staff Conduct with Students." (See attached as Exhibit 13; the policy provides in pertinent part as follows: "The Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students." (See also, Exhibit 14, "Teacher's Contract" for Kim Wiedeman dated August 19, 2010, wherein Mrs. Wiedeman "agrees to be governed by the policies of the Board of Education of the District.")

4. Mrs. Wiedeman's conduct in seeking to procure and procuring narcotic medications from medical practitioners and fellow staff members and students is a violation of the laws of the State of Nebraska.

5. Mrs. Wiedeman's conduct is of a nature as to constitute a violation of the Title 92, Nebraska Department of Education, Chapter 27, Article 4 – Professional Practice Criteria (hereinafter "Rule 27"; see, copy of Rule 27 attached hereto as Exhibit 15) which provide that an "educator":

a. 004.02D "Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible."

b. 004.02E "Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school; board members for personal gain or private advantage."

c. 004.02H "Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties."

d. 004.02I "Shall report to the Commissioner any known violation of Section 004.02G, 04.04E, or 004.05B of this chapter."

e. 004.04E "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."

f. 004.06F "Shall permit no commercial or personal exploitation of his or her professional position."

g. 004.06G "Shall use time on duty and leave time for purposes for which intended."

6. Mrs. Wiedeman's conduct is of a nature as to constitute a violation of the Title 92, Nebraska Department of Education, Chapter 27, Article 5 – Professional Practice Criteria which provides that a holder of a public school certificate shall:

a. 005.02B2 "Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider."

STANDARD OF PERFORMANCE

Mrs. Wiedeman's conduct as a teacher for the Mitchell Public School District is below the standards of performance expected of staff performing the same or similar duties. Specifically, Mrs. Wiedeman has as a result of her seeking to procure and procurement of narcotic prescription medications during the performance of her professional duties, and from fellow staff members and students either during or after the school day, and unlawful procurement of such medications from medical practitioners: (1) failed to work cooperatively with the administration in carrying out school-related responsibilities by failing to follow the directives of her February 11, 2010 improvement plan; (2) failed to receive constructive criticism in a positive manner by again failing to follow the directives of her February 11, 2010 improvement plan; (3) failed to exercise professional judgment to insure student safety; (4) failed to exercise professional judgment in consideration of the emotional well being of students when making decisions; (5) failed to use professional judgment in using language that was profane, belittling and intimidating; and, (6) failed to be an exemplar to the students, staff, administration, board and community by failing to maintain the highest professional, moral, and ethical standards.

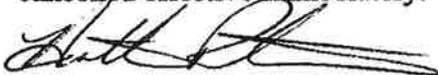
Based upon all of the information set forth in detail above, I find that Mrs. Wiedeman's overall performance is "Does Not Meet District Standards" in each of the above referenced areas of professional performance. Mrs. Wiedeman's conduct as described above is directly related to her ability to teach, and indicates an unfitness to do so. Mrs. Wiedeman's conduct of attempting to procure narcotic medications from fellow staff members and students as identified in January 2010, and the subsequent investigation by law enforcement authorities that resulted in charges filed by the Scotts Bluff County Attorney gives rise to reasonable inferences of unfitness to teach or from which an adverse impact on students and fellow staff members can reasonably be

*Memo to Mr. Kent Halley re: Kim Wiedeman
November 24, 2010*

assumed. Mrs. Wiedeman's arraignment on the charges described above was reported to the Administration by a member of the public. Mrs. Wiedeman's subsequent preliminary hearing on November 22, 2010 was held in public. The community, including students and school personnel, are aware of Mrs. Wiedeman's felony charges. The likelihood that Mrs. Wiedeman's conduct will adversely affect students and fellow teachers is shown in the statements from staff and students in the material received as part of the January 2010 investigation into alleged abuse of prescription medications, which is only enhanced by the pending criminal charges against Mrs. Wiedeman.

CONCLUSION

Based on the evaluations conducted, reprimands and improvement plan and the further follow-up assistance to Mrs. Wiedeman, and Mrs. Wiedeman's subsequent conduct in seeking to procure and procuring narcotic medications from medical practitioners and fellow staff members and students is a violation of school policy, it is my professional opinion that Mrs. Wiedeman has engaged in conduct that constitutes incompetency, neglect of duty, unprofessional conduct, insubordination, breach of material provisions of her contract, grounds for cancellation set forth in her employment contract, and conduct which interferes substantially with the continued performance of her duties. Mrs. Wiedeman's conduct has destroyed the trust and professional relationships that must exist between educators, both administrators and teachers, to create an effective learning environment for children, and assure that they are learning. Further efforts to remediate her performance or conduct will not result in improvement of Mrs. Wiedeman's performance to meet district standards expected of teachers performing the same or similar duties. This determination has been made based upon Mrs. Wiedeman's prior performance, including but not limited to the assistance, observations, evaluations and assistance provided during the 2009-2010 and 2010-2011 school year to date, including but not limited to the conduct referenced in this Memorandum. For these reasons the Secondary Administrative Team recommends to the Superintendent of Schools that Kim Wiedeman's employment contract be cancelled effective immediately.

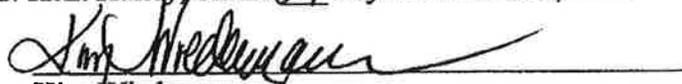


Heath Peters, Principal
Mitchell High School

cc: Kim Wiedeman (with enclosures).

Acknowledgement of Receipt

I, Kim Wiedeman, hereby acknowledge receipt of the forgoing Report to Superintendent dated November ^{24th} 2010, from Mr. Kent Halley, on the ^{24th} day of November, 2010.


Kim Wiedeman

Mitchell Public Schools Board of Education Special Meeting
November 29, 2010 6:00 P.M.
High School Library

I. Call to Order

II. Roll Call

III. Adopt Agenda

Motion Passed: Motion to approve agenda passed with a motion by Paul Pieper and a second by Jim Jenkins.

| | |
|----------------|--------|
| Brent Dormann | Yes |
| Brad Helgerson | Yes |
| Jim Jenkins | Yes |
| Doug Keener | Yes |
| Mark Perkins | Absent |
| Paul Pieper | Yes |

III.A. Excuse Absent Board Members

Motion Passed: Motion to excuse Board Member Perkins, passed with a motion by Brent Dormann and a second by Brad Helgerson.

| | |
|----------------|-----|
| Brent Dormann | Yes |
| Brad Helgerson | Yes |
| Jim Jenkins | Yes |
| Doug Keener | Yes |
| Paul Pieper | Yes |

IV. Teacher Resignation

Motion Passed: Motion to accept Kim Wiedeman's resignation with regret and thanks for her years of service, passed with a motion by Jim Jenkins and a second by Brent Dormann.

| | |
|----------------|-----|
| Brent Dormann | Yes |
| Brad Helgerson | Yes |
| Jim Jenkins | Yes |
| Doug Keener | Yes |
| Paul Pieper | Yes |

V. Personnel

Discussion:

Mr. Halley stated that he would like to address the Board in executive session.

VI. Executive Session as Indicated--Policy #204.06

Discussion:

The Board went into executive session at 6:09 P.M. to discuss personnel issues and reconvened at 7:10 P.M. No action was taken.

IX. Adjourn

Motion Passed: Motion to adjourn at 7:15 P.M., passed with a motion by Jim Jenkins and a second by Paul Pieper.

| | |
|----------------|-----|
| Brent Dormann | Yes |
| Brad Helgerson | Yes |
| Jim Jenkins | Yes |
| Doug Keener | Yes |
| Paul Pieper | Yes |

/s/ Doug Keener
Chairperson

/s/ Kent Halley
Superintendent

(17 A)

ACKNOWLEDGMENT OF UNDERSTANDING AND RECEIPT OF BOARD STANDARDS AND POLICIES PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS, ALCOHOL AND PRESCRIPTION DRUGS ON THE SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S S ACTIVITIES.

I, the undersigned, by affixing my signature here, acknowledge that I understand the absolute prohibition of the district against any employee of the district engaging in unlawful possession, use, manufacture, or distribution of illicit drugs, alcohol and prescription drugs on the school premises or as a part of any of the school's activities as defined by board policy or administrative directive. I further understand by affixing my signature here that disciplinary sanctions up to and including termination of my employment and referral of me for criminal prosecution may be imposed upon me for any violation of these standards. I further agree to be bound by these standards and acknowledge that I have been fully notified and that all policies have been explained to my satisfaction and full understanding by appropriate school personnel. I further understand that compliance with these standards is mandatory and is a material term and condition of my employment by the District.

Dated this day 17th of August, 2009



Signature of Employee

ACKNOWLEDGMENT OF UNDERSTANDING AND RECEIPT OF BOARD STANDARDS AND POLICIES PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS, ALCOHOL AND PRESCRIPTION DRUGS ON THE SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S S ACTIVITIES.

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Dated this day 19th of August, 2010.


Signature of Employee

PUBLIC CONDUCT ON SCHOOL PREMISES

No person on district property will:

- Injure or threaten to injure another;
- Damage the property of another or of the district;
- Violate parking regulations;
- Drive a vehicle in an unsafe manner;
- Impede, delay or otherwise interfere with the orderly conduct of the district's educational program or any other activity taking place on district property which has been authorized by the Board, superintendent, principal or other authorized administrator;
- Enter any portion of district premises at any time for purposes other than those which are lawful and authorized by district officials;
- Possess an unauthorized loaded or unloaded firearm or any other instrument used as a dangerous or deadly weapon as defined in law and Board policy;
- Consume, sell, give or deliver unlawful drugs including drug paraphernalia and alcoholic beverages;
- Smoke or use tobacco products in other than a designated smoking area;
- Wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang. Use speech or commit any act or omission in furtherance of the interests of any gang or gang activity. A "gang" is defined as a group that identifies itself through the use of a name, unique appearance or language including hand signs, claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity;
- Willfully violate other district rules and regulations designed to maintain public order on school property.

Spectators are permitted to attend extracurricular activities only as guests of the school district, and, accordingly as a condition of such permission, they must comply with the school district's rules and policies. Spectators will not be allowed to interfere with the enjoyment of the students participating, other spectators or with the performance of employees and officials supervising the extracurricular activity. Spectators, like the student participants, are expected to display mature behavior and sportsmanship. The failure of spectators to do so is not only disruptive but embarrassing to the students, the school district and the entire community.

To protect the rights of students to participate without fear of interference, and to permit the sponsors and officials of extracurricular activities to perform their duties without interference, the following provisions are in effect:

Approved _____ Reviewed _____ Revised _____

- Abusive, verbal or physical conduct of spectators directed at participants, officials or sponsors of extracurricular activities or at other spectators will not be tolerated.
- Verbal or physical conduct of spectators that interferes with the performance of students, officials or sponsors of extracurricular activities will not be tolerated.
- The use of vulgar or obscene language directed at students, officials or sponsors participating in an extracurricular activity or at other spectators will not be tolerated.

If a spectator at an extracurricular activity becomes physically or verbally abusive, uses vulgar or obscene language, or in any way impedes the performance of an activity, the spectator may be removed from the event by the individual in charge of the event and the superintendent may recommend the exclusion of the spectator at future extracurricular activities.

Upon recommendation of the administration, the board shall cause a notice of exclusion from extracurricular activities to be sent to the spectator involved. The notice shall advise the spectator of the school district's right to exclude the individual from school district activities and events and the duration of the exclusion. If the spectator disobeys the school district's order, law enforcement authorities will be contacted and asked to remove the spectator. If a spectator has been notified of exclusion and thereafter attends an extracurricular activity, the spectator shall be advised that his/her attendance will result in prosecution.

