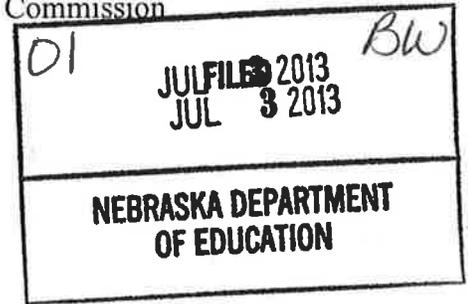


BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)
 Commissioner of Education)
 301 Centennial Mall South - 6th Floor)
 P.O. Box 94933)
 Lincoln, NE 68509-4933)
)
) Petitioner,)
)
 vs.)
)
)
 Adam Jones)
 7335 S. 28th St.)
 Lincoln, NE 68516,)
)
) Respondent.)

NPPC Case No. 13-01
Case No. 13003

Findings of Fact, Conclusions
of Law and Recommendation
of the Commission



I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on January 31, 2013, by Roger D. Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as “Petitioner.” The Petition was filed against Adam Jones, 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 2008); and Title 92, Nebraska Administrative Code, Chapter 27, Section 004.02G (November 12, 2003)

On February 4, 2013, 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), were served upon Respondent by certified mail, return receipt requested.

The Respondent failed to file an Answer to the Petition. On February 26, 2013, the Petitioner filed a Motion for Default Judgment. On or about February 27, 2013, Kathi Vontz, Clerk of the Commission filed a Request for Support Information. On or about March 12, 2013, Petitioner, through his General Counsel filed the requested Support Information with the Commission. On May 8, 2013, 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 Wednesday, June 19, 2013 commencing at approximately 9:05 a.m., in the State Board Hearing Room, 6th Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Notice further advised that the hearing would be held before a designated hearing committee of the Commission, with Jeffery R. Kirkpatrick serving as legal counsel to advise the Chair in the performance of her 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 Anglemeyer, Sarah Brown, Susan Johnson, Raymond Keller, Jodi Kupper, Brian Maher, Damon McDonald, Joy Schott, Jane Stavem, and Lynn Strack. Commissioner Strack 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, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509.
2. The Respondent is Adam Jones, 7335 South 28th Street, Lincoln, NE 68516.
3. The Respondent holds a public Nebraska initial teaching certificate number 2008005868, endorsed in Biology 7-12 and Earth Science 7-12, with an expiration date of August 31, 2013.
4. On January 17, 2013, the Iowa Board of Education Examiners permanently revoked the Respondent's Standard License to teach after the Respondent voluntarily surrendered his practitioner license after being found guilty by the Iowa judicial system of Delivery of a Controlled Substance, a misdemeanor.

III. CONCLUSIONS OF LAW

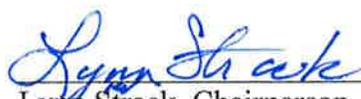
1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.
2. The Petitioner has proven by a preponderance of the evidence that the Respondent violated the following statutes and standards: Neb. Rev. Stat. Section 79-866(2) (Reissue 2008) 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."; and has violated Title 92, Nebraska Administrative Code, Chapter 27, Section 004.02G (effective date: November 12, 2003) which states, "the educator: Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a

person to engage in any of the activities for which a special services certificate is issued in Nebraska.

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the Respondent's public Nebraska initial teaching certificate number 2008005868, endorsed in Biology 7-12 and Earth Science 7-12, with an expiration date of August 31, 2013, be permanently revoked.

Dated this 3rd day of July, 2013.



Lynn Strack, 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. 13-01, was served upon Respondent, Adam Jones, by certified U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 2nd day of July, 2013, at the following addresses.

Adam Jones
Respondent
7335 So. 28th Street
Lincoln, NE 68516

Brian L. 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

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Roger D. Breed, Ed.D.)
Commissioner of Education)
301 Centennial Mall South)
P.O. Box 94933)
Lincoln, NE 68509-4933)
)
Petitioner,)
)
vs.)
)
Adam Jones)
7335 S. 28th Street)
Lincoln, NE 68516)
)
Respondent.)
_____)

PPC Case No. 13-1
Case No. 13003

TRANSCRIPT

VOLUME I of I
(Pages 1 through 10)
EXHIBITS 1-3

Nebraska State Office Building
301 Centennial Mall South
Department of Education Board Room
Sixth Floor
Lincoln, NE

Convened, pursuant to notice, at 9:51 a.m., on
June 19, 2013,

BEFORE:

JEFFERY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

JANE STAVEM, Chairperson; LYNN STRACK, Presiding;
SUSAN ANGLEMYER; SARAH BROWN; SUSAN JOHNSON; RAYMOND KELLER;
JODI KUPPER; BRIAN MAHER; DAMON McDONALD; and JOY SCHOTT.

OTHERS PRESENT:

KATHI VONTZ, Clerk of the Commission

GENERAL REPORTING SERVICE (402) 477-8425

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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:

	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1 Pleadings (87 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 (19 pages)	5	6	6	Appendix

- - -

Appearances				2
Reporter's Certificate				4
Closing Argument by Mr. Halstead				7
Motion				9
Decision				10

- - -

1 PROCEEDINGS:

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

4 CHAIRPERSON STRACK: Ladies and gentlemen, I am
5 Lynn Strack, chairperson of this hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:51 a.m. for the purpose of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against Adam Jones, Case No. 13-01.

10 The other members of the hearing committee are
11 Susan Anglemyer, Sarah Brown, Susan Johnson, Raymond Keller,
12 Jodi Kupper, Brian Maher, Damon McDonald, Joy Schott, Cindy
13 Serfass, and Jane Stavem.

14 The Commission's attorney is Jeffery R.
15 Kirkpatrick. His purpose is to advise the hearing panel,
16 chairperson, and the Commission on the performance of our
17 duties under the Commission's rule and regulations.

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

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

23 This case arises from a request by the State Board
24 of Education that the Commission hear this matter pursuant
25 to Sections 79-859 through 79-871 of the Nebraska statutes

1 and the rules and regulations thereunder.

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

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

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

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

18 MR. HALSTEAD: I have no objections.

19 CHAIRPERSON STRACK: Exhibits 1, 2, and 3 are
20 received.

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

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

25 THE HEARING OFFICER: Mr. Halstead, have you any
08.09.13 State Board of Education 7.15-11

1 opening statement to make?

2 MR. HALSTEAD: I'd waive an opening statement.

3 THE HEARING OFFICER: Any further evidence?

4 MR. HALSTEAD: I have no further evidence.

5 THE HEARING OFFICER: For the record, have you had
6 any communication with Mr. Jones?

7 MR. HALSTEAD: I have not.

8 THE HEARING OFFICER: Would you like to close
9 then?

10 MR. HALSTEAD: I would, thank you. Ladies and
11 gentlemen of the Commission, as you can clearly see, the
12 respondent was employed as a teacher in Council Bluffs,
13 Iowa. His entire teaching career was in the state of Iowa.
14 He got his Iowa teaching certificate permanently revoked for
15 his inappropriate relationship with a female student. It
16 involved texting, relationships, texts about sex,
17 unauthorized drugs, consuming alcohol with the student, and
18 multiple requests for the student to spend the night with
19 him. He also was criminally charged with the drug offense
20 for providing the student or allowing the student to have
21 Xanax, which is a felony in the state of Iowa. He got a
22 deferred sentence for that offense.

