

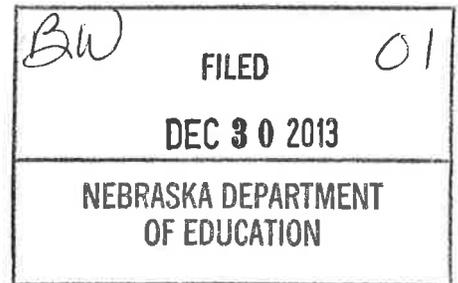


BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA

Scott Swisher, Ed.D. )  
 Deputy Commissioner of Education )  
 301 Centennial Mall South - 6th Floor )  
 P.O. Box 94933 )  
 Lincoln, NE 68509-4933 )  
 )  
 ) Petitioner, )  
 vs. )  
 )  
 Donald Webben )  
 1610 Jerry Drive )  
 Grand Island, NE 68803, )  
 )  
 ) Respondent. )

NPPC Case No. 13-11  
Case No. 13034

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



I. STATEMENT OF THE CASE

This case commenced with the filing of a Petition on November 13, 2013, by Scott Swisher, Deputy Commissioner of Education, Department of Education, State of Nebraska, hereinafter referred to as “Petitioner.” The Petition was filed against Donald Webben, 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 004.04D (effective date: November 12, 2003); Section 004.04E (same effective date); Section 005.06D (same effective date); and Section 005.09D (same effective date).

On November 15, 2013, the Petition, Notice of Right to Submit an Answer, and a copy of Title 95, Nebraska Administrative Code, Chapter 1 (effective date: October 30, 1993), were served upon Respondent by certified mail, return receipt requested.

On November 25, 2013, the Respondent, through his attorney, Rick G. Wade, filed an Answer to the Petition stating in response to the allegations: "1. Admits the allegation in paragraph 1; 2. Admits that the Respondent is Donald Webben, 1610 Jerry Drive, Grand Island, Nebraska 68803; 3. Admits the allegations in paragraph 3; 4. Admits the allegations of paragraph 4; 5. Admits that on or about June 21, 2013, Respondent appeared and pled no contest to Count 1, Motor Vehicle Homicide, a Class I misdemeanor, pursuant to Neb. Rev. Stat. §28-306(1) and §28-306(2) and Count II, Driving Under the Influence of Alcohol, 1st Offense, a Class I misdemeanor, pursuant to Neb. Rev. Stat. §60-6, 196 (Reissue 2008); 6. Admits that on or about August 23, 2013, the Respondent was sentenced for the Count I misdemeanor to two (2) years of probation and ninety (90) days in jail, and Respondent's drivers license was revoked for six (6) months and for the Count II misdemeanor to two (2) years of probation, a \$500 fine, and Respondent's license was revoked for sixty (60) days with the probation sentencing of Counts I and II to be served consecutively; and 7. Admits that the Nebraska Statute and the *Nebraska Administrative Code* state as set forth in paragraph 7, but denies that Respondent violated said sections as indicated in paragraph 7."

On November 25, 2013, Kathi Vontz, Clerk of the Commission, filed a Notice of Hearing which was sent to the Respondent and the Respondent's attorney, 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 Saturday, December 7, 2013, commencing at approximately 10:00 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 the above time and place before a Hearing Panel of the Commission consisting of Commission Members: Susan J. Anglemeyer, Sarah Brown, Susan Johnson, Brian Maher, Mandy Peterson, Joy Schott, Darolyn Seay, Karen Shelton, and Jane Stavem. Commissioner Brown 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 appeared with his attorney, Rick G. Wade. Testimony and exhibits were received in evidence and the Respondent's attorney and Petitioner'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, Scott Swisher, is the Deputy Commissioner of Education for the State of Nebraska, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509.
2. The Respondent is Donald Webben, 1610 Jerry Drive, Grand Island, NE 68803.
3. The Respondent holds a public Nebraska initial teaching certificate number 2012006746, endorsed in Elementary Education K-6, with an expiration date of August 31, 2017.
4. The Respondent was employed as a teacher by the Northwest Public Schools in Grand Island until his resignation was accepted by the Northwest School Board on February 13, 2013.
5. On April 18, 2013, an Information was filed in the Howard County District Court charging the Respondent with Motor Vehicle Homicide, a Class III Felony, and Driving Under the Influence of Alcohol, 1st Offense, a misdemeanor. On June 21, 2013, pursuant to a plea agreement wherein the State reduced the Motor Vehicle Homicide charge to a misdemeanor and agreed to remain silent at sentencing, the Respondent pled No Contest to that charge and Driving Under the Influence of Alcohol.

## III. CONCLUSIONS OF LAW

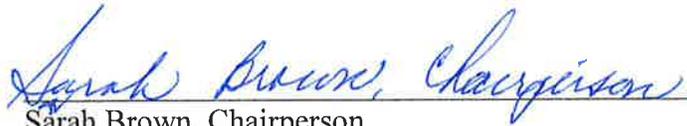
1. The Commission has jurisdiction in this case and all proceedings have been in accordance with applicable Constitutional, Statutory, and Regulatory Requirements.

2. The Petitioner has proven by a preponderance of the evidence that the Respondent violated the following statutes and standards: Neb. Rev. Stat. §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 004.04D (effective date: November 12, 2003) which states, "the educator: Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals"; Section 005.06D (same effective date) which states, "the educator shall: Develop and maintain positive standards of conduct"; and Section 005.09D (same effective date) which states: "Educators... Shall provide leadership and direction for others by appropriate example".

#### IV. RECOMMENDATION

Therefore, the Commission respectfully recommends by a unanimous vote to the State Board of Education that the Respondent's public Nebraska initial teaching certificate number 2012006746, endorsed in Elementary Education K-6, with an expiration date of August 31, 2017 be revoked for two years.

Dated this 10<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Sarah Brown, Chairperson  
Hearing Committee  
Nebraska Professional Practices Commission

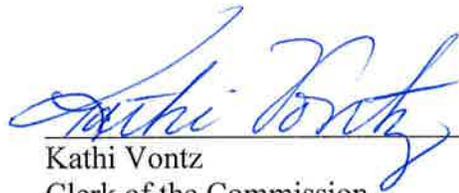
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law, and Recommendation for Case No. 13-11, was served upon Respondent, Donald Webben, by certified U.S. Mail, postage prepaid, Respondent's attorney, Rick G. Wade by U.S. Mail, postage prepaid, and hand delivered to Brian Halstead, attorney for the Petitioner, on this 30<sup>th</sup> day of December, 2013, at the following addresses.

Donald Webben  
Respondent  
1610 Jerry Drive  
Grand Island, NE 68803

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

Rick G. Wade  
Attorney for Respondent  
NORBY & WADE LLP  
605 South 14th Street, Suite 220  
Lincoln, NE 68508

  
Kathi Vontz  
Clerk of the Commission

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PPC Case No. 13-11  
 Case No. 13034  
  
TRANSCRIPT  
  
 VOLUME I of I  
 (Pages 1 through 109)  
 EXHIBITS 1-7

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

Convened, pursuant to notice, at 10:06 a.m., on  
 December 7, 2013,

BEFORE:

JEFFERY R. KIRKPATRICK, Hearing Officer.

COMMISSION MEMBERS PRESENT:

KAREN SHELTON, Chairperson; SARAH BROWN,  
 Presiding; SUSAN ANGLEMYER; SUSAN JOHNSON; BRIAN MAHER;  
 DAMON McDONALD; MANDY PETERSON; JOY SCHOTT; DAROLYN SEAY;  
 JANE STAVEM.

OTHERS PRESENT:

KATHI VONTZ, Clerk of the Commission

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GENERAL REPORTING SERVICE (402) 477-8425

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A P P E A R A N C E S

For the Commissioner:            Brian L. Halstead, #18077  
   Assistant Commissioner/  
   General Counsel  
   Department of Education  
   301 Centennial Mall South  
   Sixth Floor  
   Lincoln, NE 68509

For the Respondent:            Rick G. Wade, #17820  
   Attorney at Law  
   605 South 14<sup>th</sup> Street  
   Suite 220  
   Lincoln, NE 68508

- - -

I N D E X

WITNESSES:                      Direct    Cross    Redirect    Recross

FOR THE RESPONDENT:

Donald Webben	16	44	69,73	71
Steven Scott Jones	74	--	--	--
Dr. Scott Maline	81	--	--	--
Jacqueline Jones	90	--	--	--

- - -

EXHIBITS:                      Marked    Offered    Ruled On    Found

1 Pleadings (11 pages)	6	7	7	Appendix
2 Title 92, Nebraska Administrative Code, Chapter 27 (16 pages)	6	7	7	Appendix
3 Title 95, Nebraska Administrative Code, Chapter 1 (19 pages)	6	7	7	Appendix
4 Title 92, Nebraska Administrative Code, Chapter 28 (23 pages)	6	15	15	Appendix
5 Title 92, Nebraska Administrative Code, Chapter 29 (12 pages)	6	15	15	Appendix
6 Reference Letters (18 pages)	6	71	71	Appendix
7 Amended Copy of Reference Letter from Dr. Scott Maline (1 page)	83	86	87	Appendix

- - -

1		
2	Appearances	2
3	Reporter's Certificate	5
4	Opening Statement by Mr. Halstead	8
5	Opening Statement by Mr. Wade	9
6	Closing Argument by Mr. Halstead	96
7	Closing Argument by Mr. Wade	101
8	Rebuttal Closing by Mr. Halstead	106
9	Motion	107
10	Decision	109

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1 PROCEEDINGS:

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

4 CHAIRPERSON BROWN: Ladies and gentlemen, I am  
5 Sarah Brown, chairperson of this hearing panel of the  
6 Nebraska Professional Practices Commission. I convene this  
7 hearing at 10:06 a.m. for the purpose of receiving evidence  
8 on a petition filed by Scott Swisher, Commissioner of  
9 Education, Petitioner, against Donald Webben, Case No.  
10 13-11.

11 The other members of the hearing committee are  
12 Susan Anglemyer, Susan Johnson, Brian Maher, Damon McDonald,  
13 Mandy Peterson, Joy Schott, Darolyn Seay, 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  
02.04.14 State Board of Education R7.10-11

1 to Section 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 MR. WADE: Rick Wade of the law firm of Norby and  
9 Wade, 605 South 14<sup>th</sup>, Suite 220, Lincoln, Nebraska 60508, on  
10 behalf of Mr. Webben.

11 CHAIRPERSON BROWN: At this time, if there are no  
12 objections, I will enter into the record the pleadings which  
13 are marked as Exhibit 1; the standards of ethics and  
14 competency, which is 92 Nebraska Administrative Code,  
15 Chapter 27, and is marked as Exhibit 2; and the regulations  
16 concerning teacher and administrative professional practices  
17 hearings, which is 95 Nebraska Administrative Code, Chapter  
18 1, and is marked as Exhibit 3.

19 Are there any objections?

20 MR. HALSTEAD: I have no objections to Exhibits 1,  
21 2, and 3.

22 MR. WADE: No objection to any of those exhibits  
23 either.

24 CHAIRPERSON BROWN: Exhibits 1, 2, and 3 are

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

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

5                   THE HEARING OFFICER: Thank you.

6                   Mr. Halstead, do you have an opening statement  
7                   you'd like to make?

8                   MR. HALSTEAD: Very briefly. Ladies and gentlemen  
9                   of the Commission, this morning you're going to hear some  
10                  evidence, keeping in mind that the respondent has admitted  
11                  all of the allegations in the petition except for the  
12                  ethical standards in statute that we've alleged. So, as you  
13                  listen to the facts this morning, apply the ethical  
14                  standards and see whether you believe any of them have been  
15                  violated by the respondent's conduct. I think what you're  
16                  going to find from this hearing is that the respondent, who  
17                  was a teacher at that time for the Grand Island Northwest  
18                  Public Schools, went out after work one evening with friends  
19                  and others he knew in his life. He engaged in drinking  
20                  while he was out and about driving and when he left the last  
21                  establishment to go home, one of the passengers in his  
22                  vehicle was killed because of his drunk driving and his  
23                  manner in operating the motor vehicle.

24                  He was originally charged with felony motor  
25                  vehicle homicide in the state of Nebraska and for the drunk

1 driving offense. He entered a plea of no contest to the  
2 drunk driving offense, and the prosecutor amended the felony  
3 charge to misdemeanor motor vehicle homicide, for which he  
4 pled no contest to that, and he's currently serving a  
5 two-year probation sentence for that.

6 I think you're also going to hear that he resigned  
7 his position with the school district because of  
8 difficulties of him continuing to be a teacher for that  
9 school at that time.

10 This isn't about whether Mr. Webben is a good  
11 teacher. As you know, most of these cases rarely have  
12 anything to do with the competency of the person as a  
13 teacher. It has to do with their conduct and whether that  
14 upholds the reputation of the profession, promotes respect  
15 by the public for the profession. And we believe, at the  
16 close of this hearing, you'll feel that he should have his  
17 certificate revoked for a short period of time for his  
18 inappropriate conduct on November 21<sup>st</sup> and 22<sup>nd</sup> of 2012.  
19 Thank you.

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

21 Mr. Wade, opening statement?

22 MR. WADE: Thank you. Mine may be a little bit  
23 longer. This is the story of a young man who had an  
24 accident, as Mr. Halstead has indicated. An accident not  
25 involving students, but in an automobile outside of school

1 time and location. He was driving a car he had owned for  
2 only approximately five days on an unpaved -- or unknown  
3 road of which he was totally unfamiliar. In the car were a  
4 couple friends, as well as a person who had asked him, a  
5 person he did not know, who had asked him for a ride home.  
6 A friend of a friend, let's put it that way. Mr. Webben is  
7 a kind person, he said fine. Unfortunately, Mr. Webben was  
8 not aware of the intersection and was driving too fast.  
9 Unfortunately, the passenger who he did not know, the friend  
10 of a friend, was not wearing his seat belt as well. Mr.  
11 Webben did not negotiate the turn. And at the intersection,  
12 as a result, the car rolled and the friend of the friend of  
13 Mr. Webben was, in fact, killed.

14 He did not -- as I said, this particular  
15 individual did not survive the accident. The other  
16 individuals were not hurt seriously. Mr. Webben and the  
17 others in the car had had a few drinks. In fact, Mr.  
18 Webben's BAC did show that he was slightly above the alcohol  
19 as allowed by law for drivers. And he was convicted, as Mr.  
20 Halstead says, of a DUI. And since there -- and Mr.  
21 Halstead takes assumptions -- or makes assumptions about our  
22 legal system. My assumption is that since there is  
23 presumably no proof, and there has to be proof that the  
24 alcohol consumption was the proximate cause of the death to  
25 be a felony conviction. Instead, Mr. Webben was convicted

1 of a Class I misdemeanor for motor vehicle homicide for  
2 driving his vehicle too fast for the conditions, too fast.  
3 And so that is the Class I misdemeanor for which he was  
4 convicted. I don't think -- I don't like to suggest, and I  
5 wouldn't like to suggest that our legal system plea bargains  
6 everything down. I think they plea bargain things down if  
7 they think it's a case that they can't prove. And again, to  
8 be convicted of a felony, it has to be the proximate cause,  
9 alcohol consumption has to be the proximate cause of the  
10 accident. That was not the finding.

11 He was not convicted of felony, nor of a crime of  
12 moral turpitude by either -- through either his DUI or the  
13 misdemeanor motor vehicle homicide. I don't believe it's  
14 ever been established anywhere that either of those is a  
15 crime of moral turpitude.

16 Mr. Webben is a fine young man, starting out his  
17 career in teaching, and he has continued to teach. As a  
18 result of the accident and the fact that the young man  
19 passed away at the time of the accident, Mr. Webben and the  
20 administration thought it was best that he not teach there.  
21 In fact, the administration had even considered putting him  
22 in an new school. They did not necessarily want to get rid  
23 of him, but they didn't know for sure what was the best  
24 placement, and they felt since there was a sibling in the  
25 district, it was probably not best for Mr. Webben to

1 continue. Although, Mr. Webben did, in fact, continue to do  
2 all of his substitute plans through the rest of the year,  
3 about several months, and went in, made sure everything was  
4 all ready for the substitute teacher, and that was very much  
5 appreciated by the administration. And, in fact, the  
6 administration, in his resignation, in Mr. Webben's  
7 resignation, he did -- the administration did give him a  
8 letter of recommendation.

9 As I'm looking at my notes from -- in preparation  
10 for this case long ago, there wasn't -- we weren't sure what  
11 best should be done, neither the administration, nor the  
12 administration's attorney, nor I, how to handle this. The  
13 PPC matter -- or complaint was filed, but decision as to  
14 what to do with him for employment purposes wasn't made very  
15 quickly. But, as I say, as a result of the other offspring  
16 being in the district, Mr. Webben and the administration  
17 thought it best that he not continue. So, Mr. Webben did,  
18 in fact, submit his resignation.

19 I think it's interesting to note that there were  
20 some 21 witnesses identified as that process proceeded.  
21 Twenty-one witnesses identified for Mr. Webben to testify on  
22 his behalf before the board, should a hearing be necessary.  
23 But again, however, Mr. Webben thought it best not to go  
24 through that procedure, not to put anyone else through  
25 further difficulty, and he has great remorse, great remorse

1 and sadness for the loss of an individual. We all do, he  
2 does. And so, he did, in fact, resign.

3 However, since he resigned, he's been  
4 substituting. He's been substituting, he's been working for  
5 the school as a custodian full-time. He's also been  
6 substituting at Wood River Elementary School on a regular  
7 basis and has been given excellent reviews and appreciated  
8 and requested by many, many teachers. So, Mr. Webben  
9 obviously doesn't pose any harm or any potential danger to  
10 any student, and he's well respected by the administration  
11 for whom he is working even now, as well as before this  
12 accident. It's an unfortunate situation, let's put it that  
13 way.

