

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,)

N.P.P.C. Case No. 12-10
 Case No. 12031

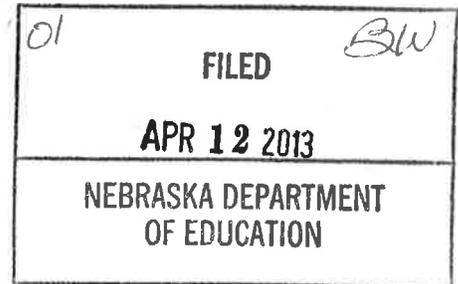
Petitioner,)

vs.)

Findings Of Fact, Conclusions
 Of Law, And Recommendation
 Of the Commission

Michael Loftin, Jr.)
 18955 Nina Street)
 Omaha, NE 68130,)

Respondent.)



I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on December 3, 2012, by Roger D. Breed, Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as "Petitioner." The Petition was filed against Michael Loftin, Jr., 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 004.02D (November 12, 2003); Section 004.02H (same effective date); Section 004.03C(same effective date); Section 004.03D (same effective date); Section 004.04E (same effective date); and Section 004.04F (same effective date).

On December 7, 2012, 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.

On January 2, 2013, the Respondent filed an Answer to the Petition admitting to all but Sections 004.02D and 004.02H, stating in response to the allegations: "I have taken full responsibility for my action (sic) since the beginning regarding the incident in question. It was never my intention to harm or embarrass the student or any student. You already have the statement that I gave the school about my role and how the incident took place. Please attach that to this document as a part of this response. I am extremely saddened to see this allegation includes the terms student or child abuse. There is no evidence that the alleged incident involved anything of a sexual nature or being child abuse. It occurred in an open hallway in front of 10-15 students. When I was advised by the student that she was not wearing her uniform underneath her warm ups I immediately apologized and was well aware of her embarrassment. All of the

members of the girls' team knew that they were to be fully dressed for games and again, I had no idea that the student was only wearing underwear under her warm ups. Any suggestions that I knew she was only wearing underwear is false. Given the place where the incident occurred, the people in front of whom it took place and the context of the alleged "act", there was nothing "sexual" about it. Immediately after the incident, I apologized profusely to the student. I knew she was embarrassed and I was outwardly remorseful. Once the team bus arrived at the Logan-Magnolia gym, I advised Lori Clark, the activities director, of the incident. Ms. Clark went into the locker room to investigate the situation. When Ms. Clark reported back to my client, she indicated that the majority of the team understood that the act was unintentional. I in no way tried to bribe the student or hide the incident from my supervisors. I am profoundly sorry for the underlying incident but adamantly deny the innuendo, smears and suggestions that reach far beyond the momentary lapse of judgment. I understand that the outcome of the incident was inappropriate, but the outcome was not my intention. I take complete responsibility and accept the consequences.

On January 22, 2013, Kathi Vontz wrote a letter to the Respondent indicating that the commission would proceed with a hearing and suggesting that in his best interests to appear and present his own evidence and answer questions the body may have.

On January 22, 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 March 23, 2012 at 10:30 a.m. or immediately following the preceding hearing 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 his duties.

The Petition and Answer came on for hearing at the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan Anglemyer, Sarah Brown, Raymond Keller, Jodi Kupper, Brian Maher, Damon McDonald, Joy Schott, Cindy Serfass, Karen Shelton, and Jane Stavem. Commissioner McDonald served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared by Brian L. Halstead, General Counsel. The Respondent did not appear and was not represented by counsel. Exhibits and testimony were received in evidence and the Petitioner's General Counsel 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 two Nebraska public certificates: (1) Standard teaching number 2006003610, endorsed in Coaching 7-12, History 7-12, and Physical Education 7-12, with an

expiration date of August 31, 2013; and (2) Standard administrative number 2007000040, endorsed as Principal 7-12, Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2014.

2. On June 6, 2012, the Respondent was found guilty of assault in the Iowa court system and given a deferred judgment and one-year unsupervised probation after he unbuttoned the basketball warm-up pants of a female student causing them to fall to the ground leaving the student standing there in her underwear surrounded by other male/female students.

3. On or about November 14, 2012, the Iowa Board of Educational Examiners suspended the Respondent's license for a period of three (3) school years, and that the Respondent would be eligible for reinstatement on or after June 30, 2015, based in part upon the Respondent's conduct as outlined in paragraph 4 of the Petition.

III. CONCLUSIONS OF LAW

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

2. The Petitioner has proven by a preponderance of the evidence that the Respondent committed an immoral act and an act of moral turpitude in violation of 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 004.03C (effective date: November 12, 2003) which states, "the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"; Section 004.03D (same effective date) which states, "the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"; 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 004.04F (same effective date) which states, "the educator: Shall, with reasonable diligence, attend to the duties of his or her professional position."

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends to the State Board of Education that the two Nebraska public certificates: (1) Standard teaching number 2006003610, endorsed in Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2013; and (2) Standard administrative number 2007000040, endorsed as Principal 7-12, Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2014, belonging to Michael Loftin be revoked for a period of two (2) years from and after final

action herein by the State Board of Education with reinstatement of certification conditional upon the restoration of Respondent's Iowa certification.

Dated this 8th day of April, 2013.

A handwritten signature in cursive script, reading "Darion McDonald", written over a horizontal line.

Darion McDonald, 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. 12-10, was served upon Respondent, Michael Loftin, Jr., by certified U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 12th day of April, 2013, at the following addresses.

Michael Loftin, Jr.
Respondent
18955 Nina Street
Omaha, Ne 68130

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

<u>EXHIBITS:</u>	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1 Pleadings (12 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
4 Title 92, Nebraska Administrative Code, Chapter 28 (23 pages)	5	7	7	Appendix
5 Title 92, Nebraska Administrative Code, Chapter 29 (12 pages)	5	7	7	Appendix
6 Report of Investigation (28 pages)	5	7	7	Appendix
	- - -			
Appearances			2	.
Reporter's Certificate			4	.
Closing Argument by Mr. Halstead			8	
Motion			9	
Decision			11	
	- - -			

1 PROCEEDINGS:

2 (Exhibits 1 through 6 were marked for
3 identification.)

4 CHAIRPERSON McDONALD: Ladies and gentlemen, I am
5 Damon McDonald, chairperson of this hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 12:17 p.m. for the purpose of receiving evidence
8 on a petition filed by Roger D. Breed, Commissioner of
9 Education, Petitioner, against Michael Loftin, Case No.
10 12-10.

11 The other members of the hearing committee are
12 Susan Anglemeyer, Sarah Brown, Raymond Keller, Jodi Kupper,
13 Brian Maher, Joy Schott, Cindy Serfass, Karen Shelton, and
14 Jane Stavem.

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

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

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

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

1 to Sections 79-859 through 79-871 of the Nebraska statutes
2 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 McDONALD: Let the record show that
9 the respondent is not present, nor is there anyone else
10 present 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 McDONALD: Exhibits 1, 2, and 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.