Persons having no legitimate purpose or business on district property or violating or threatening to violate the above rules may be ejected from the premises and/or referred to law enforcement officials.

Cross Reference: 506 Student Activities
 903.08 Vandalism
 1006 Use of District Facilities and Equipment

STAFF CONDUCT WITH STUDENTS

The Board expects all staff members, including teachers, coaches, counselors, administrators, and others to maintain the highest professional, moral, and ethical standards in their conduct with students. For the purposes of this policy, staff members also include school volunteers.

The interactions and relationships between staff members and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in and outside of the educational setting; and consistency with the educational mission of the schools.

Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Unacceptable Conduct

Examples of unacceptable conduct by staff members include but are not limited to the following:

- Any type of sexual or inappropriate physical contact with students or any other conduct that might be considered harassment under the Board's policy on Harassment By Employees;
- Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship;
- Associating with students in any situation or activity that includes the presence of alcohol, drugs, or tobacco or that could be considered sexually suggestive;
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to be supportive but to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- Sending students on personal errands;
- Sexual banter, allusions, jokes, or innuendos with students;
- Asking a student to keep a secret;

Approved _____ Reviewed _____ Revised _____

- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students with terms of endearment, pet names, or otherwise in an overly familiar manner; and
- Permitting students to address you by your first name, nickname or otherwise in an overly familiar manner.

- Being alone with individual students by closing a room door except when dealing with issues of health by appropriate personnel;
- Inviting or allowing students to visit the staff member's home;
- Visiting a student's home, unless on official school business;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking websites, or letters (beyond homework or other legitimate school business);
- Exchanging personal gifts (beyond the customary student teacher gifts); and/or
- Socializing or spending time with students (including but not limited to activities such as going out for meals or movies, shopping, traveling, and recreational activities) outside of school sponsored events or except as participants in organized community activities.

Students and/or their parents/guardians are strongly encouraged to notify the principal if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to notify promptly the principal or superintendent if they become aware of a situation that may constitute a violation of this policy.

Staff violations of this policy may result in disciplinary action up to and including dismissal. Violations involving sexual or other abuse will also result in referral to the Department of Health and Human Services and/or law enforcement in accordance with the Board's policy on Child Abuse Reporting.

This policy shall be included in future employee, student and volunteer handbooks.

TEACHER'S CONTRACT

For Class II, III, & VI Schools and Class I Schools with a Superintendent

THIS CONTRACT made by and between the School District of, MITCHELL PUBLIC SCHOOLS, No. 31, in the County of SCOTTS BLUFF, in the State of Nebraska, hereinafter referred to as the "District", and, Kim Wiedeman legally qualified teacher, hereinafter referred to as "Teacher".

WITNESSETH: That the Board of Education of the District hereby agrees to employ the Teacher above named in the schools of the District for a school year, which shall begin on or about AUGUST 18, 2010, and end on or about MAY 23, 2011, and shall consist of 184 days of service including at least 184 Teaching days and that the Teacher hereby agrees to accept such employment at a salary of \$50,250.00 and under the following conditions.

FIRST: The salary of the Teacher shall be payable in 12 Equal installments. The first installment shall be payable on the 20TH day of SEPTEMBER, 2010, and the remaining installments shall be payable on the 20TH day of each month thereafter.

SECOND: The teacher hereby agrees to be governed by the policies of the Board of Education of the District and that the teaching duties to be performed by him/her under this contract shall be subject to assignment of the Superintendent of the District with the approval of the Board of Education of the District; and further agrees to devote full time, during days of school to his/her position in all respects, to diligently and faithfully perform the assigned duties as Teacher to the best of his/her professional ability.

THIRD: In addition to the teaching duties set forth herein, the Teacher may be assigned such "extra duty" assignments as defined from time to time by the parties of this agreement which shall be upon such terms and conditions and at such additional stated rate of compensation as the Teacher and the District may from time to time agree upon.

FOURTH: This contract may be cancelled or amended by a majority of the members of the school board during the school year for any of the following reasons: (a) upon cancellation, termination, revocation or suspension of the teacher's certificate by the State Board of Education; (b) breach of any of the material provisions of this contract; (c) for any reason set forth in this contract; (d) incompetence; (e) neglect of duty; (f) unprofessional conduct; (g) insubordination; (h) immorality, or (i) physical or mental incapacity. Cancellation or amendment under this contract shall be governed by the provisions of 79-12,110, R.R.S. (1982 Supp).

FIFTH: That upon termination of this contract for just cause, or upon the release of the Teacher from this contract, the compensation paid or to be paid hereunder shall be an amount which bears the same ratio to the yearly salary herein specified as the number of days of service to the date of such termination bears to 184 days of service. Any unearned fractional portion of an installment paid but not earned prior to termination of the contract shall be refunded by the Teacher.

SIXTH: There shall be no penalty for release or resignation by the Teacher from this contract; Provided no resignation shall become effective until the close of the school year unless accepted by the Board of Education of the District and the Board shall fix the time at which the resignation is to take effect.

SEVENTH: This contract shall conform to the regulations governing deductions from the above stated compensation with reference to Withholding Tax, Social Security and Teacher's Retirement. Other deductions may be withheld as agreed to by the parties to this contract.

EIGHTH: The Teacher hereby affirms that he/she is not under contract with another School Board or Board of Education within this State covering a part or all of the same time of performance as is contemplated by this agreement. The Teacher further affirms that at the beginning of the term of this contract he/she holds or will hold a valid Nebraska Teaching Certificate. It is understood and agreed that this contract is not valid until the Teacher's Certificate, as herein listed, is registered in the office of the County Superintendent of Schools in this County and that the Teacher shall not be compensated for any services performed prior to the date of registration of this certificate.

NINTH: Terms and conditions set forth in this agreement shall be subject to such wages and conditions of employment as may, from time to time, be mutually agreed upon by and between the Board and teachers or a duly recognized collective bargaining agent for said teachers, and said agreement, when reduced to writing, and executed by the parties, shall be deemed to be included herein by reference and shall become a part hereof.

TENTH: Hereafter, this contract may be continued by a separate, annual written "Renewal Agreement" which shall incorporate all the provisions hereof by reference, except as stated on such Renewal Agreement. Renewal Agreements or renewal contracts must be executed by the Teacher and delivered to the Superintendent of Schools or the Secretary of the Board of Education of the District within fifteen (15) calendar days of receipt thereof from the district. Said Renewal Agreement or renewal contract shall not be offered to the Teacher prior to March 15th. Contract renewal, amendment, termination or cancellation shall also be subject to the requirements of Sections 79-12,111 through 79-12,114 R.R.S. (1982 Supp) and any other applicable state statutes.

ELEVENTH: The failure to return a signed copy of the contract or renewal agreement to the Superintendent of Schools or Secretary of the Board of Education of the district on or before, shall constitute a rejection by the teacher of the offer of employment.

TWELFTH: Other Contract Terms:

E-12 \$50,250.00
Flat Salary 1.675
\$13,000

Executed August 19th 2010
Kimberly D. Wiedeman
Teacher

Executed _____, 2010
School District of MITCHELL, No. 31, County of SCOTTS BLUFF
By Douglas Keen, President Attest: Mark W. Perkins, Secretary



Courts Homepage Case Search Name Search Have Questions?

Case Summary

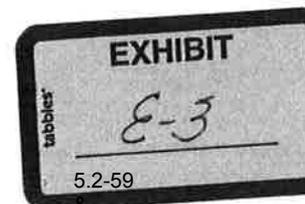
In the District Court of Scotts Bluff County
 The Case ID is CR 11 000026
 Citation No.: A 1853114
 State v. Kimberly D Wiedeman
 The Honorable Leo Dobrovolny, presiding.
 Classification: Felony-Bindover
 Filed on 02/07/2011 by the County Prosecutor
 This case is Appealed as of 10/21/2011

Parties/Attorneys to the Case

| Party | Attorney |
|---|--|
| Plaintiff State of Nebraska | Tiffany A Wasserburger Scottsbluff County Courthouse 1725 10th Street Gering NE 69341 308-436-6674 |
| Defendant Kimberly D Wiedeman 150432 Sally Road Mitchell NE 69357 | Bell T Island 1428 10th Street Gering NE 69341 308-635-4900 |
| Date of Birth is 08/20/1969 Drivers License is G64005326 | |
| Kimberly D Wiedeman owes \$1,080.00 | |

Offense Information

| Count | Charge | Offense Class |
|-------|--|------------------|
| 01 | Intentionally violate narcotic drug law Offense Date is 04/01/2010 Plea is Not Guilty Finding is Guilty Sentence includes: Probation Start Date 09/21/2011 Term of 03 Years Probation Administrative Enrollment Fee of \$30.00 Probation Fee - Regular of \$900.00 Balance due is \$900.00 Drug Testing Fee of \$180.00 | ; Class 4 Felony |
| 02 | Intentionally violate narcotic drug law Offense Date is 04/14/2010 Plea is Not Guilty Finding is Guilty Sentence includes: Probation Start Date 09/21/2011 Term of 03 Years | ; Class 4 Felony |
| 03 | Intentionally violate narcotic drug law Offense Date is 05/03/2010 Plea is Not Guilty Finding is Guilty Sentence includes: Probation Start Date 09/21/2011 Term of 03 Years | ; Class 4 Felony |
| 04 | Intentionally violate narcotic drug law 03.06.12 State Board of Education & 03.06.12 State Board of Education | ; Class 4 Felony |



- Offense Date is 05/24/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 05 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 06/01/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 06 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 06/13/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 07 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 06/21/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 08 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 07/19/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 09 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 04/01/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years
- 10 Intentionally violate narcotic drug law ; Class 4 Felony
 Offense Date is 04/01/2010
 Plea is Not Guilty
 Finding is Guilty
 Sentence includes:
 Probation
 Start Date 09/21/2011
 Term of 03 Years

Arresting Officers

| Agency | Officer |
|--------|---------------|
| ----- | ----- |
| Gering | James Jackson |

Court Costs Information

| | | |
|---|--|-----------------------|
| 03.06.12 State Board of Education & 03.06.12 State Board of Education | | 5.2-60 & 7.7-60 |
| https://www.nebraska.gov/justice/case.cgi | | 11/16/2011 |

| Incurred By | Account | Date | Amount |
|-------------|---------------------------|------------|----------|
| Plaintiff | Information | 02/24/2011 | \$35.00 |
| Plaintiff | Filing Fee - State | 02/24/2011 | \$5.00 |
| Plaintiff | Automation Fee | 02/24/2011 | \$8.00 |
| Plaintiff | NSC Education Fee | 02/24/2011 | \$1.00 |
| Plaintiff | Dispute Resolution Fee | 02/24/2011 | \$0.75 |
| Plaintiff | Indigent Defense Fee | 02/24/2011 | \$3.00 |
| Plaintiff | Uniform Data Analysis Fee | 02/24/2011 | \$1.00 |
| Plaintiff | J.R.F. | 02/24/2011 | \$6.00 |
| Plaintiff | Filing Fee-JRF | 02/24/2011 | \$2.00 |
| Plaintiff | Crime Victim Fund | 02/24/2011 | \$1.00 |
| Plaintiff | Civil Legal Services Fund | 02/24/2011 | \$1.00 |
| Plaintiff | L.E.I.F. | 02/24/2011 | \$2.00 |
| Plaintiff | Legal Aid/Services Fund | 02/24/2011 | \$5.25 |
| Plaintiff | County Court Fees | 02/07/2011 | \$49.00 |
| Plaintiff | Witness Fees | 08/26/2011 | \$254.35 |
| Defendant | Service Fees | 08/02/2011 | \$35.00 |
| Defendant | Sup Ct Filing Fee | 10/21/2011 | \$125.00 |
| Defendant | Sup Ct Cost Bond | 10/21/2011 | \$75.00 |