14 He has since, as Mr. Halstead indicated, received  
15 a sentence for the DUI and for the misdemeanor motor vehicle  
16 homicide, and with a two-year probation, he is serving that.  
17 But during the probation, he's also been allowed to continue  
18 to teach as a substitute teacher. Those are important  
19 factors. I think they're very important factors, because  
20 he's trusted. He's trusted. And he isn't a danger. And  
21 it's different in many, many ways than some individuals who  
22 have -- pose a danger or are not trusted within the district  
23 or the professional community of education.

24 Again, I would like to emphasize that Mr. Webben  
25 takes no -- obviously, he takes this very seriously. He was

1       distraught. You will hear witnesses testify how distraught  
2       he's been, how much remorse he's had for this particular  
3       matter. But he's been a good guy all of his life, and he  
4       takes things very seriously. This was a mistake, a single  
5       mistake. You've heard of individuals who have DUIs, DUIs,  
6       DUIs. Or you've heard of individuals who are very reckless  
7       and have a number of problems. That's not Mr. Webben. He's  
8       had no previous convictions, and that's why, in part, too,  
9       I'm sure, that the criminal system thought Mr. Webben  
10      deserved no more than what he got for his conviction and his  
11      sentencing.

12                So, I will -- with that, I'd be happy to have Mr.  
13      Webben testify and his witnesses testify, and I would ask  
14      you to carefully read the letters, because you'll see many  
15      letters in here that say wonderful things about Mr. Webben,  
16      and they come from people who are putting their name on the  
17      line as an administrator for a school. So, I mean, that's a  
18      strong statement. That's a very strong statement.

19                And with that, I thank you for letting me make  
20      that opening statement and thank you for being here in the  
21      cold.

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

23                    Mr. Halstead, do you have evidence?

24                    MR. HALSTEAD: I have two exhibits I'd offer at

25                    this time. Exhibit No. 4 being Title 92, Nebraska R7.10-19  
02.04.14 State Board of Education

1 Administrative Code, Chapter 28, the rules and regulations  
2 regarding complaints and investigations by the Department.  
3 And Exhibit No. 5 being Title 92, Nebraska Administrative  
4 Code, Chapter 29, the rules and regulations regarding  
5 hearings and determinations by the State Board of Education.  
6 I'd offer Exhibits 4 and 5 at this time.

7 THE HEARING OFFICER: Thank you, Mr. Halstead.  
8 Any objection, Mr. Wade?

9 MR. WADE: I certainly have no objections to  
10 those.

11 THE HEARING OFFICER: Four and 5 are received.  
12 (Exhibits 4 and 5 were received in evidence. See  
13 Index.)

14 Any further evidence at this time, Mr. Halstead?

15 MR. HALSTEAD: Mr. Wade has assured me that he's  
16 going to be calling his client as a witness, so with that, I  
17 wouldn't offer any more evidence at this point and think I  
18 can get my evidence in through Mr. Webben's testimony for  
19 Mr. Wade at this point. So, I have nothing further at this  
20 time.

21 THE HEARING OFFICER: Thank you, Mr. Halstead.  
22 Mr. Wade, you may proceed with evidence.

23 MR. WADE: All right, thank you. I would call Mr.  
24 Don Webben, the respondent, as a witness.

25 THE HEARING OFFICER: Witness will be sworn by the  
02.04.14 State Board of Education R7.10-20

1 court reporter.

2 THE REPORTER: Will you raise your right hand,  
3 please? Do you solemnly swear or affirm the testimony  
4 you're about to give will be the truth, the whole truth, and  
5 nothing but the truth?

6 MR. WEBBEN: Yes, ma'am.

7 DONALD WEBBEN

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

10 DIRECT EXAMINATION

11 BY MR. WADE:

12 Q Mr. Webben, would you please state your full name?

13 A Donald William Webben.

14 Q What is your address, Mr. Webben?

15 A 1610 Jerry Drive, Grand Island, Nebraska 68803.

16 Q And how long have you resided at that residence?

17 A Currently a year and a half.

18 Q And is that -- with whom do you reside there?

19 A My mother and father.

20 Q Where did you live before that?

21 A Before that, I lived in Kearney, Nebraska.

22 Q Mr. Webben, what is your age?

23 A Thirty.

24 Q And where were you born?

25 A Grand Island, Nebraska, sir.

1           Q     Tell us where you've lived since you were born.  
2           Basically, I'd like the Commission to know where your roots  
3           are.

4           A     Okay. I lived in the same house until I was 18-19  
5           years old, and I moved out to California, out to Corona,  
6           California. Right out of high school, I joined a performing  
7           arts group called the Young Americans. It's a traveling  
8           troupe that their main purpose is to keep music in the  
9           schools. So, it's a non-profit organization, so I wasn't  
10          paid for that. I traveled around the world for  
11          approximately three years, going to a different town every  
12          three days, doing workshops with children from ages  
13          kindergarten all the way through 18-19 years old. We'd go  
14          into the school, we'd do a two-day workshop where the kids  
15          would learn a one-hour musical theater montage, and at the  
16          end of the two days, they would do the show for the  
17          community. While I was with the Young Americans, I was able  
18          to spend three months traveling around Ireland, Scotland,  
19          England, and Wales teaching students, as well as three  
20          months in Germany and three months across the Midwest United  
21          States.

22                     After my time with the Young Americans, I stayed  
23                     out in California for approximately three years and started  
24                     going to a community college out there in order to pursue my  
25                     teaching degree. I got all my gen eds done out in

1 California, and then I moved back to Nebraska to be closer  
2 to my family. My grandparents weren't in very good health  
3 and I wanted to be closer to the family. I felt like I was  
4 missing out on a lot of family things, a lot of family  
5 memories, by being out in California. So, I moved back to  
6 Omaha. I stayed at the University of Nebraska at Omaha for  
7 approximately a year, and then to move closer to home, I  
8 finished up my degree at the University of Nebraska at  
9 Kearney.

10 While I was finishing my student teaching in  
11 Kearney, I received an employment opportunity from Northwest  
12 Public Schools. So, after I received my degree, I moved  
13 back home to my parents' house in order to save some money  
14 and try to get my student loans paid off.

15 Q Was it your desire to move back closer to where  
16 you actually had been born, in that vicinity?

17 A For a while. You know, I'm a product of Northwest  
18 Public Schools. I graduated from Northwest High School in  
19 2002. So, being back on my roots at my old high school, and  
20 being able to teach with teachers that I had was really a  
21 neat thing. I also helped coach the Northwest freshman  
22 football team during the fall of 2012, which was really a  
23 great experience as well, being able to help young men in  
24 that sport.

1 and basically you're getting your education, were you also  
2 working somewhere?

3 A Yes. I was working full-time. When I lived in  
4 California, I worked for a Circuit City, and I was working  
5 full-time there as a warehouse lead manager. And then, when  
6 I moved to Omaha, I was working full-time at Nebraska  
7 Furniture Mart, as well as going to school full-time. And  
8 then, when I moved to Kearney, I was working for a company  
9 Developmental Services of Nebraska. And we supported  
10 individuals with disabilities at an at-home based setting.  
11 So, it would be like, I would help them with general living  
12 things, whether it be teaching them how to cook or balance a  
13 checkbook, helping with their medications, things like that,  
14 helping them to -- the main goal is eventually so that they  
15 would be able to live on their own and be independent. And  
16 I still keep in contact, even though I haven't been there  
17 for approximately a year and a half, two years, I do still  
18 keep in contact with some of the individuals. I actually  
19 talked to one of them last night, because he called me and  
20 just wanted to chit chat. So, that's where I worked while I  
21 was in school, and that was a full-time, 40-hour-a-week job  
22 as well as taking 15-16 credit units.

23 Q And during that period of time, basically, you've  
24 already explained what the DSN is and the hours that you  
25 spent there. As far as what your duties -- do you think

1 you've explained those? How many hours were you with an  
2 individual? And I should ask you, first of all -- I don't  
3 mean to make it a compound question, but these individuals,  
4 they had some disabilities or what were the issues that you  
5 had to --

6 A They had disabilities. They were  
7 high-functioning, so I dealt with anywhere from -- some of  
8 them had autism. Some of them had multiple diagnoses,  
9 schizophrenia. But they were higher functioning, so I  
10 didn't have to help them a lot with, like, toileting or  
11 bathing, but mostly passing medication, working on programs,  
12 whether they be anger management. And it was one of those  
13 situations where it was a very high stress environment. You  
14 know, it was -- you could either have wonderful days or you  
15 could come home with scars at night. You know, so it  
16 was -- a lot of times, you had to deal with verbal and  
17 physical aggression towards the staff and towards other  
18 individuals. We had to have a good working, professional  
19 relationship with the police officers in the community in  
20 case one of the individuals decided to elope and wander  
21 around town for a while. So, it was one of those jobs where  
22 you had to really act on your feet and you never really knew  
23 what was going on. A lot of the individuals don't really  
24 have good family lives. A lot of them are kind of distanced  
25 from their family very much. A few of them don't have

1 really, any family life, because their family -- they were  
2 removed from their family and put into our care. So, in a  
3 sense, you really kind of do become their family, because  
4 they don't have anything else.

5           There was one Christmas that I knew one of the  
6 individuals wasn't going to be able to really have a  
7 Christmas. We do the best we can with them. You know, we  
8 go out and buy presents and stuff for them, and we try to  
9 have, as best of a Christmas as we can, but it's really not  
10 like a home Christmas. So, I asked my parents if I could  
11 bring one of the individuals home with me for Christmas.  
12 And he was able to come home and spend Christmastime with  
13 us. And it was a really great Christmas. And my mom still  
14 calls it our Daniel Christmas. And she was super excited,  
15 because she doesn't really have young kids anymore, so she  
16 got to go out and buy him, like, Nerf guns and toys and  
17 things like that. So, she enjoyed it as well.

18           Q     So, after that particular position, were you able  
19 to get a job, then, teaching?

20           A     Yes, sir. After I worked for DSN, then I was  
21 hired by the Northwest Public School District as a fourth  
22 grade teacher out in St. Libory at St. Libory Elementary  
23 School, District 18.

24           Q     And as a fourth grade teacher, did you enjoy  
25 working with the fourth grade teachers -- or excuse me,

1 children?

2 A I did enjoy working with the fourth graders. It  
3 was, you know, at that age, you never really kind of know  
4 what they're going to say, so it's always kind of a  
5 surprise, but yeah, that's probably my favorite age is like,  
6 third or fourth grade, because they're still really kind of  
7 discovering themselves and discovering who they are and who  
8 they're going to be. So, I really enjoyed having that  
9 influence on their life at that point in their lives.

10 Q Now, remind me again, perhaps the Commission got  
11 this and I did not. Was your elementary school and  
12 secondary school experience in this particular -- in the  
13 area of where you were teaching? Where'd you go to school,  
14 I should say.

15 A Oh, okay. I went to elementary school at  
16 Shoemaker Elementary, so that's part of the Grand Island  
17 Public School District. My middle school days were spent at  
18 Westridge Middle School, and then I transferred -- I opted  
19 into Grand Island Northwest.

20 Q So, it was all still in the same basic community.

21 A It was in the -- yes, sir, same basic community.

22 Q And your testimony is that -- and I should ask  
23 you, you moved back to Nebraska. You kind of liked being  
24 here. Did you intend to stay here? Is that why you want to  
25 get back into teaching?

1           A     I, you know, when I moved away from Grand Island,  
2           I didn't really see myself moving back. But when the  
3           opportunity came up and I had the opportunity to work with,  
4           you know, teachers that I had -- that had taught me, you  
5           know, it kind of really felt like I was definitely giving  
6           back, making the full circle, I guess. And I had planned on  
7           staying around for a while. Before the accident, I had  
8           actually been getting a loan for a house that I was looking  
9           at purchasing. So, I had planned on putting down some roots  
10          and staying for a while, at least.

11          Q     Had you also been doing volunteer work?

12          A     Before the accident, sir?

13          Q     No -- yes, before the accident.

14          A     Before the accident, I was working -- well, I was  
15          working with the football team. I didn't really have a  
16          whole lot of time for extra volunteer work, being a  
17          first-year teacher. I was spending, you know, from about  
18          7:15 in the morning until -- and then I would leave for  
19          football practice at about 3:30. I would have football  
20          practice until about 6:00, and then I would pick up  
21          something to eat and I would go back out to St. Libory,  
22          which from St. Libory to Northwest High School is about a  
23          20-minute drive. And then I would go back out and I would  
24          work in my classroom until about 10:30 at night or so, and  
25          then I would drive home and do it all again the next day.

1 So, I didn't really have a whole lot of time for extra  
2 volunteer work being a first-year teacher.

3 Q Okay, that's understandable. I understand that.  
4 All right, now, in the fall of last year, we basically have  
5 gotten to that point. In the fall of last year, was it  
6 around Thanksgiving when an accident occurred?

7 A Yes, it was the night before Thanksgiving.

8 Q And were you with friends? Were you with  
9 colleagues? With whom were you at --

10 A I was with a high school friend and his younger  
11 sister.

12 Q And were you -- you've known these people for  
13 quite some time?

14 A Yes. My friend, I had known him since middle  
15 school, so we had probably known each other approximately,  
16 oh, 15 years.

17 Q And I believe the testimony will be or you've  
18 already heard some information that there was, in fact,  
19 then -- you did drink some alcohol.

20 A I did, yes, sir.

21 Q And then you did drive your vehicle.

22 A I did, yes, sir.

23 Q How many passengers were in the vehicle?

24 A There was myself and then three passengers.

25 Q And of those passengers, did you know them all?  
02.04.14 State Board of Education R7.10-29

1           A     I knew two of them, sir.

2           Q     And the other two?

3           A     Well, myself included was one of the passengers,  
4 but the other one, I hadn't even met him that night. It was  
5 a friend of a friend. It was a friend of my friend in the  
6 car. And when we got -- when we were getting ready to  
7 leave, my friend came up and asked me if we could give Mr.  
8 Sabin a ride home. And even though it wasn't exactly on the  
9 way and I kind of had to go out of the way for it, I did  
10 offer Mr. Sabin a ride home, because his ride had left him  
11 that night at the bar.

12          Q     And was there -- the car that you were going to  
13 transport him in or carry him in, as well as your other  
14 friends, was that a car you were familiar with?

15          A     It was not, sir. I had purchased the car  
16 approximately five days beforehand. And I had not driven it  
17 on gravel. My car previously was front-wheel drive car. It  
18 was a really light car, and I had had that car for  
19 approximately 12 years. And this new car was a rear-wheel  
20 drive car and it was much heavier, and I was not familiar  
21 completely with the car. And as I said, it was the first  
22 time I had driven it on gravel.

23          Q     And did you know where -- whenever you were told  
24 where this individual lived, Mr. Sabin, did you know where  
25 that was as by description or by address?

1           A     I did not. Mr. Sabin was giving me verbal  
2           directions as we were driving. And I don't know if it was  
3           really dark that night or if he was just kind of, you know,  
4           not paying attention, but we did miss his road the first  
5           time, so we had to take another road that was -- and then  
6           double back. So, no, I was not familiar with where Mr.  
7           Sabin lived, and I was not familiar with the roads that we  
8           were driving on.

9           Q     And approximately how much had you had to drink  
10          that night, Mr. Webben?

11          A     I had had approximately seven drinks in the span  
12          of five hours.

13          Q     Five hours?

14          A     Yes, sir.

15          Q     And what kind of drinks?

16          A     Mostly cans of beer, 12-ounce cans of beer. And  
17          then I had had two shots throughout the night earlier in the  
18          evening.

19          Q     The shots were earlier in the evening, and then  
20          you had the cans of beer later.

21          A     Yes, sir.

22          Q     And that was after how many hours?

23          A     Five hours, sir.

24          Q     And when you left, did you believe you were

1           A     No, sir. I did not believe I was intoxicated. I  
2 really do know my limits, and if I felt like I wasn't  
3 capable of driving or if I did feel like I was intoxicated,  
4 I would have called for a ride home. Like I said, I didn't  
5 feel intoxicated. The people who were with me at the bar,  
6 they wouldn't have let me drive if they felt that I was  
7 intoxicated. And by their statements, they have told me  
8 that, you know, I wasn't slurring my words. I wasn't  
9 stumbling. I wasn't, you know, I wasn't showing signs of  
10 intoxication. And from people that I've talked to, even the  
11 bar owner remembers me from that night and he remembers that  
12 when I was leaving, I didn't seem intoxicated.

13           Q     You're probably familiar with approximately how  
14 many drinks you can consume and not exceed the amount  
15 allowed by law per hour, aren't you?

16           A     Yes, sir. Approximately one drink per hour.

17           Q     And you thought you had pretty much complied with  
18 that?

19           A     I thought I had pretty much complied with that. I  
20 knew I would probably be somewhere, you know, close, but I  
21 felt like I was, you know, complete control. Like I say, I  
22 do know my limits, and alcohol affects people differently.  
23 So, even though I did end up being over the limit, I wasn't  
24 sure if I was -- you know, I didn't feel like I was over the

1           Q     When you drove down the gravel road and Mr. Sabin  
2 was giving you instructions as you were driving, it appears  
3 that you were exceeding the speed that was appropriate for  
4 the condition of the road. Do you think that is correct?

5           A     I believe that I was driving too fast for the  
6 conditions that were presented to me on the road. I didn't  
7 believe that I was going too fast, but obviously, with what  
8 happened with the gravel road, it's apparent that I was  
9 going too fast. But as I said before, I was not familiar  
10 with the road. And it was extremely dark out that night, so  
11 I couldn't see very far in front of me to see what obstacles  
12 might be ahead.

13          Q     And because of the vehicle which you weren't  
14 familiar with, it probably wasn't as responsive as you were  
15 used to.