2 Mr. Halstead, opening statement?

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

4 THE HEARING OFFICER: Any further evidence that
5 you wish to offer?

6 MR. HALSTEAD: I would offer three exhibits, Your
7 Honor. The first, Exhibit No. 4, being Title 92, Nebraska
8 Administrative Code, Chapter 28, the rules and regulations
9 regarding complaints and investigations by the Nebraska
10 Department of Education. Exhibit No. 5 being Title 92,
11 Nebraska Administrative Code, Chapter 29, the rules and
12 regulations regarding hearings before the State Board of
13 Education. And Exhibit No. 6 being the Report of
14 Investigation in the case of the Commissioner of Education
15 versus Michael Loftin, Jr. We'd offer Exhibits 4, 5, and 6
16 to the committee.

17 THE HEARING OFFICER: There being no objection,
18 Exhibits 4, 5, and 6 are received by the Commission.

19 (Exhibits 4 through 6 were received in evidence.
20 See Index.)

21 MR. HALSTEAD: I have copies of the report for all
22 the Commission members.

23 THE HEARING OFFICER: If you would distribute
24 those, please.

25 MR. HALSTEAD: I have no further evidence, Your
05.07.13 State Board of Education 7.12-13

1 Honor.

2 THE HEARING OFFICER: Thank you, Mr. Halstead.
3 You may proceed with your closing.

4 MR. HALSTEAD: Ladies and gentlemen of the
5 Commission, as you can see from the pleadings, Mr. Loftin
6 admitted all of the allegations against him in the petition,
7 although he quibbles about a letter of reference that he
8 altered in the state of Iowa that he thought wasn't altered,
9 there was done in conformity with the agreement. The State
10 of Iowa has revoked his certificate for a period of time for
11 his misconduct involving a female basketball player where,
12 while standing in the hallway, he decided to be a sophomore
13 and depants her, not knowing she had nothing on -- her
14 basketball uniform when he pulled her sweats down. He was
15 convicted of an assault in the state of Nebras- -- or in
16 Iowa and is serving a deferred judgment in that state. His
17 certificate has been revoked in the state of Iowa. We
18 believe, basically, that Mr. Loftin should have his Nebraska
19 certificate revoked. We would certainly suggest that
20 revoking it for five years and requiring that he get all of
21 his Iowa licenses reinstated in the state of Iowa before he
22 applies for reinstatement in Nebraska would be an
23 appropriate recommendation to the State Board.

24 With that, I'd be more than happy to answer any
25 questions you have on the case.

1 THE HEARING OFFICER: Questions from the
2 Commission? Commissioners on my right, any questions for
3 Mr. Halstead?

4 (No response.)

5 Commissioners on my left, any questions for Mr.
6 Halstead?

7 (No response.)

8 Seeing none, we will now close this hearing.

9 Thank you, Mr. Halstead.

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

18 I now declare this hearing adjourned at 12:23 p.m.

19 (Whereupon, the hearing was adjourned at 12:23
20 p.m. to be reconvened after executive session and
21 deliberation of the evidence.)

22 (Back on the record 3:32 p.m.)

23 CHAIRPERSON STAVEM: Is there a motion regarding
24 the Commission's recommendation on Case No. 12-10?

25 COMMISSIONER BROWN: Yes, there is. I move that

1 the Nebraska Professional Practices Commission adopts the
2 findings of fact and conclusions of law and recommend to the
3 State Board of Education that the certificate of Michael
4 Loftin be revoked for a period of two years and with the
5 condition of reinstatement of the Iowa certificate.

6 CHAIRPERSON STAVEM: Is there a second?

7 COMMISSIONER SERFASS: Yes, second.

8 CHAIRPERSON STAVEM: Any discussion.

9 (No response.)

10 Please call the roll?

11 THE CLERK: Anglemyer.

12 COMMISSIONER ANGLEMYER: Yes.

13 THE CLERK: Brown.

14 COMMISSIONER BROWN: Yes.

15 THE CLERK: Johnson, Keller.

16 COMMISSIONER KELLER: Yes.

17 THE CLERK: Kupper.

18 COMMISSIONER KUPPER: Yes.

19 THE CLERK: Maher.

20 COMMISSIONER MAHER: Yes.

21 THE CLERK: McDonald.

22 CHAIRPERSON McDONALD: Yes.

23 THE CLERK: Schott.

24 COMMISSIONER SCHOTT: Yes.

25 THE CLERK: Serfass.

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COMMISSIONER SERFASS: Yes.

THE CLERK: Shelton.

COMMISSIONER SHELTON: Yes.

THE CLERK: Stavem

CHAIRPERSON STAVEM: Yes.

Motion passes.

(Whereupon, at 3:33 p.m. on March 23, 2013, the
proceedings were concluded.)

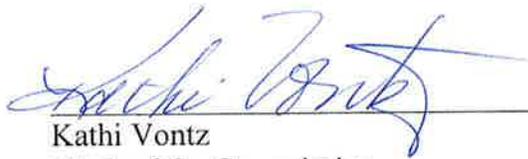
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated January 22, 2013, for Case Number 12-10, was mailed to Michael Loftin, Jr., Respondent, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 22nd day of January, 2013, at the following addresses.

Michael Loftin, Jr.
Respondent
18955 Nina Street
Omaha, NE 68130

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



Kathi Vontz
Clerk of the Commission



Nebraska Professional Practices Commission

Kathi Vontz
Clerk of the Commission
Phone: (402) 471-2943
Fax: (402) 471-3698
Email:
kathi.vontz@nebraska.gov

301 Centennial Mall South
P.O. Box 94941
Lincoln, Nebraska 68509
Web Address:
http://nppc.nebraska.gov

1-22-13

Jane Stavem, Chairperson

ELEMENTARY TEACHER
Susan Johnson
North Platte

Michael J. Loftin, Jr.
18955 Nina Street
Omaha, NE 68130

Joy Schott
Burwell

RE: Case No. 12-10

Karen Shelton
Lincoln

Dear Mr. Loftin:

SECONDARY TEACHERS
Sarah Brown
Wilber - Clatonia

In your Answer to Case No. 12-10 which I recently received, you indicated that you wish to waive your rights to a hearing. I do want to let you know this office will proceed with a hearing on this case. You will be receiving a notice in the near future for a specified time on Saturday, March 23, 2013.

Cindy Serfass
Westside

It is certainly up to you whether or not you choose to appear at the hearing on your own behalf. However, whether you choose to appear or not we will proceed on the evidence before the body and they will then make a recommendation to the Nebraska State Board of Education regarding your certificate. I would urge you to attend and speak to the commissioners, it is always in your best interests to present your own evidence and be able to answer their questions.

Raymond Keller
Papillion - LaVista

Further, whether or not you attend, you will also receive a copy of their findings and recommendation and then a notice of the final disposition before the state board.

Lynn Strack
Lincoln

Should you have any questions about the procedure, I am more than happy to answer them. You could reach me at your convenience at:
kathi.vontz@nebraska.gov.

ADMINISTRATORS
Susan J. Anglemeyer
Millard

Damon McDonald
Aurora

Jane Stavem
Lincoln

Brian Maher
Kearney

Sincerely,

Kathi Vontz
Clerk of the Commission

POSTSECONDARY EDUCATION
Jodi Kupper
Peru State College

cc: Brian Halstead

6

Before The Nebraska Professional Practices Commission

State Of Nebraska

Roger D. Breed, Ed.D
Commissioner of Education
3001 Centennial Mall South – 6th Floor
P.O. Box 94933
Lincoln, NE 68059-4933

Petitioner,

PPC Case No. 12-10
Case No. 12031

Vs.

