

On August 20, 2013, the Deputy Commissioner, through his General Counsel, filed an Answer to said Petition, admitting the revocation of the Petitioner's certificate and attaching a copy of the Final Order of Revocation to the Answer. He asked that the Commission hold a public hearing on the Petition and make an appropriate recommendation to the State Board of Education as is warranted by the evidence.

On or about August 23, 2013, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Petitioner by regular U.S. mail; postage prepaid, and delivered by hand a copy of the same to the Commissioner's General Counsel. The Notice of Hearing advised that a public hearing on the Petition and Answer would be held on the 28th day of September, 2013, commencing at approximately 9:15 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 her duties.

The Petition and Answer came on for hearing at approximately 9:05 a.m. at the above time and place before a Hearing Panel of the Commission consisting of Commission members Susan J. Anglemyer, Sarah Brown, Michael Cobelens, Susan Johnson, Raymond Keller, Brian Maher, Mandy Peterson, Darolyn Seay, and Karen Shelton. Commissioner Anglemyer served as Chairperson. The proceedings were reported by Wendy Cutting of General Reporting Services, Lincoln, Nebraska. The Petitioner appeared in person and was represented by his attorney, Rick Wade. The Deputy Commissioner appeared by his General Counsel, Brian L. Halstead. Exhibits and testimony were received in evidence. Thereafter, the Petitioner and the Deputy Commissioner's General Counsel made their closing arguments.

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

II. FINDINGS OF FACT

1. The Petitioner previously held a public Nebraska standard teaching certificate endorsed in Industrial Technology 7-12, Physical Education 7-12, and Coaching 7-12 with an expiration date of August 31, 2008.
2. The Petitioner has been gainfully employed during the period of revocation.
3. The Petitioner has met the requirements of Neb. Rev. Stat., Section 79-1282 (Reissue 2008) and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of teaching certificates, all as required by Neb. Rev. Stat. Section 79-869 (Reissue 2008). The Petitioner understands those requirements and has stated that he will not violate nor fail to comply with any of the same if he is issued a new teaching certificate.

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.

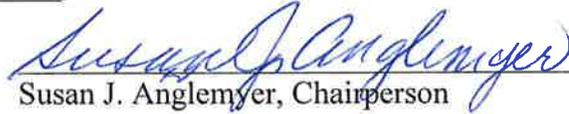
2. The Petitioner has proven by a preponderance of the evidence that he has met all the requirements of Neb. Rev. Stat. Section 79-806 through 79-815 (Reissue 2008), and Title 92, Nebraska Administrative Code, Chapter 21, for the issuance of a Nebraska teaching certificate, all as required by Neb. Rev. Stat. 79-869 (Reissue 2008).

3. The Petitioner has further proven by a preponderance of the evidence that he should be allowed to apply to the State Department of Education for the issuance of a new teaching certificate.

IV. RECOMMENDATION

Therefore, the Commission respectfully recommends, by a 5-4 vote, to the State Board of Education that Rodney Bussinger has met all of the statutory and regulatory requirements for the issuance of a Nebraska public school teaching certificate and that he accordingly be allowed to apply for the same before the Commissioner of Education, State of Nebraska.

Dated this 11th day of October, 2013.



Susan J. Anglemeyer, Chairperson
Hearing Committee
Nebraska Professional Practices Commission

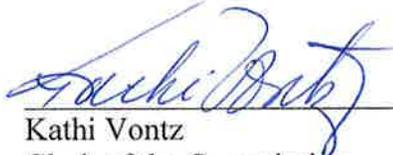
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation of the Commission was served upon Petitioner, Rodney Bussinger, and Rick G. Wade, Petitioner's attorney, by U.S. mail, postage prepaid. It was also hand delivered to Brian Halstead, General Counsel for the Commissioner, on this 11th day of October, 2013, at the following addresses.

Rodney Bussinger
Petitioner
1205 Norris Avenue
McCook, NE 69001

Brian L. Halstead
Attorney for Respondent
301 Centennial Mall South
Lincoln, NE 68528

Rick G. Wade
Attorney for Petitioner
605 South 14th Street, Suite 220
Lincoln, NE 68508



Kathi Vontz
Clerk of the Commission

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

)	
IN THE MATTER OF THE)	
REINSTATEMENT OF:)	PPC Case No. 13-07
)	
)	<u>TRANSCRIPT</u>
Rodney Bussinger)	
1205 Norris Ave.)	VOLUME I of I
McCook, NE 69001)	(Pages 1 through 34)
)	EXHIBITS 1-5

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

Convened, pursuant to notice, at 9:03 a.m., on
September 28, 2013,

BEFORE:

JEFFERY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

RAYMOND KELLER, Chairperson; SUSAN ANGLEMYER,
Presiding; SARAH BROWN; MICHAEL COBELENS; SUSAN
JOHNSON; BRIAN MAHER; MANDY PETERSON; DAROLYN
SEAY; and KAREN SHELTON.

OTHERS PRESENT:

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

For the Petitioner: Rick G. Wade, #17820
Attorney at Law
605 South 14th Street
Suite 220
Lincoln, NE 68508-2708

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1 PROCEEDINGS:

2 (Exhibits 1 through 4 were marked for
3 identification.)

4 CHAIRPERSON ANGLEMYER: Ladies and gentlemen, I am
5 Susan Anglemyer, chairperson of the hearing panel of the
6 Nebraska Professional Practices Commission. I convene this
7 hearing at 9:03 a.m. for the purpose of receiving evidence
8 on a petition filed by Rodney Bussinger, Petitioner, against
9 Scott Swisher, Deputy Commissioner of Education, Respondent,
10 Case No. 13-07.

11 The other members of the hearing committee are
12 Sarah Brown, Michael Cobelens, Susan Johnson, Raymond
13 Keller, Brian Maher, Damon McDonald, Mandy F. Peterson, Joy
14 Schott, Darolyn Seay, Karen Shelton, and 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 the request from the State

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

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

5 MR. WADE: My name is Rick Wade. I'm with the law
6 firm of McGuire and Norby, 605 South 14th, Suite 220,
7 Lincoln, Nebraska 68506, and I'm here representing Mr.
8 Bussinger.

9 MR. HALSTEAD: Brian Halstead, 301 Centennial Mall
10 South, Sixth Floor, Lincoln, Nebraska 68509, on behalf of
11 the Commissioner of Education.

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

21 MR. WADE: No objections.

22 MR. HALSTEAD: I have no objections.

23 CHAIRPERSON ANGLEMYER: Exhibits 1, 2, 3 are
24 received.

1 See Index.)

2 At this time the hearing committee's attorney will
3 conduct the hearing.

4 THE HEARING OFFICER: Thank you.

5 Mr. Halstead, any opening statement?

6 MR. HALSTEAD: Actually, I think Mr. Wade gets to
7 make the opening statement since they're the petitioner.

8 THE HEARING OFFICER: Thank you, Mr. Halstead.

9 Mr. Wade.

10 MR. WADE: I think I would waive opening
11 statement. I think the evidence will suffice.

12 THE HEARING OFFICER: Thank you, Mr. Wade.

13 MR. HALSTEAD: I'd waive an opening, too, Your
14 Honor.

15 THE HEARING OFFICER: With that, Mr. Wade, do you
16 have any evidence you'd like to present?

17 MR. WADE: Yes, I would call Mr. Rodney Bussinger
18 to testify.

19 THE HEARING OFFICER: Okay. The court reporter
20 will swear him in.

21 THE REPORTER: Will you raise your right hand,
22 please? Do you solemnly swear or affirm the testimony
23 you're about to give will be the truth, the whole truth, and
24 nothing but the truth?

25 MR. BUSSINGER: Yes, I do.

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RODNEY BUSSINGER

Called as a witness on his own behalf, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WADE:

Q Mr. Bussinger, would you please state your full name and spell your name for the court reporter?

A Rodney Paul Bussinger, last is spelled B-u-s-s-i-n-g-e-r.

Q And what is your address, Mr. Bussinger?

A 1205 Norris Avenue, McCook, Nebraska.

Q And how long have you been at that residence?

A Approximately six months. We moved there in May.

Q Prior to that particular address, where did you live?

A 4850 North Highway 71 in Kimball, Nebraska.

Q We're here today because you're the petitioner in this matter requesting the reinstatement of your teaching certificate, is that correct?

A That's correct.