23 We believe that because he's had his Iowa
24 certificate permanently revoked, his Nebraska certificate
25 should also be permanently revoked. So that is what we

1 would ask you to recommend to the State Board of Education.

2 I'd be more than happy to answer any questions you
3 have about the case.

4 THE HEARING OFFICER: Any questions for Mr.
5 Halstead on my right?

6 (No response.)

7 Any questions?

8 (No response.)

9 Thank you, Mr. Halstead. With that I will close
10 the hearing and turn it back over to the chair.

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

19 I now declare this hearing adjourned at 9:55 a.m.

20 (Whereupon, the hearing was adjourned at 9:55 a.m.
21 to be reconvened after executive session and deliberation of
22 the evidence.)

23 (Back on the record 10:25 a.m.)

24 CHAIRPERSON STAVEM: First of all, is there a

25 motion regarding the Commission's recommendation on Case No.
08.09.13 State Board of Education 7.15.13

1 13-01?

2 COMMISSIONER KUPPER: I move that the Nebraska
3 Professional Practices Commission adopts the findings of
4 fact and conclusions of law and recommend to the State Board
5 of Education that the certificate of Adam Jones be
6 permanently revoked.

7 CHAIRPERSON STAVEM: Is there a second?

8 COMMISSIONER BROWN: I'll second.

9 CHAIRPERSON STAVEM: Any discussion?

10 (No response.)

11 It has been moved and seconded to accept the
12 findings of fact and conclusions of law and recommend that
13 the certificate of Adam Jones be permanently revoked.

14 Is there any discussion?

15 (No response.)

16 Please call the roll?

17 THE CLERK: Anglemyer.

18 COMMISSIONER ANGLEMYER: Yes.

19 THE CLERK: Brown.

20 COMMISSIONER BROWN: Yes.

21 THE CLERK: Johnson.

22 COMMISSIONER JOHNSON: Yes.

23 THE CLERK: Keller.

24 COMMISSIONER KELLER: Yes.

25 THE CLERK: Kupper.

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COMMISSIONER KUPPER: Yes.

THE CLERK: Maher.

COMMISSIONER MAHER: Yes.

THE CLERK: McDonald.

COMMISSIONER McDONALD: Yes.

THE CLERK: Schott.

COMMISSIONER SCHOTT: Yes.

THE CLERK: Serfass, Shelton, Stavem.

CHAIRPERSON STAVEM: Yes.

THE CLERK: Strack.

COMMISSIONER STRACK: Yes.

CHAIRPERSON STAVEM: Motion passes.

(Whereupon, at 10:26 a.m. on June 19, 2013, the
proceedings were concluded.)

- - -

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated May 8, 2013, for Case Number 13-01, was mailed to Adam Jones, Respondent, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 8th day of May, 2013, at the following addresses.

Adam Jones
Petitioner
7335 S. 28th St.
Lincoln, NE 68516

Brian Halstead
Attorney for Respondent
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)
301 Centennial Mall South - 6th Floor)
P. O. Box 94933)
Lincoln, NE 68509-4933,)
Petitioner,)
vs.)
Adam Jones)
7335 S. 28th Street)
Lincoln, NE 68516,)
Respondent.)

PPC Case No. 13-01
Case No. 13003

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. 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 Final Order of the Iowa Board of Educational Examiners, Case No. 12-68, as well as the Notice of Hearing and Statement of Charges; and Court record of the District Court of Iowa, Pottawattamie County, copies of which are collectively 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 12th day of March 2013.



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

NEBRASKA DEPARTMENT
OF EDUCATION

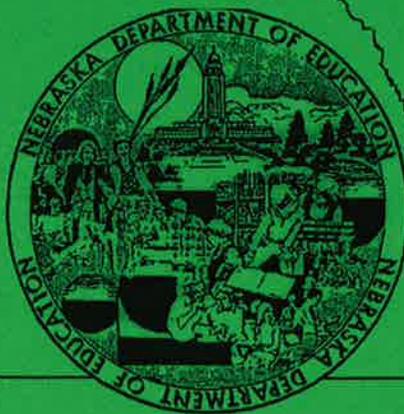
RULE 28

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



NEBRASKA DEPARTMENT
OF EDUCATION

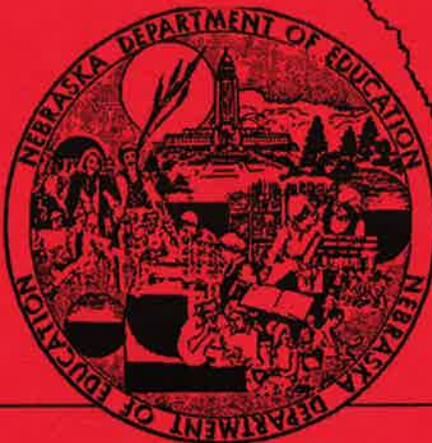
RULE 29

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

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 29

EFFECTIVE DATE
DECEMBER 25, 1989

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

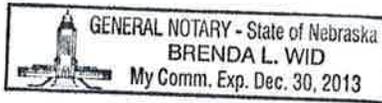


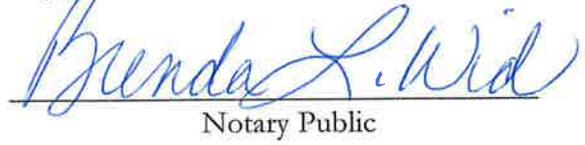
FURTHER AFFIANT SAITH NOT.

Dated this 11th day of March 2013.


Kevin Peters, Ed.D.

Subscribed and sworn to before me this 11th day of March 2013.




Notary Public

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:	)	Case No. 12-68
)	
Adam Seaborn Jones,	)	License No. 982392
)	
Respondent,	)	FINAL ORDER
)	

1. The Respondent holds a Standard License (FOLDER # 982392) with endorsements to teach 5-12 Earth and Biological Science. Respondent's license is current and will next expire on March 31, 2016.
2. The Respondent began employment with Council Bluffs Community Schools as a high school science teacher on May 18, 2008. Respondent resigned on May 4, 2012.
3. On June 4, 2012, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On October 15, 2012, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.
4. The Board charged Respondent with student abuse by committing or soliciting any sexual or otherwise indecent act with a student or any minor, by soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, or by furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee, in violation of Board rule 282 Iowa Admin. Code 25.3(1)(e)(3), (4), and (5).
5. Respondent pled guilty to Delivery of a Controlled Substance, in violation of Iowa Code § 124.401(1)(d). Judgment was deferred and Respondent was placed on unsupervised probation for two years.
6. Pursuant to Board rule, a practitioner may voluntarily surrender the practitioner's license if the practitioner waives the right to hearing before the Board and notifies the Board of the intent to accept a permanent revocation of the practitioner's license. Upon receipt of a voluntary surrender, "[t]he Board may issue an order permanently revoking the practitioner license . . ." 282 I.A.C. 11.4(6).



7. On December 17, 2012, the Respondent filed a Surrender of Practitioner License and Waiver of Formal Hearing form. The voluntary surrender was presented to and accepted by the Board at a meeting held on January 17, 2013.

ORDER

THEREFORE, the Board acknowledges the Respondent's voluntary surrender of his practitioner license and incorporates his action into this Order by attaching a copy of the surrender to this Order. In accordance with this filing, all licenses issued by the Board to the Respondent and his privilege to teach in Iowa are **PERMANENTLY REVOKED** with no possibility of reinstatement.