Financial Activity

Trust held by the court is \$75.00
 No fee money is held by the court

Costs for Recovery

| Incurred By | Account | Date | Amount |
|-------------|---------------------------|------------|----------|
| Defendant | Information | 02/24/2011 | \$35.00 |
| Defendant | Filing Fee - State | 02/24/2011 | \$5.00 |
| Defendant | Automation Fee | 02/24/2011 | \$8.00 |
| Defendant | NSC Education Fee | 02/24/2011 | \$1.00 |
| Defendant | Dispute Resolution Fee | 02/24/2011 | \$0.75 |
| Defendant | Indigent Defense Fee | 02/24/2011 | \$3.00 |
| Defendant | Uniform Data Analysis Fee | 02/24/2011 | \$1.00 |
| Defendant | J.R.F. | 02/24/2011 | \$6.00 |
| Defendant | Filing Fee-JRF | 02/24/2011 | \$2.00 |
| Defendant | Crime Victim Fund | 02/24/2011 | \$1.00 |
| Defendant | Civil Legal Services Fund | 02/24/2011 | \$1.00 |
| Defendant | L.E.I.F. | 02/24/2011 | \$2.00 |
| Defendant | Legal Aid/Services Fund | 02/24/2011 | \$5.25 |
| Defendant | County Court Fees | 02/07/2011 | \$49.00 |
| Defendant | Witness Fees | 08/26/2011 | \$254.35 |

Payments Made to the Court

| Receipt | Type | Date | For | Amount |
|---------|------------------|------------|------------------------|----------|
| 177646 | Check | 10/21/2011 | Wiedeman, Kimberly, D, | \$200.00 |
| | | | Sup Ct Filing Fee | \$125.00 |
| | | | Sup Ct Cost Bond | \$75.00 |
| 9038474 | Non-Monetary Rec | 09/22/2011 | State of Nebraska | \$254.35 |

03.06.12 State Board of Education
 &
 03.06.12 State Board of Education

<https://www.nebraska.gov/justice/case.cgi>

5.2-61
 &

7.7-61
 11/16/2011

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| | | | | |
|---------|------------------|------------|------------------------|----------|
| | | | Witness Fees | \$254.35 |
| 177334 | Check | 09/21/2011 | Wiedeman, Kimberly, D, | \$404.35 |
| | | | Information | \$35.00 |
| | | | Filing Fee - State | \$5.00 |
| | | | Automation Fee | \$8.00 |
| | | | Probation Administrati | \$30.00 |
| | | | NSC Education Fee | \$1.00 |
| | | | Dispute Resolution Fee | \$.75 |
| | | | Indigent Defense Fee | \$3.00 |
| | | | Uniform Data Analysis | \$1.00 |
| | | | J.R.F. | \$6.00 |
| | | | Filing Fee-JRF | \$2.00 |
| | | | Crime Victim Fund | \$1.00 |
| | | | Civil Legal Services F | \$1.00 |
| | | | L.E.I.F. | \$2.00 |
| | | | Legal Aid/Services Fun | \$5.25 |
| | | | County Court Fees | \$49.00 |
| | | | Witness Fees | \$254.35 |
| 9038471 | Non-Monetary Rec | 09/21/2011 | Wiedeman, Kimberly, D, | \$35.00 |
| | | | Service Fees | \$35.00 |
| 175365 | Check | 03/10/2011 | State of Nebraska | \$35.00 |
| | | | Filing Fee - State | \$5.00 |
| | | | Automation Fee | \$8.00 |
| | | | NSC Education Fee | \$1.00 |
| | | | Dispute Resolution Fee | \$.75 |
| | | | Indigent Defense Fee | \$3.00 |
| | | | Uniform Data Analysis | \$1.00 |
| | | | J.R.F. | \$6.00 |
| | | | Filing Fee-JRF | \$2.00 |
| | | | Civil Legal Services F | \$1.00 |
| | | | L.E.I.F. | \$2.00 |
| | | | Legal Aid/Services Fun | \$5.25 |

Payments Made by the Court

| Check | Date | To | Amount |
|---------|------------|------------------------|----------|
| 9000004 | 10/24/2011 | Nebraska Supreme Court | \$125.00 |

Register of Actions

11/02/2011 Transcript

This action initiated by party Kimberly D Wiedeman
 INDEX-Transcript sent to Appeals #A-11-888
 Image ID 000138991D21

10/31/2011 Order-Proceed In Forma Pauperis

This action initiated by Judge Leo Dobrovlny
 Image ID 000138868D21

10/24/2011 Appellate Court Letter of Acceptanc
 Court of Appeals Case Number: A-11-000888
 Image ID D00042939D21

10/21/2011 Poverty Affidavit
 This action initiated by party Kimberly D Wiedeman

10/21/2011 Application
 This action initiated by party Kimberly D Wiedeman
 to proceed in forma pauperis
 Image ID 000138396D21

10/21/2011 Affidavit-Support of Motion
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138395D21

10/21/2011 Motion-Proceed in Forma Pauperis
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138394D21

10/21/2011 Cert-Supreme Ct/Crt of Appls
 Image ID D00042931D21

10/21/2011 Cert-Service
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138393D21

10/21/2011 Praecipe-BOE
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138392D21

10/21/2011 Praecipe-Appeal Transcript
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138391D21

10/21/2011 Notice-Appeal to Crt of Appeals
 This action initiated by party Kimberly D Wiedeman
 Image ID 000138390D21

09/27/2011 Judges Notes
 Image ID 000136804D21

09/22/2011 Probation Order
 This action initiated by Judge Leo Dobrovlny
 3 Years Traditional on all counts concurrent+\$30 Enrollment+\$900 @\$25
 Programming+\$180 @\$5 Drug Testing+\$374.35 costs
 Image ID 000136516D21

09/22/2011 Journal Entry
 03.06.12 State Board of Education
 &
 03.06.12 State Board of Education

This action initiated by Judge Leo Dobrovolny
Image ID 000136515D21

08/26/2011 Witness Fees

Certificate of Costs
Image ID 000134987D21

08/22/2011 Return-Subpoena-Criminal
The document number is 00041700
Served Dt Unknown, Authorized Person
No Service on Chris Bosche
Image ID 000134662D21

08/22/2011 Return-Subpoena-Criminal
The document number is 00041696
Served 08/11/2011, Authorized Person
Residential Service on Cheryl Laux
Image ID 000134663D21

08/18/2011 Journal Entry

This action initiated by Judge Leo Dobrovolny
8-15 & 16-2011 Jury entered deliberation @12:56pm-returned w/verdict @
4:02 pm of Guilty on all counts/Sentencing September 21,2011 @2:00pm
Image ID 000134502D21

08/16/2011 Verdict for Plaintiff
Guilty on all counts
Image ID 000134382D21

08/16/2011 Witness List
Image ID 000134291D21

08/16/2011 Jury Instructions
Image ID 000134424D21

08/15/2011 Jury List

Image ID 000133671D21

08/15/2011 Return-Subpoena-Criminal
The document number is 00041704
Served 08/15/2011, Authorized Person
Personal Service on Dr Michelle Cheloha
Image ID 000134353D21

08/15/2011 Return-Subpoena-Criminal
The document number is 00041695
Served 08/12/2011, Authorized Person
Personal Service on Kevin Harriger
Image ID 000134352D21

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08/12/2011 Return-Subpoena-Criminal
The document number is 00041702

Served 08/12/2011, Authorized Person
Personal Service on Bill Young
Image ID 000134259D21

08/12/2011 Return-Subpoena-Criminal
The document number is 00041701
Served 08/12/2011, Authorized Person
Personal Service on Joe Ramirez or Kristen Carey
Image ID 000134258D21

08/12/2011 Return-Subpoena-Criminal
The document number is 00041699
Served 08/12/2011, Authorized Person
Personal Service on Wayne Nochi
Image ID 000134257D21

08/12/2011 Return-Subpoena-Criminal
The document number is 00041697
Served 08/12/2011, Authorized Person
Personal Service on Mike Calvert
Image ID 000134256D21

08/11/2011 Subpoena Issued on Dr Michelle Cheloha
The document number is 00041704
Image ID D00041704D21

08/11/2011 Subpoena Issued on Bill Young
The document number is 00041702
Image ID D00041702D21

08/11/2011 Subpoena Issued on Joe Ramirez or Kristen Carey
The document number is 00041701

Image ID D00041701D21

08/11/2011 Subpoena Issued on Chris Bosche
The document number is 00041700
Image ID D00041700D21

08/11/2011 Subpoena Issued on Wayne Nochi
The document number is 00041699
Image ID D00041699D21

08/11/2011 Subpoena Issued on Don Graham
The document number is 00041698
Image ID D00041698D21

08/11/2011 Subpoena Issued on Mike Calvert
The document number is 00041697

Image ID D00041697D21

08/11/2011 Praeipce-Subpoena
This action initiated by party State of Nebraska
Image ID 000134162D21

08/11/2011 Subpoena Issued on Cheryl Laux
The document number is 00041696
Image ID D00041696D21

08/11/2011 Subpoena Issued on Kevin Harriger
The document number is 00041695
Image ID D00041695D21

08/11/2011 Praeipce-Subpoena
This action initiated by party State of Nebraska

Image ID 000134161D21

08/09/2011 Journal Entry
This action initiated by Judge Leo Dobrovolny
The Motions to Suppress are in all respects denied
Image ID 000134019D21

08/02/2011 Return-Subpoena-Criminal
The document number is 00041421
Served 07/29/2011, Prosser
Personal Service on Jodene Burkhart
personal at Quickcare, 3210 Avenue B, Scottsbluff, NE
Image ID 000133648D21

07/22/2011 Subpoena Issued on Jodene Burkhart
The document number is 00041421

Image ID D00041421D21

07/21/2011 Praeipce-Subpoena
This action initiated by party Kimberly D Wiedeman
Image ID N112021LOD21

06/27/2011 Notice-Hearing
This action initiated by party Kimberly D Wiedeman
Hearing on Motions to Suppress set for 7-14-11 @ 1:30 p.m.
Image ID N11178NXKD21

06/27/2011 Motion-Suppress
This action initiated by party Kimberly D Wiedeman
Motion to Suppress Statements
Image ID N11178NXID21

06/27/2011 Motion-Suppress

This action initiated by party Kimberly D Wiedeman
 Motion to Suppress Warrants
 Image ID N11178NXHD21

06/27/2011 Motion-Suppress
 This action initiated by party Kimberly D Wiedeman
 Image ID N11178NXFD21

05/24/2011 Journal Entry
 This action initiated by Judge Leo Dobrovlny
 5-20-11 IF Motion for Statutory discovery is filed it will be granted/DEF
 to provide reciprocal discovery
 Image ID 000130146D21

05/24/2011 Journal Entry

This action initiated by Judge Leo Dobrovlny
 5-20-11 Motion for discovery sustained-Pretrial Conf July 14,2011 @8:00am
 /Trial-Jury term August 1,2011 @8:30am/Bond cont'd
 Image ID 000130043D21

