



BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Peter Thew  
3521 M Street  
Lincoln, NE 68510

Petitioner,

v.

Scott Swisher, Ed.D.  
Deputy Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509

Respondent.

Case No. 13-15

ANSWER

COMES NOW the Respondent, Scott Swisher, and for his answer to the Petition of the  
Petitioner, admits, denies, and alleges as follows:

1. Admits paragraphs 1, 2, 3, 4, 5, & 6 in the Petition.
2. Denies paragraphs 7 & 8 in the Petition.

WHEREFORE, the Respondent requests that the State Board of Education appoint a  
hearing officer to hold a hearing on this matter, make a recommendation to the Board, and the  
Board take such action 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 through  
regular United States mail, postage prepaid, this 9<sup>th</sup> day of October 2013.



Brian L. Halstead, #18077  
Attorney for Respondent

<p>02</p> <p><b>FILED</b></p> <p><b>OCT 9 2013</b></p> <p><b>NEBRASKA DEPARTMENT</b> OF EDUCATION</p>	<p>BW</p> <p>11-13 State Board of Education</p>
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**BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA**

<b>PETER THEW,</b>	)	CASE NO. <u>13-15</u>
	)	
<b>Petitioner,</b>	)	
	)	<b>PETITION</b>
<b>vs.</b>	)	
	)	
<b>SCOTT SWISHER</b>	)	
<b>(Deputy Commissioner of Education)</b>	)	
<b>Respondent,</b>	)	

COMES NOW the Petitioner, Peter Thew, in accordance with Title 92, Chapter 61 of the Nebraska Administrative Code, states as follows:

1. Petitioner filed an application for a Nebraska standard teaching certificate, on or about April 23, 2013, which petitioner incorporates into this petition by reference herein.
2. Petitioner received an intent to deny on or about August 8, 2013.
3. Petitioner filed supporting documentation in appeal of the intent to deny on or about August 27, which petitioner incorporates into this petition by reference herein.
4. Petitioner received a denial of his application on or about September 5, 2013.
5. Petitioner appeals the denial by Respondent of the application for a Nebraska standard teaching certificate and failure to issue Petitioner a Nebraska standard teaching certificate.
6. Petitioner requests that the Board order the Respondent to issue Petitioner a Nebraska standard teaching certificate.

01 <b>FILED</b> BW
<b>SEP 24 2013</b>
<b>NEBRASKA DEPARTMENT OF EDUCATION</b> 8.4.3-3

7. Petitioner states that the letter of denial dated September 3, 2013 states four reasons for denial, a copy of which is attached hereto, marked Exhibit "A", and by this reference made part hereof. Further there is no factual basis to support several of the stated determination.
8. Petitioner states that he is of good moral as evidenced by the application and supporting material submitted by the Petitioner.

**WHEREFORE**, the Petitioner prays that the State Board of Education issue a teacher certificate to Petitioner, and for such further and other relief as the Board may deem just and equitable.

DATED this 24<sup>th</sup> day of September, 2013.

Peter Thew, Petitioner

By:   
Peter Thew  
3521 M Street  
Lincoln, NE 68510  
(402) 742-7106  
Petitioner

I, Peter Thew, state that I have read the contents of the foregoing petition and that to the best of my knowledge, information and belief such content are true and there is a reasonable cause for filing said petition.

  
Peter Thew, Petitioner

September 24, 2013



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

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

September 3, 2013

Mr. Peter Thew  
3521 M Street  
Lincoln, NE 68510

Re: Application for a Nebraska Certificate

Dear Mr. Thew:

On April 23, 2013, you filed an application for a Nebraska standard teaching certificate and disclosed information about being disbarred from the practice of law in Nebraska in 2011 by the Nebraska Supreme Court. On August 7 the Director of the Teacher Certification Office sent you a letter notifying you of an Intent to Deny your application for the reason that applicants for a certificate be of good moral character. I am in receipt of your letter and enclosures requesting my review of your application. Pursuant to Neb. Rev. Stat. Section 79-808 and Title 92, *Nebraska Administrative Code*, Chapter 21, it is my responsibility to consider your fitness for issuance of a Nebraska certificate.

In reviewing the information surrounding your disbarment, I have determined the following: 1) You failed to provide legal services to numerous clients and engaged in fraud over an extended period of time when contacted by these clients; 2) You were temporarily suspended from the practice of law by the Nebraska Supreme Court, yet continued to accept clients and work as an attorney without notifying these clients that you were not authorized to practice law at the time; 3) Although you were diagnosed with depression and sought medical treatment to address your personal situation in 2009, your conduct of misrepresenting the truth about your professional services and continued practice of law while suspended demonstrates a lack of good moral character; and 4) The recency of your conduct and disbarment by the Nebraska Supreme Court in March 2011 indicate a lack of good moral character at this time for being an educator in the K-12 schools of Nebraska.

Therefore, I am denying your application for a Nebraska teaching certificate. Section 009.03 of 92 NAC 21 provides that you may appeal my denial of your application to the State Board of Education within twenty (20) calendar days of receipt of this letter. A copy of Title 92, *Nebraska Administrative Code*, Chapter 61, is included.

Respectfully,

A handwritten signature in blue ink that reads "Scott Swisher".

Scott Swisher, Ed.D.  
Deputy Commissioner of Education

xc: Kevin Peters, Ed.D.

11.08.13 State Board of Education

Exhibit A

8.4.3-5

*To lead and support the preparation of all Nebraskans for learning, earning, and living.*