Dated this 17th day of January, 2013.



Duane T. Magee, Executive Director
On behalf of the Board

c: Adam Seaborn Jones
RESPONDENT

Martha Bruckner, Superintendent
Council Bluffs Community School District
COMPLAINANT

Julie Bussanmas
Assistant Attorney General
ATTORNEY FOR STATE

DEC 17 2012

STATE of IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building
Des Moines, IA 50319-0147

SURRENDER OF PRACTITIONER LICENSE
AND
WAIVER OF FORMAL HEARING
Before the
IOWA BOARD OF EDUCATIONAL EXAMINERS

I, ADAM SEABORN JONES, swear or affirm under oath:

- that I am the Respondent in a case currently before the Iowa Board of Educational Examiners;
- that I currently hold a valid or expired Iowa practitioner's license;
- that I have been informed of and understand the nature of the proceedings before the Board and have received a copy of the complaint and notice of hearing filed against me. I understand the applicable rules (282 Iowa Administrative Code, Chapters 11, 25, and 26) are available at www.state.ia.us/boee/ and have reviewed said rules;
- that I am aware of the Board's legal authority to exonerate, warn, or reprimand me as a licensed individual, following a Board investigation into allegations of conduct violative of Board criteria, and of the Board's authority to suspend or revoke my license for conduct violative of Board criteria;
- that I understand that I have an opportunity to be heard and to contest the allegations against me in formal hearing before the Board; and that by waiving the formal hearing, I waive my right to challenge the allegations against me in the complaint and notice of hearing, and as a consequence, my privilege to teach, administer, or coach in Iowa will be permanently revoked with no possibility of reinstatement;
- that I understand that the Board will notify the NASDTEC (National Association of State Directors of Teacher Education & Certification) National Clearinghouse that my license has been revoked and that other state teacher licensing boards will have access to this information.

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive my right to a hearing before the Board and request that my license to teach, administer, or coach in Iowa be revoked. I affirm that my decision is made voluntarily and knowingly.

16 Dec 12
Date


Name

Date

Notary Public in and for the State of Iowa
(seal applied)

44

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of	)	Case Nos. 12-68
	)	License No. 982392
ADAM SEABORN JONES,)	
	)	NOTICE OF HEARING
Respondent.	)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Thursday, December 20, 2012, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code [IAC] Chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Julie J. Bussanmas
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-5637.

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Duane T. Magee, the Board's Executive Director at (515)281-5849 or to Assistant Attorney General Bussanmas at (515)281-5637.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. The Respondent is charged with student abuse by committing or soliciting any sexual or otherwise indecent act with a student or any minor, by soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, or by furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee, in violation of Board rule 282 Iowa Admin. Code 25.3(1)(e)(3), (4), and (5).

C. JURISDICTION AND LEGAL AUTHORITY

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Admin. Code chapter 11.

D. FACTUAL CIRCUMSTANCES

9. The Respondent holds a Standard License (FOLDER # 982392) with endorsements to teach 5-12 Earth and Biological Science. Respondent's license is current and will next expire on March 31, 2016.

10. The Respondent began employment with Council Bluffs Community Schools as a high school science teacher on May 18, 2008. Respondent resigned on May 4, 2012.

11. On June 4, 2012, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On October 15, 2012, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

12. Respondent texted a student numerous times. The text messages included solicitations for a relationship, texts about having sex, texts about taking unauthorized drugs and consuming alcohol with the student, and multiple requests that the student spend the night at Respondent's residence. Respondent also had the student over to his residence for dinner.

13. Respondent provided the student with two Alprazolam, a generic form of Xanax, and allowed the student to take the Alprazolam in his presence. Respondent pled guilty to Delivery of a Controlled Substance, in violation of Iowa Code § 124.401(1)(d). Judgment was deferred and Respondent was placed on unsupervised probation for two years.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 31st day of October, 2012.



Duane T. Magee
Executive Director
Iowa Board of Educational Examiners

Copies to:

Adam Jones
712 Valley View Dr., #6
Council Bluffs, IA 51503
RESPONDENT

Julie J. Bussanmas
Assistant Attorney General
Hoover State Office Bldg., 2nd Floor
Des Moines, Iowa 50319
ATTORNEY FOR STATE

State of Iowa
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building
400 E. 14th St.
Des Moines, Iowa 50319-0147
(515) 281-5849

BEFORE THE IOWA BOARD OF EDUCATIONAL EXAMINERS

In the Matter of:	)	Case No. 12-68
)	
Adam Seaborn Jones,)	
	)	A N S W E R
Respondent)	

I, the Respondent named in the complaint filed with the Iowa Board of Educational Examiners, answer the complaint as follows:

1. (Here the Respondent may admit, deny, offer explanatory remarks, or statements of mitigating circumstances regarding any or all allegations raised in the complaint.)

2. Additional factors or information deemed relevant:

3. Other persons able to give information regarding this matter are:

<u>Name</u>	<u>Address</u>	<u>Phone No.</u>	<u>Position</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Dated this _____ day of _____, 20__.

By _____
Respondent Signature

Respondent Title or Position

Address

Telephone Number

2012 APR 25 AM 9:58 COMPLAINT

AGCR140411

STATE OF IOWA
Plaintiff,
Vs Jones, Adam
DOB 3-31-72
Nebraska OLN H13529101
Defendant.

DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

State of Iowa,
Pottawattamie County, ss.
IN THE DISTRICT COURT OF IOWA
POTTAWATTAMIE COUNTY

The above-named Defendant is hereby accused of the crime(s) of:

Prohibited Acts / Delivery of a Controlled Substance - Alprazolam (Aggravated Misdemeanor)

For that the Defendant, on or about the 1 day of April through the 20 day of April, 2012,
in the said County of Pottawattamie and State of Iowa,

did willfully and unlawfully deliver a controlled substance – Alprazolam (schedule IV) to [REDACTED]

contrary to the statutes in such cases made and provided by Section(s):
124.401(1d) Code of Iowa.

WHEREFORE, the undersigned prays that the Defendant herein may be arrested and dealt with
according to law.

D. Mann #614

Subscribed and sworn to before me by the said Douglas Mann
this 25th day of APRIL, 2012.

[Signature]
Judge or Magistrate

IN THE DISTRICT COURT OF IOWA IN AND FOR POTTAWATTAMIE

2012 APR 25 AM 8: 58
COUNTY AT COUNCIL BLUFFS

ACLR140411

POTTAWATTAMIE COUNTY

STATE OF IOWA

)
IOWA

AFFIDAVIT IN SUPPORT

)
SS.

COUNTY OF POTTAWATTAMIE

)

OF COMPLAINT

I, Douglas Mann, being duly sworn on oath, depose and state: that I have been a police officer, for the city of Council Bluffs, since 8/23/99, and am currently assigned to the Criminal Investigation Division.

On 4/23/12, I was contacted by Thomas Jefferson High School Resource Officer / Council Bluffs Police Officer R. Zika concerning possible inappropriate contact between a teacher and student. Zika stated that earlier in the day, he had received an anonymous call from a person who advised of "sexting" between teacher Adam Jones and student [REDACTED]. Supposedly Jones had also given [REDACTED] blue pills, which were possibly a controlled substance named Xanax.