05/20/2011 Order
 This action initiated by Judge Leo Dobrovlny
 Requiring preparation and submission of papers preparing for Pretrial
 Image ID 000130023D21

05/18/2011 Motion-Discovery
 This action initiated by party Kimberly D Wiedeman
 Image ID N111380ETD21

05/16/2011 Filing Not Otherwise Specified
 This action initiated by Judge Leo Dobrovlny

Ruling on Plea in Abatement:Plea in Abatement is denied-DEF to appear for
 arraignment May 20,2011 @1:00pm
 Image ID 000129693D21

05/12/2011 Journal Entry
 This action initiated by Judge Leo Dobrovlny
 5-10-11 Plea in Abatement taken under advisement after argument
 Image ID 000129501D21

04/28/2011 Order-Continuance
 This action initiated by Judge Leo Dobrovlny
 Plea in Abatement cont'd to May 10,2011 @2:00pm
 Image ID 000128866D21

04/28/2011 Motion-Continuance
 This action initiated by party Kimberly D Wiedeman

 Image ID N11118000D21

04/08/2011 Order-Continuance
 This action initiated by Judge Leo Dobrovlny
 03.06.12 State Board of Education
 &
 03.06.12 State Board of Education

Plea in Abatement continued to 4/26/2011 at 4:00 PM
Image ID 000127632D21

04/08/2011 Motion-Continuance
This action initiated by party Kimberly D Wiedeman
Image ID 000127631D21

03/02/2011 Journal Entry
This action initiated by Judge Leo Dobrovolny
2-24-11 Plea in Abatement scheduled for hearing April 8, 2011 @1:00pm
Image ID 000125702D21

02/24/2011 Plea in Abatement
This action initiated by party Kimberly D Wiedeman
Image ID 000125394D21

02/24/2011 Information
This action initiated by party State of Nebraska
Image ID 000125376D21

02/11/2011 Order
This action initiated by Judge Leo Dobrovolny
arraignment set for 2/24/2011 at 1:00 PM
Image ID 000124736D21

02/07/2011 Transcript-County Court
This action initiated by party State of Nebraska
Scotts Bluff County Court No CR-10-2032

Image ID 000124557D21

Judges Notes

02/11/2011
02-11-2011
In chambers Judge Leo Dobrovolny scheduled this case for arraignment on February 24, 2011, at 1:00 p.m.
02/24/2011
02-24-2011
In open court with Judge Leo Dobrovolny presiding, the defendant appeared with Bell Island and the State appeared by Douglas L. Warner. Case is set for further proceedings on April 8, 2011, at 1:00 P.M. Plea in abatement was filed.
04/08/2011
04-08-2011
In chambers Judge Leo Dobrovolny continued hearing to April 26, 2011.
04/28/2011
04-28-2011
In chambers Judge Leo Dobrovolny continued plea in abatement to May 10, 2011, at 2:00 P.M.
05/10/2011
05-10-2011
In open court with Judge Leo Dobrovolny presiding, the State appeared by Douglas L. Warner and the defendant appeared with Bell Island. Evidence and argument received.
05/14/2011

05-14-2011

In chambers Judge Leo Dobrovoly denied plea in abatement. Defendant to appear for arraignment May 20, 2011, at 1:00 P.M.

05/20/2011

05-20-2011

In open court with Judge Leo Dobrovoly presiding, the State appeared by Douglas L. Warner and the defendant appeared with Bell Island. Defendant had Information 24 hours and was arraigned on the original information. A plea of not guilty was accepted. Pretrial motions are to be filed within 4 weeks. Both motions for discovery are allowed by counsel. Case is set for pretrial conference on July 14, 2011, at 8:00 a.m. and to the jury term that starts August 1, 2011, at 8:30 a.m. Bond was continued as previously set. Pretrial order was signed.

07/14/2011

07-14-2011

In open court with Judge Leo Dobrovoly presiding, the defendant appeared with Bell Island and the State appeared by Douglas L. Warner. Hearing on motion to suppress. Taken under advisement.

08/09/2011

08-09-2011

In chambers Judge Leo Dobrovoly overruled motions to suppress.

08/15/2011

08-15-2011

In open court with Judge Leo Dobrovoly presiding, the State appeared by Douglas L. Warner and the defendant appeared with Bell Island. Panel assembled and sworn; preliminary instruction given; opening statements made; witnesses sequestered. Evidence is heard. Jury is recessed for the day after admonishment.

08/16/2011

08-16-2011

In open court with Judge Leo Dobrovoly presiding, the State appeared by Douglas L. Warner and the defendant appeared with Bell Island. Jury reconvenes with parties and counsel present; evidence is received and both parties rest. Instruction conference conducted; case argued, and instructions read. The jury returns a verdict of guilty on ten counts charged. Presentence investigation ordered. Sentencing set for September 21, 2011, at 2:00 P.M.

09/21/2011

09-21-2011

In open court with Judge Leo Dobrovoly presiding, the State appeared by Douglas L. Warner and the defendant appeared with Bell Island. Presentence investigation was done, considered by the court, and made available to both counsel. After allocution, the defendant is sentenced to traditional probation for 3 years. Submit to and pay for random tests of blood or urine to determine use of drugs or alcohol. Successfully complete programs of mental health treatment that are recommended by probation officer. Costs taxed to defendant.

CLOSED: JURYVERD - JURY - VERDICT ISSUED

10/31/2011

10-31-2011

In open court with Judge Leo Dobrovoly presiding, Kimberly Wiedeman appeared with Bell Island. Order to proceed in forma pauperis entered.

Your affiant put the information in list listing the controlled substance, the date the prescription was filled, the amount obtained, the person prescribing the prescription. The following is the list:

Controlled Substance Prescriptions from 08-01-09 until 08-27-10

| <u>Date filled</u> | <u>Substance</u> | <u>Qt.</u> | <u>Pharmacy</u> | <u>Doctor/PA/NA</u> |
|-----------------------|---------------------|------------|-----------------|---------------------|
| August 2009 | | | | |
| 08-04-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| 08-25-09 | Clonazepam .5 mg | 60 | RWMC | Ball |
| 08-27-09 | Hydrocodone 5-500 | 15 | U-Save | Polk-Fuss |
| 08-27-09 | Phentermine 30mg | 30 | U-Save | Polk-Fuss |
| September 2009 | | | | |
| 09-01-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| 09-02-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 09-06-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 09-22-09 | Oxycodone 5-325 | 40 | K-Mart | Harkins |
| 09-30-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| October 2009 | | | | |
| 10-06-09 | Hydrocodone 5-325 | 30 | Co-Op | Burkhardt |
| 10-14-09 | Hydrocodone 10-325 | 30 | RWMC | Ball |
| 10-19-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 10-21-09 | Hydrocodone 5.325 | 40 | Co-Op | Burkhardt |
| 10-25-09 | Oxycodone 5-325 | 40 | Walgreens | Harkins/Vannoy |
| 10-29-09 | Hydrocodone 5.325 | 40 | Co-Op | Burkhardt |
| November 2009 | | | | |
| 11-02-09 | Hydrocodone 10-325 | 40 | K-Mart | Harkins |
| 11-07-09 | Oxycodone 5-325 | 40 | U-Save | Imes |
| 11-13-09 | Oxycodone 10-325 | 60 | RWMC | Ball |
| 11-18-09 | Hydrocodone 7.5-500 | 30 | Walgreens | Kervalis |
| 11-25-09 | Oxycodone 5-325 | 20 | U-Save | Imes |
| 11-25-09 | Hydrocodone 5-500 | 15 | Walgreens | Ernst |
| December 2009 | | | | |
| 12-11-09 | Oxycodone 10-325 | 60 | RWMC | Ball |
| 12-30-09 | Hydrocodone 10-325 | 40 | K-Mart | Burkhardt |
| 12-31-09 | Phentermine 37.5 | 30 | Co-Op | Laux/Post |
| 12-31-09 | Oxycodone 5-325 | 60 | Co-Op | Laux/Post |
| January 2010 | | | | |
| 01-02-10 | Hydrocodone 10-325 | 40 | K-Mart | Burkhardt |
| 01-02-10 | Phentermine 30 mg | 30 | K-Mart | Burkhardt |

| | | | | | |
|---------------|-------------|------------|-----|-----------|--------------|
| 01-05-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 01-14-10 | Phentermine | 37.5 | 30 | Co-Op | Laux/Post |
| 01-16-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 01-29-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| February 2010 | | | | | |
| 02-04-10 | Hydrocodone | 5-325 | 90 | U-Save | Burkhardt |
| 02-10-10 | Hydrocodone | 10-325 | 30 | RWMC | Ball |
| 02-15-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 02-16-10 | Oxycodone | 10-325 | 40 | RWMC | Ball |
| 02-19-10 | Hydrocodone | 7.5-20 IBU | 30 | Walgreens | Agarwal |
| March 2010 | | | | | |
| 03-03-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 03-09-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 03-15-10 | Oxycodone | 5-325 | 30 | Co-Op | Hadden-Keena |
| 03-31-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| April 2010 | | | | | |
| 04-01-10 | Hydrocodone | 10-325 | 90 | Wal-Mart | Cheloha |
| 04-01-10 | Phentermine | 30 mg | 30 | Wal-Mart | Cheloha |
| 04-05-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 04-07-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 04-14-10 | Hydrocodone | 10-325 | 90 | K-Mart | Cheloha |
| 04-17-10 | Hydrocodone | 10-325 | 25 | K-Mart | Harkins |
| 04-19-10 | Hydrocodone | 10-325 | 25 | K-Mart | Harkins |
| 04-26-10 | Phentermine | 30mg | 30 | Wal-Mart | Cheloha |
| 04-27-10 | Hydrocodone | 7.5-20 IBU | 60 | K-Mart | Burkhardt |
| May 2010 | | | | | |
| 05-03-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 05-07-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |
| 05-10-10 | Hydrocodone | 10-325 | 50 | K-Mart | Burkhardt |
| 05-11-10 | Oxycodone | 10-325 | 30 | RWMC | Ball |
| 05-14-10 | Oxycodone | 5-325 | 30 | Co-Op | Burkhardt |
| 05-24-10 | Phentermine | 30 mg | 30 | Walgreens | Cheloha |
| 05-24-10 | Oxycodone | 10-325 | 180 | Walgreens | Cheloha |
| 05-28-10 | Phentermine | 30 mg | 30 | K-Mart | Cheloha |
| 05-30-10 | Percocet | 2.5-325 | 20 | Walgreens | Hill |
| June 2010 | | | | | |
| 06-01-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 06-07-10 | Oxycodone | 10-325 | 30 | RWMC | Ball |
| 06-12-10 | Phentermine | 30 mg | 30 | Walgreens | Cheloha |
| 06-13-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 06-21-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |

| | | | | | |
|-------------|-------------|--------|-----|-----------|--------------|
| 06-21-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |
| July 2010 | | | | | |
| 07-02-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |
| 07-05-10 | Oxycodone | 5-325 | 20 | Walgreens | Voth-Mueller |
| 07-06-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 07-09-10 | Hydrocodone | 5-325 | 30 | Co-Op | Lacey |
| 07-15-10 | Hydrocodone | 5-325 | 30 | Co-Op | Lacey |
| 07-19-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |
| 07-19-10 | Phentermine | 30mg | 30 | Walgreen | Cheloha |
| 07-30-10 | Phentermine | 30mg | 30 | Walgreen | Cheloha |
| August 2010 | | | | | |
| 08-04-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 08-09-10 | Oxycodone | 10-325 | 120 | Walgreens | Cheloha |
| 08-23-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |

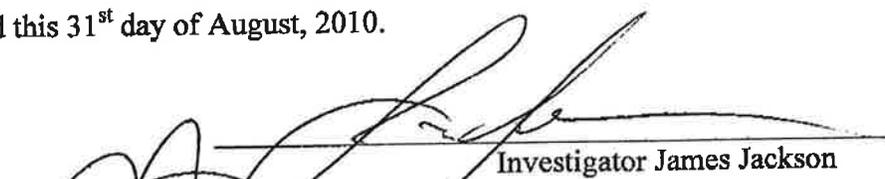
On August 27, 2010 at 6:30 p.m. your affiant met with Dr. Cheloha at Regional West Physician's Clinic. Your affiant told Dr. Cheloha about concerns that Kim would be trying to obtain more controlled substances at her next visit. Your affiant showed Dr. Cheloha the list of the prescriptions that were obtained. Dr. Cheloha told your affiant that she would not have taken Kim as a patient if she would have known that she was seeing other doctors. Dr. Cheloha said that she was going to terminate Kim as a patient.