Michael J Loftin Jr.
18955 Nina St.
Omaha, NE 68130

Respondent.

ANSWER



Respondent, Michael J Loftin Jr., admits to all to all but Sections 004.02D and 004.02H.

I have taken full responsibility for my action since the beginning regarding the incident in question. It was never my intention to harm or embarrass the student or any student. You already have the statement that I gave the school about my role and how the incident took place. Please attach that to this document as a part of this response. I am extremely saddened to see this allegation includes the terms student or child abuse. There is no evidence that the alleged incident involved anything of a sexual nature or being child abuse. It occurred in an open hallway in front of 10-15 students. When I was advised by the student that she was not wearing her uniform underneath her warm ups I immediately apologized and was well aware of her embarrassment. All of the members of the girls' team knew that they were to be fully dressed for games and again, I had no idea that the student was only wearing underwear under her warm ups. Any suggestion that I knew she was only wearing underwear is false. Given the place where the incident occurred, the people in front of whom it took place and the context of the alleged "act", there was nothing "sexual" about it. Immediately after the incident, I apologized profusely to the student. I knew she was embarrassed and I was outwardly remorseful. Once the team bus arrived at the Logan-Magnolia gym, I advised Lori Clark, the activities director, of the incident. Ms. Clark went into the locker room to investigate the situation. When Ms. Clark reported back to my client, she indicated that the majority of the team understood that the act was unintentional. I in no way tried to bribe the student or hide the incident from my supervisors. I am profoundly sorry for the underlying incident but adamantly deny the innuendo, smears and suggestions that reach far beyond the momentary

lapse of judgment. I understand that the outcome of the incident was inappropriate, but the outcome was not my intention. I take complete responsibility and accept the consequences.

I assume that section 004.02D and 004.02H stems from the included material surrounding my resume and letter of recommendation from Mr. David Schweitzer.

When I decided to resign from Council Bluffs Community Schools in November of 2009, I had several meeting with Mrs. Janet Reiners Director of Human Resources. We talked extensively about the resignation and how I could address it in future jobs. She made it clear to me that if I resigned for personal reasons I could tell future employers that I resigned because of the budget cuts that the district was going through at that time. I remember that I asked her what to say if future employers asked my I resigned. I was told by her that I could tell them anything including the budget cuts and that the district would only tell future employers that I resigned. However, looking back I realize that I should not have done this and I take full responsibility for it and even though I feel like I received this advice from a trusted individual I will accept fully the consequences for this lapse in judgment.

Concerning the letter of recommendation from Mr. Schweitzer, This allegation is absolutely false. He is right that this is not the original letter that he wrote for me in 2009. After Mr. Schweitzer emailed me the original letter, he asked me if it was ok and told me that if I wanted to add of change anything to let him know. We had a couple of communications about adding specific things that I had accomplished will with the district. After we had these communications he told me that it changes were ok with him and that I could add them which I did. I have never and would never make changes to a letter of recommendation without asking and going through them with the person who wrote the original letter. I respect Mr. Schweitzer a great deal, but I know that I made the changes with his full understanding.

In closing, I know that I have made a mistakes related to this complaint. As you have read, I have accepted responsibility for those that I believe I have done. I know the incident that involved the student was unacceptable but I would like to make sure that it is clear, it was never my intention to have the students pants fall down, or to harm and embarrass her. I have paid dearly for my mistake; I have lost my job, probably my career in education, and have been charged with a simple misdemeanor for simple assault. My hope is that the Commission will not revoke my license permanently. So that I can have the option to someday try and get back into the education field.

With all due respect to the Commission, I would like to waive my rights to a hearing. I travel around the county in my job, and it would be difficult to attend a hearing. Since I am accepting responsibility for the majority of the violations, I would ask that a settlement be reached to have the time of the commission and to finalize the process more quickly.


Mike Loftin

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)

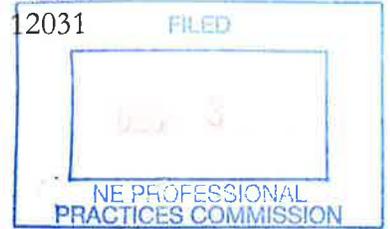
Petitioner,)

vs.)

Michael Loftin Jr.)
18955 Nina Street)
Omaha, NE 68130)

Respondent.)

PPC Case No. 12-10
Case No. 12031



PETITION

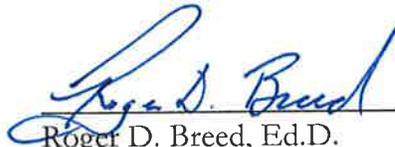
Petitioner, in accordance with Section 79-859 through 79-871 of the Revised Statutes of Nebraska, Title 95, Chapter 01, of the Nebraska Administrative Code, and Title 92, Chapters 27 and 28 of the Nebraska Administrative Code, states and alleges as follows:

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 Michael Loftin Jr., 18955 Nina Street, Omaha, NE 68130;
3. The Respondent holds two Nebraska public certificates: 1) Standard teaching number 2006003610, endorsed in Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2013; 2) Standard administrative number 2007000040, endorsed as Principal 7-12, Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2014;
4. On June 6, 2012, the Respondent was found guilty of Simple Assault in the Iowa court system and given a deferred judgment and one-year unsupervised probation after he unbuttoned basketball warm-up pants of a female student causing them to fall to the ground leaving the student standing there in her underwear surrounded by other male/female students;
5. On or about November 14, 2012, the Iowa Board of Educational Examiners suspended the Respondent's license for a period of three (3) school years, and that the Respondent would be eligible for reinstatement on or after June 30, 2015, based in part upon the Respondent's conduct as outlined in paragraph 4 of this Petition; and

6. Based upon the factual allegations contained in paragraph 4 & 5 of the Petition, the Respondent violated the following statute 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"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, "the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible"; Section 004.02H (same effective date) which states, "the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties"; Section 004.03C (same effective date) which states, "the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"; Section 004.03D (same effective date) which states, "the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"; 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 004.04F (same effective date) which states, "the educator: Shall, with reasonable diligence, attend to the duties of his or her professional position".

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 3rd day of December 2012.



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

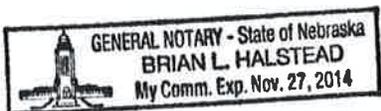
VERIFICATION

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 3rd day of December 2012 by Roger D. Breed, Commissioner of Education, as Petitioner.

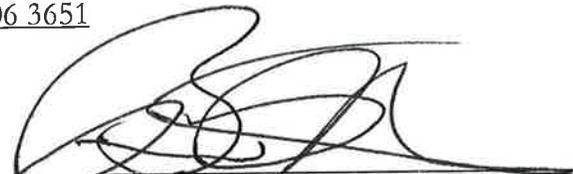



Notary Public

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 3rd day of December 2012:

Michael Loftin Jr.
18955 Nina Street
Omaha, NE 68130
Article Number 7011 1150 0001 8406 3651


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,)

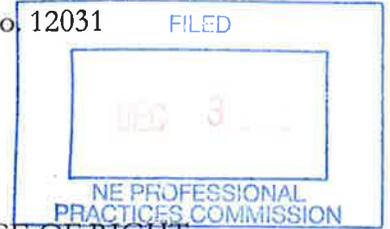
vs.)