16          A     That's correct, sir.

17          Q     So, what happened?

18          A     As we were -- okay, so Mr. Sabin was giving me  
19 directions. We missed the first turn, so instead of doing a  
20 U-turn on the pavement, I just said, "Well, we'll go up to  
21 the next one and we'll backtrack." He's like, "All right,  
22 that's perfect." So, I took the next road and we were going  
23 down the gravel road. I came up to an intersection that I  
24 really couldn't see very well, and when I went through the  
25 intersection, there was a slight incline, so my car lifted

1 up off the ground a little bit and there was some loose  
2 gravel on the other side. Whoever had graded the road had  
3 pushed all the loose gravel to the other side of the small  
4 incline. And when I went over the incline, my tires caught  
5 and pulled me over towards the right-hand ditch really  
6 quickly. So, kind of like when you're driving on ice, the  
7 tires spun and caught and went over to the right-hand side,  
8 and I corrected slightly over to the left-hand side, because  
9 I didn't want to jerk my wheel, because then it would put it  
10 into a spin, but when I just slightly corrected it, it did a  
11 90 degree turn, so then I was -- the next thing I saw was  
12 the left-hand ditch and we were perpendicular to the road.  
13 When I saw the ditch, I corrected my wheel back hard to the  
14 right-hand side and it did a 180 degree turn. So then, I  
15 was facing the right-hand side again and the wheels caught  
16 and it rolled two times. I don't know if I was knocked  
17 unconscious or if I was just kind of in shock, but the next  
18 thing I remember -- I don't remember the roll. I remember  
19 the sound of the gravel scraping across the roof. But I  
20 don't remember exactly the whole roll.

21 When I kind of came to, my friend, Heath's sister  
22 that was in the backseat, she started, you know, yelling at  
23 me and then I kind of went into survival mode. Heath was  
24 unconscious laying across the console next to me, and

25 Hillary, his sister, was in the back. And so, I got out of

1 the car quick and helped Hillary out. I looked for my cell  
2 phone, but I couldn't find my cell phone, because I was  
3 going to call 911 immediately. But I couldn't find my cell  
4 phone, and Hillary couldn't find hers either. Hers was  
5 actually ejected from the car. So, I got Hillary out of the  
6 car and then I went over, because Heath was the next one I  
7 saw. I tried to get him out. I couldn't open his door, so  
8 I started breaking the window with my elbow, because the  
9 only thing I could really think of was to, you know, the way  
10 the car looked, I didn't want it to catch fire. You know,  
11 the first thing I could think of was, you know, to get them  
12 out of the car safely. So, I assessed the situation and I  
13 started breaking the window with my elbow to try to get  
14 Heath out. And then I realized that the car was still  
15 probably in gear, because I hadn't put it back into park.  
16 And with the car that I had, you couldn't open the doors  
17 when it was in gear. So, I ran back around and I put the  
18 car in park. And then I was able to open the door.

19 And I got Heath awake, because he was still  
20 unconscious, and he was kind of dazed. So I got him awake  
21 and checked to see if he had his cell phone. His cell phone  
22 had also been ejected from the car during the roll. So, the  
23 three of us, none of us could find our cell phones.

24 And then I got to Mr. Sabin. When I got to A.J.,  
25 his head was kind of cocked funny, and he was bleeding from

1 his mouth. And I've had CPR and First Aid certification  
2 through DSN and the first thing I could think of was not to  
3 move him, because in my opinion, well, in my observation, I  
4 thought he had probably broken his neck. So, about that  
5 time -- I started bracing his neck with my hands, and he was  
6 still alive. He still had a heartbeat, but he was  
7 unconscious. And about that time, somebody that  
8 was -- somebody was coming from the bar, actually, and was  
9 driving down the road and they saw us, and they called one  
10 of the Howard County sheriffs that they knew. They called  
11 his personal cell phone. I had asked them to call 911. I  
12 don't know why they called the trooper. Just, I think they  
13 were more familiar with him. So, they ended up calling him  
14 and he came -- he got out there about 15 or 20 minutes  
15 later, probably. I was still holding A.J.'s head when he  
16 came. A.J. was still breathing. His breaths were shallower  
17 and his pulse was weakening. And then the ambulance showed  
18 up just a little bit after Officer Bauer showed up.

19 Q Were you taken to the hospital as well?

20 A I was taken to the hospital as well. They  
21 handcuffed -- they didn't do a field sobriety test on me.  
22 They just did the penlight test. And he seemed like he was  
23 doing it forever, and there was an ambulance in the  
24 background that was flashing, but they did the penlight test  
25 and he gave me my breathalyzer, handcuffed me, and put me in

1 the back of the police car. They then took me to the  
2 hospital, did a quick check over on me to make sure that I  
3 was all right. And then, took blood work. After they took  
4 the blood work, they took me to the Hall County Jail and  
5 booked me.

6 Q Do you recall that the BAC was .10?

7 A On my blood work, my BAC was .10, sir.

8 Q And then, were you then ticketed?

9 A I was cited. I was -- they didn't tell me that  
10 A.J. had passed and that I would be charged with motor  
11 vehicle homicide until I was at the jail. They had told me  
12 that I was going to be charged with the DUI on site. But  
13 they didn't -- he waited until he had booked me in, and  
14 that's when he told me that I would be charged with a motor  
15 vehicle homicide, as well.

16 Q Now, then the legal procedure started.

17 A Yes, sir.

18 Q And you were represented by an attorney, is that  
19 correct?

20 A Yes, sir.

21 Q The ultimate conviction was for a misdemeanor,  
22 because you did not have control of your car. And that was  
23 the cause of the death of Mr. A.J. Sabin, is that correct?

24 A That's correct --

25 MR. HALSTEAD: I'm going to object to the

1 question, because he can speak to what he pled to. As to  
2 the reasons for it, Mr. Wade can't testify as to the reasons  
3 for it. He clearly can say yes whether he pled to a  
4 misdemeanor or not, but not the reasons why it was a  
5 misdemeanor.

6 THE HEARING OFFICER: I'm going to sustain that  
7 and ask you to rephrase the question, Mr. Wade.

8 MR. WADE: Okay.

9 Q (By Mr. Wade) Mr. Webben, Count I was -- of the  
10 Amended Information was that you did proximately cause the  
11 death of Anthony Sabin unintentionally while engaged in the  
12 operation of a motor vehicle at a speed greater than was  
13 reasonable and prudent under the circumstances and having  
14 regard to the actual and potential hazards then existing by  
15 reason of weather or highway conditions or operating a motor  
16 vehicle at 72 miles per hour in a 50-mile-an-hour speed  
17 limit zone. Is that your understanding of the basis of your  
18 conviction for the motor vehicle homicide?

19 A Yes, it is, sir.

20 Q And as a -- and you also pled, then, to the  
21 driving under the influence.

22 A Yes, I did, sir. I pled no contest to that as  
23 well.

24 Q Because, as you've indicated, the concentration of  
25 alcohol in your blood was .08 grams or more. And that was

1 sufficient to cause you to plead to it, is that correct?

2 A Yes, sir.

3 Q As a result of those pleadings or at that  
4 pleading, what was your sentence?

5 A I was sentenced to 90 days in the Hall County  
6 Correctional Facility, a \$500 fine, two years probation on  
7 one count and two years probation on another count. I have  
8 to go to two AA meetings a week for a year. I have to speak  
9 at six high schools about how the alcohol and the incident  
10 has affected my life. I have to go to grief counseling, as  
11 well as moral turpitude counseling, I believe. I also have  
12 to go to outpatient treatment. And I believe that's it.

13 Q During -- and how far along in that process are  
14 you at this point in time?

15 A I've been meeting with my probation officer on a  
16 regular basis. I have been attending my two AA meetings a  
17 week. I have gotten a sponsor as -- it's a court-appointed,  
18 but I have received a sponsor. I have started my grief  
19 counseling. I have not yet met with the counselor, but I do  
20 have an appointment. And then, every morning I have to call  
21 in to see if I have to go in for testing to the probation  
22 office.

23 Q Mr. Webben, do you believe the conditions of your  
24 probation have been helpful to you or for you?

25 A Yeah, I believe so. I'm going to make the best

1 out of a bad situation as I can. And it's going to help me  
2 be a better person, and I can share my story with others.  
3 And hopefully, you know, somebody doesn't make the same  
4 mistake that I did.

5 Q The grief counseling, is that for your personal  
6 grief?

7 A It's court-appointed, but I do believe that it  
8 will help me. I mean, it's -- I've dealt with the accident  
9 a lot on my own, and I've had help through my church and my  
10 community. And I have a lot of amazing people that support  
11 me. So, I have, you know, it's been over a year since the  
12 accident, so a lot of it, I have had to deal with on my own.  
13 And it is court-appointed grief counseling, but I do believe  
14 that it is going to help me in the long run, and I'm going  
15 to make the best out of it that I can.

16 Q As a result of this, initially, were you pretty  
17 devastated?

18 A I was absolutely devastated, sir.

19 Q Was it difficult to communicate and be out among  
20 other people?

21 A Yeah, absolutely. It kind of just turned my whole  
22 world upside down. I didn't really -- all I really wanted  
23 to do was just kind of crawl in a hole and die. I  
24 didn't -- I was depressed. I didn't want to do anything. I  
25 didn't really want to see anybody. You know, like I said

1 before, I had a home that I was looking at purchasing. I  
2 had a brand new car that I had just purchased five days  
3 beforehand. I had a job that I loved with children who I  
4 adored. With a class of 11 students, you really get to know  
5 each and every one of your students on a really individual  
6 basis, and it just really broke my heart to know that, you  
7 know, I wouldn't be able to see them anymore, and I wouldn't  
8 be able to really say goodbye to them. And I didn't know  
9 how my absence was going to be explained to them. You know,  
10 so that really -- it really kind of broke my heart.

11 I do still keep in contact with one of the parents  
12 of one of the students that I taught. We go to lunch with  
13 her and her daughter every once in a while. She's from St.  
14 Libory and she was actually one of the first ones on the  
15 scene that night, because she was emergency EMS, and she was  
16 on call that night. So, she was one of the first ones. So,  
17 I guess, it means a lot to me that she would still support  
18 me. And she was actually supposed to write a letter, but I  
19 don't think she got it done in time. She was supposed to  
20 write a character letter, and she had mailed it off, but I  
21 don't think it got through in the mail. But it does mean a  
22 lot to me that she would still support me and still let me,  
23 you know, go out to lunch with her and her daughter, you  
24 know, because she was there through all of it. And out of  
25 anybody, she knows, you know, she probably knows me the

1 most. She was one of the most active parents in our  
2 classroom. She was always volunteering, going on field  
3 trips with us and such. So, you know, she saw the accident.  
4 She saw how I was at the accident, and she still supports  
5 me. So that means a lot to me.

6 Q Now, Mr. Webben, when the decision was trying to  
7 be made either by the administration or by you as to what to  
8 do for your employment, we discussed a number of  
9 individuals. And isn't it true that approximately 21  
10 individuals were willing to testify for you and work with  
11 you?

12 A Yes, sir.

13 Q And did that suggest to you that you had a lot of  
14 community support?

15 A Yes, sir. I do believe I have a lot of community  
16 support. I have a lot of individuals who have known me for  
17 a number of years through the community and throughout my  
18 life that do support me.

19 Q At some point in time, did you decide that you  
20 wanted to try to do some substitute teaching despite the  
21 fact that this incident happened?

22 A Yes, sir. After a couple, maybe a month, maybe a  
23 month and a half or so, I did miss being in the classroom.  
24 And I decided that I wasn't doing anybody any good by kind  
25 of just wallowing in my grief. So, I did start, first

1 volunteering over at Wood River Rural Schools. My mom's a  
2 kindergarten teacher there. So, I talked to the principal  
3 and he allowed me to go and volunteer in her classroom, as  
4 well as do some reading groups and such in other people's  
5 classrooms, wherever they needed me. So, I volunteered for  
6 probably two or three weeks, and then they asked me to do  
7 some subbing. So, I did some substitute teaching, as well,  
8 there. I'm currently still substitute teaching for Wood  
9 River Rural Schools. I've subbed for everywhere from  
10 preschool to fifth grade, and also, the other day, I was the  
11 librarian for the day. So that was kind of fun and  
12 interesting. But I'm substitute teaching probably two or  
13 three days a week, and I'm holding my full-time position at  
14 Grand Island Senior High as a nighttime custodian.

15 Q So, you're working full-time, plus you're also  
16 doing substitute teaching?

17 A Yes, sir.

18 Q When you talked with the administration, did you  
19 indicate to them or did you have reason to believe that they  
20 were aware of your conviction?

21 A I called my administration the next day after the  
22 accident. Are you talking about Northwest administration or  
23 Wood River administration?

24 Q Let's start with Northwest.

25 A Okay. After the accident, I had called Northwest  
02.04.14 State Board of Education R7.10-43

1 administration. I had called and talked to my principal  
2 right away the very next day, because in a small time like  
3 St. Libory, word travels really fast. And I wanted him to  
4 know from me what was happening before he heard it  
5 secondhand. So, I did call them immediately. He gave me  
6 the number for my superintendent, Jeff Fisher, and I gave  
7 him a call immediately that day, too, on Thanksgiving, so  
8 that they both knew exactly what was happening, so that they  
9 had a heads-up and they would be able to make a plan as to  
10 how to address the situation.

11 Q You realized that would be part of your  
12 professional duties as a teacher to let the school know what  
13 had happened to you.

14 A Yes, sir, absolutely.

15 Q And were you then put on -- was there some  
16 discussion as to whether to move you elsewhere or keep  
17 you --

18 A I was first put on paid administrative leave for  
19 approximately a month while they kind of decided. They  
20 discussed -- Superintendent Fisher discussed it with the  
21 other principals of the schools. At first, they did discuss  
22 moving me to a different school. But Northwest's district  
23 isn't a very big district. A lot of people know each other.  
24 And so eventually, they decided that, you know, it

25 probably -- and they didn't want to put any other teacher  
02.04.14 State Board of Education R7.10-44

1 out of their classroom. And I wouldn't want that for a  
2 different teacher, too. So, we did discuss it and they  
3 finally decided that it would probably be in their best  
4 interest if they did not put me in a different classroom.

5 Q And then you decided to resign.

6 A Yes, sir.

7 Q And now, let's get to the point where after your  
8 grief and that you wanted to get back into some sort of duty  
9 as a teacher, substitute teaching, did you make your  
10 prospective employers at Wood River know that you had gone  
11 through these steps, that there had been this conviction,  
12 that there was a PPC complaint filed, et cetera, et cetera,  
13 et cetera?

14 A Yes, sir. Wood River Rural Schools, the principal  
15 and both the superintendent were aware of my situation.  
16 Like I stated before, my mother is a kindergarten teacher at  
17 Wood River. And before I was able to go and start  
18 volunteering at the school, they were made aware of my  
19 situation. That was before the conviction and everything.  
20 You know, there was still just charges pending, but since  
21 then, I have -- you know, I had pled no contest to the  
22 charges. And while my case was still pending, Wood River  
23 did have an opening for a fifth grade position. I did go in  
24 and interview it, and I was explained that since they didn't  
25 know exactly the outcome, how the outcome was going to come

1 along with my charges, that they would have offered me the  
2 position if I was only getting probation, but since it was  
3 still up in the air and school was starting before I was  
4 able to be charged, they kind of took that off the table,  
5 but they still do use me as a substitute.

6 Q So, despite what they know about what happened,  
7 they still allow you to teach as a substitute.

8 A Yes, sir.

9 Q Do you know whether or not you're requested on a  
10 frequent basis to serve as a substitute teacher?

11 A Yes, sir. I have heard from many of the teachers  
12 at Wood River that they do specifically request me. And  
13 even when there's half days that somebody needs a substitute  
14 just in the afternoon, the principal, Laurel Roth, will hop  
15 in the school van, drive all the way to Grand Island, pick  
16 me up and take me there, because I currently do not have a  
17 driver's license.

18 Q So, they help you actually make the trip and  
19 accommodate your loss of a transportation ability?

20 A Yes, sir.

21 Q And we're here before the Commission today,  
22 because you're still teaching, but you want to get back into  
23 teaching full-time, is that correct?

24 A Yes, sir. I'd love to have my own classroom

1           Q     Now, I think you've indicated that you're going to  
2 a number of classes.  Would those classes -- well, first of  
3 all, I should ask you, are you going to AA classes?

4           A     I'm going to AA meetings, yes, sir.

5           Q     Or meetings, I'm sorry.

6           A     Yes.

7           Q     And do you believe you have a drinking problem?

8           A     I do not believe that I have a drinking problem,  
9 sir.  I -- the classes are court-appointed, but I am -- you  
10 know, I've met a lot of amazing people through the AA groups  
11 and a lot of people that have a lot of amazing stories and  
12 they've come through situations that, you know, a lot of  
13 people might not make it through.  They have excellent  
14 stories to share and they're inspiring to listen to.  So,  
15 yeah, I don't believe that I have a drinking problem.  I  
16 haven't had a drop of alcohol in approximately 120 days.  
17 So, yeah, I do not believe that I have a drinking problem,  
18 sir.

19           Q     Do you believe that if the Commission were to  
20 allow you to retain your certificate that you would be able  
21 to work with children?

22           A     Absolutely.

23           Q     And I'll interrupt you for a moment to clarify  
24 that, because you're taking the grief classes.

25           A     Yes, sir.

1           Q     And you believe those are helpful. Do you believe  
2           that you've actually attained the level that you need to  
3           attain to be stable and to not be so overcome with grief,  
4           that sort of thing, that you can actually deal with  
5           students?

6           A     Yeah, absolutely, sir. Two or three days a week I  
7           work with students on a regular basis. You know, I have  
8           dealt with my grief. My church has helped me out immensely  
9           with that. I do believe that I have dealt with my grief and  
10          am moving on and making positive steps towards my future.