Dr. Cheloha told your affiant that Hydrocodone and Oxycodone pills also contain acetaminophen, which can be hard on the liver. Dr. Cheloha said that if Kim was taking all of the pills that she had been prescribed her lab tests would have elevated liver enzymes. Dr. Cheloha told your affiant that Kim's lab results did not show the elevated liver enzymes.

By reviewing tax information online with Scotts Bluff County Assessor's office Scott and Kimberly Wiedeman own a single family residence at 150432 Sally Road located in Scotts Bluff County outside the city of Mitchell, Nebraska. Your affiant looked up Kimberly Wiedeman's Nebraska driver's license information, with the Nebraska Department of Motor Vehicles. Your affiant observed that the address listed on her driver's license is also 150432 Sally Road, Mitchell, NE. By reviewing motor vehicle information your affiant knows that Kimberly has a 2004 Chevrolet Suburban Nebraska license plate # 21-S623 VIN #1GNFK16Z94J309957 registered to her.

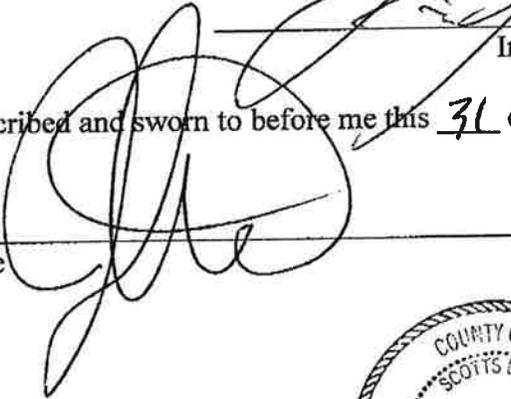
Wherefore your affiant believed that Kimberly Wiedeman has committed the offense of obtaining controlled substances by theft, misrepresentation, fraud, forgery, deception or subterfuge and believes that Kimberly is in possession of Hydrocodone, Oxycodone and Phentermine. Your affiant believes that these items will be located at Kimberly Wiedeman's residence at 150432 Sally Road, Mitchell, NE 69357 or in her 2004 Chevrolet Suburban Nebraska license plate # 21-S623 VIN #1GNFK16Z94J309957 registered to her and requests that daytime search warrant be issued.

Dated this 31st day of August, 2010.


Investigator James Jackson

Subscribed and sworn to before me this 31 day of August, 2010.

Judge





FILED 9-1 2010
Deanne Haver
CLERK OF THE COUNTY COURT

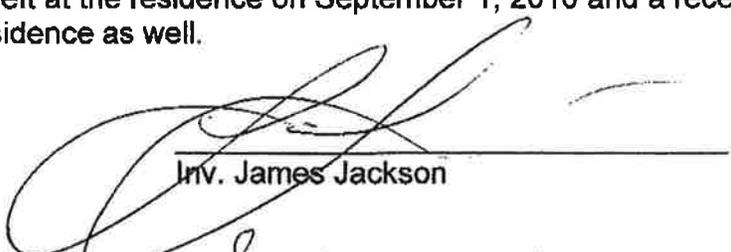
RETURN AND INVENTORY

STATE OF NEBRASKA, SCOTTS BLUFF COUNTY:

The undersigned, being first duly sworn, upon oath, says that on August 31st, 2010 at approximately 5:30pm, I executed the within warrant as directed at 150432 Sally Road Mitchell, NE 69357 and a Chevrolet Suburban Nebraska license plate # 21-S623 VIN #1GNFK16Z94J309957, and seized from these vehicle, place, or person, described in said warrant the following described property which law enforcement officers now possess. These items are in the possession of Inv. Jackson at the WING DTF office in his evidence locker.

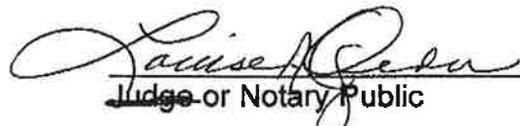
1. Empty prescription bottle of Carisoprodol, located in the Suburban, center console located by Inv. West
2. Prescription bottle with 5 Phentermine 37.5 mg tablets found in the Suburban center console located by Inv. West
3. Prescription bottle with 3 Hydrocodone pills in southwest (master bedroom) bathroom medicine cabinet.

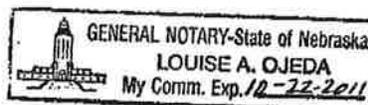
A copy of the search warrant was left at the residence on September 1, 2010 and a receipt for the items seized was left at the residence as well.


Inv. James Jackson

SUBSCRIBED and SWORN to before me on

September 1, 2010


Judge or Notary Public



FILED 9-1 2010


CLERK OF THE COUNTY COURT

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA)
Plaintff,)
vs.)
Kimberly Wiedeman) AFFIDAVIT FOR
D.O.B 08-20-69) COURT ORDER TO OBTAIN
Defendant,) MEDICAL RECORDS
)

STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF:

The undersigned, being first duly sworn, upon oath says:

Your affiant states, he is a certified police officer. Your affiant has been a certified police officer working for the Gering Police Department for more than eleven years. Your affiant is currently assigned to the WING Drug Task Force as a Drug Investigator. Your affiant has experience investigating both drug and criminal cases.

On August 26, 2010, your affiant received a complaint from Kevin Harriger, a nurse practitioner with Morrill County Hospital. Kevin told your affiant that on August 26, 2010 he was working at Chimney Rock Medical Center. Kevin said that was covering calls for another Nurse Practitioner, Cheryl Laux who was out on medical leave.

Kevin told your affiant that he saw Cheryl's patient, Kim Wiedeman. Kevin said that Kim had come into get refills for her prescriptions, Kevin said that Cheryl Laux had seen Kim at the clinic earlier in the month, but had become ill and did not have her notes dictated in Kim's file. Kevin told your affiant that he wrote Kim some prescriptions for Percocet, Fastin and Soma. Kevin said that Percocet is Oxycodone a Schedule II narcotic, Kevin said that Fastin is Phentermine a Schedule IV substance. Kevin told your affiant that Soma is Carisoprodol, a muscle relaxer that is not controlled but is a frequently abused drug.

Kevin said that when Kim left from the appointment he thought more about it and became more suspicious. Kevin said that he thought that it was odd that Kim was coming all of the way from Mitchell to Bayard to see a nurse practitioner at a clinic. Kevin told your affiant that he called a couple pharmacies in the Scottsbluff area and found out that Kim had been going to several doctors to get prescription for Hydrocodone, a schedule II narcotic, Oxycodone, and Phentermine. Kevin also told your affiant that through his phone calls he learned the Kim had an appointment to see Dr. Michelle Cheloha on August 31, 2010

On August 27, 2010, your affiant obtained subpoenas from The Scotts Bluff County Attorney, Tiffany Wasserberger, to obtain prescription records and copies of prescriptions of controlled substances for Kimberly Wiedeman for all of the pharmacies

in Scotts Bluff County since August 1, 2009. Your affiant took the subpoenas to all of the pharmacies and obtained the request information.

Your affiant put the information in list listing the controlled substance, the date the prescription was filled, the amount obtained, the person prescribing the prescription. The following is the list:

Controlled Substance Prescriptions from 08-01-09 until 08-27-10

| <u>Date filled</u> | <u>Substance</u> | <u>Qt.</u> | <u>Pharmacy</u> | <u>Doctor/PA/NA</u> |
|--------------------|---------------------|------------|-----------------|---------------------|
| August 2009 | | | | |
| 08-04-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| 08-25-09 | Clonazepam .5 mg | 60 | RWMC | Ball |
| 08-27-09 | Hydrocodone 5-500 | 15 | U-Save | Polk-Fuss |
| 08-27-09 | Phentermine 30mg | 30 | U-Save | Polk-Fuss |
| September 2009 | | | | |
| 09-01-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| 09-02-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 09-06-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 09-22-09 | Oxycodone 5-325 | 40 | K-Mart | Harkins |
| 09-30-09 | Oxycodone 10-325 | 30 | RWMC | Ball |
| October 2009 | | | | |
| 10-06-09 | Hydrocodone 5-325 | 30 | Co-Op | Burkhardt |
| 10-14-09 | Hydrocodone 10-325 | 30 | RWMC | Ball |
| 10-19-09 | Hydrocodone 10-325 | 60 | K-Mart | Harkins |
| 10-21-09 | Hydrocodone 5.325 | 40 | Co-Op | Burkhardt |
| 10-25-09 | Oxycodone 5-325 | 40 | Walgreens | Harkins/Vannoy |
| 10-29-09 | Hydrocodone 5.325 | 40 | Co-Op | Burkhardt |
| November 2009 | | | | |
| 11-02-09 | Hydrocodone 10-325 | 40 | K-Mart | Harkins |
| 11-07-09 | Oxycodone 5-325 | 40 | U-Save | Imes |
| 11-13-09 | Oxycodone 10-325 | 60 | RWMC | Ball |
| 11-18-09 | Hydrocodone 7.5-500 | 30 | Walgreens | Kervalis |
| 11-25-09 | Oxycodone 5-325 | 20 | U-Save | Imes |
| 11-25-09 | Hydrocodone 5-500 | 15 | Walgreens | Ernst |
| December 2009 | | | | |
| 12-11-09 | Oxycodone 10-325 | 60 | RWMC | Ball |
| 12-30-09 | Hydrocodone 10-325 | 40 | K-Mart | Burkhardt |
| 12-31-09 | Phentermine 37.5 | 30 | Co-Op | Laux/Post |
| 12-31-09 | Oxycodone 5-325 | 60 | Co-Op | Laux/Post |