Q And you have filed such petition, is that correct?

A Yes.

Q When did you last teach, Mr. Bussinger?

A In 2004.

Q And what did you last teach?

1 A Why did I last teach?

2 Q What did you last teach?

3 A I taught industrial technology, physical
4 education, driver's education, and I also coached.

5 Q And where was your teaching position? What
6 school?

7 A In Kimball High School.

8 Q So, you've indicated that you lived in Kimball and
9 you're now living in McCook.

10 A That's correct.

11 Q So, how long have you lived in that general area?

12 A Approximately 16 years.

13 Q Did you enjoy teaching?

14 A I loved teaching. I mean, teaching is my calling.
15 I enjoy seeing students move through their life span from
16 adolescence to young adults. I enjoy working with young
17 children.

18 Q So, you now want to go back into teaching,
19 obviously, since you filed this petition for reinstatement,
20 is that correct?

21 A That's correct.

22 Q And it's been some time, because I believe your
23 certificate was revoked in August of 2004, is that correct?

24 A That's correct.

25 Q Why was it revoked? And I think I should note for
11.02-73 State Board of Education 7294

1 the record as the pleadings would indicate, that it was a
2 voluntary resignation -- or excuse me, revocation for a
3 period of five years, is that correct?

4 A That's correct.

5 Q And why did you voluntarily agree to a revocation
6 for five years? What happened?

7 A I allowed two students to drink alcohol.

8 Q And you acknowledge that as being a serious and
9 severe event that caused you to agree to the revocation, is
10 that correct?

11 A That's correct.

12 Q And you're telling the board now that some time
13 has passed and you'd like to get back into teaching with the
14 understanding that it makes you, probably, nervous to be
15 here as you're seeming to indicate.

16 A Yes.

17 Q But you do want to get back into teaching now.

18 A I do.

19 Q What have you been doing professionally since the
20 revocation of your certificate in 2004?

21 A In 2004, my principal found me a job with
22 Frenchman Valley Co-op. I worked --

23 Q I'm sorry, the principal of your school?

24 A Yes. His wife was the HR person for Frenchman
25 Valley so they found me a position within Frenchman Valley

1 Co-op where I was -- I delivered propane in refined fields
2 for the company in Wyoming, in Pine Bluffs, Wyoming.

3 Q And now, where is Frenchman Valley Co-op?

4 A There's offices in Kimball, Imperial. Their main
5 office is Imperial, but I worked out of Pine Bluffs.

6 Q And that is where you worked in 2004-2005?

7 A That's correct.

8 Q And you left in 2005?

9 A I left in 2005 to take a full-time job with the
10 National Guard in Scottsbluff, Nebraska.

11 Q Let's talk a little bit about that job with the
12 National Guard. You started that in 2005, and what caused
13 you to take that job and leave the co-op?

14 A They advertised the job through the Guard listing
15 and it was an opportunity for me to advance in my career in
16 the military.

17 Q And you are in the National Guard.

18 A That's correct.

19 Q How long have you been in the National Guard?

20 A I've been in the Guard for approximately 22 years.

21 Q And how did you, then, obtain the job? You
22 applied for it, and were you the only applicant, if you
23 know?

24 A I applied for the position. There was four other
25 people that applied for the position. And I was selected to

1 that position.

2 Q And let's go into some detail without belaboring
3 it, but I'd like to know the duties of that job.

4 A One of my main responsibilities, I was a battalion
5 career counselor, and with soldiers that were getting close
6 to the end of term of service, I would go and I'd counsel
7 those service -- the soldiers in regard to benefits of
8 possibly reenlisting, if there were any bonuses and stuff
9 like that. Also, if there were soldiers that were AWOL from
10 drill, I would be responsible for trying to go out and find
11 them and try to get them back on track with the active
12 drilling status within the Guard.

13 Q So, you had to work very closely and personally
14 with these particular soldiers, is that correct?

15 A That's correct.

16 Q And why -- or did you leave that position
17 voluntarily?

18 A No. My position was cut due to cutbacks within
19 the budget of the National Guard.

20 Q So, excuse me, I just want to indicate here, just
21 make it clear, you weren't fired from that position --

22 A No.

23 Q There was a lack of funding and the position no
24 longer was there.

25 A Yeah, there was a lack of funding in Scottsbluff,
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1 but I was able to go to -- come to Lincoln, where there was
2 a bigger force structure, to do the same position, but my
3 son was a sophomore in high school and I wanted to stay back
4 in Kimball to see him graduate.

5 Q So you were offered the position in Lincoln to
6 transfer, but you decided it would be best to stay in the
7 town where your son's going to school?

8 A Yes, that's correct.

9 Q Okay, so you declined that offer. What did you do
10 then?

11 A I was unemployed for two months and then I was
12 able to get back on with Frenchman Valley Co-op in Kimball,
13 doing the same job that I did previously five years before.

14 Q And are you -- I think your petition for
15 reinstatement indicates that you're disabled, is that
16 correct?

17 A That's correct.

18 Q Are you working somewhere at this time?

19 A Yes, I work at Highland Park Retirement Home in
20 McCook.

21 Q And how did you come to know that particular
22 position was open or familiar with that establishment?

23 A My wife works there and she encouraged me to go
24 there and volunteer. And so I went there and I volunteered
25 with picnics, playing Bingo with the residents, talking with

1 the residents, helping them do chores or stuff around their
2 residence that they couldn't do.

3 Q So then, you work directly with the residents and
4 that was the volunteer work you were doing?

5 A That's correct.

6 Q And then, how did it become a job, an actual paid
7 position?

8 A The director of the facility identified that, you
9 know, I was -- I worked well with the elderly and they
10 offered me a position as far as performing maintenance and
11 doing night security at the facility.

12 Q Since the revocation in August of 2004, have there
13 been any other violations of law that you've been involved
14 in?

15 A Yes.

16 Q And what is that, Mr. Bussinger?

17 A I was arrested for DUI.

18 Q And what was -- meaning what happened? Were
19 you -- did you voluntarily plead to something? Did you have
20 a trial? What was the circumstance of your conviction?

21 A I was convicted of DUI.

22 Q But did you plead or was there a trial?

23 A I pleaded guilty.

24 Q And as a result, was this your first offense?

25 A Yes.

1 Q And what was the sentence that was imposed?

2 A My license was revoked for six months. I had to
3 go on probation for six months. I had to take an alcohol
4 and drug class. I had to take a defensive driving class as
5 part of my probation.

6 Q And you completed all -- did you complete all of
7 the probationary terms and conditions pursuant to the order
8 of probation timely?

9 A Yes.

10 Q And you were then -- you satisfied the conditions
11 and you satisfied the sentence from your understanding in
12 the court side as well, is that correct?

13 A That's correct.

14 Q When was that, Mr. Bussinger? Again, when was
15 that violation?

16 A In February of 2012, roughly.

17 Q Again, I note and as I indicated earlier, you said
18 that you were on disability, you had some sort of
19 disability. What is the nature of your disability?

20 A Well, I was working on -- in the active duty in
21 the military, I fell off a trailer and I got a lump on the
22 side of my leg. And I went to the doctor in Kimball and
23 they did an x-ray on the lump and they said it was calcium
24 and my body would naturally dissolve it. A year ago this

1 California, with the National Guard, and I noticed that the
2 tumor had grown to the size of a baseball. So once I
3 returned home, I went to Scottsbluff, had an MRI done, and
4 then I was referred to Denver to a lymph specialist, and
5 there they determined it to be a low grade unclassified
6 spindle sarcoma in my lower leg. The mass had turned into a
7 spindle sarcoma.

8 Q And what was the result of that diagnosis and the
9 treatment for that diagnosis?

10 A With the spindle sarcoma, it traveled down all the
11 way into my ankle and the only way to remove the cancer was
12 to amputate my leg from the knee down.

13 Q And you presently have a prosthetic?

14 A That's correct.

15 Q And, Mr. Bussinger, I'm asking you a bit about
16 this, because, as a teacher, do you believe you can perform
17 the duties -- physically perform the duties of a teacher in
18 a teaching position similar to the one you held before?

19 A Yes.

20 Q Did you undergo therapy and counseling for
21 your -- I should say therapy more than counseling, but
22 therapy for the use of the prosthetic?

23 A No, my family structure, I got all my counseling
24 from my wife and my daughter.

25 Q And you can walk in very well. Obviously, you

1 walked in here very well.