11          Q     And the reason why I ask that is because,  
12          obviously it seems pretty obvious, I mean, the Commission  
13          and your administration wants to make sure that you're safe  
14          with your students and that you are capable of working with  
15          students. But that transitional stage that you have with  
16          substituting, you believe you could get back in teaching  
17          without any problem?

18          A     Absolutely, sir.

19          Q     And maintaining your certificate, you will then  
20          look for another position?

21          A     Yes, sir.

22          Q     A full-time position?

23          A     Yes, sir.

24          Q     Do you intend to try to stay in the Grand Island

1           A     Most likely, sir. Possibly, you know, the  
2 surrounding area. I did student teach in Kearney. I love  
3 that school district. Possibly other areas around Grand  
4 Island.

5           Q     And then, I guess, the last question is, it is  
6 important, then, that you be able to retain your certificate  
7 and you're asking the Commission to allow you to do so.

8           A     Absolutely, sir.

9           Q     And if the Commission were to impose something  
10 such as a -- oh, a public reprimand or some sort of  
11 admonishment, would you accept that?

12          A     If the Board found that they thought that it was  
13 in the best interest for the community and for the parties  
14 involved that I do be reprimanded, then I would accept that.

15          Q     I mean, you certainly aren't ashamed to let people  
16 know that this has happened, and you don't mind the public  
17 to know that this has happened, and that you've overcome  
18 this, but it can be made public. But you don't want to lose  
19 your certificate by having it suspended or revoked, do you?

20          A     No, sir, I do not.

21                   MR. WADE: No further questions.

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

23                   Mr. Halstead, questions for the witness?

24                                   CROSS-EXAMINATION

1 Q Mr. Webben, let's go back to November 21<sup>st</sup> and 22<sup>nd</sup>  
2 of 2012. Those are the two days of your conduct that's in  
3 question here, correct?

4 A Yes, sir.

5 Q I think your testimony was that that was the last  
6 day of school before the Thanksgiving break, correct?

7 A Yes, sir.

8 Q And you and a former classmate and his sister went  
9 out celebrating or to have fun, fair statement?

10 A Yes, sir.

11 Q What time did you start drinking that evening?

12 A We started drinking approximately 9:00, 9:30.

13 Q 9:00, 9:30. And where did you start drinking?

14 A We were at a bar called Bandits in Grand Island.

15 Q And where in Grand Island is Bandits located?

16 A It's over kind of by Sonic, off of 281.

17 Q Is this north, south, east, west?

18 A It's north.

19 Q Okay. Do you remember telling law enforcement  
20 that evening that you started at Bandits around 11:30 that  
21 evening?

22 A I'm not exactly sure of the time, sir. It could  
23 be approximately 11:30. I had met Heath around 9:30. He  
24 had came over to my house first. I don't exactly remember

25 exactly what time we came to Bandits. It could be 9:30.  
02.04.14 State Board of Education R7.10-50

1 between 9:30 and 11:30.

2 Q And were Heath and you the only ones together  
3 initially?

4 A We were.

5 Q And when did Heath's sister come into play?

6 A Heath's sister arrives around midnight, I believe.

7 Q And you're certain about her arriving at midnight.

8 A Yes, sir.

9 Q Okay. Do you recall telling law enforcement you  
10 arrived at Bandits at 11:30?

11 A Yes, I do, sir.

12 Q And at Bandits, what were you drinking or  
13 consuming at Bandits?

14 A I was consuming beer at Bandits.

15 Q Remember what kind of beer?

16 A I believe it was Corona Light.

17 Q Remember how many Corona Lights you had at  
18 Bandits?

19 A I believe I had two at Bandits.

20 Q And how long do you think you stayed at Bandits?

21 A Until approximately 12:30.

22 Q So, you were there maybe an hour.

23 A Possibly.

24 Q And had two Corona Lights.

25 A Yes, sir.

1 Q Do you recall what Heath drank at Bandits?

2 A I believe he was drinking beer, as well.

3 Q And his sister?

4 A She came. We had one shot when she arrived, we  
5 had one shot of Goldschlager, I believe it was.

6 Q Help me out. What's Goldschlager?

7 A It's an alcohol. It's a --

8 Q Hard liquor?

9 A Yeah, I believe it's 80 proof liquor.

10 Q So, you had two Corona Lights and this  
11 Goldschlager at Bandits.

12 A Yes, sir.

13 Q And then you left Bandits.

14 A Yes, sir.

15 Q So, we have one hard liquor drink and two beers at  
16 Bandits. I want to make sure --

17 A Yes, sir.

18 Q So, then after you left Bandits, where did you go?

19 A We went to a bar called the Nightcrawler in Worms,  
20 Nebraska.

21 Q And where is Worms located from Bandits Bar?

22 A Worms is located north on 281, and then you have  
23 to cut over on Worms Road and then go north some more.

24 Q Okay, so approximately how many miles?

25 A It's approximately a 20-minute -- 20- to 30-minute

1 drive, so it's probably 18 miles.

2 Q You left Bandits at 12:30, so you spend 20 minutes  
3 to get to Worms, Nebraska, to arrive at an establishment  
4 there, correct?

5 A Yes, sir.

6 Q And did you consume any alcohol at that  
7 establishment?

8 A I believe I had two, maybe three Bud Light cans  
9 while I was there.

10 Q And how long did you stay at that establishment at  
11 Worms?

12 A Their closing time is 2:00, so I think we left  
13 there approximately 2:15.

14 Q And during this whole time, it's just you and  
15 Heath and his sister, is that correct?

16 A During the time at the bar, yes, sir.

17 Q And then, as I'm taking it from your testimony,  
18 Heath knew another person who was at that bar.

19 A Yes, sir.

20 Q And that would be Mr. Sabin.

21 A Yes, sir.

22 Q I think you referred to him as A.J. also in your  
23 testimony.

24 A Yes, sir.

25 Q Is that a nickname of his or --

1           A     That's his first name. His name is Anthony  
2     Joseph.

3           Q     You didn't know Mr. Sabin?

4           A     I didn't know Mr. Sabin before that night. Even  
5     before the wreck, I did not know Mr. Sabin's name.

6           Q     But Heath did.

7           A     Heath did, yes, sir.

8           Q     Do you know how Heath knew Mr. Sabin?

9           A     I think he just knew him from growing up. Heath  
10    grew up north of town in the country. And Mr. Sabin was  
11    from St. Libory, so they were kind of both country boys.  
12    And I don't know exactly how they knew each other. It might  
13    have just been through mutual friends, but I don't know  
14    exactly how they knew each other.

15          Q     You didn't know Mr. Sabin.

16          A     I did not know Mr. Sabin, sir.

17          Q     Because you were born in 1983, correct?

18          A     Yes, sir.

19          Q     And law enforcement's report says Mr. Sabin was  
20    born in 1990.

21          A     Yes, sir.

22          Q     So, not, you're saying, classmates or anything  
23    like that.

24          A     No, I think he just knew them from mutual friends.

25          Q     And did you have a conversation with Mr. Sabin  
02.04.14 State Board of Education R7.10-54

1 when you were leaving the bar at Worms or was it Heath?

2 A I did not have a conversation prior to leaving the  
3 bar at Worms. I was sitting in my car when Mr. Sabin walked  
4 up and Heath asked if we could give him a ride home, and I  
5 said, yeah, that's fine.

6 Q So, you all get into your car, correct?

7 A Yes, sir.

8 Q And what kind of vehicle was it?

9 A It was a 2005 Cadillac.

10 Q And that's the car you had just gotten previously.

11 A Yes, sir.

12 Q Do you remember where everybody was sitting in the  
13 car when you left Worms, Nebraska?

14 A I was driving. Heath was in the front passenger's  
15 seat. And I'm not too sure about the individuals in the  
16 back. I believe A.J. was sitting behind me. And I believe  
17 Hillary was sitting behind Heath in the passenger's side.

18 Q And you were going to give him a ride home before  
19 you all went back home. Would that be a fair statement?

20 A Yes, sir.

21 Q So, you leave the bar in Worms.

22 A Yes, sir.

23 Q And Mr. Sabin is verbally giving you directions on  
24 how to get to wherever he lives. Fair statement?

25 A Yes, sir.

1 Q And you mentioned you left a paved road and turned  
2 onto gravel. Do you remember what the paved road was?

3 A The paved road was Worms Road.

4 Q Is that an asphalt road?

5 A It is an asphalt road, yes, sir.

6 Q And you had to, from that road, turn off onto a  
7 gravel road, correct?

8 A Yes, sir.

9 Q And how far off of this paved road did you have to  
10 drive on the gravel road before the accident occurred, do  
11 you recall?

12 A I believe we had made it at least a mile on the  
13 gravel road, possibly two. I don't remember if we -- I  
14 don't think we went through an intersection before we made  
15 it to the intersection of Third and Brady. So, I believe  
16 that was the first intersection that we had to go through.

17 Q And you left the bar in Worms about 2:15, you  
18 think, in the morning.

19 A Yes, sir.

20 Q Do you have any idea what time the accident  
21 occurred that morning?

22 A It was approximately 2:30, I believe.

23 Q So, about 15 minutes between leaving the bar and  
24 then the accident occurring.

25 A Yes, sir.

1 Q Do you recall -- and if I remember right, your  
2 testimony was you had never been on this gravel road before  
3 in your life.

4 A That's correct.

5 Q And you made some -- were you able to clearly see  
6 the road and everything around you as you were driving down  
7 the gravel road?

8 A I was not, sir.

9 Q Was there anyone else on the road in front of you?

10 A No, there was not.

11 Q So, it's just you on the road.

12 A Yes, sir.

13 Q Do you know how fast you were driving down that  
14 gravel road?

15 A According to the reports, it says that I was doing  
16 72 miles an hour, sir. I do not believe that I was going  
17 that fast. I'm not exactly sure how fast I was going. I  
18 believe that I was going around 50 miles an hour, but the  
19 documents show that I was doing approximately 72.

20 Q The State Patrol had an accident reconstructionist  
21 work on this and put it all back together to try to  
22 construct how the accident occurred, is that correct?

23 A That's correct, sir.

24 Q Did you get to see the State Patrol accident

25 constructionist's reconstruction report?

1           A     Yes, I did, sir.

2           Q     And I believe in his report -- did his report also  
3 include retrieving data from the data storage in the airbag  
4 control module of your vehicle?

5           A     Yes, it did, sir.

6           Q     I'm just going to read to you a sentence from  
7 this to see if you remember it. "Sergeant Bockstadter  
8 compared the speed analysis to the crash data retrieval  
9 imaging of the nondeployment events stored in the airbag's  
10 control bottle which indicates in the five seconds prior to  
11 the airbag system of the vehicle enabling, the speed  
12 captured was 72 miles an hour." Do you remember -- that's  
13 what you're referencing from your memory about their  
14 estimate of 72.

15          A     Yes, sir.

16          Q     That's actually what the data recorder in the  
17 vehicle indicated it was, right, 72?

18          A     Yes, sir, five seconds before impact.

19          Q     Sergeant Bockstadter also did measurements of skid  
20 marks and rolls and everything else. And he estimated your  
21 vehicle was traveling approximately 75 -- 70 miles an hour  
22 at the point in time which you lost control of the vehicle.  
23 That was the State Patrol accident reconstructionist's  
24 estimate of your speed, correct?

1 Q Do you have any recollection or evidence that  
2 contradicts any of those speed determinations?

3 A I remember that I was traveling around between 45  
4 and 50 miles an hour. I remember thinking to myself that it  
5 was the night before Thanksgiving, there would be a lot of  
6 police officers out that night, so I was obeying the laws  
7 as -- in order to not be pulled over.

8 Q Did you look at the speedometer on your vehicle  
9 right before the accident?

10 A I was observing my speed before the accident, sir.

11 Q And do you recall what the speedometer on your car  
12 had indicated?

13 A I believe it was between 45 and 50, sir.

14 Q At the scene of the accident, you indicated they  
15 didn't have you do any test to determine whether you were  
16 under the influence or not.

17 A They did not do any field sobriety tests, sir.

18 Q They did, however, give you a preliminary breath  
19 test.

20 A Yes, they did, sir.

21 Q And do you remember what that registered?

22 A .155, I believe.

23 Q That's what the report indicates, absolutely. And  
24 from that point, you were taken into custody and transferred

25 down to Grand Island to the Hall County Sheriff's Office,  
02.04.14 State Board of Education R7.10-59

1 correct?

2 A Yes, sir.

3 Q You were taken to the hospital though, too, were  
4 you not?

5 A Yes, I was, sir.

6 Q And they did blood draws at the hospital.

7 A Yes, sir.

8 Q Do you remember how long after the preliminary  
9 breath test and the blood draw, how much time elapsed?

10 A I do not remember right offhand, sir.

11 Q That's fine. But they did take two blood draws  
12 from you.

13 A They did. One from each arm, yes, sir.

14 Q And they got -- one arm, it was .11 and the other  
15 one was .108, correct?

16 A Yes, sir.

17 Q And you don't believe when you left the bar that  
18 you were under the influence of alcohol. That was your  
19 recollection.

20 A I said that I did not feel intoxicated. I had  
21 been drinking that night, so obviously, I was under the  
22 influence of alcohol, sir.

23 Q Did you feel that you were a .10 when you left the  
24 bar?

25 A No, sir.

1 Q Do you think your recollection is wrong now, based  
2 on all of that evidence?

3 A No, I do not believe so, sir.

4 Q The Answer Mr. Wade filed, you admitted all of the  
5 allegations in the petition except for paragraph 7 that set  
6 forth several ethical standards and a statute. Are you  
7 familiar with your Answer in this case?

8 A Yes, sir.

9 Q One of the ethical standards as alleged you  
10 violated, that the educator shall support the principle of  
11 due process and protect the political citizenship and  
12 natural rights of all individuals. Are you familiar with  
13 that standard?

14 A I have read that standard, sir.

15 Q Do you believe your conduct on November 22<sup>nd</sup>  
16 protected the rights of Mr. Sabin?

17 A I do believe that they did protect the rights of  
18 Mr. Sabin. I cooperated fully with law enforcement. I did  
19 everything in my power to save Mr. Sabin. I don't believe  
20 that there's anything else after the accident that I could  
21 have done to save Mr. Sabin. I wish that I would have made  
22 him wear his seat belt. I wish that the air bags would have  
23 deployed. And in hindsight, I probably should have called  
24 for a ride.

25 Q When it says natural rights of all individuals,  
02.04.14 State Board of Education R7.10-61

1 what natural rights come to your mind for individuals?

2 A I guess natural rights would be the ability  
3 to -- I guess, love, life, and the pursuit of happiness is  
4 what pops into my head.

5 Q So, life. The ability to live and have a life.  
6 That would be one of the natural rights?

7 A Yes, sir.

8 Q Ever heard of the concept of liberty?

9 A Yes, sir.

10 Q Is that something that you think you protected Mr.  
11 Sabin's liberty rights, his ability to freely move about, to  
12 have his life without interference?

13 A I believe I tried my best to protect his rights to  
14 liberty and happiness.

15 Q One of the other ethical standards that was  
16 alleged and a statute that was alleged talks about immoral  
17 conduct. Do you think your conduct on November 21<sup>st</sup> and 22<sup>nd</sup>  
18 is immoral?

19 A I don't believe so.

20 Q One of the other ethical standards that was  
21 alleged says that an educator shall develop and maintain  
22 positive standards of conduct. Do you believe your conduct  
23 on November 22<sup>nd</sup> maintained a positive standard of conduct  
24 for educators?

25 A I believe that my conduct wasn't outside of the  
02.04.14 State Board of Education R7.10-62

1 realm of what other teachers do, as well. I wasn't around  
2 children. I wasn't around children's parents. I wasn't --  
3 you know, I was out with adults in an adult setting. I  
4 didn't have school the next day. So, I don't think my  
5 conduct was outside of the realm of what a positive teacher  
6 is capable of doing in their free time, I guess.

7 Q And the last one that is alleged in the petition  
8 that we alleged you violated is that educators shall possess  
9 effective human and interpersonal relations skill and,  
10 therefore, shall provide leadership and direction for others  
11 by appropriate example. Do you believe your conduct on  
12 November 22<sup>nd</sup> provides leadership and direction for others  
13 on how to conduct themselves appropriately?

14 A I believe that the way that I handled the  
15 situation was showing great leadership and positivity by  
16 example. Going out to the bars, I wouldn't want any of my  
17 students to go out to the bars, I guess, but being an adult  
18 and that's part of my rights as an adult is to be able to go  
19 to a social event, but as far as not being a positive role  
20 model by engaging in the activities that I engaged that  
21 night, I don't believe that I was being a negative role  
22 model. That's kind of all I have about that.

23 Q You indicated you called your principal the next  
24 day to let him know about what had occurred earlier that  
25 day, correct?

1           A     Yes, sir.

2           Q     And is it my understanding you never went back and  
3     taught in the classroom for the Northwest Public Schools for  
4     the remainder of the 2012-13 school year?

5           A     I did not teach, but I was still in my classroom  
6     every single night grading papers, setting up lesson plans,  
7     art projects, science projects.

8           Q     There were other duties, but you weren't back in  
9     the classroom.

10          A     No, sir.

11          Q     Did Mr. Sabin have family that resided and  
12     attended the Northwest Public School system?

13          A     He had a younger sister who was in either second  
14     or third grade at St. Libory, yes, sir.

15          Q     Do you have any idea how his death has impacted  
16     her?

17          A     I do not know, sir. I was not privy to that  
18     knowledge.

19          Q     Was that part of the concern the administration  
20     had with you going back to teach there because his sibling  
21     would be a student in that school?

22          A     The Sabins had threatened to pull their daughter  
23     out of the school district if I was allowed back into my  
24     classroom. So, that was their main concern was that they

1           Q     And you weren't a teacher for that sibling,  
2 correct?

3           A     No, I was not, but I was familiar with her. I  
4 used to see her in the hallways and give her high-fives and  
5 stuff.