On 4/23, Detective Springman and I met with Adam Jones at Thomas Jefferson High School. After being read Miranda, Jones agreed to speak with us. When asked if he knew [REDACTED], Jones stated that [REDACTED] had been a student aid for him during the second trimester (Ending February 2012.). After the trimester ended and after [REDACTED] turned age 18, they began texting and became friends. Jones stated that they had text each other about having a relationship after [REDACTED] graduated high school. When asked about specific text messages sent from him to [REDACTED] Jones confirmed that he had text [REDACTED] saying that he had thought about having sex with [REDACTED]. He also text "I want you." He didn't think it was a "big deal." The only physical contact Jones admitted to was a hug. He denied any other type of physical contact. When asked if they had ever met outside of school, Jones informed us of one occasion when [REDACTED] and two friends came to his apartment (712 Valley View Dr #6 Council Bluffs, IA 51503) for dinner. When asked about Xanax, he admitted to being prescribed Xanax. When asked if he had ever given Xanax to [REDACTED] he stated that he had not "given" [REDACTED] Xanax, but he knew [REDACTED] had "taken" some. When asked if [REDACTED] had stolen Xanax from him, he stated that [REDACTED] did not steal it, but knew [REDACTED] had taken 1 or 2 of his pills. His response was: "I didn't have a problem with [REDACTED] taking them." Later in the interview, he was asked again if [REDACTED] had stolen the pills. He responded by saying: "[REDACTED] asked, I said I don't care." Jones told us that [REDACTED] acquired the pills when [REDACTED] was at his apartment for dinner. This was approximately one month ago. (Note: Toward the end of the interview, Detective Springman again asked Jones about how [REDACTED] acquired his Xanax. His response was: "[REDACTED] asked if I had any, I said there in my bag, and [REDACTED] said can I have a couple, I said ya, [REDACTED] took 4 or 5.") During the course of the interview, Jones produced a prescription pill bottle containing 108 1 mg tablets of Alprazolam (generic form of Xanax). I took possession of the tablets and later placed them into property as evidence.

On 4/23, Detective Springman and I met with [REDACTED] at Thomas Jefferson High School. During our conversation, [REDACTED] confirmed that [REDACTED] had been

a student aid to Jones during the second trimester. It was after the second trimester ended and after [redacted] turned age 18, that Jones began texting [redacted]. [redacted] confirmed that he had text [redacted] about having sex. [redacted] confirmed that they had hugged on one occasion, but did not have any other contact. [redacted] confirmed that [redacted] did have dinner at Jones' apartment, but stated that he did not give [redacted] any pills at that time. It was on a more recent visit to Jones' apartment that he provided [redacted] with two pills, which [redacted] believed were Xanax. [redacted] believed this visit was approximately 3 days ago. When shown the pills collected from Jones, [redacted] believed these were the same type of pill. When asked why he had given [redacted] Xanax, [redacted] gave the following statement: "Well I told him I was having a hard time and I needed something to make me happy, so he gave me some, gave me a couple." He did not charge [redacted] for the pills.

On 4/23, I contacted Walgreen's (535 E Broadway) Pharmacist Zac Davidson. Upon giving Davidson the bottle and pill information, he confirmed the pills were Alprazolam (generic form of Xanax), which are a schedule 4 controlled substance.

Based on the above information, it has shown that Adam Jones did willfully and unlawfully deliver a controlled substance, which was a schedule IV drug. Therefore I ask that a warrant be issued for Jones for one count of Prohibited acts / Delivery of a Controlled Substance - Alprazolam (Aggravated Misdemeanor).

D. Mann #614

AFFIANT

Subscribed and sworn to be before me this 25th day of APRIL 2012

[Signature]

Associate District Judge
Notary Public

2012 APR 25 AM 9:58
JUDICIAL DISTRICT COURT
OTTAWA/TAMMIE COUNTY
IOWA

IN THE IOWA DISTRICT COURT FOR POTT COUNTY

STATE OF IOWA or 2012 APR 30 AM 10:07 Criminal Civil
Plaintiff/Petitioner, No. AGCR140411

vs. IOWA DISTRICT COURT
ST. TAWATTAMIE COUNTY
IOWA)
Defendant/Respondent.)
FINANCIAL AFFIDAVIT/APPLICATION FOR APPOINTMENT OF COUNSEL

In support of my application for appointment of counsel, and under penalty of perjury, the undersigned states:

Name: ADAM S Jones Birth Date: 3/31/72

Home Phone: [REDACTED] Cell Phone: same E-mail: [REDACTED]

Street Address: 712 Valley View Dr 6 CB IA 51503
Street/P.O. Box Apt # City State Zip

Pending charges: _____ In Jail? Yes No

Do you have a job? No Job Yes, Full Time Yes, Part Time (List Hours/week: _____)

Who do you work for? C.B. Comm. School District

How much money do you currently make before taxes or deductions? 3200 per hour month year

How much money have you made in the last 12 months from any source, before taxes or deductions? 50,000

How many family members are supported by or live with you? 1

If a spouse lives with you, how much money does your spouse make? _____ per hour month year

List all other money you, or anyone else living in your household, has coming in: _____

List what you own including money in banks, cars, trucks, other vehicles, land, houses, buildings, cash, or anything else worth more than \$100: 2 cars, 1 house (omaha)

List amounts you pay monthly for mortgages, rent, car loans, credit cards, child support, or any other debts: 1140, 242, 255, 700, 300, 300

I understand I may be required to repay the State for all or part of my attorney fees and costs, I may be required to sign a wage assignment, and I must report any changes in the information submitted on this financial affidavit. I promise under penalty of perjury that the statements I make in this application are true and that I am unable to pay for an attorney to represent me.

Date 4/27/12

Signature [Signature]

ORIGINAL 16612140411 ✓

WARRANT

2012 APR 30 AM 9:53

CBPD CC# 12-014889

STATE OF IOWA, POTTAWATTAMIE COUNTY, ss:

TO ANY PEACE OFFICER IN THE STATE:

Information upon oath having been this day laid before the District Court of Iowa, Pottawattamie County, Iowa, that the crime of: **Prohibited Acts / Delivery of a Controlled Substance - Alprazolam (Aggravated Misdemeanor)**

has been committed, and accusing: **Jones, Adam**

Address: 712 Valley View Dr #6
City/State: Council Bluffs, IA
DOB: 3-31-72
SS#: (Nebraska OLN H13529101)
Sex: M Race: W
Ht: 5'09 Wt: 158 Hair: Bln Eyes: Blue Other: _____
Vehicle: Yr: _____ Make: _____ Model: _____ Color: _____
Lic Plate: _____ State: _____

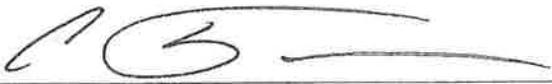
THEREFORE YOU ARE HEREBY COMMANDED forthwith to arrest the said defendant

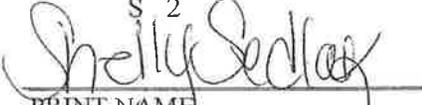
Jones, Adam

and bring said defendant before the Court or in case of the absence of the Judges of said Court, or inability to act, before the nearest and most accessible Magistrate or the Clerk of the District Court in said County.

Given under my hand at Council Bluffs this 25th day of APRIL, A.D. 2012.