2 A Correct.

3 Q So you can maneuver around very well. You think
4 you can maneuver around in a classroom.

5 A Correct, I can.

6 Q You have indicated that you did volunteer work for
7 the retirement center. Since the revocation in 2004, have
8 you been involved in other kinds of voluntary work or youth
9 or community work?

10 A From the time my son was in 6th grade, I
11 volunteered with his youth football team, baseball team.
12 Anytime the high school needed any assistance as far as help
13 at track meets, I would help them, or even if their high
14 school football team. Also, I was president of Pheasants
15 Forever for last eight years where I was the youth mentor
16 coordinator where we took youth from the age of 12 to 15 out
17 on a pheasant hunt. We taught them gun safety, just all
18 aspects about what would it be like to go out on a pheasant
19 hunt.

20 Q And the proper use of firearms in a particular
21 environment, that sort of thing?

22 A Correct.

23 Q Are you still doing that?

24 A Since we moved to McCook, I haven't got back into
25 Pheasants Forever.

1 Q And your son is now -- is he still at home?

2 A My son is a sophomore at Chadron State College.
3 He was accepted into RHOP program there. And he was the
4 valedictorian when he graduated from high school and he was
5 on the president list the last two semesters at Chadron
6 State.

7 Q Mr. Bussinger, you probably -- I shouldn't say
8 probably, but you have read and are familiar with the
9 requirements for reinstatement of your certificate as set
10 forth by the certification office, are you not?

11 A Yes, sir.

12 Q Are you taking classes to satisfy those
13 requirements?

14 A Yes. I'm taking two classes through Chadron State
15 College.

16 Q And are you also taking other classes?

17 A Yes, I'm taking two classes through McCook
18 Community College. I'm taking a CNA class so I can work at
19 the facility to where I actually can provide care to the
20 residents. I'm taking a CNA class and then as soon as
21 that's done, I'm taking a med aide class to where I could
22 give them medicines.

23 Q Just for my information, perhaps I'm the only one
24 that doesn't know, but what is a CNA?

25 A Certified nursing assistant.

1 Q And you're taking that now?

2 A That's correct.

3 Q Do you have any plans to continue your educational
4 background, your qualifications such as master's degree or
5 anything of that sort?

6 A If my license were to be reinstated, I will pursue
7 a career in school counseling.

8 Q So along with what you're doing now, you would
9 also like to take another step and get a master's in school
10 counseling?

11 A That's correct.

12 Q Mr. Bussinger, you've been a part of a community
13 and part of that area for quite some time. Have you had
14 encouragement and support to step back into the teaching
15 arena?

16 A Yes, I have. All my former teachers that I taught
17 with, they said, you know, if the opportunity arise, you
18 need to get back into education, because you know, the way
19 that you've affected children, how you can relate to the
20 children.

21 Q Mr. Bussinger, I'm handing you what has been
22 marked Exhibit 4, and Exhibit 4 are the letters. And I
23 would like you to take a moment to look at them.

24 MR. WADE: I would offer those letters, but I

25 will -- so I don't have to go through foundation, I would

1 offer those letters first of all.

2 THE HEARING OFFICER: Mr. Halstead, any objection
3 to Exhibit 4?

4 MR. HALSTEAD: I don't have any objections to
5 Exhibit No. 4.

6 THE HEARING OFFICER: Exhibit 4 is received.

7 (Exhibit 4 was received in evidence. See Index.)

8 I believe the Commission has copies in front of
9 them.

10 MR. WADE: Yes, I believe so.

11 Q (By Mr. Wade) Mr. Bussinger, I just wanted to
12 clarify how you know these individuals, and if you would
13 take a look at Exhibit 4, and identify who the first
14 individual is. Who is the first individual on the first
15 letter?

16 A First individual is Chauncey Pedersen. He's a
17 guidance counselor at Kimball High School. I've known
18 Chauncey for approximately 30 years dating back to freshman
19 in high school.

20 Q And do you still see Mr. Pedersen?

21 A Yeah, we -- I see him if we, by chance, go back to
22 Kimball.

23 Q Kimball and McCook, about how far apart is Kimball
24 and McCook?

25 A It's about 212 miles.

1 Q It's a little bit of a distance, isn't it, to have
2 a daily visit?

3 A Yes, it is. My wife's family still lives in
4 Kimball, so we go back frequently to see them.

5 Q The next letter, who is this by or from?

6 A Michelle Modlin. I taught two of her sons and
7 worked with them through sports.

8 Q Third letter.

9 A Linda Mihm. She was a teacher at Kimball
10 Elementary that just recently retired.

11 Q The next letter?

12 A Dr. Stone, that's my sister. She's a professor at
13 Black Hills State College.

14 Q The next?

15 A James Schnell. James Schnell is the mayor of
16 Kimball, and I also taught two of his sons.

17 Q The next letter.

18 A Kristi Cortney, she was the operations manager for
19 Frenchman Valley Co-op.

20 THE HEARING OFFICER: Did you skip over one
21 letter?

22 MR. WADE: No, I think that one might have gotten
23 out of order.

24 Q (By Mr. Wade) Would you please take a look at

1 A Chelsea Wangler, she was one of my students that I
2 had, that I taught.

3 Q And when do you recall that you taught her as a
4 student?

5 A Approximately 2003.

6 Q And then Kristi Cortney would be the next letter?

7 A Yeah, she was the operations manager at Frenchman
8 Valley Co-op. I worked directly underneath her.

9 Q And the last letter?

10 A The last letter is from Tadd Davis. He was the
11 vice-president of Pheasants Forever. And we worked together
12 in Pheasants Forever and also in coaching our sons' football
13 teams.

14 Q Mr. Bussinger, these letters of support, were they
15 offered voluntarily? Did you -- was there any hesitancy in
16 preparing these letters of recommendation for you or
17 reference for you?

18 A No. Everybody that I asked, they were more than
19 happy to write a reference letter for me.

20 Q Mr. Bussinger, do you believe that you have fully
21 complied with the order of revocation that was entered in
22 this particular matter and that you will not in the future
23 engage in any practice that would be grounds for revocation
24 or suspension of a certificate?

25 A I will.

1 Q And you're asking this Commission to recommend to
2 the Nebraska State Board of Education that you be allowed to
3 teach again and have your certificate reinstated, are you
4 not?

5 A Yes.

6 MR. WADE: That's all I have for Mr. Bussinger.

7 THE HEARING OFFICER: Thank you, Mr. Wade.

8 Mr. Halstead, any questions?

9 MR. HALSTEAD: Thank you.

10 (Exhibit 5 was marked for identification.)

11 CROSS-EXAMINATION

12 BY MR. HALSTEAD:

13 Q Mr. Bussinger, let's go back to your drunk driving
14 conviction. Where did that occur?

15 A It occurred in Kimball. I was attending a
16 Pheasants Forever meeting at the Eagles, had a couple
17 drinks, I left the facility. I was driving my son's vehicle
18 and I didn't realize that his -- he had a tail light out on
19 his vehicle and I was pulled over.

20 Q Okay, I'm going to show you what I've had marked
21 as Exhibit No. 5. I'd ask you to look at it.

22 A That's correct, sir.

23 Q Is that the drunk driving conviction from the
24 County Court of Kimball County?

25 A Yes, sir. They dropped the light violation and
11.0825 State Board of Education 72-28

1 the failure to signal.

2 Q It says it occurred on March 14th of 2012. Does
3 that seem the correct date?

4 A That's correct.

5 Q And according to the journal entry, you entered a
6 plea of guilty to the drunk driving charge and the State
7 dropped a couple of the other charges, correct?

8 A Yes, sir.

9 Q And you got six months probation, correct?

10 A Yes, sir.

11 Q And you completed that probation, correct?

12 A Yes, sir.

13 Q Is there anything else that Exhibit 5 doesn't
14 indicate that you think we should know about your drunk
15 driving conviction?

16 A No, sir.

17 Q You got your teaching certificate revoked related
18 to alcohol and allowing students to consume alcohol,
19 correct?

20 A That's correct, sir.

21 Q You have a drunk driving conviction within the
22 last 18 months that involves a violation of alcohol,
23 correct?

24 A That's correct.

25 Q So, help me understand why the two alcohol
11.08.15 State Board of Education 7.2-29

1 offenses aren't related.