6           Q     Would other of your colleagues, teachers at St.  
7 Libory have been responsible for teaching her?

8           A     Yes, sir.

9           Q     Do you think your conduct impacted their  
10 relationship with that girl and her family?

11           MR. WADE: I'm going to object. That calls for  
12 speculation.

13           MR. HALSTEAD: I'm asking for his opinion, not  
14 theirs. I'm asking -- and if he doesn't have one, he can  
15 say that.

16           THE HEARING OFFICER: I'm going to allow it.

17           A     I don't really know, sir. I don't really have a  
18 communicating relationship with the teachers still at St.  
19 Libory, so I wouldn't know if their relationship changed  
20 with their student.

21           Q     (By Mr. Halstead) So, you didn't have any  
22 communication with other staff at St. Libory Elementary --

23           A     I did not.

24           Q     -- except for the principal or the superintendent  
25 at Grand Island Northwest.

1           A     I still had communication with the custodian out  
2     at St. Libory, the receptionist, the principal, one of the  
3     paras, and the librarian out at St. Libory.

4           Q     But none of the classroom teachers.

5           A     None of the classroom teachers, sir.

6           Q     So, you don't know what impact Mr. Sabin's death  
7     had on his sibling or their ability to educate that sibling.

8           A     No, I do not, sir.

9           Q     Prior to November 21<sup>st</sup> and 22<sup>nd</sup> of last year, did  
10    you have any other criminal convictions?

11          A     When I was 18 or 19 years old, I -- it wasn't a  
12    criminal conviction. I guess it was just a ticket. But I  
13    got a ticket for loitering on South Locust for standing in  
14    the O'Reilly's parking lot. But besides that, I've had,  
15    maybe one or two speeding tickets, but other than that --

16          Q     June 28<sup>th</sup> of 2002, trespassing, City of Grand  
17    Island, paid a fine?

18          A     That was the loitering ticket, yes, sir.

19          Q     August 26, 2003, speeding on the interstate in  
20    Lancaster County, a fine and costs. Remember that?

21          A     Yes, sir.

22          Q     And then 2011, failure to use your turn signal in  
23    Buffalo County.

24          A     Yes, sir.

25          Q     Those are all your criminal offenses that you're  
02.04.14 State Board of Education R7.10-66

1 aware of.

2 A Yes, sir.

3 Q And you're currently serving your probation.

4 A Yes, sir.

5 Q And you have, in fact, I think, served your jail  
6 time already, have you not?

7 A Yes, sir.

8 Q And you're a custodian during the nights at Grand  
9 Island Senior High School.

10 A Yes, sir.

11 Q Anything else that you are involved with currently  
12 that you haven't disclosed?

13 A I do -- I was part of -- before I was  
14 incarcerated, I was part of a men's group called the Quest  
15 for Authentic Manhood at my church. I have helped out with  
16 numerous activities at my church, so I'm fairly involved in  
17 my church community. Other than that, no. I don't really  
18 have a whole lot of other things that haven't been discussed  
19 yet.

20 MR. HALSTEAD: Thank you very much. I don't have  
21 any other questions.

22 THE HEARING OFFICER: Thank you, Mr. Halstead.  
23 We're going to kind of see if the Commission has any  
24 questions, and then I'll give you an opportunity.

25 Any questions from commissioners on my right?  
02.04.14 State Board of Education R7.10-67

1           COMMISSIONER PETERSON: Yeah, I have a question.  
2           You indicated that you need to speak at six high schools.

3           THE WITNESS: Yes, ma'am.

4           COMMISSIONER PETERSON: Have you started that?

5           THE WITNESS: I have not started that yet. I had  
6           discussed it with my probation officer and since I currently  
7           don't have a license, I have to speak at the six high  
8           schools in the Howard County District Court, so that would  
9           require me to drive. And that district goes from about St.  
10          Paul all the way up to the South Dakota border, so it's  
11          quite a ways. So, I'll be getting my license back at the  
12          end of February and then I will be able to start doing that.  
13          So, no, not as of yet, but I have talked to my probation  
14          officer and we have started making a plan for it.

15          COMMISSIONER PETERSON: I'm just curious what you  
16          intend to convey to students about your experience.

17          THE WITNESS: I think the, you know, the biggest  
18          thing that I want them to know, because I know there's a lot  
19          of, you know, high school students that go out and drink and  
20          party and things like that, is that, you know, even if you  
21          don't feel like you're intoxicated, you're reaction time is  
22          still slower. And if I had been stone cold sober that  
23          night, I don't know that I would have been able to turn out  
24          of that wreck or not, but I don't have that opportunity to  
25          know that, because I did have alcohol in my system. You

1 know, even if I was stone cold sober, I might have still had  
2 that wreck, you know, with the road conditions and the new  
3 car. But the thing is, you don't know, and your life can  
4 just change in an instant. You know, mine did.

5 COMMISSIONER SEAY: Can you describe the terms and  
6 the schedule of your outpatient treatment, where you are in  
7 that?

8 THE WITNESS: I have not started my outpatient  
9 treatment yet. It's another thing that when you go in to  
10 talk to your probation officer, they kind of prioritize  
11 things. And I haven't started my outpatient treatment yet,  
12 but it's on the list to be soon. I have another meeting  
13 with my probation officer December 18<sup>th</sup> or 19<sup>th</sup>, so we're  
14 going to discuss it then. So, I don't have terms and  
15 conditions of it yet.

16 COMMISSIONER SCHOTT: Did you attend A.J.'s  
17 funeral?

18 THE WITNESS: I did not. I would have liked to go  
19 and pay my respects, but there was a lot of hostility from  
20 the family, death threats, you know, just threats on my  
21 life, threats from friends of his. So, I did not attend his  
22 funeral, no, ma'am.

23 THE HEARING OFFICER: Questions on my left?

24 CHAIRPERSON BROWN: I actually have a question.

25 You said that your last alcoholic beverage was 120 days  
02.04.14 State Board of Education R7.10.00

1 four months ago. What was the occasion of the drinking  
2 then?

3 THE WITNESS: I had a date. I cooked for a young  
4 lady and we had a bottle of wine, and I had a glass of wine  
5 with my dinner.

6 CHAIRPERSON BROWN: And how would you describe  
7 your drinking habits otherwise?

8 THE WITNESS: I don't drink anymore. Before, it  
9 was maybe two or three beers a week after a long -- I do  
10 enjoy the taste of beer, but after a long day, it was nice  
11 to just kind of sit down, watch some TV, relax and have a  
12 beer.

13 CHAIRPERSON BROWN: And why do you currently have  
14 no driver's license? Weren't you able to -- the revocation  
15 was for 60 days?

16 THE WITNESS: No. That was on the second account,  
17 ma'am. The motor vehicle homicide, they revoked my license  
18 for six months. And then there was a 60-day period after  
19 that that was for the DUI. They went back and amended that  
20 so that I could have an alco-lock system, a blow-and-go for  
21 that 60-day period before I was able to get back my actual  
22 license.

23 CHAIRPERSON BROWN: So, when are you qualified to  
24 reapply for a driver's license?

25 THE WITNESS: The end of April.

1 CHAIRPERSON BROWN: April.

2 THE WITNESS: Yes, ma'am.

3 CHAIRPERSON BROWN: Thank you.

4 THE HEARING OFFICER: Any questions on my left?

5 COMMISSIONER JOHNSON: I was just looking at these  
6 character references with this Bernie and Bev Sommer who you  
7 met at an AA meeting, correct?

8 THE WITNESS: Yes, ma'am.

9 COMMISSIONER JOHNSON: And I was just reading down  
10 here and it says, "We understand there are people who think  
11 Don should lose his teaching license." Who do you think  
12 they are referring to?

13 THE WITNESS: I believe they are referring to the  
14 Sabin family. I have heard that the Sabin family has made  
15 contact with people of the Board and that they have spoken  
16 their opinion on -- that they were dissatisfied with what  
17 the court system gave me as a punishment. So, yeah, I  
18 believe the Sabin family is probably the only people that  
19 have shown any -- I don't know what the word I'm looking for  
20 is. The Sabin family is the only ones who have contacted  
21 anybody and said that they would like to see me lose my  
22 teaching certificate.

23 COMMISSIONER JOHNSON: What about other teachers  
24 that you were teaching with and around in your school?

25 THE WITNESS: I don't believe that any of

1           them -- I had a really great working relationship with all  
2           the other teachers in my school. There is one teacher, the  
3           fifth grade teacher -- or she was fifth grade, now she  
4           teaches something in the middle school area. But we have  
5           communicated since then, but that's the only one I really  
6           keep in contact with, because we did work on a lot of lesson  
7           plans together and co-teaching and stuff like that. But I  
8           don't believe that there's any of the teachers out there  
9           that would like to see me lose my teaching certificate.

10                   COMMISSIONER JOHNSON: So, you felt like the vibe  
11           was -- when you went back into the school was positive or --

12                   THE WITNESS: Yeah, I believe so. I mean, I  
13           didn't really get to be there a lot of the time when other  
14           teachers were there, but if I was there at night working on  
15           lesson plans, you know, teachers would come and speak with  
16           me and such.

17                   COMMISSIONER STAVEM: I just -- a point of  
18           clarification for the time span. You'd referred to having  
19           seven drinks within the span of five hours. It sounds like  
20           the span of the first bar to the accident was about three  
21           hours. Can you clarify -- you referred to beers and two  
22           shots. And I just wondered if you could clarify Bar 1 to  
23           Bar 2, the actual documented consumption.

24                   THE WITNESS: I believe -- I'm not exactly sure  
25           what time we had got to Bandits. 11:30 was approximate,

1 time. So, yeah, there was about 20-minute span between, you  
2 know, driving and being to the next bar. So, I'm not  
3 exactly sure of the times. But I believe it was about five  
4 hours that we were out and about at the bars.

5 COMMISSIONER STAVEM: Had you been drinking prior  
6 to going to the first bar?

7 THE WITNESS: No, ma'am.

8 COMMISSIONER MAHER: One question, or it might be  
9 a series of questions to make one point. The -- I think it  
10 was during the opening, it was stated that Grand Island  
11 Northwest officials, your principal and your superintendent,  
12 deliberated on whether or not to have you continue to teach  
13 in the school system. Ultimately, that decision was a  
14 resignation. And so, I think there's a thought that there  
15 was a good parting of the ways with Grand Island Northwest.  
16 Is that accurate?

17 THE WITNESS: Yes, there was, sir. My principal  
18 wrote me a letter of recommendation with his phone number  
19 and everything on it. And, you know, he supported me.  
20 Superintendent Fisher has texted me and communicated with me  
21 before, you know, just to make sure that I'm doing okay and  
22 just to tell me that he was thinking of me. When we did  
23 part ways, you know, I asked them, you know, would there  
24 ever be a time that I would be able to come back and teach  
25 for Northwest Public Schools. And he said, "Yeah, you know,

1 after this all blows over, you know, three or four years  
2 from now, it's definitely a possibility." So, they, you  
3 know, the principal was a new principal. The superintendent  
4 was a brand new superintendent for this year, so there were  
5 things that they probably could have done differently, but  
6 since they were all new, they listened completely to their  
7 lawyers, because they didn't want to stick their necks out  
8 on the line. But, yeah, it was a good parting of ways when  
9 it did happen.

10 COMMISSIONER MAHER: Do you know who filed the  
11 petition with the PPC?

12 THE WITNESS: I am not sure, sir.

13 THE HEARING OFFICER: Any further questions for  
14 this witness from the Commission?

15 (No response.)

16 Mr. Wade, do you have followup questions for this  
17 witness?

18 MR. WADE: I do. In fact, I need to recall him,  
19 because I need to offer these exhibits.

20 I do have a followup question as well, just a  
21 simple followup question.

22 REDIRECT EXAMINATION

23 BY MR. WADE:

24 Q Mr. Webben, I think this is of some importance and  
25 significance. When you were serving your jail time, were

1 you given work release to actually go and substitute teach?

2 A I was on -- I was given work release. I was not  
3 substitute teaching during that time, though. I was working  
4 at Grand Island Public Schools as a custodian.

5 Q You were working in the school?

6 A Yeah, I was working in Grand Island Senior High,  
7 yes, sir.

8 Q And who -- do you know who is responsible for  
9 allowing you to work there, I mean, who hired you? Who's  
10 your boss?

11 A His name's Doug Henry, but the person who actually  
12 did the hiring was principal, Jeff -- not Jeff Fisher,  
13 sorry, my mind just went blank. I can picture his face,  
14 Gibson --

15 Q Is it an administrator?

16 A Yes, sir, it's the principal. It's the head  
17 principal of Grand Island Senior High.

18 Q So, the administration allowed you back into the  
19 school as a part of your work release?

20 A Yes, sir.

21 Q And when you got done with the jail time, how soon  
22 after that did you start actually substitute teaching?

23 A It was pretty much immediately, within the next  
24 week or so. Once I was officially out, they asked me to

1 Q Do you believe they knew when you were going to  
2 get out of the incarceration and work release from custodian  
3 so you could come back and substitute teach?

4 A Yes, absolutely.

5 Q So, that was pretty much in line.

6 A Yes, sir.

7 MR. WADE: I have no further questions for that.  
8 I would like to recall, if necessary, Mr. Webben for the  
9 purpose of --

10 THE HEARING OFFICER: I think you can just offer  
11 Exhibit 6.

12 MR. WADE: Okay, I'll just offer Exhibit 6.

13 THE HEARING OFFICER: No objection?

14 MR. HALSTEAD: As character letters and only that,  
15 I have no objections.

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

17 Exhibit 6 is received.

18 (Exhibit 6 was received in evidence. See Index.)

19 Mr. Webben, I believe we're through with you as a  
20 witness.

21 Mr. Wade --

22 MR. HALSTEAD: Can I have a followup question with  
23 Mr. Webben?

24 THE HEARING OFFICER: Oh, yes, you may. I

25 apologize, Mr. Halstead, proceed.

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RE-CROSS-EXAMINATION

BY MR. HALSTEAD:

Q Mr. Webben, let's go back to Mr. Maher's question, because he was asking about how your employment with Grand Island Northwest and whether that left on good terms or not. Do you remember that?

A Yes, sir.

Q Isn't it a fact that on January 3<sup>rd</sup>, you were given a letter recommending cancellation of your contract by the superintendent of schools at Grand Island Northwest?

A They were going to --

Q That's not -- did you get a letter recommending cancellation of your contract from the superintendent at Grand Island Northwest on January 3<sup>rd</sup>?

A Yes, sir.

Q Okay. And did not, Mr. Wade, on your behalf, file a response requesting a hearing before the Grand Island Northwest School Board on that issue?

A Yes, sir.

Q And that's what Mr. Wade was representing about, you had numerous people who were going to come forward to testify at that hearing had there been a hearing on the cancellation, correct?

A Yes, sir.

02.04.74 State Board of Education Q And you, in turn, chose to resign your position R7.10-77

1 with the school district, so there never was a hearing.

2 A Yes, sir.

3 MR. HALSTEAD: I don't have any further questions.

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

5 MR. WADE: I have a followup.

6 THE HEARING OFFICER: Yes, Mr. Wade, proceed.

7 FURTHER REDIRECT EXAMINATION

8 BY MR. WADE:

9 Q Isn't it true, Mr. Webben, that the negotiation  
10 process was that because of the concern about how to handle  
11 this, you would leave -- you would tender your resignation  
12 and they would give you severance pay as well as give you a  
13 letter of recommendation.

14 A And pay my insurance, yes, sir.

15 Q That's correct. So, the parting, in your opinion,  
16 was a fair and equitable way of parting.

17 A Yes, sir.

18 Q And that letter of recommendation is something you  
19 can use, is that correct?

20 A Absolutely, sir.

21 Q And that is signed by your principal?

22 A Yes, sir.

23 MR. WADE: Thank you, no further questions.

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

25 Further witnesses, Mr. Wade?  
02.04.14 State Board of Education

1 MR. WADE: Yes, I would like to call -- I think I  
2 would like to call Pastor Jones, first of all.

3 THE HEARING OFFICER: I apologize. I think we've  
4 been going long enough, it would be appropriate for us to  
5 take a break for the Commission. So, we'll take a  
6 10-minute?

7 MR. HALSTEAD: However long you want.

8 COMMISSIONERS: Five.

9 THE HEARING OFFICER: Five-minute break. We'll be  
10 back at a quarter to 12:00.

11 (Off the record from 11:40 a.m. until 11:46 a.m.)

12 THE HEARING OFFICER: We're back on the record.  
13 We've got a witness Mr. Wade is calling.

14 MR. WADE: That's correct.

15 THE HEARING OFFICER: Would the court reporter  
16 please swear in the witness?

17 THE REPORTER: Will you raise your right hand,  
18 please? Do you solemnly swear or affirm the testimony  
19 you're about to give will be the truth, the whole truth, and  
20 nothing but the truth?

21 MR. JONES: I do.

22 STEVEN JONES

23 Called as a witness on behalf of the Respondent,  
24 having been first duly sworn, testified as follows:

25 THE HEARING OFFICER: Mr. Wade, you may proceed.  
02.04.74 State Board of Education R7.10-79

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DIRECT EXAMINATION

BY MR. WADE:

Q Would you please state your full name?

A My name is Steven Scott Jones.

Q And what is your profession?

A I am a pastor.

Q Pastor Jones, do you know Mr. Webben?

A Yes.

Q And have you worked -- have you counseled Mr. Webben?

A Yes.

Q And how long have you counseled Mr. Webben?

A I've known Don for 20 years, and I would say that I've counseled him for about a year.

Q And for what reason do you believe you've counseled Mr. Webben?

A Spiritual support in the light of the changes in his life.