ENTRY CODE: N B HAENE
C 1
S 2


District Judge/Associate District Judge/Magistrate

SMS 
PRINT NAME

The defendant to be admitted to bail in the sum of \$ 2000 Dollars plus warrant fees.

This warrant came into my hands April 27, 2012. I served the same 4/27, 2012, by arresting the defendant named herein in Pott. County, Iowa, by reading to A. Jones

The warrant and have Same now in court 4/27, 2012, subject to the orders thereof.
Serving Warrant \$ 15.00
Expense \$ 1.00
Total \$ 16.00
Chief R. O'Donnell
CBPD
T. J. [Signature] #587

Jones, Adam
Holt
Jensen

54
at dt +
5/4

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

2012 APR 30 AM 10:07
POTTAWATTAMIE COUNTY COURT

STATE OF IOWA

VS.

Adam Seaborn Jones

Defendant

Before (Judge, Magistrate)

Criminal Case No. 12CR14041E

BAIL BOND

An indictment (or charge) having been found (or made) in the District Court (or other appropriate Court) of the County of Pottawattamie on the 27th day of April, 2012, charging

PCS - Int to Rec/Inf
(designating it as in the warrant, indictment, or complaint), and such person having been duly admitted to bail in the sum of Two thousand & 00/100 DOLLARS:

We, Adam Seaborn Jones, Defendant, and

Adam Seaborn Jones, Surety, hereby undertake that the said

Adam Seaborn Jones, Defendant, shall appear at the District Court of the County of Pottawattamie, on the 4th day of May, 2012, at 9:00 A.M.

and answer the said indictment (or charge), and submit to the orders and judgment of said Court, and not depart without leave of same, or if such person fails to perform either of these conditions, that such person will pay to the State of Iowa the sum of

Two thousand & 00/100
(Insert the sum in which the Defendant is admitted to bail.)

X 
Defendant

Surety

Acknowledged before and accepted by me at _____ in the Township of _____, in the County of _____ this _____ day of _____, 20____.

(Signature)

(Official Title)

Authorization for Return Bond

AGCR140411

Please Print:

Marianne Jones
Name of Person Posting Bond

1326 SKYLINE DR
Address

Council Bluffs, IA 51503
City, State, Zip

2012 APR 30 AM 9:07
IOWA DISTRICT COURT
JANATAH UNIT
IOWA

**Please make sure the Clerk of Court is kept advised of current address.

Check only one option below:

- When the bond has been released please issue a check for the entire amount payable to me.
- When the bond has been released please pay the defendant's fines, surcharges and costs and then issue a check to me for the balance.*
- When the bond has been released please release the money to the defendant.* (Check this option only if the money belongs to the Defendant)

All parties are notified that pursuant to Iowa Code Section 602.8103(6) with proper notice the Clerk of Court will apply any refund to existing debt due and owing to the State of Iowa by the person to whom the bond refund is payable.

*Pursuant to Iowa Code Section 811.5(2) - upon final disposition of a case, the clerk of court shall return the cash bail to the person who deposited the money. Written permission must be obtained if the cash is to be used for or released to anyone other than the person who posted the bond.

I have read and understand the above information. I have checked one box for final disbursement of the bond being posted.

Marianne Jones
Signature of Person Posting Bond (Will be used for verification of identity when bond is released)

PO 2125561

USA

IOWA DRIVER LICENSE

IA



JONES
MARIANNE

1326 SKYLINE DRIVE

COUNCIL BLUFFS, IA 51503

DL No 716225348

Iss: 03/26/2008 Exp: 01/12/2013

Class: C Sex: NONE

Restrictions: B

DOB: 01/12/1947

Sex: F
Height: 5'05"
Weight: 90

Marianne Jones

21 40 29 05 10 12 04 13 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

2012 MAY -1 PM 1:54

STATE OF IOWA,
Plaintiff,

CASE NO. AGCR140411

IOWA DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

vs.

APPEARANCE OF
COUNSEL

ADAM JONES,
Defendant.

COMES NOW the undersigned attorney at law and enters his appearance on behalf of the Defendant in the above referenced matter.

BY:

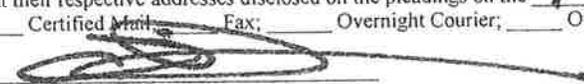


CHAD DOUGLAS PRIMMER
PRIMMER LAW
ISBA 17884
NE BAR 22576
506 South Main Street
Council Bluffs, IA 51503
Tele: (712) 352-1000
Fax: (712) 352-1005
chad@primmerlaw.com
ATTORNEY FOR DEFENDANT

CC: Pottawattamie County Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on the 1 day of May, 2012 by: US Mail; Hand Delivered; Certified Mail; Fax; Overnight Courier; Other: _____

Signature: 

FILED

2012 MAY -4 PM 1:48

CLERK DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

OR4001

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

STATE OF IOWA	Plaintiff
vs.	
ADAM SEABORN JONES	
Defendant	

CASE NO. 04781 AGCR140411
ORDER

Plaintiff Attorney: KENNETH E TYLER
Defendant Attorney: CHAD DOUGLAS PRIMMER

7 email

Original Charge(s): 01 - 124.401(1)(d)-A - CONTROLLED SUBSTANCE VIOL. (AGMS)

The State appears by Ken Tyler.
The Defendant appears by Chad Primmer.
Preliminary hearing is set for 05/29/2012 at 9:30 a.m. in Courtroom 3B.

Date: 05/04/2012



Charles D. Fagan
Judge Fourth Judicial District

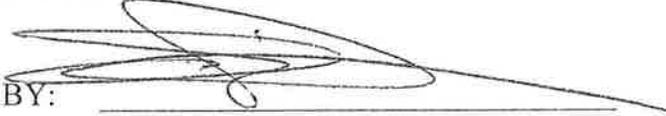
*Copy
sent*

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA,)	
)	
PLAINTIFF,	)	AGCR140411
)	
VS.)	
)	
ADAM JONES,	)	REQUEST FOR INFORMAL
	)	REFERRAL
DEFENDANT.)	
)	

2012 MAY 14 PM 4:18
 POTTAWATTAMIE COUNTY
 IOWA

COMES NOW the defendant, by and through attorney Chad Douglas Primmer, and requests an informal referral in the above criminal case.

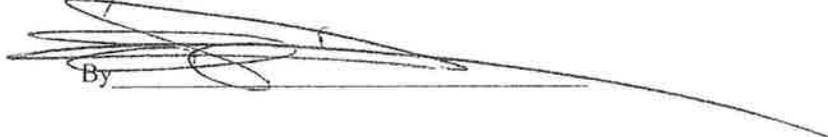
BY: 

CHAD DOUGLAS PRIMMER
 CHAD DOUGLAS PRIMMER, P.C.
 ISBA 17884
 NE BAR 22576
 506 South Main Street
 Council Bluffs, Iowa 51503
 Tele: (712) 352-1000
 Fax: (712) 352-1005
 chad@primmerlaw.com
 ATTORNEY FOR DEFENDANT

CC: Pottawattamie County Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on the 15 day of May, 2012 by: U.S. Mail; Hand Delivered; Certified Mail; Fax; Overnight Courier; Other: _____.