2 A I made a poor choice in both instances, sir.

3 Q Do you still drink alcohol?

4 A No, sir.

5 Q What did you learn from the alcohol/drug classes
6 you went to?

7 A Alcohol, I mean, tears a family apart. And I
8 don't have room in my life right now for alcohol. I have to
9 focus on my family, my wife, my daughter, my son, and the
10 Lord. And there's no room for alcohol in my life anymore.
11 It just causes bad things.

12 Q You were living in McCook at the time of this
13 event?

14 A No, sir.

15 Q Where were you living?

16 A In Kimball.

17 Q Okay, so you were still in Kimball when this
18 offense occurred.

19 A Yes, sir.

20 Q And subsequently, you moved from Kimball.

21 A Yes, sir.

22 Q You have any other traffic offenses or criminal
23 convictions since you got your certificate revoked?

24 A Maybe one or two speeding tickets.

25 Q Besides driving faster than the posted speed,
11.08213 State Board of Education 7.2.30

1 limit, any other criminal offenses?

2 A No, sir.

3 MR. HALSTEAD: I'd offer Exhibit No. 5 just for
4 the record, Your Honor.

5 THE HEARING OFFICER: Thank you. Any objection?

6 MR. WADE: No objection.

7 THE HEARING OFFICER: Exhibit 5 is received.

8 (Exhibit 5 was received in evidence. See Index.)

9 Q (By Mr. Halstead) You mentioned you're currently
10 taking two courses from Chadron State College, is that
11 correct?

12 A That's correct.

13 Q What are the two courses you're taking?

14 A Multi-cultural counseling and school counseling.

15 Q And are you doing those online or --

16 A Yes, they're online classes.

17 Q When did you start taking the courses?

18 A August 17th.

19 Q And when do you anticipate completing the courses?

20 A December 6th.

21 Q And I take it they're three credit hours each?

22 A Yes, sir.

23 Q You're also taking courses from Mid-Plains
24 Community College in McCook, correct?

25 A Yes, sir.

1 Q What are those courses?

2 A I'm taking a CNA class, which is four hours.

3 Q And help us understand what a CNA class all
4 includes.

5 A It's a nursing assistant. It just trains you to
6 work with the elderly.

7 Q Is that the only class you're taking?

8 A And then in two weeks, I'm taking a med aide
9 class.

10 Q And what does a med aide class teach you?

11 A A med aide class is, like, a lot of the residents
12 within a facility have different medicines, and so you have
13 to have a med aide certification in order to provide them
14 with the medicines.

15 Q Are there other courses you plan on taking at
16 Mid-Plains Community College after these?

17 A Possibly a phlebotomy class.

18 Q Do you look to continue your employment with the
19 facility in McCook where you're currently employed?

20 A As long as necessary. My wife's a nursing student
21 there. And once she completes that, we'll move on.

22 Q Is there any place you're looking to move on to or
23 dreaming about?

24 A Somewhere closer to our family.

25 Q Family is back in the Kimball area?

1 A My wife's family is in the Kimball area and my
2 parents live in Gordon, so we're quite a ways from our
3 family.

4 Q Basically, the Panhandle of Nebraska.

5 A Yes, sir.

6 Q For us easterners, we know where that is, at
7 least.

8 MR. HALSTEAD: I don't think I have any more
9 questions, thank you.

10 THE HEARING OFFICER: Thank you, Mr. Halstead.
11 Mr. Wade, any further questions for this witness?

12 MR. WADE: I don't think there are any questions
13 in light of Mr. Halstead's cross-examination.

14 THE HEARING OFFICER: Thank you, Mr. Wade. Any
15 further evidence you'd care --

16 MR. WADE: I would have no further evidence. I
17 know I've already offered Exhibit 4 and that has been
18 received and Mr. Bussinger's testimony, that would conclude
19 my evidence for Mr. Bussinger.

20 THE HEARING OFFICER: Thank you, Mr. Wade.
21 Mr. Halstead, any further evidence from you?

22 MR. HALSTEAD: No, I don't have any further
23 evidence or exhibits.

24 THE HEARING OFFICER: Thank you. With that, we
25 will proceed to closing argument. Mr. Wade?

1 MR. WADE: Just a brief closing. I think it is
2 clear that Mr. Bussinger wants to teach. He's been an asset
3 to his community, whatever community he's been a member of,
4 Kimball and McCook. And he wants to be part of the
5 educational process again.

6 I noticed that Mr. Bussinger is quite agile. He's
7 worked hard to overcome any disability that he had, which I
8 think is very admirable in itself. And along with that, he
9 wants to work with kids again. He's got a lot of support
10 from people who know him with kids and want him to work with
11 kids again. So I would urge the Commission to recommend to
12 the State Board of Education that his certificate -- he be
13 allowed to reinstate his certificate and it be reinstated.

14 Mr. Halstead has made a point about Mr. Bussinger
15 having a second conviction, somewhat eight years later than
16 the first conviction -- or not conviction, but from the
17 first incident that involved alcohol. I think this
18 particular incident did not involve kids in any way and
19 that's the main difference between the two matters, the two
20 alcohol-related matters. This one was Mr. Bussinger had a
21 couple drinks and he had one too many, probably, that he was
22 not able to satisfy the requirements of the new alcohol
23 driving threshold. So Mr. Bussinger did, voluntarily again,
24 agree and plead guilty. And I think it's important that Mr.
25 Bussinger, again, did not have anything to do with students

1 at that time. It was an adult gathering, and Mr. Bussinger
2 made a mistake. And he admits he made a mistake both times,
3 both times.

4 So this -- and I think it's important that the
5 National Guard has had a lot of faith in him. They've had
6 faith in him as a guidance counselor, someone who could help
7 young people, soldiers get out of the service and back into
8 the community. So I would ask that you also take that into
9 consideration. Thank you.

10 THE HEARING OFFICER: Thank you, Mr. Wade.

11 Mr. Halstead.

12 MR. HALSTEAD: Just briefly. I mean, obviously,
13 Mr. Bussinger got his certificate revoked because he took
14 two kids to Wyoming to get materials for a course and then
15 decided to buy some alcohol and let the two kids drink some
16 of that alcohol. That was the basis, originally, for his
17 revocation in 2004.

18 Obviously, the concern is about his other alcohol
19 offense just within the last 18 months. As to whether that
20 weighs on your ability or the Board's decision as to whether
21 he gets a chance to teach again, I'll put in your hands.
22 Obviously, it would have been far better if he didn't have
23 an offense with alcohol. He made one mistake dealing with
24 alcohol that impacts children. He then made another mistake
25 with alcohol that has the potential of impacting anybody

1 else on the roadways, which is the whole purpose of our laws
2 in that regard. You have the affidavit of the police
3 officer about the stop and that information. This would be
4 a far easier case if he had not had the second -- or the
5 drunk driving conviction.

6 And we'd submit it to you based on the facts that
7 you have available to you.

8 THE HEARING OFFICER: Thank you, Mr. Halstead. I
9 want to give the members of the Commission an opportunity to
10 ask any questions that they may want to, at this time.
11 We'll start with Commissioners on my right. Any questions
12 for Mr. Bussinger?

13 COMMISSIONER SEAY: No, not at this time.

14 COMMISSIONER COBELENS: How many years did you
15 teach before 2004?

16 MR. BUSSINGER: I taught nine years, sir.

17 THE HEARING OFFICER: Any questions on my left?

18 (No response.)

19 THE HEARING OFFICER: I'm going to ask one
20 question. I see in the affidavit that the provisional
21 alcohol test was .158, but that's not as accurate as a blood
22 test. Do you know what your blood test was?

23 MR. BUSSINGER: It was .14, sir.

24 THE HEARING OFFICER: So it was below .15. Thank

1 Anything further, Mr. Wade?

2 MR. WADE: Nothing.

3 THE HEARING OFFICER: Mr. Halstead?

4 MR. HALSTEAD: Nothing.

5 THE HEARING OFFICER: With that, I will turn the
6 hearing back over to the chair.

7 CHAIRPERSON ANGLEMYER: The hearing committee will
8 now adjourn and will consider the evidence. The hearing
9 committee's decision will be reduced to writing. A copy of
10 the hearing committee's findings, conclusions, and decision
11 will be furnished to the parties. If the decision includes
12 a recommendation to allow the petitioner to apply for a new
13 certificate, the findings, conclusions, and recommendation
14 will be presented to the State Board of Education.