January 2010

| | | | | | |
|---------------|-------------|------------|-----|-----------|--------------|
| 01-02-10 | Hydrocodone | 10-325 | 40 | K-Mart | Burkhardt |
| 01-02-10 | Phentermine | 30 mg | 30 | K-Mart | Burkhardt |
| 01-05-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 01-14-10 | Phentermine | 37.5 | 30 | Co-Op | Laux/Post |
| 01-16-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 01-29-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| February 2010 | | | | | |
| 02-04-10 | Hydrocodone | 5-325 | 90 | U-Save | Burkhardt |
| 02-10-10 | Hydrocodone | 10-325 | 30 | RWMC | Ball |
| 02-15-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 02-16-10 | Oxycodone | 10-325 | 40 | RWMC | Ball |
| 02-19-10 | Hydrocodone | 7.5-20 IBU | 30 | Walgreens | Agarwal |
| March 2010 | | | | | |
| 03-03-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 03-09-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 03-15-10 | Oxycodone | 5-325 | 30 | Co-Op | Hadden-Keena |
| 03-31-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| April 2010 | | | | | |
| 04-01-10 | Hydrocodone | 10-325 | 90 | Wal-Mart | Cheloha |
| 04-01-10 | Phentermine | 30 mg | 30 | Wal-Mart | Cheloha |
| 04-05-10 | Hydrocodone | 7.5-20 IBU | 90 | K-Mart | Burkhardt |
| 04-07-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 04-14-10 | Hydrocodone | 10-325 | 90 | K-Mart | Cheloha |
| 04-17-10 | Hydrocodone | 10-325 | 25 | K-Mart | Harkins |
| 04-19-10 | Hydrocodone | 10-325 | 25 | K-Mart | Harkins |
| 04-26-10 | Phentermine | 30mg | 30 | Wal-Mart | Cheloha |
| 04-27-10 | Hydrocodone | 7.5-20 IBU | 60 | K-Mart | Burkhardt |
| May 2010 | | | | | |
| 05-03-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 05-07-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |
| 05-10-10 | Hydrocodone | 10-325 | 50 | K-Mart | Burkhardt |
| 05-11-10 | Oxycodone | 10-325 | 30 | RWMC | Ball |
| 05-14-10 | Oxycodone | 5-325 | 30 | Co-Op | Burkhardt |
| 05-24-10 | Phentermine | 30 mg | 30 | Walgreens | Cheloha |
| 05-24-10 | Oxycodone | 10-325 | 180 | Walgreens | Cheloha |
| 05-28-10 | Phentermine | 30 mg | 30 | K-Mart | Cheloha |
| 05-30-10 | Percocet | 2.5-325 | 20 | Walgreens | Hill |
| June 2010 | | | | | |
| 06-01-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 06-07-10 | Oxycodone | 10-325 | 30 | RWMC | Ball |
| 06-12-10 | Phentermine | 30 mg | 30 | Walgreens | Cheloha |

| | | | | | |
|----------|-------------|--------|-----|----------|---------|
| 06-13-10 | Hydrocodone | 10-325 | 180 | Wal-Mart | Cheloha |
| 06-21-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |
| 06-21-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |

July 2010

| | | | | | |
|----------|-------------|--------|-----|-----------|--------------|
| 07-02-10 | Phentermine | 30mg | 30 | K-Mart | Cheloha |
| 07-05-10 | Oxycodone | 5-325 | 20 | Walgreens | Voth-Mueller |
| 07-06-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 07-09-10 | Hydrocodone | 5-325 | 30 | Co-Op | Lacey |
| 07-15-10 | Hydrocodone | 5-325 | 30 | Co-Op | Lacey |
| 07-19-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |
| 07-19-10 | Phentermine | 30mg | 30 | Walgreen | Cheloha |
| 07-30-10 | Phentermine | 30mg | 30 | Walgreen | Cheloha |

August 2010

| | | | | | |
|----------|-------------|--------|-----|-----------|---------|
| 08-04-10 | Oxycodone | 10-325 | 60 | RWMC | Ball |
| 08-09-10 | Oxycodone | 10-325 | 120 | Walgreens | Cheloha |
| 08-23-10 | Hydrocodone | 10-325 | 180 | K-Mart | Cheloha |

On August 27, 2010 at 6:30 p.m. your affiant met with Dr. Cheloha at Regional West Physician's Clinic. Your affiant told Dr. Cheloha about concerns that Kim would be trying to obtain more controlled substances at her next visit. Your affiant showed Dr. Cheloha the list of the prescriptions that were obtained. Dr. Cheloha told your affiant that she would not have taken Kim as a patient if she would have known that she was seeing other doctors. Dr. Cheloha said that she was going to terminate Kim as a patient.

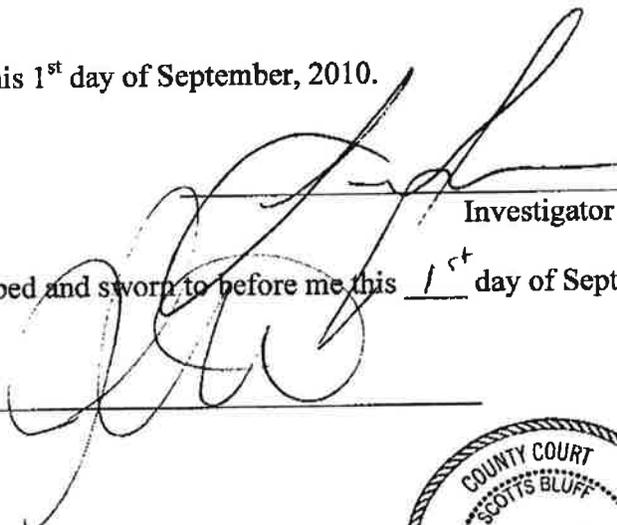
Dr. Cheloha told your affiant that Hydrocodone and Oxycodone pills also contain acetaminophen, which can be hard on the liver. Dr. Cheloha said that if Kim was taking all of the pills that she had been prescribed her lab tests would have elevated liver enzymes. Dr. Cheloha told your affiant that Kim's lab results did not show the elevated liver enzymes.

On August 31, 2010, your affiant obtained a search warrant to search Kimberly's vehicle and residence. Prior to serving the warrant your affiant had contact with Kimberly at Regional West Physician's Clinic. Kim admitted to going to the multiple doctors. Kim originally stated that she was going to the different doctors to because she has rheumaty arthritis and was constantly traveling. After being speaking more about the doctors that she was seeing, Kim told your affiant that the reason for obtaining the large quantities of narcotics was in fact due to an addiction problem. Kim stated several years ago that she has a slipped disk in her neck and had some of her vertebrae fused. Kim told your affiant that she was given Hydrocodone at that time for the pain. Since that time she has been becoming more addicted to the pain medicine. Kim told your affiant that she was taking 18-20 Hydrocodone pills a day. Kim said that recently she noticed that when she took large quantities Oxycodone her lips would swell up and she would begin to itch. Kim told your affiant that she disposed the rest of her Oxycodone pills by flushing them in the toilet. Kim stated that she took the last of her Hydrocodone earlier in the morning.

Dr. Cheloha came into the room and discussed with Kim the withdrawal from the narcotics that she would be going through. Dr. Cheloha said that she was willing to continue treat Kim for her withdrawal, and for her rheumaty arthritis if it gets diagnosed by a rheumatologist. Dr. Cheloha and Kim talked about getting admitted into the hospital in the withdrawal symptoms become too severe. Dr. Cheloha had Kim sign a pain contract which limited Kim to one doctor and one pharmacy.

Wherefore your affiant believed that Kimberly Wiedeman has committed the offense of obtaining controlled substances by theft, misrepresentation, fraud, forgery, deception or subterfuge and communicates information to a practitioner in an effort to unlawfully procure controlled substances and believes that Regional West Physician Clinic has medical records that are evidence of these crimes. Your affiant requests that an order to obtain these records be issued.

Dated this 1st day of September, 2010.


Investigator James Jackson

Subscribed and sworn to before me this 1st day of September, 2010.

Judge



FILED 9-2 20 10

Maime Chava
CLERK OF THE COUNTY COURT

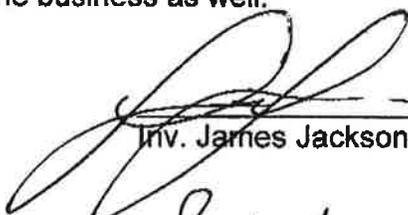
RETURN AND INVENTORY

STATE OF NEBRASKA, SCOTTS BLUFF COUNTY:

The undersigned, being first duly sworn, upon oath, says that on September 1, 2010 at approximately 10:15 a.m., I executed the within warrant as directed at Regional West Physician's Group at 3911 Avenue B Scottsbluff, NE 69361 and seized from this place, or person, described in said warrant the following described property which law enforcement officers now possess. These items are in the possession of Inv. Jackson at the WING DTF office in his evidence locker.

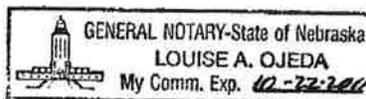
25 Pages of Medical records regarding Kimberly Wiedeman from the time period of August 1, 2009 to August 31, 2010 from Regional West Physician's Group

A copy of the search warrant was left at the business on September 1, 2010 and a receipt for the items seized was left at the with the business as well.


Inv. James Jackson

SUBSCRIBED and SWORN to before me on September 2, 2010


Notary Public



FILED 9-2 20 10

CLERK OF THE COUNTY COURT

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

CASE # CR10-2032

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 Kimberly D. Wiedeman,)
)
 150432 Sally Rd.)
 Mitchell, NE)
 8-20-1969,)
 Defendant.)

COMPLAINT
 ACQUIRE CONTROLLED SUBSTANCE
 BY FRAUD
 28-418
 CLASS IV FELONY
 ACQUIRE CONTROLLED SUBSTANCE
 BY FRAUD
 28-418
 CLASS IV FELONY

STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF:

The undersigned, Deputy County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, complains before a County Judge of Scotts Bluff County, Nebraska, that the above-named defendant,

COUNT I

on or about August 9, 2010, then in Scotts Bluff County, Nebraska, did unlawfully, feloniously and knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT II

on or about August 9, 2010, then in Scotts Bluff County, Nebraska, did unlawfully, feloniously and knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III (c)(1)(iv) of section 28-405 R.R.S., contrary to the statutes of the State of Nebraska.


 Douglas Warner NSBA# 15783
 Deputy County Attorney
 Scotts Bluff County Attorney's Office
 1725 10th Street
 Gering, NE 69341
 (308) 436-6674

FILED 9-30 20 10

Deanne Chava
CLERK OF THE COUNTY COURT



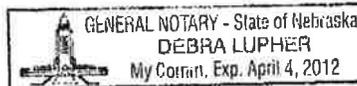
000038047C21

STATE OF NEBRASKA)
) SS.
COUNTY OF SCOTTS BLUFF)

The above and foregoing document was acknowledged before me this 30th day of September, 20 10, by Douglas Warner, known personally to me or having produced satisfactory evidence of identification to me.

Debra Luper
Notary Public

Jackson, GPD



IN THE COUNTY COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

VS

Kimberly D. Wiedeman,
150432 Sally Rd.,
Mitchell NE
8-20-1969

Defendant.

CASE NO. CR10-2032

AMENDED
COMPLAINT

COUNTS 1 THROUGH 24

ACQUIRE CONTROLLED SUBSTANCE BY
FRAUD

§ 28-418
CLASS IV FELONY

STATE OF NEBRASKA

COUNTY OF SCOTTS BLUFF

ss.

The undersigned, Deputy County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, complains before the County Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT I

On or about April 1, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT II

On or about April 5, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.