Michael Loftin Jr.)
18955 Nina Street)
Omaha, NE 68130)

Respondent.)

PPC Case No. 12-10

Case No. 12031 FILED



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 3rd day of December 2012:

Michael Loftin Jr.
18955 Nina Street
Omaha, NE 68130
Article Number 7011 1150 0001 8406 3651

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Michael Loffin Jr
 18955 Luna Street
 Omaha NE 68130

COMPLETE THIS SECTION DELIVERY

A. Signature Agent
 B. Received by (Printed Name) Addressee
 Mike Loffin

C. Date of Delivery
 12-7-12

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below.



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7011 1150 0001 8406 3651
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

NEBRASKA DEPARTMENT
OF EDUCATION

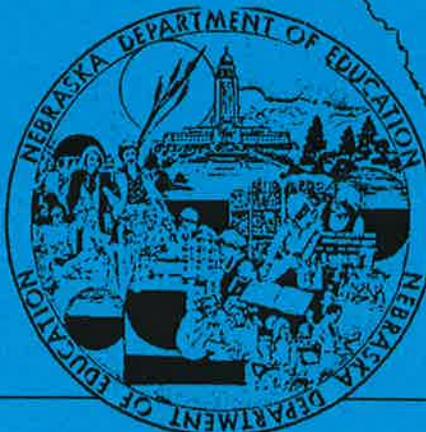
RULE 27

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



NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,
CHAPTER 1

REGULATIONS CONCERNING
TEACHER AND ADMINISTRATOR
PROFESSIONAL PRACTICES HEARINGS



NEBRASKA DEPARTMENT
OF EDUCATION

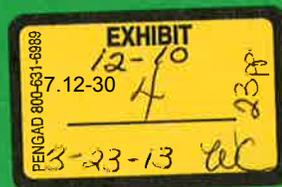
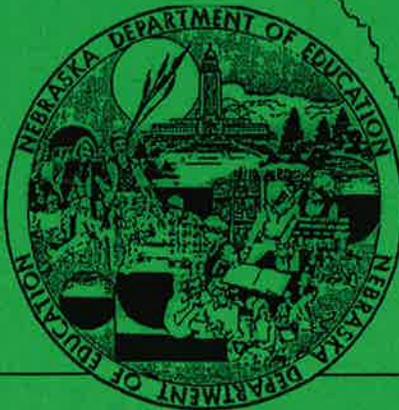
RULE 28

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

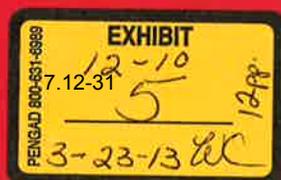
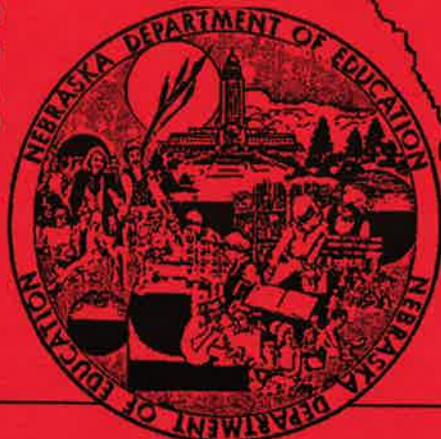
RULE 29

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



BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

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

Case No. 12031

Complainant,)

vs.)

REPORT OF INVESTIGATION

Michael Loftin Jr.)
18955 Nina Street)
Omaha, NE 68130)

Respondent.)

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 12031 is submitted to the Commissioner of Education on this 3rd day of December 2012. The Report was submitted to the Respondent on the 20th day of November 2012, and exceptions were filed on December 3.

R Jeffrey Schneier
Certification Investigator

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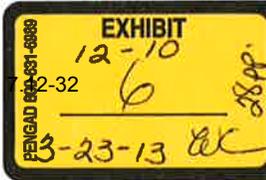
FINDINGS 2-4

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS 4-5

DETERMINATION OF LEGAL SUFFICIENCY..... 5

RECOMMENDATION 5

EXHIBITS 5



11/29/2012



Dear Commissioner,

Please consider this my official response to the investigators report. While I do not take issue with any of the facts in the report I would like to make a few things clear. I never falsified a reference document with regards to my employment to West Harrison Community Schools. After I received the letter I had several conversations with the person who wrote the letter. In those conversations we talked about changes that could be made to the letter. I never made any changes without the other parties' knowledge. I have in previous letters to the commissioner stated that I take full responsibility for the incident, but I cannot accept responsibility for the charge of falsifying a reference letter, and there is no evidence that I did any such thing.

Since the incident to place on January 20th 2012, I have taken full responsibility for my actions. I have paid dearly for my mistake and I will have to live with that for the rest of my life. I know that this matter will more than likely be taken to the Nebraska Professional Practices Commission. I have left the education field and will probably never be able to return due to my actions and the coverage that followed. All I am asking is that my license not be revoked permanently and that I someday be given the option to regain my Nebraska education license. I have accepted a settlement agreement with the Iowa Department of Education for a 3 school year suspension ending on June 30th 2015; my hope is that the Commissioner and the Nebraska Professional Practices Commission will offer something similar. Please know that was never my intention to embarrass or harm the student involved. I have and will continue to accept the consequences of my actions.

Thank you,

A handwritten signature in cursive script, appearing to read "Mike Loftin".

Mike Loftin

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

Nikole Sander
301 Centennial Mall South
Lincoln, NE 68509

Complainant,

vs.

Michael Loftin Jr.
18955 Nina Street
Omaha, NE 68130

Respondent.

Case No. 12031

REPORT OF INVESTIGATION

In accordance with Title 92, *Nebraska Administrative Code*, Chapter 28, the attached Report of Investigation into case number 12031 is submitted to the Respondent on the 20th day of November 2012.


Certification Investigator

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60

JURISDICTION

On June 20, 2012, Nikole Sander filed a Complaint with the Commissioner of Education against Michael Loftin Jr., the Respondent. A copy of the Complaint was served upon the Respondent on June 21, 2012. Copies of the Complaint and return receipt are collectively attached and marked as exhibit "E-1".

The Teacher Certification Office Records revealed that the Respondent holds two Nebraska public certificates: 1) Standard teaching number 2006003610, endorsed in Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2013; 2) Standard administrative number 2007000040, endorsed as Principal 7-12, Coaching 7-12, History 7-12, and Physical Education 7-12, with an expiration date of August 31, 2014.

SUMMARY OF COMPLAINT

The Complainant alleged on June 6, 2012, the Respondent was found guilty of Simple Assault in the Iowa court system and given a deferred judgment and one-year unsupervised probation after he unbuttoned basketball warm-up pants of a female student causing them to fall to the ground leaving the student standing there in her underwear surrounded by other male/female students.