15 I declare this hearing adjourned at 9:35 a.m.

16 (Whereupon, the hearing was adjourned at 9:35 a.m.
17 to be reconvened after executive session and deliberation of
18 the evidence.)

19 (Back on the record 10:43 a.m.)

20 CHAIRPERSON KELLER: Is there a motion regarding
21 the Commission's recommendation on Case No. 13-07?

22 COMMISSIONER SHELTON: Yes, I move that the
23 Nebraska Professional Practices Commission adopt the
24 findings of fact and conclusions of law and recommend to the
25 State Board of Education that Rodney Bussinger be allowed to

1 apply for issuance of public school teaching certificate.

2 CHAIRPERSON KELLER: Is there a second?

3 COMMISSIONER PETERSON: I second.

4 CHAIRPERSON KELLER: It's been moved and seconded
5 to accept the findings of fact and conclusions of law and
6 recommend that Rodney Bussinger be allowed to reapply for a
7 teaching certificate in the state of Nebraska. Is there any
8 discussion?

9 (No response.)

10 Will the clerk please call the roll?

11 THE CLERK: Anglemyer.

12 COMMISSIONER ANGLEMYER: Yes.

13 THE CLERK: Brown.

14 COMMISSIONER BROWN: Yes.

15 THE CLERK: Cobelens.

16 COMMISSIONER COBELENS: No.

17 THE CLERK: Johnson.

18 COMMISSIONER JOHNSON: No.

19 THE CLERK: Keller.

20 COMMISSIONER KELLER: No

21 THE CLERK: Maher.

22 COMMISSIONER MAHER: No.

23 THE CLERK: Peterson.

24 COMMISSIONER PETERSON: Yes.

25 THE CLERK: Seay.

1 COMMISSIONER SEAY: Yes.

2 THE CLERK: Shelton.

3 COMMISSIONER SHELTON: Yes.

4 THE CLERK: Five yeses, and you need five. The
5 motion passes.

6 (Whereupon, at 10:44 a.m. on September 28, 2013,
7 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 August 23, 2013, for Case Number 13-07, was mailed to Rodney Bussinger, Petitioner, by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Respondent, on this 23rd day of August, 2013, at the following addresses.

Rodney Bussinger
Petitioner
1205 Norris Avenue
McCook, NE 69001

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

IN THE MATTER OF THE
REINSTATEMENT OF:

Rodney Bussinger
1205 Norris Avenue
McCook, NE 69001

Applicant.

PPC Case No. 13-07

ANSWER



COMES NOW the Respondent, Scott Swisher, Deputy Commissioner of Education, and
for his Answer to the Applicant's Petition for Reinstatement alleges as follows:

1. That on August 13, 2004, the State Board of Education revoked the Applicant's
Nebraska public standard teaching certificate until August 13, 2009. A copy of the
Final Order of the State Board of Education is attached and marked as exhibit "A",
and by this reference incorporated herein.

WHEREFORE, the Respondent requests that the Commission hold a hearing in this matter,
and make a recommendation to the State Board of Education as may be warranted by the evidence
at such hearing.

Scott Swisher, Ed.D.
Deputy Commissioner of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the parties of record, postage
prepaid, this 20 day of August 2013.

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

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Douglas D. Christensen
Commissioner of Education
301 Centennial Mall South, 6th Floor
P.O. Box 94933
Lincoln, NE 68509,

Petitioner,

v.

Rodney Bussinger
600 S. Myrtle
Kimball, NE 69145,

Respondent.

NDE Case No. 04-25

FINAL ORDER



This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on August 13, 2004, upon the agreement of the parties, in accordance with Title 92, Nebraska Administrative Code, Chapter 28, Section 003.07 (effective date: December 25, 1989), that the public school certificate of the Respondent, Rodney Bussinger, be revoked for a period of five (5) years. The parties waived the requirement of 21 days' notice of any hearing before the State Board of Education found in Title 92, Nebraska Administrative Code, Chapter 29, Section 004.04 (effective date: December 25, 1989) and were notified of the State Board's consideration in this matter. Appearing before the State Board was Brian Halstead, General Counsel, who presented a statement on behalf of the Commissioner. The Respondent did not appear personally, but was represented by Rick Wade.

The Settlement Agreement for Revocation of Certificate was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt



were received into evidence as "Exhibit 2." Upon its independent review of the record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. Section 79-866 (Reissue 2003);
2. The Petitioner is Douglas D. Christensen, Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509. The Respondent holds a Nebraska public school certificate, number -6670, Type 2, Rank B, Level 7, endorsed in Industrial Technology 7-12, Physical Education 7-12, and Coaching 7-12, with an expiration date of August 31, 2008;
3. The Respondent was employed as a teacher and coach by the Kimball Public Schools until he resigned effective at the end of the 2003-2004 school year;
4. While so employed by the Kimball Public Schools, on November 8, 2003, the Respondent drove two students to Albany, Wyoming, in order to obtain logs for a class project, during which time the Respondent bought a twelve pack of beer, consumed some of the beer himself and allowed the two students to drink beer;
5. The Respondent violated Section 79-866(2) (Reissue 2003) and Title 92, Nebraska Administrative Code, Chapter 27, Sections 004.03C; 004.03D; 004.04E; 004.04F; and 005.09D (effective date: December 25, 1989);
6. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. Section 79-866(2) (Reissue 2003) to revoke the Respondent's certificate for a period of five (5) years; and

7. The public school certificate of Rodney Bussinger, number -6670, Type 2, Rank B, Level 7, endorsed in Industrial Technology 7-12, Physical Education 7-12, and Coaching 7-12, with an expiration date of August 31, 2008, shall be revoked for a period of five (5) years beginning this date.

Dated this 13th day of August, 2004.

STATE BOARD OF EDUCATION

BY: Fred Meyer
Fred Meyer, President
State Board of Education

The vote by the State Board of Education to approve the Final Order in Case No. 04-25, on August 13, 2004, was 8 in favor, _____ against, _____ abstaining, and _____ absent. Individual State Board members voted as follows:

IN FAVOR:

F. Meyer, B. Peterson, K. Peterson, A. Mactier, R. Bone, P. Timm, K. Imes, J. Higgins

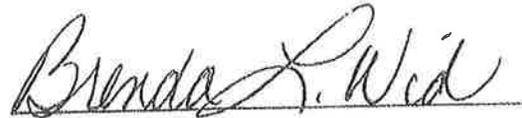
AGAINST:

ABSTAINING:

ABSENT:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Rodney Bussinger, 600 S. Myrtle, Kimball, NE 69145, via certified United States mail, return receipt requested; Scott Norby, 605 So. 14th Street, Suite 100, Lincoln, NE 68508, via certified United States mail, return receipt requested; and Brian Halstead, General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Lincoln, NE 68509, via interoffice mail, all on this 13th day of August, 2004.


Brenda K. Wid

49-166-21

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION
STATE OF NEBRASKA

IN THE MATTER OF THE)
REINSTATEMENT OF:)

Case No. 13-07

PETITION FOR REINSTATEMENT

Rodney Bussinger)
1205 Norris Ave)
McCook, NE 69001)



The undersigned Petitioner for reinstatement of a revoked Nebraska teaching, administrative and supervisory, or special service counseling public school certificate alleges:

1. 505-88-6670 Type 2, Rank B, Level 7, endorsed in Industrial Technology 7-12, Physical Education 7-12, and Coaching 7-12, with an expiration date of August 31, 2008 revoked by the State Board of Education.
2. The public school certificate be revoked for a period of 5 years on or about 13 August 2004.
3. June 2004 to August 2005. Frenchman Valley Coop, 1101 South Hwy 71 Kimball, NE 69145. 1-866-866-2218.
August 2005 to October 2009. Nebraska National Guard, 2810 1st Ave. Scottsbluff, NE 69361. 1-402-309-7786.
December 2009 to October 2012. Frenchman Valley Coop, 1101 South Hwy 71 Kimball, NE 69145. 1-866-866-2218.
Currently on long term disability with Frenchman Valley Coop.
4. Rodney Bussinger 1205 Norris Ave McCook, NE 69001, 308-340-9460.
Rick Wade will attend as counsel on my behalf.
5. Petitioner has fully complied with the Order of Revocation, that he will not in the future engage in any practice which is listed in the statutes as grounds for revocation or suspension of a certificate, and that he is familiar with the criteria of professional practices adopted pursuant to 79-1282.