000043885C21

FILED 11-22 2010

Deanne Hane

CLERK OF THE COUNTY COURT

COUNT III

On or about April 7, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT IV

On or about April 14, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT V

On or about April 17, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VI

On or about April 19, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VII

On or about April 27, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VIII

On or about May 3, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT IX

On or about May 10, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT X

On or about May 11, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XI

On or about May 14, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XII

On or about May24, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XIII

On or about June 1, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XIV

On or about June 7, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XV

On or about June 13, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XVI

On or about June 21, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XVII

On or about July 5, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XVIII

On or about July 6, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT XIX

On or about July 9, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XX

On or about July 15, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XXI

On or about July 19, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT XXII

On or about August 4, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

ST V. KIMBERLY D WIEDEMAN
DOB: 8/20/1969
Case ID: CR 10 2032
Citation: A 1853114

Printed on 2/07/2011 at 2:46
Room 21C01
Page 1
Date of Hearing 2/07/2011

| <u>CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS)</u> | | | | |
|--|----------------|---|--------------|-------------|
| <u>CHARGE</u> | <u>STATUTE</u> | <u>DESCRIPTION</u> | <u>CLASS</u> | <u>TYPE</u> |
| 01 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 02 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 03 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 04 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 05 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 06 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 07 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 08 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 09 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 10 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 11 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 12 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 13 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 14 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

ST V. KIMBERLY D WIEDEMAN

Printed on 2/07/2011 at 2:46

DOB: 8/20/1969

Room 21C01

Case ID: CR 10 2032

Page 2

Citation: A 1853114

Date of Hearing 2/07/2011

CHARGES (AMENDMENTS/PLEAS/FINDINGS/FINES/PRESENTENCE/JAIL/DISMISSALS) continued

| <u>CHARGE</u> | <u>STATUTE</u> | <u>DESCRIPTION</u> | <u>CLASS</u> | <u>TYPE</u> |
|---------------|----------------|---|--------------|-------------|
| 15 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 16 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 17 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 18 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 19 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 20 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 21 | 28-418 | Intentionally violate narcotic drug 1 Probable cause found. Case bound over to District Court for trial. | 4 | FEL |
| 22 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 23 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |
| 24 | 28-418 | Intentionally violate narcotic drug 1 Charge dismissed on the motion of the prosecutor without prejudice | 4 | FEL |

APPEARANCES AND ADVISEMENT

| | |
|-----------------|---------------------|
| Judge | James M Worden |
| Defendant | KIMBERLY D WIEDEMAN |
| Defense Counsel | Island, Bell, T. |
| Prosecutor | Douglas L Warner |

PRELIMINARY HEARING/EXTRADITION

Preliminary hearing held; dispositions as shown above
 Charge(s) dismissed as shown above.
 Exhibits introduced: NOS. 1,2,3,4,5,6,7,8,9
 Received 1,3,4,5,6,8,9,2,7

WITNESSES

Witnesses: James Jackson - Scb PD CALLED For Plaintiff ****

ADDITIONAL ENTRIES OF RECORD

Case is scheduled for arraignment

21

IN THE COUNTY COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

ST V. KIMBERLY D WIEDEMAN
DOB: 8/20/1969
Case ID: CR 10 2032
Citation: A 1853114

Printed on 2/07/2011 at 2:46
Room 21C01
Page 3
Date of Hearing 2/07/2011

=====

ADDITIONAL ENTRIES OF RECORD continued

Bond continued.

Hon.

James M Worden

James M Worden



2/07/2011
Date

Bonnie Weitzel
Bailiff

Tape Nos. CD 02/07/2011

IN THE DISTRICT COURT OF SCOTTSBLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

CASE NO. CR11-26

Plaintiff,

INFORMATION

COUNTS 1 THROUGH 10

ACQUIRE CONTROLLED SUBSTANCE BY FRAUD

VS

§ 28-418,

CLASS IV FELONY

Kimberly D. Wiedeman,
150432 Sally Rd.,
Mitchell NE
8-20-1969

Defendant.

STATE OF NEBRASKA

ss.

COUNTY OF SCOTTS BLUFF

IN THE January 1st, 2011 Term of the District Court of Scotts Bluff County, Nebraska, the undersigned, County Attorney of Scotts Bluff County, Nebraska, for and in the name of the State of Nebraska, informs before the District Judge in and for Scotts Bluff County, Nebraska, that the above named defendant,

COUNT I

On or about April 1, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT II

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about April 14, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

FILED Feb 24 20 11

Ann Rosenberry
CLERK OF THE DIST COURT

BY *Shirley Curtis* DEPUTY

COUNT III

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about May 3, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT IV

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about May 24, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT V

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 1, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VI

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 13, 2010 , then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

7A/

COUNT VII

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about June 21, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT VIII

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about July 19, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S.

COUNT IX

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about August 9, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Oxycodone, a controlled substance classified in Schedule II (1)(xiv) of section 28-405 R.R.S.

COUNT X

the undersigned, being further duly sworn on oath, says that the above-named defendant, on or about August 23, 2010, then in Scotts Bluff County, Nebraska did unlawfully, feloniously and knowingly or intentionally acquire or obtain or attempted to acquire or obtain possession of a controlled substance by misrepresentation, fraud, deception or subterfuge or did knowingly or intentionally communicate information to a practitioner in an effort to unlawfully procure a controlled substance, the administration of a controlled substance or a medical order for a controlled substance issued by a practitioner authorized to prescribe, to wit: Hydrocodone, a controlled substance classified in Schedule III(c) (1)(iv) of section 28-405 R.R.S. contrary to the statutes of the State of Nebraska.

Trisha Lacey
Briana Hill
Steve Van Noy
Mike Calvert
Omar Jimenez
John Port
Chris Bosche

Pharmacist at Coop Pharmacy
Pharmacist at Regional West Medical Center Pharmacy
Pharmacist at K-Mart Pharmacy
Pharmacist at Wal-Mart Pharmacy
Pharmacist at U-Save Pharmacy

Dr. Kent Lacey
Chelsea Voth
Don Graham
Diane Gilles
Mary Schweitzer
Wayne Nochi
Daryl Payne

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

| | | |
|------------------------|---|---------------------|
| THE STATE OF NEBRASKA, |] | |
| Plaintiff, |] | |
| |] | CASE NO. CR 11-26 |
| -vs- |] | |
| |] | VERDICT OF THE JURY |
| KIMBERLY D. WIEDEMAN, |] | |
| |] | |
| Defendant. |] | |

We the jury, duly impaneled in this cause do find the defendant:

ON COUNT I

- GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
- NOT GUILTY.

ON COUNT II

- GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
- NOT GUILTY.

ON COUNT III

- GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
- NOT GUILTY.

ON COUNT IV

- GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
- NOT GUILTY.



000134382D21

FILED Aug 16 20 11
Arne Rosenberry
 CLERK OF THE DIST COURT

ON COUNT V
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT VI
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

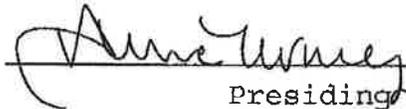
ON COUNT VII
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT VIII
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT IX
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

ON COUNT X
[X] GUILTY OF ACQUIRING A CONTROLLED SUBSTANCE BY FRAUD;
OR
[] NOT GUILTY.

DATED this 16th day of August, 2011.



Presiding Juror

August 16, 2011

19

4:02 P.M.
at August 16,
2011.

Case # CR 11-26

IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,
vs.

KIMBERLY D. WIEDEMAN,

Defendant.

Case No. CR 11-26

JOURNAL ENTRY ON SENTENCING

HEARING DATE: September 21, 2011

APPEARANCES: For plaintiff: Douglas L. Warner Tiffany Wasserburger
For defendant: Bell Island

| | | | | | |
|------------------|----|--------|----------------------------------|---|-----|
| CHARGES | 1 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| SENTENCED | 2 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| ON: | 3 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 4 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 5 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 6 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 7 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 8 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 9 | 28-418 | Intentionally violate narcotic d | 4 | FEL |
| | 10 | 28-418 | Intentionally violate narcotic d | 4 | FEL |

PROCEEDINGS:

Presentence Report: Presentence report was considered by the court and made available to counsel for both parties.

Evidence: plaintiff has no evidence adduces additional evidence on sentencing
defense has no evidence adduces additional evidence on sentencing

Enhancement: Count ___ is found to have ___ valid and useable prior convictions and so it is a ___ offense.

Arguments: argument of plaintiff's counsel is heard waived
argument of defense counsel is heard waived

Allocation: upon inquiry by Court, defendant: exercises right of allocation
 makes no statement

Sentencing Journal



000136515D21

Sept 22 2011
CLERK OF DISTRICT COURT

SENTENCE: IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the defendant is sentenced:

- On Count No.: I
- to probation in accordance with signed Order of Probation;
 - to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 - to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 - to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 - immediately on or before _____
 - in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 - to suspension of motor vehicle operator's license for _____
 - to pay restitution to the clerk of this court as ordered above,

- On Count No.: II
- to probation in accordance with signed Order of Probation;
 - to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 - to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 - to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 - immediately on or before _____
 - in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 - to suspension of motor vehicle operator's license for _____
 - to pay restitution to the clerk of this court as ordered above,
 - sentence is ~~consecutive~~/concurrent to Counts # I, III, IV, V, VI, VII, VIII, IX, and X.

- On Count No.: III
- to probation in accordance with signed Order of Probation;
 - to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 - to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 - to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 - immediately on or before _____
 - in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,

Sentencing Journal

- to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, IV, V, VI, VII, VIII, IX, and X.
- On Count No.: IV
 to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, III, V, VI, VII, VIII, IX, and X.
- On Count No.: V
 to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, VI, VII, VIII, IX, and X.
- On Count No.: VI
 to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____

Sentencing Journal

- to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, V, VII, VIII, IX, and X.
- On Count No.: VII
- to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, V, VI, VIII, IX, and X.
- On Count No.: VIII
- to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,
 sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, V, VI, VII, IX, and X.
- On Count No.: IX
- to probation in accordance with signed Order of Probation;
 to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 immediately on or before _____
 in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 to suspension of motor vehicle operator's license for _____
 to pay restitution to the clerk of this court as ordered above,

Sentencing Journal

- On Count No.: X
- sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, V, VI, VII, VIII, and X.
 - to probation in accordance with signed Order of Probation;
 - to imprisonment and committed to an institution under the jurisdiction of the Nebraska Department of Correctional Services for a period of not less than _____, nor more than _____, with _____ days credit for time served before sentencing,
 - to imprisonment and committed to the county Jail for a period of _____, with _____ days credit for time served before sentencing,
 - to pay, to the clerk of this court, a fine of \$ _____, to be paid:
 - immediately on or before _____
 - in monthly installments of \$ _____ commencing on _____ and on the first day of each month thereafter until paid in full,
 - to suspension of motor vehicle operator's license for _____
 - to pay restitution to the clerk of this court as ordered above,
 - to pay court costs of \$374.35 to the clerk of this court.
 - sentence is ~~consecutive~~/concurrent to Counts # I, II, III, IV, V, VI, VII, VIII, and IX.

Commitment: It is therefore ordered that the defendant be remanded to the custody of the Sheriff, and taken to the appropriate location for execution of sentence:
 Execution of this sentence is suspended until _____.

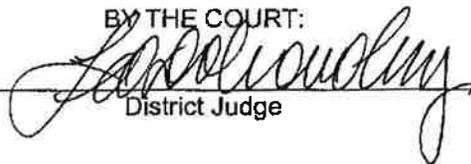
Good Time: As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost, upon minimum term before attaining parole eligibility and upon maximum term before attaining mandatory release.

DNA: You are hereby notified that the crime(s) for which you have been convicted may require you to comply with the DNA Identification Information Act and pay the costs of compliance.

Other: _____

SIGNED ON: September 21, 2011.