Q And when you say "the changes in his life," what do you mean by that?

A Just the fact that the accident occurred and that he has sought spiritual counsel and assistance during this time.

Q And how often has he counseled with you, if you

can say?

1           A     We've counseled together more times than I can  
2 count, many times not in an official capacity and a few  
3 times in an official capacity.

4           Q     In your opinion, and you've counseled -- first of  
5 all, I should ask you, you've counseled with many people, I  
6 believe.

7           A     Yes.

8           Q     And I suspect you have a feeling as to whether or  
9 not people are truly remorseful and truly wanting some help.

10          A     Yes.

11          Q     Do you think Mr. Webben is one those?

12          A     Yes, I do.

13          Q     Do you believe he was sincere and diligent in his  
14 efforts to reconcile himself with this catastrophic matter?

15          A     Yes, I do.

16          Q     Do you believe he has done so at this time?

17          A     To this point, I think he's done remarkably well.

18          Q     Do you know that he's working with young people?

19          A     Yes.

20          Q     Do you believe from your communications with him  
21 that he enjoys working with young people and he wants to  
22 relay to them the impact that unfortunate circumstances  
23 might have on them?

24          A     I think it will be a very powerful opportunity.

25          Q     Pastor Jones, how -- you said you've known him for  
02.04.14 State Board of Education R7.10-81

1 quite some time. Did you know Mr. Jones (sic) during the  
2 Young Americans experience that he describes?

3 A I did, because my son and Don both attended the  
4 Young Americans program during the same time.

5 Q And you've heard Mr. Webben, I believe you've been  
6 here, you've heard him describe what Young Americans is.  
7 Could you -- is that something that you agree with or how  
8 would you describe Young Americans?

9 A I think Don's description was very good. It's a  
10 youth development program, a non-profit program that its  
11 intention is to build up the self-esteem of young people and  
12 to move them toward steps of success in their own lives.

13 Q And you saw Mr. Webben participate in that group.

14 A On numerous occasions.

15 Q And do you believe he was one of those individuals  
16 that did succeed and progress in his life --

17 A Yes.

18 Q -- because of the Young Americans?

19 A Yes, absolutely. Both as a participant and also  
20 as an instructor in that process.

21 Q And do you know how -- is that something that a  
22 person continues to be involved in after they are a  
23 participant?

24 A Yes, if they choose to. I think that for me, it's  
25 the spirit that allows a person to go into that is what they

1 carry out in their lives. So, I think that what Don  
2 received from that process is one that he'll carry out in  
3 his educational opportunities and in his own personal life,  
4 all of those things. But he is a person who has those  
5 qualities and characteristics within him.

6 Q And what are those?

7 A Just a heart for people to build them up as human  
8 beings, to help people reach their potential in life, to try  
9 to do things that they might be intimidated to do, and to  
10 see success in that and show how, if you'll try things, if  
11 you will put yourself out and try things that are maybe even  
12 outside of your comfort zone, how that can make you a better  
13 person and a more successful person in life.

14 Q Do you believe -- obviously, you've known him  
15 before the accident that has been described and now after  
16 the accident that happened, do you believe that will affect  
17 him in any way in communicating or relating to young people?

18 A I think just from the standpoint that that kind of  
19 an event changes a person, and I think it's a maturing  
20 change. Not that Don was immature from any sense, I didn't  
21 sense he was, but that the experience of this is just going  
22 to make him so much more sensitive, I think, to people who  
23 are going through hard things, people who are being  
24 challenged in their lives. I think that his experiences and  
25 the hard things in this experience, and they have been very

1 difficult for him, will make him a more refined individual  
2 in regard to his assistance to others.

3 Q And you're not saying that's going to harm  
4 anybody.

5 A Oh, no, no. No, not at all.

6 Q It's going to be beneficial.

7 A Very beneficial.

8 Q Has he indicated to you that he wants to get back  
9 into the teaching profession?

10 A Yes. He has made it clear to me that his passion  
11 is in education and that he wants to continue that.

12 Q Do you believe by observing him with children that  
13 he exhibits a passion for education and children?

14 A I do believe that.

15 Q Pastor Jones, the Commission has to make a  
16 decision as to whether or not -- how and if they should  
17 discipline him and in what manner. Do you believe that it  
18 would be harmful, with your counseling with Mr. Webben, to  
19 actually take away his certificate?

20 A I do. I believe it would be harmful for him, but  
21 I really do believe that these experiences, as hard as they  
22 are and as tragic as they are, are going to give Don the  
23 ability to impact people's lives in education that will be  
24 very powerful for them. And I -- you know, I'm fond of a  
25 saying, "Don't waste a hurt." And I think it would be a

1 great waste if Mr. Webben wasn't able to take these horrible  
2 things that he's had to overcome and will continue to  
3 overcome, and then utilize those in ways to influence others  
4 to make better decisions to overcome great challenges they  
5 face.

6 Q I want to make sure I understand this, so the  
7 Commission understands it. You're not saying, though, that  
8 a revocation would help him in being --

9 A I do not believe it would help him, and I don't  
10 believe it would help education in general in our state for  
11 that to occur.

12 Q And do you believe that Mr. Webben, from your  
13 counseling with him, your discussion with him, has truly  
14 understood the severity and the tragedy that has occurred  
15 and has experienced a discipline within the criminal system  
16 that has matured him?

17 A Yes, I do. I believe that without a doubt. And  
18 that he will continue to overcome the challenges that that  
19 faces within himself. He is -- I think he's healthy about  
20 it, but I also think that it's not something that's just  
21 going to go away because his career as a teacher continues.  
22 I think he's going to continue to deal with it in a positive  
23 way, because he's shown that all the way through it.

24 MR. WADE: I have no further questions.

1 Mr. Halstead.

2 MR. HALSTEAD: I don't have any questions.

3 THE HEARING OFFICER: Any questions from the  
4 Commission?

5 (No response.)

6 Thank you.

7 Mr. Wade, further witnesses?

8 MR. WADE: Yes, I would like to call Scott Maline.

9 THE HEARING OFFICER: The court reporter will  
10 swear in the witness.

11 THE REPORTER: Will you raise your right hand,  
12 please? Do you solemnly swear or affirm the testimony  
13 you're about to give will be the truth, the whole truth, and  
14 nothing but the truth?

15 DR. MALINE: I do

16 DR. SCOTT MALINE

17 Called as a witness on behalf of the Respondent,  
18 having been first duly sworn, testified as follows:

19 THE HEARING OFFICER: Mr. Wade, your witness.

20 DIRECT EXAMINATION

21 BY MR. WADE:

22 Q Would you please state your full name?

23 A Scott Maline.

24 Q And how do you spell your name?

25 A M-a-l-i-n-e.

1 Q Is it Dr. Maline?

2 A Yes, it is.

3 Q Dr. Maline, are you familiar with Mr. Webben?

4 A Yes, I am.

5 Q And how do you know Mr. Webben?

6 A I've known Don for 11 years, and my children were  
7 in the Young Americans with Don. And so, I've known him  
8 while they were in the organization of the Young Americans  
9 and afterwards. And basically, we remained friends. I was  
10 happy that he was going to get into the education  
11 profession. And know everything that he does.

12 Q What is your profession, Mr. Maline -- or Dr.  
13 Maline?

14 A I'm superintendent of schools at Litchfield. My  
15 background has been, I grew up in central Nebraska, was a  
16 math teacher and coach in Gibbon for five years, Geneva for  
17 two, Elkhorn Public Schools high school principal, 16 years  
18 at Minden, and now retired, couldn't stay away, and I'm  
19 part-time superintendent at Litchfield, Nebraska.

20 Q As superintendent of a school, and you're familiar  
21 with Mr. Webben's tragedy that he experienced and the result  
22 of the tragedy, are you not?

23 A Yes.

24 Q And have you talked with him about those things?

25 A I talked with him the first few days after the  
02.04.14 State Board of Education R7.10-87

1 accident, yes.

2 Q How do you know him? I mean, maybe you've already  
3 explained that, but you've known him through what kind of  
4 capacity --

5 A Friendship with my children.

6 Q Have you ever been an administrator for Mr.  
7 Webben?

8 A No, I have not.

9 Q If you would, tell me a little bit about the  
10 teaching -- what you know of his teaching background.

11 A Well, what I know, and I -- can I make one  
12 correction on my letter? I have the date of 2002, and that  
13 should be 2013. My computer made a mistake.

14 (Laughter.)

15 I just wanted to make -- I do have a letter in  
16 there.

17 MR. WADE: And I would like to approach the court  
18 reporter.

19 THE HEARING OFFICER: You may.

20 (Exhibit 7 was marked for identification.)

21 MR. WADE: This might expedite matters a little  
22 bit.

23 Q (By Mr. Wade) Dr. Maline, I'm showing you what  
24 has been marked as Exhibit 7. Are you familiar with that

1           A     Yes.

2           Q     Is that the letter that you're saying is dated  
3     December 2<sup>nd</sup> -- should be dated December 2<sup>nd</sup>, 2013?

4           A     Yes.

5           Q     So, these letters, as they are distributed, if  
6     they are distributed when they're offered, should be  
7     corrected to say December 2013, correct?

8           A     Correct.

9                     (Exhibit 7 amended by interlineation.)

10           MR. WADE: I would offer Exhibit 7.

11           MR. HALSTEAD: Can I read it?

12           MR. WADE: Oh, I thought you had.

13           MR. HALSTEAD: No, this is the first time I've  
14     heard there was going to be an Exhibit 7.

15           A     (Continuing) So, in answering your question, Mr.  
16     Wade, I want you to know that I've known Don simply by the  
17     friendship with my children, but then also watching him work  
18     with children with the Young Americans. And every year, my  
19     wife and I would visit Young Americans shows in California  
20     and in Nebraska, and when Don was working with kids like my  
21     children, I saw the kind of relationship he established with  
22     those children, and that's my only experience with Don in  
23     terms of his working with children.

24           Q     (By Mr. Wade) From you working with him, do you  
25     believe he has the qualities or the personality traits of a

1 good teacher?

2 A Yes, he does.

3 Q You say that as your opinion as an administrator  
4 as well.

5 A Uh-huh.

6 Q And what kind of things would you identify as  
7 strengths and qualities of a good teacher?

8 A Well, I believe, number one, he builds  
9 relationships with his students. He builds relationships  
10 with his peers. He's got a good heart. He treats people  
11 with kindness and respect.

12 Q Looking at Exhibit 7, and as I say, I'm going to  
13 try to expedite this a little bit, are those your -- did you  
14 write this particular letter?

15 A Yes.

16 Q And you signed this letter, is that correct?

17 A That's correct.

18 Q And that was on Mr. Webben's behalf for this  
19 particular hearing, is that correct?

20 A That is correct.

21 Q And would you review that letter? Are those your  
22 comments that you would make to the board?

23 A Yes.

24 Q Or excuse me, the Commission. And is there

25 anything of any significance that you would like to  
02.04.14 State Board of Education R7.10-90

1 highlight of this letter for the Commission?

2 A Well, I'd like to read the fourth paragraph. You  
3 know, and I'll let you read it, but this accident has taken  
4 a toll on everyone. Several families and friends have  
5 suffered, but Don is the one that is maybe suffering the  
6 most of the people that are still alive today. And his  
7 family, I'm sure. But he hopes that someday the family and  
8 friends of the person who died in his car that night will  
9 forgive him. He's got to deal with that the rest of his  
10 life. And he hopes he can -- his dream of teaching again  
11 will help to turn a tragedy and mistake into something  
12 positive the rest of his life. And he'll be doing that  
13 every day of his life.

14 I wish every teacher could see this hearing today,  
15 because it's important. I'm getting emotional because this  
16 could be my children. I'm sorry.

17 Q Dr. Maline, I appreciate those comments. If you  
18 were given the opportunity, knowing what you know about Mr.  
19 Webben, and you had a position, would you be hesitant to  
20 hire him?

21 A Absolutely.

22 Q Absolutely not?

23 A No, I would hire him in a minute.

24 MR. WADE: I'm going to offer Exhibit 7.

25 THE HEARING OFFICER: Any objection to the  
02.04.14 State Board of Education R7.10-91

1 exhibit?

2 MR. HALSTEAD: Could I just ask one clarifying --

3 THE HEARING OFFICER: You may.

4 VOIR DIRE

5 BY MR. HALSTEAD:

6 Q It's on Litchfield Public Schools stationery,  
7 correct, Dr. Maline?

8 A Yes, I think so.

9 Q Is this the official position of the Litchfield  
10 Public Schools or is this your position --

11 A No, it's my position.

12 MR. HALSTEAD: Okay, I wanted to get that  
13 clarified. I have no objections to Exhibit No. 7.

14 THE HEARING OFFICER: Thank you, Mr. Halstead.  
15 Exhibit 7 is received.

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

17 MR. WADE: I would have no further questions.

18 THE WITNESS: Can I make one more comment?

19 MR. WADE: Yes.

20 MR. HALSTEAD: Actually, I'm going to object, no.  
21 He's got to be asked a question.

22 THE WITNESS: Okay, all right, a comment.

23 THE HEARING OFFICER: Yeah, I think that's  
24 sustained.

25 Mr. Halstead, do you have any questions for this

1 witness?

2 MR. HALSTEAD: I have no questions of Dr. Maline.

3 THE HEARING OFFICER: Thank you.

4 Mr. Maline, the Commission might have some  
5 questions.

6 THE WITNESS: Oh, okay.

7 THE HEARING OFFICER: Commissioners.

8 COMMISSIONER SCHOTT: Do you have any other  
9 comments that you'd like to make?

10 THE WITNESS: Yes, I would. You know, this  
11 organization and this Commission is so important. And what  
12 Brian does and what you do protects our children. And the  
13 laws and all the rules are so important, and everything you  
14 do sets a precedent. And I know Mr. Halstead knows that and  
15 all of you know that. And in the same respect, you have the  
16 opportunity to do what's right for everyone, knowing you  
17 take the risk of setting precedent that could happen again.  
18 But you have a tremendous responsibility, and if there's  
19 ever a case that you can make an exception to a rule that  
20 may have been violated, this may be the one. This may be a  
21 case for you to consider. That's all I have to say.

22 THE HEARING OFFICER: Thank you, Dr. Maline.

23 Any further questions from commissioners? Yes.

24 COMMISSIONER MAHER: First, just out of full

25 disclosure, I want everybody on the Commission to know that  
02.04.14 State Board of Education R7.10-93

1 I know Dr. Maline quite well professionally, but also he  
2 hired me as a young teacher.

3 THE WITNESS: You're aging me now.

4 COMMISSIONER MAHER: I want that out there. The  
5 other thing, though, I do have a question for you, Dr.  
6 Maline, and hoping to bring a little levity to a very  
7 serious situation. Would you agree that computers don't  
8 make errors, that humans do?

9 THE WITNESS: Yes.

10 (Laughter.)

11 I was just trying to shift the blame.

12 THE HEARING OFFICER: Any further questions from  
13 the Commission of this witness?

14 (No response.)

15 Any followup, Mr. Wade given the --

16 MR. WADE: No further.

17 THE HEARING OFFICER: Mr. Halstead?

18 MR. HALSTEAD: No, I have none.

19 THE HEARING OFFICER: This witness may be excused.  
20 Thank you.

21 Further witnesses, Mr. Wade. And I understand  
22 that we will have lights after 1:00, so any pressure I was  
23 putting on you, I now remove.

24 (Laughter.)

25 02.04.74 State Board of Education MR. WADE: And I appreciate that, but I think we  
R7.10.94

1 can move things along relatively quickly anyway. I would  
2 call Mrs. Jackie Jones.

3 THE HEARING OFFICER: The court reporter will  
4 swear in this witness.

5 THE REPORTER: Will you raise your right hand? Do  
6 you solemnly swear or affirm the testimony you're about to  
7 give will be the truth, the whole truth, and nothing but the  
8 truth?

9 MS. JONES: Yes.

10 JACQUELINE JONES

11 Called as a witness on behalf of the Respondent,  
12 having been first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. WADE:

15 Q Would you please state your full name?

16 A Jacqueline Rae Jones.

17 Q And could you spell that for the court reporter,  
18 please?

19 A J-a-c-q-u-e-l-i-n-e, R-a-e, J-o-n-e-s.

20 Q And are you related to Pastor Jones?

21 A Yes.

22 Q And how so.

23 A His wife.

24 Q And do you know Mr. Webben?

25 A Yes.

1           Q     And in what capacity or in what way do you know  
2 Mr. Webben?

3           A     I've known him about 20 years, because he was a  
4 neighbor, first of all, and then our children grew up  
5 together and they did -- our oldest son went to Young  
6 Americans with Don. And then, also I know him through Grand  
7 Island Public Schools. I work as a secretary in human  
8 resources.

9           Q     Would you expand upon that a little bit? What is  
10 your position in human resources?

11          A     I coordinate substitute teaching, but I also  
12 coordinate and work with custodians.

13          Q     In that way, do you work with Mr. Webben as a  
14 substitute teacher as well as --

15          A     No, the timing was such that he didn't have a  
16 certificate when -- he already had his job straight out of  
17 college and then he had the accident. So, and then he  
18 actually was hired as a custodian. And we can't employ  
19 substitute teachers beyond 40 hours a week. He has a  
20 full-time custodian job. So, otherwise, yeah, I'd love to  
21 have him as a substitute teacher also.

22          Q     And in what capacity -- then how do you work with  
23 him in the custodial capacity?

24          A     At this point, I don't do much. He was a  
25 substitute custodian. Off and on, I think maybe you even

1 did it when you would come back from Young Americans. He  
2 would work some. I often use students I know, and so that's  
3 how I knew him, if that was the question.

4 Q And I'm just wondering, in his custodial capacity,  
5 do you -- have you worked with him at all?

6 A Yes. I mean, in that realm, I've got reports from  
7 Doug Henry that's now his boss, who said, "He is really an  
8 incredible worker. I hope we get to keep him."