POSITION OF RESPONDENT

The Respondent submitted a written response to the complaint, a copy of which is attached as exhibit "E-2". The Respondent admitted to his conduct in this matter, but stated it was not his intention to harm or embarrass the student.

FINDINGS

The investigator obtained copies of documentation of the Iowa Court System pertaining to the charges that were filed against the Respondent in this matter, copies of which are included in exhibit "E-1". According to the documentation, on March 5, 2012, the Respondent was charged with Assault-Simple Misdemeanor after an incident occurred at the West Harrison Community School in Mondamin, Iowa. The Complaint and Affidavit states:

On Friday, January 20th, 2012, the Defendant was within the hallway of the West Harrison Community School with numerous female and male students, waiting for a bus to arrive to transport students to a basketball game at another location. During this time, the Defendant intentionally unbuttoned the basketball warm-up pants of a female student, causing the pants to fall to the ground. This act was insulting and offensive to the female student.

On June 6, 2012, the Respondent appeared in court with his attorney and admitted to the allegations contained in the criminal complaint filed by the Harrison County Sheriff on March 5, 2012. The court found the Respondent guilty of Simple Assault. The Respondent requested and was granted a deferred judgment and was placed on unsupervised probation for a period of one (1) year.

Information obtained from the Iowa Board of Educational Examiners (BOEE) indicates that on March 12, 2012, the Iowa BOEE received a complaint from Superintendent Joel Foster of West Harrison Community Schools reporting that on January 20, 2012, the Respondent unsnapped the warm-up pants of a female basketball player while the team was waiting to board the bus for a game. The student's pants fell to the ground in front of male and student players. An investigation was conducted by the school district and the Respondent resigned. During the investigation of the above-referenced incident, it was revealed that the Respondent used a fraudulent reference letter during the application/hiring process of West Harrison Community Schools. The Respondent stated in a letter that he had resigned from Council Bluffs Community School due to budget cuts effective the end of December 2009, when in fact he has resigned for personal reasons effective November 3, 2009. The letter had been altered by the Respondent after it was provided to him by a former principal. The Respondent claimed he had permission by the former principal to make changes.

A Notice of Hearing and Statement of Charges was sent to the Respondent by the Iowa BOEE indicating that on September 18, 2012, a hearing would be held, and the Respondent had 20 days to file an Answer. On September 10, 2012, the Respondent signed a Licensee Declaration pursuant to a Settlement Agreement filed on September 14, 2012, with the Iowa BOEE accepting a suspension of his practitioner license for a period of three (3) school years. The Respondent would be eligible for reinstatement on June 30, 2015. According to the agreement, prior to reinstatement, the Respondent must complete at least fifteen contact hours in "Ethics for Educators" and provide proof of such. The Settlement Agreement and Order was signed by the Executive Director of the Iowa BOEE on November 14, 2012. Copies of above-referenced documentation of the Iowa BOEE are collectively attached and marked as exhibit "E-3".

The Respondent stated in his written response that he has taken full responsibility for his actions regarding his conduct on January 20, 2012, while in the capacity of head girls' basketball coach. The Respondent also attached the written statement he had provided his school district in the matter. According to his statement, he was waiting with both male and female students to load a bus to leave for a basketball game. The Respondent stated that female student, CM, appeared to be in a bad mood so he was trying to cheer her up. While joking around, the Respondent stated he "reached down towards the bottom of her basketball warm-up snap pants below her knee and near her ankle and pulled to unsnap them". According to the Respondent, the girls usually wear their full uniform to games with the warm-up suits over and therefore assumed CM had done that. The Respondent stated:

I intended for it to unsnap a few of the buttons so that she would laugh and have to button them back up. I did not intend for the pants to become unbuttoned all the way down the side. I did not “depants” the student as some players had told my assistant coach once we arrived at the game. It was an accident and it was not my intent to embarrass or harm her.

The Respondent indicated when it happened CM fell to the floor to snap them back up. “At that time, she told me she was not wearing her uniform shorts”. The Respondent stated he apologized to CM several times, as well as others around. The Respondent indicated after the game he talked with CM on the way home and apologized again and stated he would call her family and tell them what occurred and apologize to them. The Respondent concluded by stating:

I feel bad for her that she was embarrassed and that I was the cause of that embarrassment, however there was never intent to harm or expose her. I was just an attempt to lighten the mood of a player that went terrible wrong. It was truly an accident and I feel bad for the outcome.

The Respondent concluded his written statement with the following:

My hope is that the Nebraska Department of Education will not revoke my license permanently. So that I can have the option to someday try and get back into the education field.

STANDARDS OF PROFESSIONAL CONDUCT AND ETHICS

The following statute and standards would appear applicable: 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”; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02D (effective date: November 12, 2003), which states, “the educator: Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible”; Section 004.02H (same effective date) which states, “the educator: Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties”; Section 004.03C (same effective date) which states, “the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety”; Section 004.03D (same effective date) which states, “the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student”; 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 004.04F (same effective date) which states, "the educator: Shall, with reasonable diligence, attend to the duties of his or her professional position".

DETERMINATION OF LEGAL SUFFICIENCY

The Respondent was employed as a principal and coach until he resigned from the West Harrison Community Schools after an incident with a female basketball player in which he unbuttoned the basketball warm-up pants she was wearing causing them to fall to the ground leaving the female student standing in her underpants. In addition, the Respondent was given deferred judgment and placed on probation for one year after he was found guilty by the Iowa court system of Simple Assault for this incident. During the investigation by the Iowa Board of Educational Examiners, it was discovered that the Respondent falsified a reference letter as part of his application to be employed by the West Harrison School District. The Respondent entered into a Settlement Agreement accepting a suspension of his practitioner license for a period of three (3) school years.

In Iowa, the law provides that a revocation means there is no possibility for an educator to hold another Iowa license to teach or administer. In addition, Iowa law provides that the BOEE has the authority to suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period. If a person's license has been suspended, once the amount of time stated in the order has elapsed, they must apply for reinstatement and the board decides whether to grant reinstatement. To reinstate, the board must determine that the basis for the suspension of the respondent's license, certificate or authorization no longer exists and that it will be in the public interest for the license, certificate or authorization to be reinstated.

There is legally sufficient evidence to indicate a violation of the standards with regard to these allegations.

RECOMMENDATION

The Certification Investigator would recommend the Commissioner of Education file a Petition in this matter with the Nebraska Professional Practices Commission.

EXHIBITS

- E-1. Copies of the Complaint and return receipt.
- E-2. A copy of the Respondent's written response to the complaint.
- E-3. Copies of documentation of the Iowa BOEE.

BEFORE THE COMMISSIONER OF EDUCATION
STATE OF NEBRASKA

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

Complainant,

vs.

Michael Loftin Jr.
18955 Nina Street
Omaha, NE 68130

Respondent.