By 

CAF
5/14/12

60

FILED

2012 MAY 17 PM 1:55

CLERK DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

OR4001

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

STATE OF IOWA	Plaintiff
vs.	
ADAM SEABORN JONES	
Defendant	

CASE NO. 04781 AGCR140411
ORDER

Plaintiff Attorney: KENNETH E TYLER
Defendant Attorney: CHAD DOUGLAS PRIMMER

7 Emailed

Original Charge(s): 01 - 124.401(1)(d)-A - CONTROLLED SUBSTANCE VIOL. (AGMS)

The State appears by Ken Tyler.
The Defendant appears by Chad Primmer.

Court orders informal referral from the Dept. of Adult Corrections.

Date: 05/16/2012



Charles D. Fagan
Judge Fourth Judicial District

FILED
2012 MAY 29 PM 1:43

JUDICIAL DISTRICT COURT
POTTAWATTAMIE COUNTY IOWA

OR4001

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

STATE OF IOWA	Plaintiff
vs.	
ADAM SEABORN JONES	
Defendant	

CASE NO. 04781 AGCR140411
ORDER

Plaintiff Attorney: KENNETH E TYLER
Defendant Attorney: CHAD DOUGLAS PRIMMER

7 email

Original Charge(s): 01 - 124.401(1)(d)-A - CONTROLLED SUBSTANCE VIOL. (AGMS)

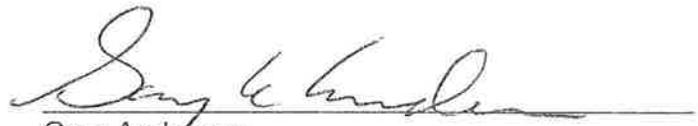
The State appears by Ken Tyler.

The Defendant appears by Chad Primmer.

Trial Information filed. Arraignment set for 6/15/12 at 9:30 a.m. in Courtroom 3B.

Clerk to send a copy of Order and Trial Information to attorneys.

Date: 05/29/2012


Gary Anderson
Judge Fourth Judicial District

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA,)
PLAINTIFF,) AGCR140411
vs.)
ADAM JONES,)
DEFENDANT.)
WRITTEN ARRAIGNMENT
AND PLEA OF NOT GUILTY

2012 JUN -5 PM 1:42
POTTAWATTAMIE COUNTY
DISTRICT COURT

COMES NOW the above named defendant in the above captioned criminal case and under oath states:

1. I am represented by Attorney Chad Douglas Primmer, whose address and telephone number are 506 South Main Street, Council Bluffs, Pottawattamie County, Iowa 51503; (712) 352-1000.
2. That I presently live and reside in Council Bluffs, Iowa.
3. I am forty (40) years old, having been born March 31, 1972.
4. I have been advised by the above named attorney and understand that I have a right to arraignment in open court, and I hereby voluntarily waive that right, choosing instead to sign this written instrument and plea of not guilty. I understand that times for further proceedings which are computed from the date of arraignment will be computed from the date of filing this written arraignment plea of not guilty.
5. I have received a copy of the indictment / trial information which charges me with the crime(s) of Controlled Substance Violation in violation of Section(s) 124.401(1)(d)-A of the 2011 Code of Iowa.

64

6. With regard to the name by which I am charged in the indictment/trial information (either check "a" or check and complete "b"):

a. The name shown on the indictment / trial information is my true name. I have been advised and understand that I am now precluded from objecting to the indictment / trial information upon the ground I am improperly named.

b. The name shown on the indictment / trial information is not my true name. My true name is _____. I request that an entry be made in the minutes showing my true name. I have been advised and understand further proceedings will be had against me by that name, the indictment / trial information will be amended accordingly, and when the indictment / trial information is so amended I will be precluded from objecting upon the ground I am improperly named.

7. I have been advised and understand that I may plead guilty, not guilty, or former conviction or acquittal.

8. For the purpose of this arraignment, I have had sufficient time to discuss my case with the above named attorney, and I waive any further time in which to enter a plea.

9. I plead NOT GUILTY to the charge(s) of Controlled Substance Violation.

10. I have been advised and understand that I have a right under rule 2.33(2)(b) of the Iowa Rules of Criminal Procedure to a trial within ninety (90) days after indictment / filing of the trial information and (check either "a" or "b"):

a. I demand a speedy trial pursuant to rule 2.33 (2)(b).

b. I waive my right to a speedy trial pursuant to rule 2.33 (2)(b).

11. I request that a trial date be promptly set pursuant to rule 2.9 of the Iowa Rules of Criminal Procedure. My attorney and I will be available for trial on the following days:

At the discretion of the Court.



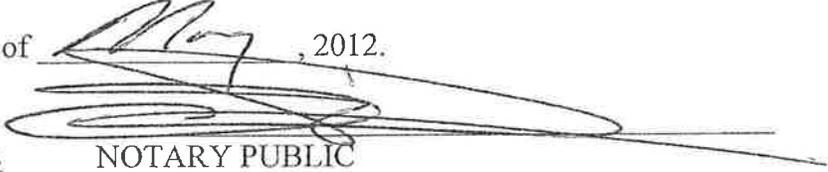
ADAM JONES

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

Subscribed, sworn to, and acknowledged before me by the above-named

Defendant on the 7 day of May, 2012.

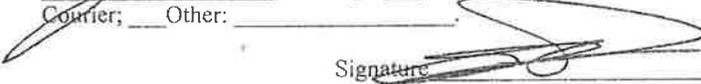




NOTARY PUBLIC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on the 7 day of May, 2012 by: U.S. Mail; Hand Delivered; Certified Mail; Fax; Overnight Courier; Other: _____



Signature

2012 JUN 15 PM 1:59

STATE OF IOWA DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

OR4001

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

STATE OF IOWA	Plaintiff
vs.	
ADAM SEABORN JONES	
	Defendant

CASE NO. 04781 AGCR140411
ORDER

Plaintiff Attorney: SHELLY M SEDLAK
Defendant Attorney: CHAD DOUGLAS PRIMMER

7 emailed

Original Charge(s):
01 - 124.401(1)(d)-A - CONTROLLED SUBSTANCE VIOL. (AGMS)
02 - 709.15(5)(b) - SEX EXPLOIT BY SCHOOL EMPLOYEE- AROUSAL (AGMS)

The State appears by Ken Tyler.
The Defendant appears by Chad Primmer.
Trial is set for 08/07/2012 at 9:30 a.m.

Written arraignment filed.

Date: 06/15/2012


 Kathleen Kilnoski
 Judge Fourth Judicial District

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA,
Plaintiff,

CASE NO. AGCR140411

vs.

MOTION TO DISMISS

ADAM JONES,
Defendant.

FILED
2012 JUL 13 AM 9:22
POTTAWATTAMIE COUNTY
IOWA

COMES NOW the Defendant by and through Attorney Chad Douglas Primmer, and for his motion sets forth as follows:

1. That the Defendant is charged in Count II of the trial information with Sexual Exploitation by a School Employee in violation of Iowa Code §§ 709.15(1) and 709.15(3)(b) of the 2010 Code of Iowa.
2. That in order to prove Sexual Exploitation by a School Employee, the State must prove that the Defendant engaged in sexual conduct for the purpose of satisfying the sexual desires of the Defendant or the alleged victim.
3. That as the minutes of testimony fail to set forth that such a crime occurred, this matter should be dismissed pursuant to Iowa Rule of Criminal Procedure 2.11.
4. That Iowa Code §709.15(3)(b) is unconstitutionally void for vagueness.