9 Q And why do you get reports from Mr. Henry?

10 A Because I do work with substitute custodian  
11 hirings and placements, besides substitute teachers.

12 Q And has there been ever any complaint about Mr.  
13 Webben?

14 A No, always just praise.

15 Q Is that unusual? Do you get that for other  
16 custodians?

17 A No.

18 Q Why was it unique, then?

19 A Because a lot of substitute custodians don't  
20 always show up or don't always do their job. But he always  
21 did an excellent job.

22 Q Does Mr. Henry frequently compliment the work of  
23 custodians?

24 A No, he specifically sent me an email regarding Don  
25 Webben and didn't know that I knew him or any of that, but

1 he said, like I said, I really hope we get to keep him, not  
2 knowing his whole circumstance, at all at that point.

3 Q And that surprised you, because that was not  
4 characteristic of --

5 A Well, it didn't surprise me, because I know Don.

6 Q Well, I mean, as far as getting that email, was  
7 that surprising --

8 A Yeah, Doug doesn't do that.

9 Q As far as the Young Americans, how did you -- or  
10 did you work with the Young Americans?

11 A My son was in it for about the same amount of time  
12 that Don was in it. My daughter-in-law actually was in it  
13 also.

14 Q And how long was that? Do you recall?

15 A Three to four years.

16 Q And you heard Mr. Webben describe the duties --  
17 I'll call them duties, or the opportunities for Young  
18 Americans. Are those the types of opportunities that you  
19 recall?

20 A Yes. They work very hard with students. It's an  
21 intense three days with taking students and making their  
22 situation as good as it can be. They teach them song and  
23 dance, but I know it's also to help those students feel good  
24 about themselves.

25 Q Do you have any other comments, and I say that in  
02.04.14 State Board of Education R7.10-98

1 terms of what you've observed Mr. Webben being with students  
2 or being with young people. Have you observed anything  
3 that's noteworthy?

4 A I wrote some notes, because I was afraid I'd  
5 forget. I guess, yes, I've seen him with students. He's  
6 great with students. And I guess, as I've observed Don's  
7 entrance to adult life, I was appreciative of his abilities  
8 to interact with people of any age. I was also glad to  
9 hear, I was so glad to hear that he was going to be a  
10 teacher, because I thought, wow, he'll be perfect for that.  
11 I thought, he will be incredible, because I know from being  
12 in the schools for 20 years what a good teacher -- a  
13 difference a good teacher makes. And I also know when  
14 they're not a good teacher what happens, because I was a  
15 secretary in an elementary school. And I know that they're  
16 getting harder and harder to find. And I knew Don would be  
17 an excellent teacher. I'd seen him in Young Americans and  
18 how he worked with students there. And then I watched as he  
19 came back and made a choice to come back and work really  
20 hard to get the education to become a teacher. And when I  
21 heard he was going to have a classroom of his own, I  
22 thought, well, those kids are in very capable hands.

23 And as we know, that accident changed his world  
24 forever. And I do feel like he's paid a price already.

25 He's had to resign. He's lost privileges. He's spent time  
02.04.14 State Board of Education R7.10.99

1 in jail. He doesn't drive. He's paid a price in my  
2 opinion, already. And so, my hope -- and I do appreciate  
3 all that you've done, that there is this Commission. I  
4 didn't know about it. I asked my boss about it, and he's  
5 like, "Yeah, I know about it." But I appreciate your work,  
6 too. And I believe he's already lost two years. He lost  
7 this year. He lost last year of teaching. He's on  
8 probation. There's many things he's doing. He could have  
9 given up, you know, and he hasn't. And I hope that you will  
10 choose to recommend to keep his certificate, because he's a  
11 great teacher, and for those students, and that there'll be  
12 some lives that will be touched by an excellent teacher, Mr.  
13 Webben.

14 MR. WADE: Thank you. I have no further  
15 questions.

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

17 Mr. Halstead, any questions?

18 MR. HALSTEAD: I have no questions.

19 THE HEARING OFFICER: Questions from the  
20 Commission for this witness?

21 (No response.)

22 Seeing none, this witness may be excused.

23 Any further witnesses you wish to call?

24 MR. WADE: No. I believe I've offered Exhibit 7

25 and Exhibit 6 has been offered and received, and Exhibit 7  
02.04.14 State Board of Education R7-10-100

1 has been received, is that correct?

2 THE HEARING OFFICER: Yes, that is what my records  
3 show.

4 MR. WADE: And I would have no further witnesses.

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

6 Mr. Halstead, do you have any rebuttal form of  
7 evidence?

8 MR. HALSTEAD: No, I don't have any rebuttal  
9 evidence.

10 THE HEARING OFFICER: With that, I believe the  
11 evidence is closed.

12 Mr. Halstead, if you'd like to close.

13 MR. HALSTEAD: Thank you. Ladies and gentlemen of  
14 the Commission, ethics are never fun. They're never easy.  
15 They're what we should do, not what we want to do. And Mr.  
16 Maline is right, this is an important job. This is  
17 important what we say and what we write and what we do.  
18 Sometimes, in this world, as human beings, we write  
19 grandiose words and statements saying, yes, that's what  
20 we're going to be. And today is one of those days where  
21 you're challenged, did you really mean everything you wrote  
22 and you said. He's right, there are laws and there are  
23 standards. I start at the very beginning of Rule 27, and  
24 I'll read it to you. It's in the record. "The educator  
25 shall believe in the worth and dignity of human beings

1 recognizing the supreme importance of the pursuit of truth,  
2 the devotion to excellence, and the nurture of the  
3 democratic citizen. The educator shall regard as essential  
4 to these goals, the protection of the freedom to learn and  
5 to teach and to guarantee the equal educational opportunity  
6 for all." We sometimes in our society throw that "all" word  
7 all around. Do we really mean it? "The educator shall  
8 accept the responsibility to practice the profession to  
9 these ethical standards."

10 Today, everybody in this room got a great  
11 opportunity to hear great things about the respondent. We  
12 heard very little about the one individual who's no longer  
13 with us. Did we owe an obligation to Mr. Sabin for his  
14 life? Does the respondent owe an obligation to that person?  
15 He does, we know that. And I guess the question is, does  
16 the education profession think he owes the responsibility?

17 We heard a lot today about what he's done since  
18 that time, and that's great. He's not an evil person. What  
19 I found missing was, although Mr. Sabin had a sibling who  
20 attended that school, there was absolutely no outreach or  
21 expression by the respondent about his concern for that  
22 child in that school. I've heard nothing today from  
23 everybody about do we care about the life and the people who  
24 were impacted by that. I'll tell you, I think they all do.

25 But sometimes in these proceedings, we all get focused on  
02.04.14 State Board of Education R7.10-102

1       some of the things, and I guess what we're here for today  
2       is, is there a responsibility that Mr. Webben, as a  
3       professional educator, had to take greater steps prior to  
4       deciding to drive home from that bar in Worms, Nebraska with  
5       Mr. Sabin. And I think everybody in this room knows the  
6       answer is yes. So, is there an ethical obligation to that?  
7       And that's what you're going to have to weigh and balance.

8               I would submit to you Mr. Webben's recollection of  
9       the events don't match the facts. The preliminary breath  
10      test, .15. A couple hours later when blood is drawn, it's  
11      either .11 or .08, but the reality is, no matter which one  
12      of those, he was under the influence of alcohol to the  
13      extent that it appreciably affected his ability to operate a  
14      motor vehicle.

15             The State Patrol, and even he says -- he says he  
16      was driving 45 to 50, but the State Patrol says he was doing  
17      70. The monitor on the car said he was doing 72 miles an  
18      hour on a dirt road he's not familiar with at somewhere  
19      between 2:15 and 2:30 in the morning. Is that responsible?  
20      We all know it's not.

21             When I look to the language that the Nebraska  
22      Supreme Court lists out when it deals with lawyer discipline  
23      cases, and I've repeated to you this numerous times, they  
24      say the following. To determine the extent of discipline  
25      that should be imposed, you should consider the following:

1 the nature of the offense; the need for deterring others;  
2 the maintenance of the reputation of the profession as a  
3 whole; the protection of the public; the attitude of the  
4 offender; and the offender's present and future fitness to  
5 continue in the profession. And I have commented to you on  
6 numerous occasions, I find of those six criteria they've  
7 listed, it's not until you get the last two that we focus on  
8 the offender.

9 The nature of the offense. Unfortunately, a human  
10 being died. That's not a trivial offense. That's not an  
11 accident, even if we want to say it is, because it makes us  
12 feel better.

13 The need for deterring others. And you and I both  
14 know, in our world, we kill more people on our highways  
15 because of drunk driving than we did in fighting the war for  
16 patriotism and for terrorism.

17 The maintenance of the reputation of the education  
18 profession as a whole.

19 The protection of the public. And I don't think  
20 the public is harmed by Mr. Webben. He's got his -- the  
21 rest of his life to deal with those issues.

22 His attitude seems fairly positive. He's doing  
23 all of the things most of us would expect him to do.

24 And his present or future fitness to practice is  
25 more about how the public perceives the event than it is

1 about his ability to do that.

2 I don't have any precedents to cite you. That'd  
3 make it easier, because then I'd have something. What I do  
4 have is a similar case from 2007 involved Damien Mapel, who  
5 was a teacher for the Omaha Public Schools. He went out one  
6 night with friends, got drunk, driving his car through  
7 Omaha, lost control, wrecked it in a park. One of the  
8 passengers in his vehicle suffered serious bodily injury as  
9 a result of his drunk driving. In that case, he was  
10 convicted of a felony. In this case, Mr. Webben has not  
11 been convicted of any felony. This Commission and the State  
12 Board revoked Mr. Mapel's certificate for five years. I  
13 would submit they did that to protect the profession and to  
14 send a clear message. And many of you may remember, because  
15 Mr. Mapel was back just a little over a year and a half ago  
16 and got reinstated. The process and the rules in place do  
17 work.

18 For Mr. Webben, today is not the last day. He's  
19 still got many more days in front of him. He still has  
20 opportunities in front of him. I would submit to you that  
21 he has violated several of the ethical standards, even  
22 though he didn't believe he had. I think we provided  
23 evidence that would indicate. And you heard how, although  
24 they think it's just the Sabin family, there may be others  
25 out there who have concerns. But at the same time, we think

1 the evidence shows he violated those standards I read to  
2 him. And I think it also shows that there's a basis to  
3 revoke his certificate for a short period of time. And I  
4 would think so long as he's still serving probation, that  
5 would be the appropriate period of time. Thank you.

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

8 MR. WADE: Thank you. I respect and appreciate  
9 what Mr. Halstead is saying and I also appreciate and  
10 respect what the witnesses have said. Mr. Webben has  
11 obviously been a teacher, an ongoing teacher since this  
12 accident and a valued substitute teacher serving this  
13 profession well.

14 I am familiar with the case that Mr. Halstead  
15 referred to, because it was from our law firm. But it was a  
16 different case. It was a conviction for intoxication, drunk  
17 driving. And this, I think is -- it's necessary when we  
18 talk about the requirements that it was because of speed.  
19 It's a misdemeanor conviction. A misdemeanor conviction for  
20 which he has paid a price to society. It isn't that the  
21 victim is being forgotten. Our criminal system has served a  
22 sentence on Mr. Webben that is fair and equitable, and Mr.  
23 Webben is doing every bit of it willingly and without any  
24 hesitation, plus he's continuing to teach.

1 teacher's certificate, I think we need to look at the  
2 commission of an immoral act or conviction of a felony. And  
3 if it's a misdemeanor, I think it's specifically laid out in  
4 Title 92, Chapter 21, that misdemeanor convictions that are  
5 of significant consideration are an assault, child  
6 enticement, stalking, hazing, unlawful intrusion, violating  
7 a harassment protection order, false imprisonment, sexual  
8 assault, domestic assault. And I can go on, sexually  
9 explicit conduct, obscene literature distribution. This  
10 isn't the type of misdemeanor that Mr. Webben committed.  
11 And it was an accident. It was a loss of control of a  
12 vehicle because of speed. And regardless of what Mr.  
13 Halstead says, that Court deserves respect for finding that  
14 was the basis of its conviction and not because of  
15 intoxication being the cause of the death of this young man.  
16 It's a tragedy. It's a tragedy. And Mr. Halstead would  
17 like to believe that by further punishing Mr. Webben, that  
18 for some reason we're doing justice to the victim. Nothing  
19 we can do will help the victim now, and that's a tragic  
20 pity. And Mr. Webben would love to do something. As you  
21 have heard and you will see in the writing, Mr. Webben has  
22 great remorse for the loss of anyone. And I think what  
23 we're looking at now is a situation where we need to  
24 recognize that Mr. Webben has paid a dear price, and that  
25 nothing more would be served by this Commission recommending

1 to the Board that he also lose his certificate, that he also  
2 have it revoked.

3 Now, obviously, some sort of disciplinary measure  
4 is appropriate. But as far as taking him out of this  
5 profession, I wonder, what is the function of this  
6 Commission? What is the function of our State Board of  
7 Education? Is it to supplement what the criminal system  
8 imposes for a punishment? Because, if that is the case,  
9 then it's going to be a very difficult way for every  
10 criminal defendant, if they're a teacher, to work within the  
11 system. Are you -- should you plead to something, because  
12 ultimately you're going to also be punished by your  
13 professional body, such as the Board of Education?

14 Mr. Webben, as you have heard over and over, has  
15 not committed any of these serious misdemeanors that would  
16 subject him to the kinds of -- the kind of revocation or  
17 suspension that Mr. Halstead's suggesting. I mean, when you  
18 read through here -- as a Commission, you had many, many  
19 cases where people who have had many of these misdemeanor  
20 convictions not get what Mr. Halstead has suggested as five  
21 years. Five years is an extreme and outrageous amount of  
22 time for Mr. Webben to lose his certificate. I believe that  
23 because of what has happened, because of the way matters  
24 have developed, nothing more, which is significant, nothing  
25 more than a serious message to him that I think could be

1 sent by a public reprimand, a public reprimand, because he  
2 has been out of the profession, as has been indicated, for a  
3 long time already. And he's a young man that has -- doesn't  
4 have a criminal history. He has a loitering and he didn't  
5 use his turn signal, as Mr. Halstead pointed out, but he's  
6 not a bad man. He's a good man. And it's a pity to take  
7 him out of this profession of any period of time, because he  
8 is really at a point where he is offering a lot. He is  
9 absolutely accomplishing a lot for young people. And you've  
10 heard that and you've seen that from administrators and  
11 teachers. And you look at the letters from parents. So,  
12 it's not -- when Mr. Halstead said there was a lot more,  
13 where are these people that say that something should be  
14 done? Nothing. Nobody. But a lot of people are saying  
15 that, please, allow him to continue to teach. Please allow  
16 him to continue to use his certificate of which he does a  
17 good job and of which he makes good use.

18 So, I'm not depreciating the severity of the  
19 incident. The criminal system dealt with that in a very  
20 honorable and respectable way. This particular body could  
21 and should, in my opinion, issue the public reprimand  
22 stating this is what happened. You can't do these kinds of  
23 things, but it isn't because there was a felony. And that  
24 is what Mr. Halstead's talking about when we're talking  
25 about the other person. And this is not a felony

1 conviction. This is a misdemeanor. And it does not fit  
2 into any of these categories of misdemeanor that rises to  
3 that level.

4 Now, as far as Mr. Halstead pointed out some of  
5 the other provisions within the regulation. If everyone  
6 is -- loses their certificate for -- by revocation or  
7 suspension under those particular standards, almost any kind  
8 of accident could, and likely, if you go in that direction,  
9 will result in a revocation or suspension. You wreck your  
10 car and somebody gets hurt in the accident, is that enough?  
11 Maybe it is, because it's a misdemeanor if someone has  
12 negligently driven. So, do they lose their certificate?  
13 Neither one of these are crimes of moral turpitude. And I  
14 think we'd all agree to that. Neither of these have been  
15 identified nor can be classified as crimes of moral  
16 turpitude or a felony. And those are the kinds of things  
17 that you think seriously and should think seriously about  
18 when you think about revocation or suspension, not what Mr.  
19 Webben has done and how he has paid for what he has done and  
20 what he is here today to ask, let me teach again. Let me be  
21 a part of your professional community again. I can do it.  
22 I have done it. And even during the period of time whenever  
23 I, basically, was told, you're not wanted right now, he  
24 still helped out and he continued to contribute.

1 exception, because I think this is what should be done when  
2 there is a situation where it is a misdemeanor and it  
3 results in a significant criminal punishment, but it does  
4 not fall under the standards of professional conduct and  
5 ethics that would require the revocation or suspension of a  
6 certificate. Thank you.

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

8 Mr. Halstead.

9 MR. HALSTEAD: Just very briefly. The ethical  
10 standard that I cited about an educator supporting the  
11 principle of due process and protect the political  
12 citizenship and natural rights of all individuals. Did Mr.  
13 Webben violate that by his conduct on November 22<sup>nd</sup>? Does  
14 Mr. Webben's conduct provide leadership and direction from  
15 others by appropriate example for how he conducted himself  
16 on November 22<sup>nd</sup>, 2012?

17 I don't believe anywhere in any statement I've  
18 made to this commission I've talked about, about  
19 misdemeanor, felony, immoral, moral turpitude in any of  
20 that. What is the ethical obligation of the educator to  
21 all, including the deceased in this case and the deceased's  
22 family? What is the ethical obligation of the educator to  
23 the sibling who was in the school that Mr. Webben was  
24 teaching at? And I'm not here to tell you that's going to  
25 be an easy decision. If I could be Bart Simpson, I would

1 tell you, "Ethics suck." But do we mean what we write and  
2 we say? And that, I think, is the decision you have to  
3 make. And thank you.