Case No. 12031

COMPLAINT

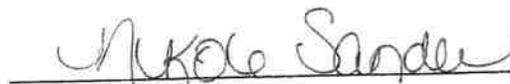


In accordance with Title 92, Chapter 28, of the *Nebraska Administrative Code*, the Complainant states as follows:

1. The Complainant is Nikole Sander. Her address is 301 Centennial Mall South, Lincoln, NE 68509-4987;
2. The Respondent is Michael Loftin Jr. His address is 18955 Nina Street, Omaha NE 68130;
3. On January 20, 2012, the Respondent was in a hallway of West Harrison Community School, Iowa, with male and female students waiting for a bus to arrive and transport the students to a basketball game. During this time, the Respondent unbuttoned the basketball warm-up pants of a female student which caused her pants to fall to the ground with no shorts underneath;
4. On June 6, 2012, the Respondent was found guilty by the Iowa court system of Simple Assault and was granted a deferred judgment and placed on supervised probation for a period of one year. A copy of court record is attached; and
5. Witness(es): Jennifer Mumm, Harrison County Attorney, 402 E. Erie Street, Missouri Valley, IA 51555; (712) 642-2775.

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 20th day of June 2012.


Nikole Sander



Complaint
Case No. 12031
Page 2

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
Nikole Sander

Subscribed and sworn before me this 20th day of June 2012 by Nikole Sander.

(Seal)



[Signature]
Notary Public

IN THE IOWA DISTRICT COURT IN AND FOR HARRISON COUNTY

THE STATE OF IOWA
THE CITY/COUNTY OF HARRISON

Before Magistrate J. White

Criminal Number Smm6 049357

vs.
MICHAEL J. LOFTIN JR. - 07/01/1976
NE DL #H12880899
18955 NINA ST., OMAHA, NE 68130

COMPLAINT AND AFFIDAVIT

The defendant is accused of the crime of ASSAULT- SIMPLE MISDEMEANOR in violation of Section 708.1(2)/708.2(6) of the Iowa Criminal Code/ 2011 in that the defendant on or about the 20TH day of JANUARY, 2012 (at approximately 4:45 o'clock P.M.), at WEST HARRISON COMMUNITY SCHOOL, MONDAMIN, IOWA in Harrison County, did COMMIT AN ACT THAT PLACED ANOTHER IN FEAR OF IMMEDIATE PHYSICAL CONTACT WHICH WOULD BE INSULTING OR OFFENSIVE.

THEREFORE, Complainant requests that said defendant, subject to bail or conditions of release where applicable.
(1) be arrested or that other lawful steps be taken to obtain Defendants appearance in court; or
(2) be detained, if already in custody, pending further proceedings;
and that said Defendant otherwise be dealt with according to law.

Complainant [Signature]
Signature of Complainant

STATE OF IOWA, County of HARRISON ss.,

AFFIDAVIT

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.
ON Friday, January 20TH, 2012, THE DEFENDANT WAS WITHIN THE HALLWAY OF THE WEST HARRISON COMMUNITY SCHOOL WITH NUMEROUS FEMALE AND MALE STUDENTS, WAITING FOR A BUS TO ARRIVE TO TRANSPORT STUDENTS TO A BASKETBALL GAME AT ANOTHER LOCATION. DURING THIS TIME, THE DEFENDANT INTENTIONALLY UNBUTTONED THE BASKETBALL WARM-UP PANTS OF A FEMALE STUDENT, CAUSING THE PANTS TO FALL TO THE GROUND. THIS ACT WAS INSULTING AND OFFENSIVE TO THE FEMALE STUDENT.

[Signature]
Signature of Affiant

Subscribed and sworn to before me by the person(s) signing this Complaint (and Affidavit(s)) on this the 5th day of March 2012.

[Signature]
Signature of Notary

Complaint and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

[Signature]
Magistrate

MVPD 4-97

LEND
HARRISON COUNTY
012 MAR -5 AM 10:42
7241

State of Iowa

State of Iowa
PLAINTIFF

VS

Michael Loftin
DEFENDANT

CASE NO. SM MG 049357

VIOLATION Simple assault

DATE VIOLATION 1-20-12

OFFICER _____

CASH APPEARANCE BOND

I (defendant, and or surety) hereby deposit with Clerk of Court in Harrison County, Iowa, as a cash appearance bond, in the sum of \$ 300.00 and I hereby agree that I will contact the Court in Logan Iowa prior to 9:30 A.M on the _____ day of _____ and if the defendant fails to appear at said time the court will enter a guilty plea to the charge, and apply said money deposited as bond herewith to payment of any fine, costs, surcharge, or restitution assessed against the defendant.

Dated 3-5-12

Janine Allen
Person taking bond

Michael Loftin
Defendant
18955 Nina St - Omaha, NE 68130
Address
[Signature]
Surety (person posting bond)

BOND RETURN AUTHORIZATION

CLERK OF COURT
HARRISON COUNTY
2012 MAR -5 AM 11:27

PLEASE PRINT:

BOND POSTED BY: Michael Loftin
ADDRESS: 18955 Nina St
CITY STATE ZIP: Omaha, NE 68130

SIGNATURE [Signature]

Pursuant to 811.8(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 the defendants fines, surcharge, or costs and if the payor wishes to have the money released to the defendant.

OPTIONAL, CHECK ITEMS THAT APPLY:

I hereby authorize the defendants fines, surcharge, and costs to be deducted from this bond money when exonerated.

Signature of person posting bond

I hereby authorize release of this bond to the defendant.

Signature of person posting bond.

ail summons -

sue warrant - 5th degree theft, failure to appear, failure to pay

Bond \$ _____ Other _____

defendant appeared (in custody of Sheriff Dept) and advised of rights.

signed waiver of counsel

referred to _____

plea of (not) guilty -

for uncontested hearing _____ C for contested hearing _____

trial set for April 27, 2012 at 9:30 A.M.

eliminary hearing set for _____

defendant requests a court appointed attorney. Granted - Denied

Attorney appointed Christopher Tinley is retained counsel

no set at \$ 300.00 (defendant posted bond himself)

defendant released on recognizance bond.

warrant of commitment issued.

sumus issued.

e _____ Surcharge _____ Costs _____ Law Enforcement

ative Surcharge _____ Restitution _____ TOTAL _____

defendant granted time to pay.

defendant sentenced to _____ days with _____ days suspended.

erred sentence.

ation one year. Code 124.
Code 714
ces sent. Code 718

contact order issued _____

(victim)

is a STATE OF IOWA VS. Michael J. Lofting, Jr.

CITY OF _____ VS: _____
(traffic) of (non-traffic)

Jack J. White 03/05/2012

CLERK OF DISTRICT COURT
HAMILTON COUNTY

2012 MAR -5 AM 11:27

IN THE IOWA DISTRICT COURT FOR HARRISON COUNTY

STATE OF IOWA, Plaintiff, vs. MICHAEL J. LOFTIN, JR., Defendant.	Case no. SMMG049357 ORDER FOR CONTINUANCE
--	--

NOW, the parties stipulate through their respective counsel to a continuance of the bench trial in this matter.

IT IS THEREFORE ORDERED that the trial scheduled for April 27, 2012, is cancelled; and the trial date shall be continued to May 25, 2012, at 9:30 a.m.

DATE: April 19, 2012


Jesse A. Render
Judicial Magistrate

cc - J Frisk
A. West
C Tanley
HCSD
Dept

2012 APR 19 AM 10:45
CLERK OF DISTRICT COURT
HARRISON COUNTY

FILED

IN THE MAGISTRATE COURT FOR HARRISON COUNTY, IOWA

STATE OF IOWA,

Plaintiff,

MICHAEL J. LOFTIN, JR.,

Defendant.