BY THE COURT:



 District Judge

cc: County Attorney
 Defense Counsel
 County Jail

Probation

Sentencing Journal

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

THE STATE OF NEBRASKA,)
Plaintiff,)
vs.)
KIMBERLY D. WEIDEMAN)
Defendant.)

ORDER OF PROBATION

CASE NO: CR11-26

This case came on for sentencing on September 21, 2011, in open court. The defendant appeared personally with Bell Island. The State of Nebraska was represented by Douglas Warner. The Court finds that the Defendant was found guilty on ten counts of Acquiring a Controlled Substance by Fraud and no sufficient reason exists why sentence should not be pronounced.

IT IS ORDERED that the Defendant is sentenced to traditional probation for a period of three years under the supervision of the 12th Probation District with the following terms and conditions:

1. You will not commit unlawful or disorderly acts, or acts that injure others.
2. You will avoid social contact with persons having criminal records, or who are on probation or parole except by special permission of the probation officer.
3. You will report as directed by the Court or probation officer.
4. You will truthfully answer questions of, and allow the probation officer to visit you at all reasonable times and places.
5. You will be employed full time, provide proof that employment is being sought, or attend school.
6. You will obtain permission of the probation officer before changing your address or employment.
7. You will not leave the state of Nebraska without permission of the probation officer.
8. You will not have possession of any firearms or illegal weapons.
9. You will submit to searches of your residence, vehicle, or person without a warrant and without probable cause when a probation officer has a reasonable suspicion that you have violated terms of your probation.
10. You will not use or possess alcohol or controlled substances, except by medical prescription. To insure compliance with this, you will also submit to and pay for, at the rate of \$5.00 per month, tests designed to determine if there has been any such use or possession.
11. You will successfully complete such specific programs for mental health evaluation and Treatment as are recommended by the probation officer.
12. You will pay the costs of prosecution, and the Probation Administrative Enrollment fee today.



000136516D21

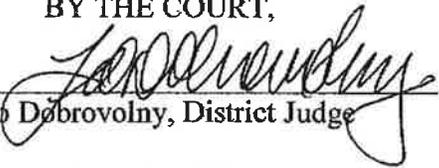
Sept 22 11

85

13. You will pay a Probation Administrative Enrollment Fee of \$30.00. In addition pay a monthly Probation Programming Fee of \$25.00 per month for 36 months for a total of \$900.00. Monthly Probation Programming Fees are due and payable to the Clerk of Court on or before the 10th day of each month beginning on the 10th day of October, 2011.

IT IS FURTHER ORDERED that during the term of this probation, the Court upon application of the probation officer or the Defendant, or upon its own motion, may modify or eliminate any of the conditions or add further conditions. Upon violation of any conditions of probation, the Defendant may be brought before this Court for revocation proceedings as provided by law.

BY THE COURT,


Leo Dobrovolny, District Judge

I received a copy of this Order on the date of it. I hereby accept probation and agree to abide by all the conditions set forth. I understand that a violation by me of any condition is cause for revocation of probation and sentencing under the appropriate section of the Nebraska Statutes.


Defendant

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. 11-11
Case No. 11036

Petitioner,)

vs.)

Kimberly Wiedeman)
150432 Sally Road)
Mitchell, NE 69357,)

NOTICE OF HEARING

Respondent.)

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Roger D. Breed, on November 30, 2011, will be held in the Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Saturday, the 21th day of January, 2012, 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 December 29, 2011

Raymond Keller, 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 December 29,
2011, for Case Number 11-11, was mailed to Kimberly Wiedeman, Respondent, by U.S. Mail
postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this
29th day of January, 2011, at the following addresses.

Kimberly Wiedeman
Respondent
150432 Sally Road
Mitchell, NE 69357

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



Kathi Vontz
Clerk of the Commission

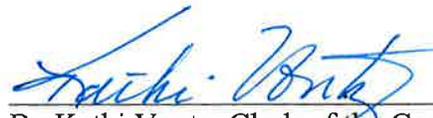
BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

| | | |
|---------------------------------------|---|-------------------------|
| Roger D. Breed, Ed.D. |) | |
| Commissioner of Education |) | N.P.P.C. Case No. 11-11 |
| 301 Centennial Mall South - 6th Floor |) | Case No. 11036 |
| Lincoln, NE 68509-4933 |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Request for Support |
| |) | Information |
| Kimberly Wiedeman |) | |
| 150432 Sally Road |) | |
| Mitchell, NE 69356, |) | |
| |) | |
| |) | |
| Respondent. |) | |

PURSUANT to 93 NAC 003.05 of the Rules and Regulations of the Commission, the Commission requests the Petitioner to file support information regarding the allegations in the Petition.

Dated December 29, 2011

Raymond Keller, 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 December 29, 2011, for Case No. 11-11 was mailed to Kimberly Wiedeman, Respondent by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead on this 29th day of December, 2011, at the following addresses.

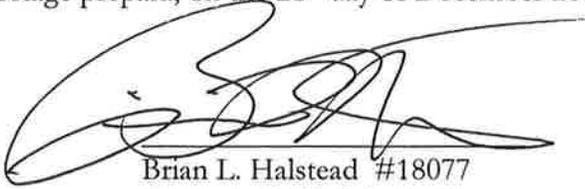
Kimberly Wiedeman
Respondent
150432 Sally Road
Mitchell, NE 69357

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

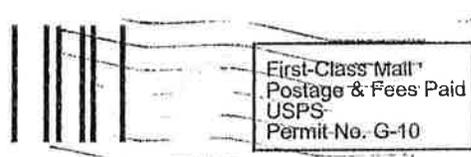


Kathi Vontz, Clerk of the Commission

The undersigned certifies that a copy of the above motion and exhibit was mailed to the parties of record, by U.S. mail, sufficient postage prepaid, on the 28th day of December 2011.



Brian L. Halstead #18077
Attorney for Petitioner
Nebraska Department of Education



• Sender: Please print your name, address, and ZIP+4 in this box •

General Councils Office
Michigan Department of Education
PO Box 30523
Lansing, MI 48230-0523

Michigan Department of Education - Confidential

SENDER: COMPLETE THIS SECTION | **COMPLETE THIS SECTION ON DELIVERY**

- 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:
Kimberly Wiedeman
150432 Sally Rd
Muthele Re 49357

2. Article Number
 (Transfer from service label)

A. Signature
 Agent
 Addressee
X Kim Wiedeman

B. Received by (Printed Name) | C. Date of Delivery
 | *12-5-11*

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.

4. Restricted Delivery? (Extra Fee) Yes

7010 0780 0000 3456 0438



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. *Pet. 11-11*
- Attach this card to the back of the mailpiece, or on the front if space permits. *11036*

1. Article Addressed to:

*Kimberly Wiedeman
150432 Sally Rd
Mitchell Ne 69357*

COMPLETE THIS SECTION ON DELIVERY

A. Signature Addressee

Kim Wiedeman

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

12-5-11

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.

*Restrict
Delivery*

4. Restricted Delivery? (Extra Fee)

Yes

03.06.12 State Board of Education
&
03.06.12 State Board of Education

2. Article Number
(Transfer from service label)

7010 0780 0000 3456 0438

5.2-114
&
7.1-114

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. *Pat. 11-11*
- Attach this card to the back of the mailpiece, or on the front if space permits. *11036*

1. Article Addressed to:

*Kimberly Wiedeman
150432 Sally Rd
Murrells Re 69357*

COMPLETE THIS SECTION ON DELIVERY

A. Signature Addressee

Kim Wiedeman

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

12-5-11

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.

4. Restricted Delivery? (Extra Fee)

Yes

03.06.12 State Board of Education
&
03.06.12 State Board of Education

2. Article Number
(Transfer from service label)

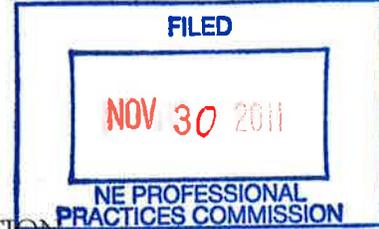
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5.2-115
&
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BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933)
)
Petitioner,)
)
vs.)
)
Kimberly Wiedeman)
150432 Sally Road)
Mitchell, NE 69357)
)
Respondent.)

Case No. 11036
PPC Case No. 11-11



PETITION

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 Kimberly Wiedeman, 150432 Sally Road, Mitchell, NE 69357;
3. The Respondent holds a public Nebraska standard teaching certificate number 2008006986, endorsed in Music K-12, with an expiration date of August 20, 2013;
4. The Respondent was employed as an instrumental music teacher by the Mitchell Public Schools until her resignation was accepted by the Mitchell School Board on November 29, 2010;
5. On September 21, 2011, the Respondent was sentenced by the Scotts Bluff County District Court to three years of probation after being found guilty by a jury of ten counts of Acquire Controlled Substance by Fraud in violation of § 28-418, all felonies; and
6. Based upon the factual allegation contained in paragraph 5 of the Petition, the Respondent violated the following statute and standards: Neb. Rev. Stat. § 79-866(2) (Reissue 1996) 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,

not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02E (same effective date) which states, "the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"; 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 004.04E (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 Section 005.06D (same effective date) which states, "the educator shall: Develop and maintain positive standards of conduct".

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 30th day of November 2011.



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

VERIFICATION

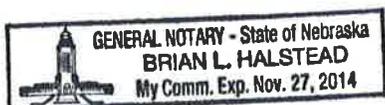
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

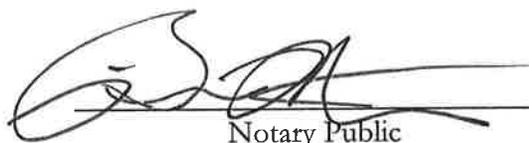
I, Roger D. Breed, being first duly sworn under oath, state that I have read the contents of the Petition and that to the best of my knowledge, information, and belief such contents are true.



Petitioner

Subscribed and sworn to before me this 30th day of November 2011 by Roger D. Breed, Commissioner of Education, as Petitioner.





Notary Public

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 person, postage prepaid, by certified mail, return receipt requested, this 30th day of November 2011:

Kimberly Wiedeman
150432 Sally Road
Mitchell, NE 69357
Article Number 7010 0780 0000 3456 0438


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.)

Kimberly Wiedeman)
150432 Sally Road)
Mitchell, NE 69357)

Respondent.)

Case No. 11036
PPC Case No. 11-11



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 person, postage prepaid, by certified mail, return receipt requested, this 30th day of November 2011:

Kimberly Wiedeman
150432 Sally Road
Mitchell, NE 69357
Article Number 7010 0780 0000 3456 0438

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

NEBRASKA DEPARTMENT
OF EDUCATION

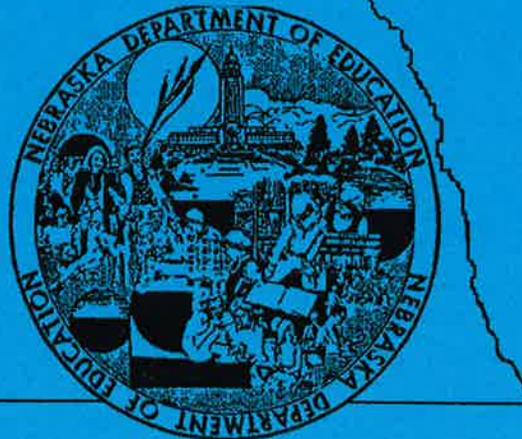
RULE 27

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



03.06.12 State Board of Education
&
03.06.12 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