Applicant affirms the statement in this Petition are true, correct, and complete to the best of his knowledge and belief.

Dated this 29 day of July, 2013

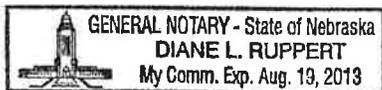
Rodney Bussinger
Rodney Bussinger
1205 Norris Ave.
McCook, NE 69001
308-340-9460

State of Nebraska)
County of Red Willow)

I, Rodney Bussinger, being first duly sworn under oath, disposes and says that I am the Petitioner named in the foregoing Petition, that I have read it, know the contents therein, and that the facts therein contained are accurate and complete to the best of my knowledge and belief.

Rodney Bussinger
(Signature of Petitioner)

Subscribed and sworn before me this 29th day of July, 2013



Diane L. Ruppert
Notary Public

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition, was served upon the commissioner of Education, by certified mail, return receipt requested, at the following address:
301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933.

Dated this _____ day of _____, 20__

Signature of Respondent

NEBRASKA DEPARTMENT
OF EDUCATION

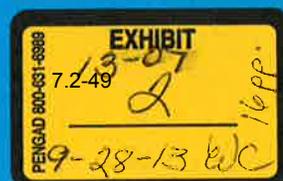
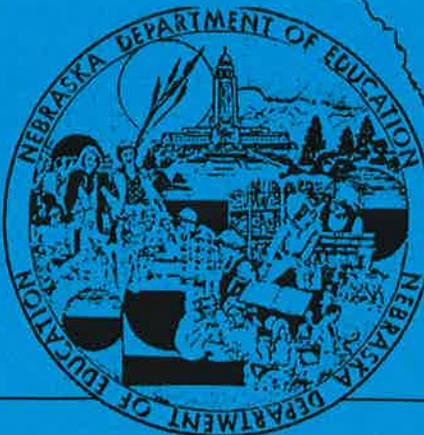
RULE 27

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 2

REGULATIONS CONCERNING TEACHER AND
ADMINISTRATOR CERTIFICATE REINSTATEMENT



Effective Date
October 30, 1993



Kimball Public Schools

KIMBALL, NE 69145

Eugene Hanks, Principal
901 South Nadine Street
Kimball, NE 69145
Phone: (308) 235-4861
Fax: (308) 235-4128

Troy Unzicker, Superintendent
901 South Nadine Street
Kimball, NE 69145
Phone: (308) 235-2188

December 5, 2012

To Whom It May Concern:

I am writing this letter as a character reference for Rod Bussinger. I am the school counselor at Kimball Jr/Sr High School, and have been in education for 17 years. I have known Mr. Bussinger for close to thirty years, and have the utmost respect for him. As the head football coach here at Kimball, I have had Mr. Bussinger donate his time to work with my punters and kickers, and have noticed the great rapport he has with the student athletes, and also the respect they have for him.

This is my fifth year in Kimball, and have noticed that Mr. Bussinger is a great supporter of our high school and our athletic programs, as he is heavily involved with our booster club, pheasants forever program in the area, and many other activities and programs. I have witnessed Mr. Bussinger at almost every home activity and many away contests as well, as I know he enjoys watching and interacting with our student athletes at the high school level. Mr. Bussinger is a very outgoing person and gets along well with others. I had the privilege of coaching Mr. Bussinger's son in football a couple of years ago, and the thing that struck me the most, was his respect, kindness, and work ethic, as I believe this had to do with the up-bringing from his father.

Again, I have the most utmost respect for Mr. Bussinger and believe he is an outstanding citizen, with great character in our community and would highly recommend him for any endeavor he would choose in life.

Please do not hesitate to contact me if you have any questions or need more information.

Sincerely,



Chauncey G. Pedersen, M.Ed.
Guidance Counselor
Kimball Jr/Sr High School
901 S. Nadine Street
Kimball, NE 69145
(308) 235-4861
Fax: (308) 235-4128
cpedersen@kpslonghorns.org



MICHELLE MODLIN

P.O. Box 116 BUSHNELL, NE 69128 (308)235-5245

To whom it may concern:

I am writing this letter in support of Rod Bussinger.

I am the mother of two sons that have interacted with Rod over the years.

My oldest, who is now 27 years old, was a former student of Rod's in junior high. After graduation I asked my son who his favorite teacher was, and he responded "Mr. Bussinger-he had a way of getting through to us kids".

My youngest son, who is now a senior in High school, participated on a youth football team that Rod helped coach. He really made a positive difference in my son's experience on that team, as my son was bullied by the son of the other coach of the team. Rod took him under his wing and became a champion of him, for which I am eternally grateful.

We all deserve second chances. Let's give Rod that opportunity and allow him to inspire by overcoming adversity and return to a profession for which he has passion.

Respectfully,



Michelle Modlin



Linda M. Mihm

302 South Howard

Kimball, Nebraska 69145

308-235-3671

lindamihm@kpslonghorns.com

October 28, 2012

Nebraska Professional Practices Commission,

I am sending this recommendation in support of Rodney Bussinger to be reinstated with a teaching certificate in the state of Nebraska..

Rod was a successful young teacher on the Kimball staff at the time of the incident that caused the loss of his certificate. I feel that he made a bad choice but has matured greatly and made major changes in his life.

Rod has raised an amazing son that is now a freshman in college. Rod has spent several years working with the National Guards. I have seen the growth and sincerity in this young man within our community. He has truly gotten his life together.

Please reinstate Rodney Bussinger.

Professionally Yours,



Linda M. Mihm

6

November 6, 2012

Dear Review Committee,

I am writing this letter as a character reference to support my brother, Rod Bussinger, as he asks to have his NE teaching license reinstated.

Rod has an outgoing personality and is still admired and respected by his former students and community members. He works well with people of all ages and is involved in service organizations such as the Nebraska National Guard and Pheasants Forever.

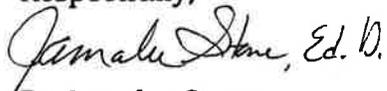
He made a grave error in judgment in the fall of 2003, and has faced the consequences without question. He never even attended the hearing when he was going to lose his teaching license. He knew he was guilty and was not going to try to paint a picture of any other scenario. He has paid dearly for his indiscretion and he has learned from his error. And he is helping future educators learn as well.

I teach secondary methods (SEED 408: Planning, Managing, and Assessing the Diverse Learner) at Black Hills State University. I use Rod's experience as a learning lesson for secondary pre-service students. His story is an invaluable example on how one's life can change in an instant because of a lack in judgment.

Rod made a mistake, paid the consequences, and learned from his error. He once was an engaging industrial technology teacher and coach; he deserves the opportunity to be one again. The Nebraska educational community would be well-served to allow Rod to once again to teach and mentor students.

Please feel free to contact me with any questions you may have. My email address is jami.stone@bhsu.edu and my cell phone number is (402) 613-0136.

Respectfully,



Dr. Jamalee Stone
Associate Professor
Black Hills State University

November 6, 2012

To whom it may concern,

I have known Rod Bussinger for sixteen years in various capacities.

I first met Rod when my oldest son Mark had Rod as a woodworking instructor, PE teacher, football coach, and wrestling coach. Rod knew the importance of teamwork and team motivation. He not only worked at motivating his students in the classroom during the school year, but also during the summer. He ran the Kimball Baseball Program, took students fishing, and attended the games to cheer them on even if he wasn't scheduled to be involved.

Rod used the opportunities of working in the summer with the students to build a bond of trust. He made them realize that they were involved in school activities to win or lose as a team. In the case of my son Mark, that group of young men still tries to get together annually, even though they are separated by states and careers. Rod had never wrestled and knew his limitations coaching the sport. He was not afraid to ask for help in conditioning and technique. Rod then took what he learned and built it into a successful team for the Kimball Junior High program for the next four years. He taught students, who had very low self esteem because of family and school life, to succeed. They got encouragement and praise, no matter the outcome. As a parent watching from the sideline, you could really see these young kids develop self esteem and character.

Rod was also involved with my son Jarrod's class, as they made the transition to a combined Jr/Sr High School. Rod was very helpful to the students in that first year of transition. He became a varsity high school assistant football coach as this group moved up to the 9th grade and he was there again to build these young men's character and self esteem.