*

Case No. SMMG049357

*

ORDER FOR CONTINUANCE

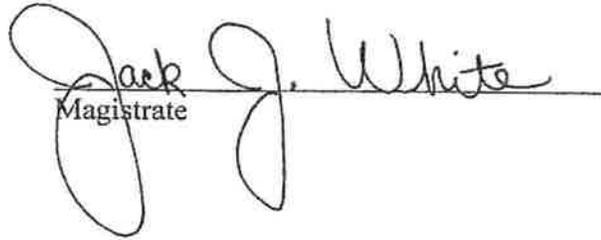
*

*

CHARGE: Assault (Iowa Code Section 708.2(6))

DATE: May 30, 2012

Court continues this proceeding by agreement of the parties, with hearing now being scheduled for **June 8, 2012 at 9:30 A.M.**


Magistrate

cc - J. Frisk
A. West
C. Tinley
HCSD / B. Doiel
Dept

2012 MAY 30 AM 9:41
CLERK OF DISTRICT COURT
HARRISON COUNTY

FILED

IN THE MAGISTRATE COURT FOR HARRISON COUNTY, IOWA

STATE OF IOWA,

Plaintiff,

MICHAEL J. LOFTIN, Jr.,

Defendant.

*
*
*
*

Case No. SMMG049357

ORDER

CHARGE: Assault (Iowa Code Section 708.2(6))

DATE: June 6, 2012

Defendant appears on this date with counsel Christopher J. Tinley, and continues his not guilty plea. Defendant admits the allegations contained in the criminal complaint filed by the Harrison County Sheriff on March 5, 2012, and states he intends to offer no defense to the aforesaid complaint. The Court finds sufficient cause to find the defendant guilty of the charged offense of Simple assault, in violation of Iowa Code Section 708.1 and 708.2(6).

Defendant requests and is granted a deferred judgment in this case. Defendant is placed on unsupervised probation to this Court for a period of one year, with the following being terms and conditions of the aforesaid probation:

Defendant will not be found guilty of any criminal offenses, excepting simple traffic violations, during the probationary period. Defendant will have no contact with the alleged victim C. M. during the probationary period.

Defendant is advised that a violation of the terms of probation as set forth, herein, may result in the revocation of the deferral of judgment and sentencing on the instant offense.

The defendant's bond is hereby exonerated. The hearing scheduled for June 8, 2012 is canceled.

Jack J. White
Jack J. White, Magistrate

2012 JUN -6 AM 11:07
CLERK OF DISTRICT COURT
HARRISON COUNTY

FILED

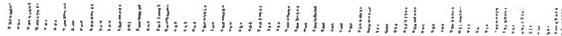
cc - Mumm/Weast
J. Frisk
C. Tinley
Deft

court costs - 60.00 - taken from bond



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

Handwritten text, mostly illegible



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. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to: <i>12031</i></p> <p><i>Michael Loflin Jr</i> <i>18955 Nina St</i> <i>Omaha Ne 68130</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><i>Stamp: JUN 21 2012</i></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>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p><i>7010 0780 0000 3456 0889</i></p>



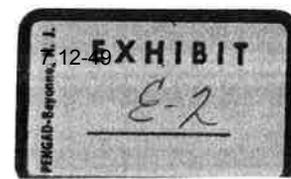
Dear Investigator,

Case Number 12031

Please accept this letter as my official response to the complaint allegations and issues presented in your letter dated June 20th, 2012.

I have taken full responsibility for my action since the beginning regarding the incident in question. It was never my intention to harm or embarrass the student or any student. I am including the statement that I gave the school about my role and how the incident took place. Please attach that to this document as a part of this response. When I was advised by the student that she was not wearing her uniform underneath her warm ups I immediately apologized and was well aware of her embarrassment. All of the members of the girls' team knew that they were to be fully dressed for games and again, I had no idea that the student was only wearing underwear under her warm ups. Any suggestion that I knew she was only wearing underwear is false. Given the place where the incident occurred, the people in front of whom it took place and the context of the alleged "act", there was nothing "sexual" about it. Immediately after the incident, I apologized profusely to the student. I knew she was embarrassed and I was outwardly remorseful. Once the team bus arrived at the Logan-Magnolia gym, I advised Lori Clark, the activities director, of the incident. Ms. Clark went into the locker room to investigate the situation. When Ms. Clark reported back to my client, she indicated that the majority of the team understood that the act was unintentional. I in no way tried to bribe the student or hide the incident from my supervisors. I am profoundly sorry for the underlying incident but adamantly deny the innuendo, smears and suggestions that reach far beyond the momentary lapse of judgment. I understand that the outcome of the incident was inappropriate, but the outcome was not my intention. I take complete responsibility and accept the consequences.

As you have read, I have accepted responsibility for my actions. I understand that there will be an investigation and a possible hearing based on the mistakes I have



made. I know the incident that involved the student was unacceptable but I would like to make sure that it is clear, it was never my intention to have the student's pants fall down, or to harm and embarrass her. I have paid dearly for my mistake; I have lost my job, probably my career in education and have been charged with a simple misdemeanor for simple assault. My hope is that the Nebraska Department of education will not revoke my license permanently so that I can have the option to someday try and get back into the education field.

Thank you,



Mike Loftin

Mr. Foster,

As you have asked, this is my version of what happened on Friday Jan. 20th, 2011 in the back hallway before leaving for the basketball game.

I was standing by a lot of the boys and girls waiting to load the bus, I was talking with C. M. who seemed to be in a bad mood. I was trying to cheer her up and we were joking around about things with others who were around us. At that point, I reached down towards the bottom of her basketball warm-up snap pants below her knee and near her ankle and pulled to unsnap them. Normally the girls wear their full uniform to games with the warm-up suits on over them. I assumed that the student had her uniform shorts on under her snap pants. I intended for it to unsnap a few of the buttons so that she would laugh and have to button them back up. I did not intend for the pants to become unbuttoned all the way down the side. I did not "depants" the students as some players had told my assistant coach once we arrived at the game. It was an accident and it was not my intent to embarrass or harm her. When it happened she grabbed them and fell to the floor to snap the back up. At that time she told me she was not wearing her uniform shorts. I felt extremely bad about what happened she was embarrassed and so was I. I apologized to the C. several times, and to the others who were around. I talked with a couple of the players about it and they told me that C. knew I did not mean to have her pants unsnap completely and that she was just embarrassed, and again I too was embarrassed. I did feel and still feel bad that she was embarrassed. However, it was never my intention to harm or to expose her.

Like I previously stated, I thought that she had her uniform shorts on and that they would not unsnap all the way down the side. I have a great coaching relationship with this student and all my athletes; they know how much I care about them and their well being. I would never do anything intentionally to make them feel embarrassed or to make a spectacle out of them. After the game I talked with the student on the way home and again apologized, she told me she knew I did not mean to do what had happened but that it embarrassed her. I told her that I was sorry and that I would do what I could to make it right. My intention was to call her family and talk with her about what happened and apologize for how it turned out.