WHEREFORE, your Defendant prays this court enter an order dismissing Count II of the trial information and for such other and further relief as is deemed just under the premises.

BY:



CHAD DOUGLAS PRIMMER
PRIMMER LAW
ISBA 17884
NE BAR 22576

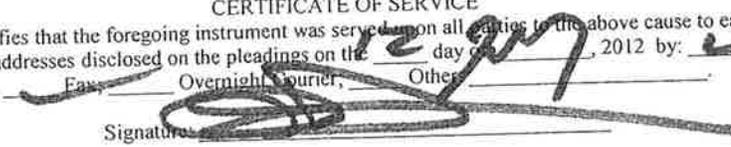
CMD
7/13/12

506 South Main Street
Council Bluffs, IA 51503
Tele: (712) 352-1000
Fax: (712) 352-1005
chad@primmerlaw.com
ATTORNEY FOR DEFENDANT

CC: Shelly Sedlak

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on the 12 day of July, 2012 by: US Mail; Hand Delivered; Certified Mail; Fax; Overnight Courier; Other

Signature: 

FILED

2012 JUL 13 PM 3:07

CLERK DISTRICT COURT
POTTAWATTAMIE COUNTY
IOWA

OR4001

IN THE IOWA DISTRICT COURT IN AND
FOR POTTAWATTAMIE COUNTY IOWA

STATE OF IOWA	Plaintiff
vs.	
ADAM SEABORN JONES	
Defendant	

CASE NO. 04781 AGCR140411
ORDER

Plaintiff Attorney: SHELLY M SEDLAK
Defendant Attorney: CHAD DOUGLAS PRIMMER

E-Mailed

Original Charge(s):

01 - 124.401(1)(d)-A - CONTROLLED SUBSTANCE VIOL. (AGMS)

02 - 709.15(5)(b) - SEX EXPLOIT BY SCHOOL EMPLOYEE- AROUSAL (AGMS)

The State appears by Shelly Sedlak.
The Defendant appears by Chad Primmer.

Motion to Dismiss is set for 8/24/12 at 10:30 a.m. in Courtroom 3A.

Date: 07/13/2012



Charles D. Fagan
Judge Fourth Judicial District

FILED

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

THE STATE OF IOWA,)
)
 Plaintiff,)
)
 v.)
)
 ADAM SEABORN JONES,)
)
 Defendant.) PLEA AND STIPULATION
) AND WAIVER OF JURY TRIAL
)

2012 JUL 27 PM 2:37
 CLERK DISTRICT COURT
 POTTAWATTAMIE COUNTY
 IOWA
 AGCR140411

STATE OF IOWA)
)
 COUNTY OF POTTAWATTAMIE) SS.

I, ADAM SEABORN JONES, being first duly sworn on oath depose and state that I am the defendant in the above-captioned matter; that I have been fully advised of my rights in this matter by my attorney and have elected to enter into this stipulation rather than go to trial.

I understand that I have the right to plead guilty or not guilty; that the maximum possible punishment provided for by statute for a conviction of Possession of a Controlled Substance With Intent to Deliver under Iowa Code Section 124.401(1)(d), an Aggravated Misdemeanor, shall be imprisonment not to exceed two years and there shall be a fine of at least six hundred twenty-five dollars but not to exceed six thousand two hundred fifty dollars; when a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term; that I have the right to be tried by a jury, and at a trial I would have the right to the assistance of counsel, the right

to confront and cross-examine witnesses against me, the right to subpoena witnesses on my behalf and the right not to be compelled to incriminate myself.

I further understand that at a trial, I would be presumed innocent until such time, if ever, as the prosecution met its burden of proving the following:

1. On or about the 1st day of April, 2012, the defendant knowingly possessed Alprazolam.
2. The defendant knew that the substance he possessed was Alprazolam.
3. The defendant possessed the substance with the intent to deliver a controlled substance.

I understand that if I plead as set forth herein, there will not be a trial of any kind, and that by this pleading, I give up my right to a trial and waive my right to a court reporter.

I understand that I have the right to plead guilty or not guilty; that the maximum possible punishment provided for by statute for a conviction of Sexual Exploitation by a School Employee under Iowa Code Sections 709.15(1) and 709.15(3)(b), an Aggravated Misdemeanor, shall be imprisonment not to exceed two years and there shall be a fine of at least six hundred twenty-five dollars but not to exceed six thousand two hundred fifty dollars; when a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term; that I have the right to be tried by a jury, and at a trial I would have the right to the assistance of counsel, the right to confront and cross-examine witnesses against me, the right to subpoena witnesses on my behalf and the right not to be compelled to incriminate myself.

I further understand that at a trial, I would be presumed innocent until such time, if ever, as the prosecution met its burden of proving I acted in violation of Iowa Code Sections 709.15(1) and 709.15(3)(b), that is, that I, as a school employee, engaged in sexual conduct with a student for the purpose of arousing or satisfying my sexual desires or the sexual desires of the student. Sexual conduct includes but is not limited to the following: kissing, touching of the clothed or unclothed inner thigh, breast, groin, buttocks, anus, pubes, or genitals, or a sex act as defined in Iowa Code Section 702.17.

I understand that if I plead as set forth herein, there will not be a trial of any kind, and that by this pleading, I give up my right to a trial and waive my right to a court reporter.

I hereby enter my plea of guilty to an amended Count I of the Trial Information, Delivery of a Controlled Substance – Alprazolam, still under Iowa Code Section 124.401(1)(d), an Aggravated Misdemeanor - and stipulate to the minutes of testimony contained within the Trial Information as providing a sufficient factual basis in this matter. I admit that in the event the witnesses were called upon at trial to testify, they would in fact testify consistent with what is written in the minutes of testimony contained within the Trial Information. No promises or threats have been made to me to induce me to enter this plea. Pursuant to my plea agreement, the State is agreeing to dismiss Count II of the Trial Information.

I will be seeking a deferred judgment in this matter and the County Attorney will not resist such a request. I understand it is part of my plea agreement and the County Attorney will not resist such a request. I understand it is part of my plea agreement that a period of probation and community service may be imposed. I agree to pay any court

cost associated with these proceedings. Further, I will not violate any laws of the State of Iowa.

I understand, that as a result of my plea, a civil penalty of \$625.00 may be entered pursuant to Iowa Code Section 907.14.

I have been advised that the Court is not obligated to accept the plea agreement as it is and have also been advised that the Court is still free to impose any sentence it deems just.

I have further been advised that I may not appeal to a higher court because of any defect in this plea or plea proceeding unless I file a motion in arrest of judgment alleging the defect not later than 45 days after this plea is entered, or not later than 5 days before the date set for pronouncing sentence, whichever comes first.

I understand that I have the right to a delay of at least 15 days between the date this plea is entered and the date of sentence. If I desire to do so, I may give up my right to this delay and be sentenced immediately. I further understand that if I am sentenced immediately, I lose my right to challenge any defect in this plea or plea proceeding by motion in arrest of judgment and appeal to a higher court.

Knowing the above, I request the court to sentence me immediately.

I understand my rights as explained above; I understand the consequences of my plea; I freely and voluntarily plead to the noted criminal offenses as charged and authorize my attorney to present this written waiver of rights and plea to the Court without my being present.

My entry of this plea is contingent upon the Court accepting the plea agreement.