Rod has since served in our Nebraska National Guard, worked for Frenchman Valley Coop for approximately ten years. In the National Guard he worked recruiting our area high school students to serve our Country and in turn use the Guard to get the college education they could not have had. He is very instrumental in making Kimball Pheasants Forever one of the most successful in Nebraska. In Pheasants Forever he is one of the reasons Kimball's chapter has had so much success in the Youth Mentoring Program. This insures that kids have the opportunity to hunt with adults (recruited by Rod and his fellow volunteers) who otherwise wouldn't have this chance.

Rod recently had to make the tough decision to sacrifice his limb due to cancer. I believe that what Rod has always stood for, in the sixteen years that I've known him, made this decision easier... "I can take on anything that comes before me & I have a team beside me!" I also believe that Rod knows that life is too short. He loves to teach and inspire kids. He made a mistake several years ago, which he acknowledges and has paid the price. I would recommend that the suspension of his teaching certificate be lifted.

James Schnell
314 South Oak St.
Kimball, NE 69145
jwschnell@hotmail.com
308-235-5607

Kristi Cortney
3724 Longhorn Road
Kimball, NE 69145
July 5, 2013

To whom it may concern:

It is with great pleasure that I recommend Rodney Bussinger. I have known him for nine years. Rod & I worked together for four of the nine years.

Rod has always displayed a high degree of integrity, responsibility, and dependability. Rod was deeply respected by co-workers & customers because of how he conducted himself. He has always shown the utmost respect for others.

Rod is also a most dependable team player. His practical approach to work & getting jobs accomplished was greatly appreciated. He is punctual, organized, courteous, & professional in all interactions.

Rod would be an asset to any organization, and I am happy to give him my wholehearted endorsement.

Sincerely,



Kristi Cortney
Frenchman Valley Coop
Operations Manager West
308-235-3427

Chelsea Wangler
923 Quincy Ave
Rock Springs, WY 82901
308-241-0866

To whom it may concern:

I am writing this letter for Rod Bussinger in giving him the consideration of getting his teaching certificate reinstated. I got the privilege to have Mr. Bussinger as a teacher back when I was in high school. I know that every kid that had taken one of his classes always tried to find another class that he was teaching the next year. He was always fun to be around and always made what you were learning fun. I thought it was a shame when his license was revoked, because he would not be able to positively impact the lives of others through his teachings. I thought Mr. Bussinger was an awesome teacher and my life was better because of it.

Respectfully,

A handwritten signature in cursive script that reads "Chelsea Wangler". The signature is written in black ink and is positioned above the printed name.

Chelsea Wangler



Madison County Ambulance Service
1008 N John Wayne Dr
Winterset, IA 50273-1233

Tadd Davis
Director
515-462-2253

To Whom it May Concern:

I have known Rod Bussinger in a variety of capacities for many years. He helped coach 5th and 6th grade football in Kimball NE. In addition, he and I were President and Vice President of the Pheasants Forever Chapter where we held a youth mentor hunt. Rod is organized, efficient, extremely competent, and has an excellent rapport with people of all ages. His communication skills, both written and verbal, are excellent. In summary, I highly recommend Rod for any endeavor that he may seek to pursue. He will be a valuable asset for any organization.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Tadd A. Davis

FILED

MAR 15 2012

TIME 2:14 BY *ack*
KIMBALL COUNTY COURT
CLERK MAGISTRATE

IN THE COUNTY COURT OF KIMBALL COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs.

**RODNEY P. BUSSINGER
DOB: 04/05/1963**

CASE NO. CR12-64

COMPLAINT

CT. I

**DRIVING UNDER
INFLUENCE OF ALCOHOL
FIRST OFFENSE
Section 60-6,196
Class W Misdemeanor**

CT. II

**LIGHT VIOLATION
SEC. 60-6,219
A Class III Misdemeanor**

CT II

**FAILURE TO SIGNAL
SEC. 60-6,161(3)
A Traffic Infraction**

The complaint and information of David L. Wilson, County Attorney of Kimball County, made in the name of the State of Nebraska, within and for said County of Kimball, State of Nebraska, this 15th day of March of A.D. 2012, says that

CT. I

... RODNEY P. BUSSINGER, on or about the 14th day of March, 2012, in the County of Kimball and State of Nebraska, then and there being did then and there unlawfully operate or be in actual physical control of a motor vehicle while under the influence of alcoholic liquor or any drug or when said Defendant had a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his blood

CT II

... RODNEY P. BUSSINGER, on or about the 14th day of March, 2012, in the County of Kimball and State of Nebraska, then and there being did operate a motor vehicle without using headlights when required to . . .

DUI, , No Lights failure to signal Bussinger Rod ? 10



CT III

... RODNEY P. BUSSINGER, on or about the 14th day of March, 2012, in the County of Kimball and State of Nebraska, then and there being did turn a vehicle without giving an appropriate signal ...

contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.



David L. Wilson
Kimball County Attorney

DUI, , No Lights failure to signal Bussinger Rod 3-12

FILED

MAR 15 2012

TIME 2:14 BY *ALC*
KIMBALL COUNTY COURT
CLERK MAGISTRATE

STATE OF NEBRASKA)
) SS AFFIDAVIT
COUNTY OF KIMBALL)

The undersigned, being duly sworn, deposes, and says that on the day of March 19, 2012 at approximately 2234 hours, in the County of Kimball; the undersigned arrested Rodney P Bussinger whose date of birth is 04-05-1963 for the following reasons:

On March 19th 2012 at approximately 2200 hours Sgt. Godden was performing routine patrol in a marked patrol car in Kimball NE. While performing a traffic stop on the 200 block of Chestnut St for an expired registration Sgt. Godden observed a man to be slightly stumbling while walking and to be staring intently at Sgt. Godden. While issuing a warning for the violation Sgt. Godden observed the male to get into a red Chevy cavalier and sit in the driver's seat without starting the vehicle while staring at Sgt. Godden in the mirror. Sgt. Godden decided to check on the driver to attempt to stop him from possibly driving intoxicated. Since Sgt. Godden was stopped facing northbound and blocking in the vehicle that was just released, and the red caviler was facing southbound across the street, Sgt. Godden decided to drive down to 2nd St approximately one half a block down and turn around to be on the proper side of the street to pull up and check on the male in the vehicle. While pulling away Sgt. Godden observed the vehicle to back out of the spot and proceed to drive south bound on Chestnut St without activating the headlights. Sgt. Godden performed a u-turn at 2nd St. Once turned around and heading in the same direction Sgt. Godden observed the vehicle to still have its headlights off and furthermore it failed to signal a left hand turn onto 3rd St. Sgt. Godden accelerated to catch up to the vehicle. While turning left onto 3rd St to follow, Sgt. Godden observed the vehicle to turn left (northbound) onto Walnut St and once again it failed to signal the turn. Sgt. Godden activated the emergency overhead lights to perform a traffic stop. Upon approach to the driver, Sgt. Godden observed the driver to go to great lengths to attempt to avoid eye contact. Sgt. Godden could see that the driver did have bloodshot eyes. Sgt. Godden could detect the strong odor of an alcoholic beverage coming from the driver. Sgt. Godden advised the reason for the stop and the driver showed Sgt. Godden that the turn signal stick had been broken and the driver stated that because of the damage the vehicle lights could not be turned on and that the turn signals could not be activated. Sgt. Godden asked for the driver's license, registration, and proof of insurance. The driver had fumbling fingers while attempting to get his information out. The driver had to be asked a second time for the proof of insurance. The driver then continued to look for his information after already giving it all to Sgt. Godden. While attempting to retrieve the information Sgt. Godden asked a question and the driver was so concentrated on finding the information that he completely ignored Sgt. Godden. All of these Sgt. Godden observed as possible indications of impairment. Sgt. Godden asked the driver if he had been drinking. The driver stated no. Sgt. Godden asked if he was sure. The driver stated something along the lines of not earlier tonight. Sgt. Godden advised the driver of smelling the odor of alcohol and the driver changed his story to "two beers". Sgt. Godden requested the driver, identified as Rodney P Bussinger, to perform a few field sobriety maneuvers to show if he was safe to drive. Mr. Bussing agreed. During the pre filed sobriety maneuver questions Sgt. Godden asked on a scale of one to ten, one being absolutely sober with nothing to drink, and ten being so intoxicated Sgt. Godden needed to get him to a hospital, how impaired Mr. Bussinger felt. Mr. Bussinger answered with a "seven" meaning that Mr. Bussinger felt he was substantially impaired by his own admission. Sgt. Godden started the fifteen minute observation period at approximately 2214 hours by Sgt. Godden's watch.