I feel extremely bad for her that she was embarrassed and that I was the cause of that embarrassment, however there was never intent to harm or expose her. It was just an attempt to lighten the mood of a player that went terrible wrong. It was truly an accident and I feel bad for the outcome.

Thank you,

Mike Loftin
Head Girls Basketball Coach

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

In the matter of)	Case No. 12-31
)	License No. 344678
MICHAEL J. LOFTIN,)	
)	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 Tuesday, September 18, 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 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 any act of physical abuse of a student, in violation of Board rule 282 Iowa Admin. Code 25.3(1)(e)(1).

Count II

8. The Respondent is charged with misrepresentation or falsification of information by falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure, in violation of Board rule 282 Iowa Admin. Code 25.3(3)(a).

Count III

9. The Respondent is charged with unethical practice by failing to make reasonable efforts to protect the health and safety of the student or creating conditions

harmful to student learning and by conducting professional business in such a way that the practitioner repeatedly exposes students to unnecessary embarrassment or disparagement, in violation of Board rule 282 Iowa Admin Code 25.3(6)(c) and (d).

C. JURISDICTION AND LEGAL AUTHORITY

10. 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

11. The Respondent holds a Professional Administrator License (FOLDER # 344678) with endorsements for PK-12 Principal/Special Education Supervisor and Evaluator. Respondent's professional administrator license is current and will next expire on July 31, 2014. Respondent also holds a Standard License with endorsements to teach 5-12 Physical Education, American History and World History and to serve as K-12 Athletic Coach. Respondent's standard license expired on July 31, 2008.

12. The Respondent began employment with West Harrison Community Schools as 7-12 principal on July 1, 2010. Respondent also served as head girls' basketball coach beginning in November of 2011. Respondent was placed on administrative leave on January 22, 2012.

13. The Board of Educational Examiners received a complaint against Respondent alleging various violations of the Board's rules. On May 4, 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.

14. While serving as girls' basketball coach, Respondent approached a student-athlete and unbuttoned her basketball warm-up pants. Respondent's actions caused the girl's pants to fall to the floor. The student-athlete did not have shorts on under the warm-up pants. Respondent's actions caused the student to be exposed in front of the coach and other students.

15. Respondent was charged with Assault, in violation of Iowa Code section 708.2(6). On June 6, 2012, Respondent entered a plea and received a deferred judgment. He was placed on probation for one year.

16. When he applied for employment with the West Harrison school district, Respondent stated he left his previous employment due to budget cuts. Upon investigation, it was revealed that he had resigned for personal reasons. Additionally, Respondent submitted a letter of recommendation to West Harrison that he had altered.

E. SETTLEMENT

17. 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 18 day of July, 2012.



Duane T. Magee, Executive Director
Iowa Board of Educational Examiners

Copies to:

Michael Loftin
18955 Nina Street
Omaha, Nebraska 68130
RESPONDENT

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

SEP 14 2012

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

In the matter of)	Case Nos. 12-31
)	License No. 344678
MICHAEL J. LOFTIN,)	
)	SETTLEMENT AGREEMENT
Respondent.)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) (2011) and 282 IAC 11.4(6), and with full knowledge of his right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license, the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent. This Settlement Agreement will not be used as a basis for further discipline against Respondent unless there are violations committed after the date this agreement has been signed and approved by the Board.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. The Respondent holds a Professional Administrator License (FOLDER # 344678) with endorsements for PK-12 Principal/Special Education Supervisor and Evaluator. Respondent's professional administrator license is current and will next expire on July 31, 2014. Respondent also holds a Standard License with endorsements to teach 5-12 Physical Education, American History and World History and to serve as K-12 Athletic Coach. Respondent's standard license expired on July 31, 2008.
2. The Respondent began employment with West Harrison Community Schools as 7-12 principal on July 1, 2010. Respondent also served as head girls' basketball coach beginning in November of 2011. Respondent was placed on administrative leave on January 22, 2012.
3. A Complaint was filed with the Board alleging that Respondent had violated the code of professional conduct and ethics.

4. During the investigation, it was discovered that, while serving as girls' basketball coach, Respondent approached a student-athlete and unbuttoned her basketball warm-up pants. Respondent's actions caused the girl's pants to fall to the floor. The student-athlete did not have shorts on under the warm-up pants. Respondent's actions caused the student to be exposed in front of the coach and other students. Respondent was charged with Assault, in violation of Iowa Code section 708.2(6). On June 6, 2012, Respondent entered a plea and received a deferred judgment. Additionally, when Respondent applied for employment with the West Harrison school district, Respondent stated he left his previous employment due to budget cuts. Upon investigation, it was revealed that he had resigned for personal reasons. Additionally, Respondent submitted a letter of recommendation to West Harrison that he had altered.

5. On May 4, 2012, the Board found probable cause to file charges alleging that Respondent committed student abuse by committing any act of physical abuse of a student, in violation of Board rule 282 Iowa Admin. Code 25.3(1)(e)(1), committed misrepresentation or falsification of information by falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure, in violation of Board rule 282 Iowa Admin. Code 25.3(3)(a), and committed unethical practice by failing to make reasonable efforts to protect the health and safety of the student or creating conditions harmful to student learning and by conducting professional business in such a way that the practitioner repeatedly exposes students to unnecessary embarrassment or disparagement, in violation of Board rule 282 Iowa Admin Code 25.3(6)(c) and (d).

6. In order to resolve this matter without proceeding to hearing, the Respondent is willing to accept a **SUSPENSION** of his practitioner licenses for a period of **THREE SCHOOL YEARS**, effective upon approval of this Stipulation and Order. Prior to application for reinstatement, Respondent agrees to successfully complete at least fifteen contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the Ethics for Educators course prior to submitting his application for reinstatement.

LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so will result in the indefinite suspension of my teaching license.

I understand that the Notice of Hearing and Stipulation and Order are public records which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

9-10-12
Date

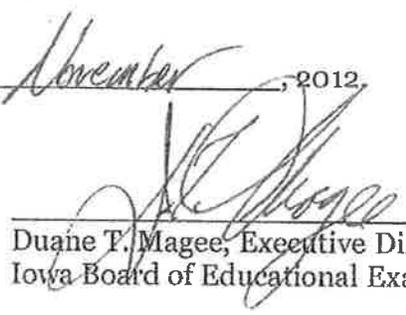

Michael J. Loftin, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS that:

1. Respondent's conduct constitutes violations of the Code of Professional Conduct and Ethics governing the teaching profession.
2. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the violations as well as mitigating circumstances.
3. The practitioner's license of Michael J. Loftin, folder number 344678, is hereby **SUSPENDED** for **THREE SCHOOL YEARS** from the date of this Order. Respondent may be eligible for reinstatement June 30, 2015. Prior to application for reinstatement, Respondent shall successfully complete at least fifteen contact hours in "Ethics for Educators." Respondent is responsible for all costs associated with the completion of the educational course.

Dated this 14 day of November, 2012.



Duane T. Magee, Executive Director
Iowa Board of Educational Examiners

Copies to:

Michael Loftin
18955 Nina Street
Omaha, Nebraska 68130
RESPONDENT

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