That the above and foregoing is the truth, as I verily believe.

FILED
IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA, Plaintiff, v. ADAM SEABORN JONES, Defendant.	2012 JUL 27 PM 2: 37 CLERK DISTRICT COURT POTTAWATTAMIE COUNTY IOWA NO. AGCR140411 SENTENCING ORDER
---	--

Defendant appeared personally and with counsel, Chad Primmer. Defendant entered a plea of guilty to amended Count I, Delivery of a Controlled Substance, in violation of Iowa Code §§ 124.401(1)(d). The date of the offense was April 1, 2012. The plea was entered freely and voluntarily. Defendant was advised of the constitutional rights that are given up with a guilty plea. The Court accepts the plea of guilty and finds defendant guilty. Defendant waives time for sentencing. No reason was offered that Judgment should not be pronounced and none appeared in the record.

IT IS THE JUDGMENT OF THE COURT, that judgment is deferred, and Defendant is placed on unsupervised probation for two years. As a condition of probation, shall pay the court costs, expenses and shall make restitution to the victim of this offense and for court-appointed attorney fees. A Civil Penalty in the amount of \$615 is assessed pursuant to § 907.14(1). The civil penalty is suspended.

The Defendant is ordered to pay the civil penalty, court costs, expenses and all other financial obligations set forth herein due immediately. Payment Plan: Defendant is ordered to pay fines, fees, court costs, and court appointed attorney fees and expenses. Defendant shall pay the entire amount immediately or shall enter into a payment plan by making monthly payments to the Clerk of Court. A \$50.00 payment is due immediately. Future payments are due monthly on the same day of the month as today. The future payments will be equal to 1/24 of the total amount due, but not less than \$50.00 per month.

Defendant specifically consented to the entry of a Deferred Judgment and specifically consented to the conditions of probation as outline above.

Count II is dismissed pursuant to plea agreement. Defendant's appearance bond is exonerated.
SO ORDERED July 27, 2012.



CHARLES D. FAGAN, JUDGE PDF

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

Roger D. Breed, Ed.D.)	
Commissioner of Education	)	N.P.P.C. Case No. 13-01
301 Centennial Mall South - 6th Floor	)	Case No. 13003
Lincoln, NE 68509-4933)	
)	
Petitioner,)	
)	
vs.	)	Request for Support
	)	Information
Adam Jones)	
7335 S. 28th St.)	
Lincoln, NE 68516,)	
)	
)	
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 February 27, 2013

Karen Shelton, 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 February 27, 2013, for Case No. 13-01 was mailed to Adam Jones, Respondent by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead on this 27th day of February, 2013, at the following addresses.

Adam Jones
Respondent
7335 S. 28th St.
Lincoln, NE 68516

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 26th day of February 2013.



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



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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

*General Council
Nebraska State Board of Education
900 South 13th Street
Lincoln, NE 68516*



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. <i>13003</i> Attach this card to the back of the mailpiece, or on the front if space permits. <i>13-1</i> 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>ADAM JAWRS</i> C. Date of Delivery <i>2/4</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Arthur Jones 7335 S 28 St Lincoln Ne 68516</i></p>	<p>RESTRICTED DELIVERY</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



81

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)

PPC Case No. 13-1
Case No. 13003

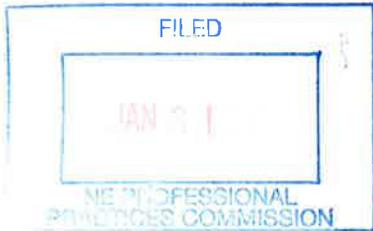
Petitioner,)

vs.)

Adam Jones)
7335 S. 28th Street)
Lincoln, NE 68516)

Respondent.)

PETITION

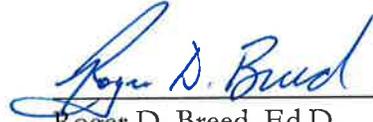


Petitioner, in accordance with Section 79-859 through 79-871 of the Revised Statutes of Nebraska, Title 95, Chapter 01, of the Nebraska Administrative Code, and Title 92, Chapters 27 and 28 of the Nebraska Administrative Code, states and alleges as follows:

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 Adam Jones, 7335 S. 28th Street, Lincoln, NE 68516;
3. The Respondent holds a public Nebraska initial teaching certificate number 2008005868, endorsed in Biology 7-12 and Earth Science 7-12, with an expiration date of August 31, 2013;
4. On January 17, 2013, the Iowa Board of Educational Examiners permanently revoked the Respondent's Standard License to teach after the Respondent voluntarily surrendered his practitioner license after being found guilty by the Iowa court system of Delivery of a Controlled Substance, a misdemeanor; and
5. Based upon the factual allegation contained in paragraph 4 of the Petition, the Respondent violated the following statute and standard: Neb. Rev. Stat. Section 79-866(2) (Reissue 2008) 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"; and Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02G (effective date: November 12, 2003) which states, "the educator: Shall not have had revoked for cause a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services certificate is issued in Nebraska".

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 29th day of January 2013.

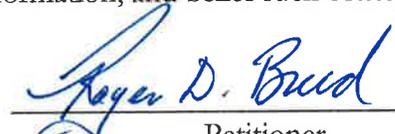


Roger D. Breed, Ed.D.
Commissioner of Education

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

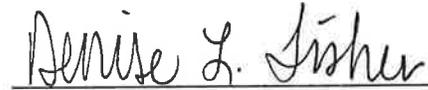
I, Roger D. Breed, being first duly sworn under oath, state that I have read the contents of the Petition and that to the best of my knowledge, information, and belief such contents are true.



Petitioner

Subscribed and sworn to before me this 29th day of January 2013, by Roger D. Breed, Commissioner of Education, as Petitioner.



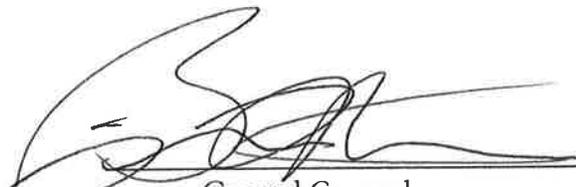


Notary Public

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 31st day of January 2013:

Adam Jones
7335 S. 28th Street
Lincoln, NE 68516
Article Number 7011 2970 0004 0330 7514



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,

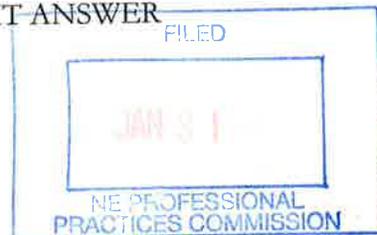
vs.

Adam Jones
7335 S. 28th Street
Lincoln, NE 68516

Respondent.

PPC Case No. 13-1
Case No. 13003

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 31st day of January 2013:

Adam Jones
7335 S. 28th Street
Lincoln, NE 68516
Article Number 7011 2970 0004 0330 7514

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

NEBRASKA DEPARTMENT
OF EDUCATION

RULE 27

REGULATIONS AND STANDARDS FOR
PROFESSIONAL PRACTICES CRITERIA

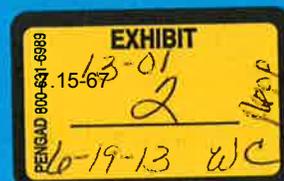
TITLE 92, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 27

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



08.09.13 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