During the Horizontal Gaze Nystagmus Sgt. Godden found Mr. Bussinger to have a lack of smooth pursuit in Mr. Bussinger's left and right eyes. Sgt. Godden observed Mr. Bussinger to have Nystagmus at maximum deviation in both Mr. Bussinger's left and right eyes. Sgt. Godden observed Mr. Bussinger to have Nystagmus prior to 45 degrees in Mr. Bussinger's left and right eyes. Sgt. Godden observed all 6 clues of impairment in Mr. Bussinger's eyes when an indication of 4 or more shows the subject likely to be above a .10 BAC (Blood alcohol content) Per NHTSA. Sgt. Godden also observed Mr. Bussinger to sway while standing and to have to be told to only follow with his eyes and not his head multiple times. Both Sgt. Godden observed as a possible indication of impairment. Sgt. Godden also witnessed a vertical Nystagmus in both eyes which per NHTSA is a possible indication of the subject consuming more then they are used too.



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Sgt. Godden had Mr. Bussinger perform the one leg stand maneuver. Sgt. Godden observed Mr. Bussinger to sway while balancing. Sgt. Godden observed Mr. Bussinger to place Mr. Bussinger's foot down. Sgt. Godden observed Mr. Bussinger to use Mr. Bussinger's arms for balance. Sgt. Godden observed 3 clues of impairment when 2 or more show the subject likely to be over .10 per NHTSA.

Sgt. Godden had Mr. Bussinger perform the nine step walk and turn maneuver. Sgt. Godden observed Mr. Bussinger to make an improper turn. In all Sgt. Godden observed 1 out of a possible 8 clues of impairment when 2 or more shows the subject to likely be above .10 BAC per NHTSA. Sgt. Godden did observe Mr. Bussinger to have trouble keeping his balance while listening to the instructions but his feet never broke apart.

While waiting for the fifteen minute observation period to finish Sgt. Godden witnessed Mr. Bussinger to get upset and started to have tears form from his eyes. Sgt. Godden advised that if Mr. Bussinger was under the legal limit he had nothing to worry about. Mr. Bussinger stated the he was "screwed" and was going to lose his job. Sgt. Godden finished the fifteen minute observation at 2229 hours by Sgt. Godden's watch. At that time Mr. Bussinger was asked to submit to a Preliminary Breath Test. Mr. Bussinger's PBT showed Mr. Bussinger to have .158 gram of alcohol per 210L of breath. Sgt. Godden placed Mr. Bussinger under arrest. Sgt. Godden transported Mr. Bussinger to the Kimball County Hospital for a blood draw. Mr. Bussinger was read the post arrest chemical test advisement and a certified member of the staff took the blood sample.

Mr. Bussinger was arrested for violation of Nebraska statutes 60-6,196 DUI 1st Offense, 60-6,161 Failure to Signal (X2), and 60-6,219 Vehicle Lights Requirements.

CHARGES DETAINED UNDER:	TYPE:	TYPE OF CHARGE CODES
1- <u>D.U.I. 1st Offense</u>	<u>M</u>	M-MISDEMEANOR
2- <u>Failure to Signal</u>	<u>O</u>	F-FELONY
3- <u>Vehicle Light Requirements</u>	<u>M</u>	C-CIVIL
4- _____	---	0-OTHER
5- _____	---	
6- _____	---	
7- _____	---	

J. Godden #612 KPD
Officer's Name

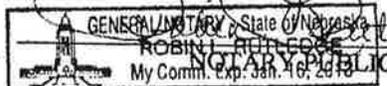
[Signature] #612 KPD
Officer's Signature

Kimball Police Department
Department

Sergeant
Title

STATE OF NEBRASKA)
ss.
COUNTY OF KIMBALL)

Subscribed to and sworn before me this 15th day of March, 2012.



IN THE COUNTY COURT OF KIMBALL COUNTY, NEBRASKA

ST V. RODNEY P BUSSINGER

Printed on 5/09/2012 at 10:32

DOB: 4/05/1963

Room 71C01

Case ID: CR 12 54

Page 1

Citation:

Date of Hearing 5/09/2012

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

<u>CHARGE</u>	<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>CLASS</u>	<u>TYPE</u>
01	60-6,196	DUI-1st offense	W	MSD
Plea: Guilty Found: Guilty Fine: \$500.00				
Probation Ordered				
Drivers license is revoked for 60 Days Interlock Allowed-Def Pays				
02	60-6,219	Improper/defective vehicle lighting	3	MSD
Charge dismissed on the motion of the prosecutor with prejudice				
03	60-6,161	Fail to use turn signal		INF
Charge dismissed on the motion of the prosecutor with prejudice				

A P P E A R A N C E S A N D A D V I S E M E N T

Judge Randin Roland
 Defendant RODNEY P BUSSINGER
 Prosecutor David L Wilson
 Defendant previously advised of the nature of the above charges, all possible penalties and rights.

A R R A I G N M E N T

Defendant advised of and waived rights.
 Defendant waives jury trial.
 Defendant enters above pleas.
 Pleas entered knowingly, intelligently, voluntarily, and a factual basis for plea(s) found.
 Court finds as shown above.
 Charges dismissed as shown above.

B O N D I N F O R M A T I O N

Bond 1428 for \$1,000.00 TEN filed on 3/15/2012
 Balance Held \$90.00

S E N T E N C I N G

Defendant was granted allocution and sentence was pronounced by the Court.
 Defendant ordered to pay fines as shown above; for a total of \$500.00,
 and all costs of prosecution.
 Execution of \$657.19 is suspended until 11/08/2012.
 Defendant is ordered not to drive a motor vehicle and his/her driver's license is impounded or revoked as shown above.
 Defendant is permitted to install an approved ignition interlock device, shall not operate a motor vehicle until equipped with such device, and having obtained an Ignition Interlock Permit. The defendant shall maintain an Ignition Interlock Permit concurrent with the revocation period as shown above with credit for any time the license may be revoked pursuant to the Administrative License Revocation, and pay all costs associated with such device.
 Defendant is placed on probation according to the terms of a separate order.

IN THE COUNTY COURT OF KIMBALL COUNTY, NEBRASKA

ST V. RODNEY P BUSSINGER

Printed on 5/09/2012 at 10:32

DOB: 4/05/1963

Room 71C01

Case ID: CR 12 54

Page 2

Citation:

Date of Hearing 5/09/2012

SENTENCING continued

Defendant to pay Court Costs	\$48.00
Other	\$1.00
Lab costs	\$108.19

PROBATION BY SEPARATE ORDER

The Court has sentenced the defendant to probation for 6 Months on the counts shown above.

Defendant is to pay the following probation costs in addition to all other fines, costs and judgments assessed.

Administrative Enrollment Fee	\$30.00
Probation Fees	\$150.00
Drug Testing Fees	\$30.00
Offender Assessment	\$10.00

FUTURE COURT APPEARANCES

Case continued to 11/08/2012 at _____

in County Courtroom 01 for Show Cause Hrg

Hon.

Randin R. Roland

Randin Roland



_____/09/2012
Date

Angie Haun

Bailiff

Tape Nos. 1

IN THE COUNTY COURT OF KIMBALL COUNTY, NEBRASKA

FILED

OCT 19 2012

THE STATE OF NEBRASKA,)
)
 Plaintiff,)
)
 vs.)
)
 RODNEY P. BUSSINGER,)
)
 Defendant.)

CLERK MAGISTRATE
KIMBALL COUNTY COURT

ORDER OF RELEASE
FROM PROBATION

CASE NO. CR12-54

NOW on this 19th day of October, 2012, this matter is before the Court on its own motion, pursuant to Neb. Rev. Stat. 29-2264(1). Upon application of the defendant's supervising probation officer for an order discharging the above-named defendant from the order of probation entered herein on the 9th day of May, 2012, and the Court being fully advised of the premises finds that the application should be sustained.

IT IS, THEREFORE ORDERED, that the defendant be, and he hereby is, released from probation.

BY THE COURT:

Bandin R. Roland
County Judge



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