4 THE HEARING OFFICER: Thank you, gentlemen. The  
5 chairperson will now close the hearing.

6 CHAIRPERSON BROWN: The hearing committee will now  
7 adjourn and will consider the evidence. The hearing  
8 committee's decision will be reduced to writing. A copy of  
9 the hearing committee's findings, conclusions, and decision  
10 will be furnished to the parties. If the decision includes  
11 a recommendation to suspend or revoke the respondent's  
12 certificate, the findings, conclusions, and recommendation  
13 will be presented to the State Board of Education. I now  
14 declare this hearing adjourned at 12:30 p.m.

15 (Whereupon, the hearing was adjourned at 12:30  
16 p.m. to be reconvened after executive session and  
17 deliberation of the evidence.)

18 (Back on the record at 1:46 p.m.)

19 CHAIRPERSON SHELTON: Is there a motion regarding  
20 the Commission's recommendation on Case No. 13-11?

21 COMMISSIONER JOHNSON: Yes.

22 CHAIRPERSON SHELTON: A second?

23 COMMISSIONER MAHER: What's the motion?

24 CHAIRPERSON SHELTON: Oh, thank you.

25 02.04.14 State Board of Education COMMISSIONER JOHNSON: I move that the Nebraska  
R7-10-12

1 Professional Practices Commission adopts the findings of  
2 fact and conclusions of law and recommend to the State  
3 Board of Education that the certificate of Donald Webben be  
4 revoked for a period of two years.

5 CHAIRPERSON SHELTON: Now, is there a second?

6 COMMISSIONER PETERSON: Yes.

7 CHAIRPERSON SHELTON: Any discussion?

8 (No response.)

9 Seeing none, it has been moved and seconded to  
10 accept the findings of fact and conclusions of law and  
11 recommend to the State Board of Education that the  
12 certificate of Donald Webben be revoked for a period of two  
13 years. Any discussion?

14 (No response.)

15 Will the clerk please call the roll?

16 THE CLERK: Anglemyer.

17 COMMISSIONER ANGLEMYER: Yes.

18 THE CLERK: Brown.

19 COMMISSIONER BROWN: Yes.

20 THE CLERK: Johnson.

21 COMMISSIONER JOHNSON: Yes.

22 THE CLERK: Maher.

23 COMMISSIONER MAHER: Yes.

24 THE CLERK: Peterson.

25 02.04.14 State Board of Education COMMISSIONER PETERSON: Yes.

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THE CLERK: Schott.

COMMISSIONER SCHOTT: Yes.

THE CLERK: Seay.

COMMISSIONER SEAY: Yes.

THE CLERK: Shelton.

CHAIRPERSON SHELTON: Yes.

THE CLERK: Stavem.

COMMISSIONER STAVEM: Yes.

(Whereupon, at 1:47 p.m. on December 7, 2013, the proceedings were concluded.)

- - -

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA

Scott Swisher, Ed.D. )  
Deputy Commissioner of Education )  
301 Centennial Mall South - 6th Floor )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933 )

NPPC Case No. 13-11  
Case No. 13034

Petitioner, )  
vs. )

NOTICE OF HEARING

Donald Webben )  
1610 Jerry Drive )  
Grand Island, NE 68803, )  
Respondent. )

Petitioner and Respondent are hereby notified that a hearing on the Petition filed by Scott Swisher, on November 13, 2013, will be held in the Hearing Room, 6<sup>th</sup> Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska, on Saturday the 7th day of December, 2013, commencing at 10:00 a.m. or immediately following the preceding hearing.

Commission members of the Nebraska Professional Practices Commission will hear and consider the case.

Jeff Kirkpatrick, 7800 Stevens Ridge Road, Lincoln, NE 68516, has been appointed legal counsel to advise the chairperson in the performance of the chairperson's duties.

Dated November 25, 2013

Sarah Brown, Chairperson, Hearing Panel  
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



By Kathi Vontz, Clerk of the Commission  
NEBRASKA PROFESSIONAL PRACTICES COMMISSION



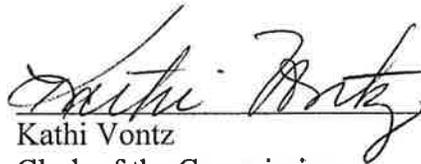
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Notice dated November 25, 2013, for Case Number 13-11, was mailed to Donald Webben, Respondent, and Rick G. Wade, Attorney for Respondent by U.S. Mail postage prepaid, and delivered by hand to Brian Halstead, Attorney for the Petitioner, on this 25<sup>th</sup> day of November, 2013, at the following addresses.

Donald Webben  
Respondent  
1610 Jerry Drive  
Grand Island, NE 68803

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

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



Kathi Vontz  
Clerk of the Commission

**BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA**

Scott Swisher, Ed.D. )  
 Deputy Commissioner of Education )  
 301 Centennial Mall South - 6<sup>th</sup> Floor )  
 P.O. Box 94933 )  
 Lincoln, NE 68509-4933, )

PPC Case No. 13-11  
 Case No. 13034

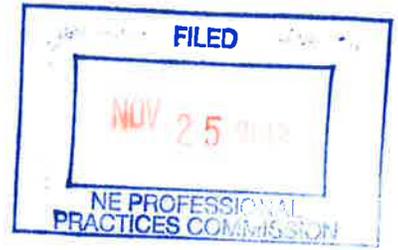
Petitioner, )

**ANSWER**

vs. )

Donald Webben )  
 1610 Jerry Drive )  
 Grand Island, NE 68803, )

Respondent. )



COMES NOW the Respondent, Donald Webben, by and through his undersigned attorneys of record, and for his Answer to the Petition admits, denies, and alleges as follows:

1. Admits the allegations of paragraph 1 of the Petition.
2. Admits that the Respondent is Donald Webben, 1610 Jerry Drive, Grand Island, Nebraska 68803.
3. Admits the allegations of paragraph 3 of the Petition.
4. Admits the allegations of paragraph 4 of the Petition.
5. Admits that on or about June 21, 2013, Respondent appeared and plead no contest to Count I, Motor Vehicle Homicide, a Class I misdemeanor, pursuant to Neb. Rev. Stat. § 28-306(1) and § 28-306(2) and Count II Driving Under the Influence of Alcohol, 1<sup>st</sup> Offense, a Class I misdemeanor, pursuant to Neb. Rev. Stat. § 60-6,196 (Reissue 2008).
6. Admits that on or about August 23, 2013, the Respondent was sentenced for the Count I misdemeanor to two (2) years' probation and ninety (90) days' jail term, and Respondent's license was revoked for six (6) months and for the Count II misdemeanor to two

(2) years' probation, a \$500 fine and Respondent's license was revoked for sixty (60) days with the probation sentencing of Counts I and II to be served consecutively Respondent was allowed work release during any jail term if said work was available.

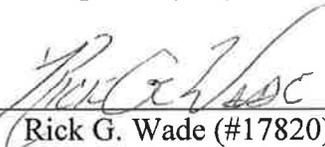
7. Admits that the Nebraska statute and the *Nebraska Administrative Code* states as set forth in paragraph 7 but denies that Respondent violated said sections as indicated in paragraph 7.

WHEREFORE, Respondent requests that the Professional Practices Commission take such action, if necessary, regarding his certificate as is warranted.

Dated this 22<sup>nd</sup> day of November, 2013.

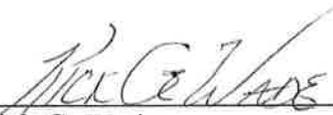
DONALD WEBBEN, Respondent,

BY: NORBY & WADE LLP  
Respondent's Attorneys  
605 South 14th Street  
Suite 220  
Lincoln, Nebraska 68508  
Telephone (402) 434-2390

By   
Rick G. Wade (#17820)  
One of Said Attorneys

**CERTIFICATE OF SERVICE**

On this 22<sup>nd</sup> day of November, 2013, a copy of the foregoing Answer was served by electronic delivery and regular United States Mail, postage prepaid, to Ms. Kathi Vontz, Clerk/Administrator, Nebraska Professional Practices Commission, 301 Centennial Mall South, Lincoln, Nebraska 68509, and by regular United States Mail, postage prepaid, to Mr. Brian Halstead, General Counsel, Nebraska Department of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, Nebraska 68509-4933, attorney for Petitioner.

  
Rick G. Wade

4

**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. *13-11*
- Attach this card to the back of the mailpiece, or on the front if space permits. *13034*

1. Article Addressed to:

Mr. Rick Wade  
 Attorney at Law  
 605 South 14th Street, Suite 220  
 Lincoln, NE 68508

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *Teresa Greig* C. Date of Delivery *11-14-13*

D. Is delivery address different from Item 1?  Yes  
 No  
 If YES, enter delivery address below:

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 2970 0004 0330 6142

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**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:

13-11  
13034

Mr. Donald Webben  
1610 Jerry Drive  
Grand Island, NE 68803

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
Donald Webben

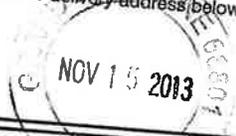
Agent  
 Addressee

B. Received by (Printed Name)  
Donald Webben

C. Date of Delivery

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

Yes  
 No



3. Service Type

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

4. Restricted Delivery? (Extra Fee)  Yes

7011 2970 0004 0330 6135

Domestic Return Receipt

102595-02-M-1540

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA

Scott Swisher, Ed.D. )  
Deputy Commissioner of Education )  
301 Centennial Mall South - 6th Floor )  
P. O. Box 94933 )  
Lincoln, NE 68509-4933 )

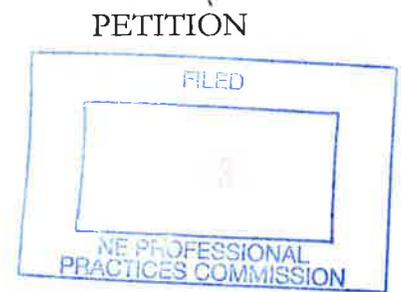
Petitioner, )

vs. )

Donald Webben )  
1610 Jerry Drive )  
Grand Island, NE 68803 )

Respondent. )

PPC Case No. 13-11  
Case No. 13034



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 Scott Swisher, Deputy Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509;
2. The Respondent is Donald Webben, 1610 Jerry Drive, Grand Island, NE 68803;
3. The Respondent holds a public Nebraska initial teaching certificate number 2012006746, endorsed in Elementary Education K-6, with an expiration date of August 31, 2017;
4. The Respondent was employed as a teacher by the Northwest Public Schools in Grand Island until his resignation was accepted by the Northwest School Board on February 13, 2013;
5. On April 18, 2013, an Information was filed in the Howard County District Court charging the Respondent with Motor Vehicle Homicide, a Class III Felony, and Driving Under the Influence of Alcohol, 1<sup>st</sup> Offense, a misdemeanor. On June 21, 2013, pursuant to a plea agreement wherein the State reduced the Motor Vehicle Homicide charge to a misdemeanor and agreed to remain silent at sentencing, the Respondent pled No Contest to that charge and Driving Under the Influence of Alcohol;

6. On August 23, 2013, the Respondent was sentenced on Count I Motor Vehicle Homicide to two (2) years' probation, 90 days' incarceration, and license revocation for six (6) months; and on Count II Driving Under the Influence of Alcohol, 1<sup>st</sup> Offense, to two (2) years' probation, a \$500 fine, and license revocation for sixty (60) days with Probation terms to be consecutive; and

7. Based upon the factual allegations contained in paragraphs 5 and 6 of the Petition, the Respondent violated the following statute and standards: Neb. Rev. Stat. §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 004.04D (effective date: November 12, 2003) which states, "the educator: Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals"; Section 004.04E (same effective date) which states, "the educator: Shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"; Section 005.06D (same effective date) which states, "the educator shall: Develop and maintain positive standards of conduct"; and Section 005.09D (same effective date) which states, "Educators . . . Shall provide leadership and direction for others by appropriate example".

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 12 day of November 2013.

  
Scott Swisher, Ed.D.  
Deputy Commissioner of Education

VERIFICATION

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER    )

I, Scott Swisher, 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 13 day of November 2013, by Scott Swisher, Deputy Commissioner of Education, as Petitioner.





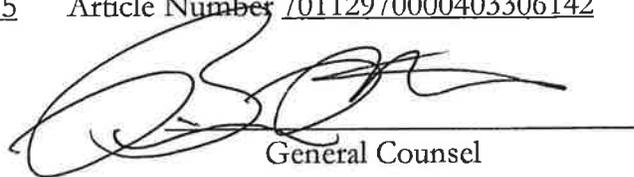
Notary Public

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 persons, postage prepaid, by certified mail, return receipt requested, this 13<sup>th</sup> day of November 2013.

Donald Webben  
1610 Jerry Drive  
Grand Island, NE 68803  
Article Number 70112970000403306135

Rick Wade, Attorney at Law  
605 South 14<sup>th</sup> Street, Suite 220  
Lincoln, NE 68508  
Article Number 70112970000403306142

  
General Counsel

BEFORE THE NEBRASKA PROFESSIONAL PRACTICES COMMISSION  
STATE OF NEBRASKA

Scott Swisher, Ed.D.  
Deputy Commissioner of Education  
301 Centennial Mall South - 6th Floor  
P. O. Box 94933  
Lincoln, NE 68509-4933

Petitioner,

vs.

Donald Webben  
1610 Jerry Drive  
Grand Island, NE 68803

Respondent.

PPC Case No. 13-11  
Case No. 13034

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 persons, postage prepaid, by certified mail, return receipt requested, this 13<sup>th</sup> day of November 2013:

Donald Webben  
1610 Jerry Drive  
Grand Island, NE 68803  
Article Number 70112970000403306135

Rick Wade, Attorney at Law  
605 South 14<sup>th</sup> Street, Suite 220  
Lincoln, NE 68508  
Article Number 70112970000403306142

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

**NEBRASKA DEPARTMENT  
OF EDUCATION**

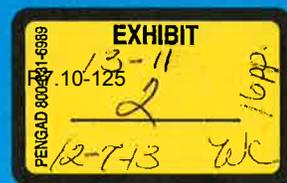
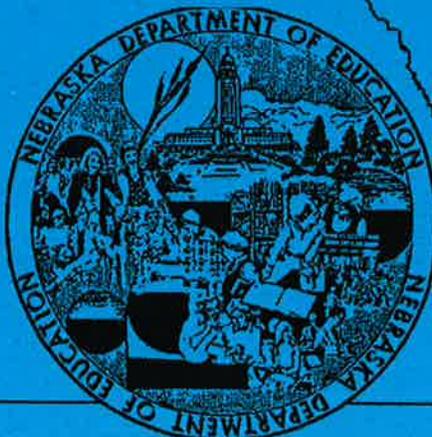
# **RULE 27**

**REGULATIONS AND STANDARDS FOR  
PROFESSIONAL PRACTICES CRITERIA**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 27**

**EFFECTIVE DATE  
November 12, 2003  
(REVISED)**

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



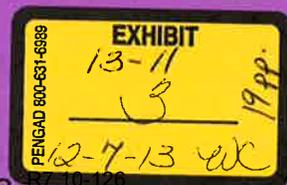
# NEBRASKA PROFESSIONAL PRACTICES COMMISSION

TITLE 95, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 1

REGULATIONS CONCERNING  
TEACHER AND ADMINISTRATOR  
PROFESSIONAL PRACTICES HEARINGS



Effective Date  
October 30, 1993



NEBRASKA DEPARTMENT  
OF EDUCATION

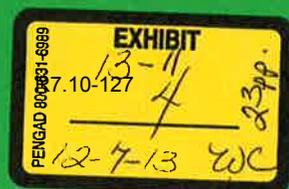
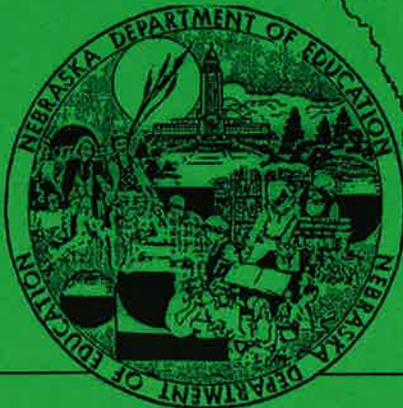
# RULE 28

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

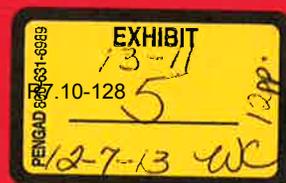
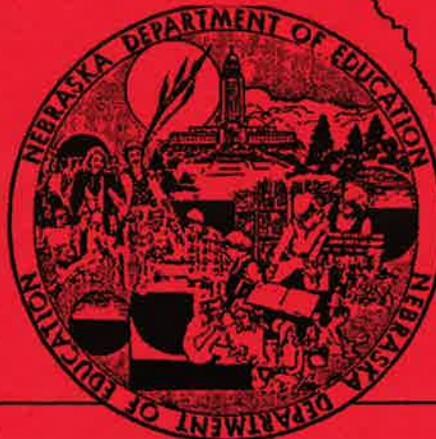
# RULE 29

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



# Wood River Elementary School

1003 Lilly Street Box 488 Wood River, Nebraska 68883

Phone (308) 583-2525 Fax (308) 583-2668

<http://woodriverelem.k12.ne.us/>

Laurel Roth, Principal

---

November 21, 2013

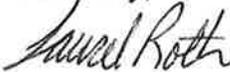
Professional Practices Commission:

I am writing this character reference for Don Webben for your consideration when making a determination about Mr. Webben's teaching certificate. As the principal at Wood River Elementary School, I have known Mr. Webben for three years, in the capacity of a substitute teacher. I have also known Mr. Webben's mother, who is employed as one of my kindergarten teachers, for eight years. However, I would like to comment on my direct observations of Mr. Webben himself. Currently, I am using Mr. Webben as a substitute teacher and he has been doing an outstanding job.

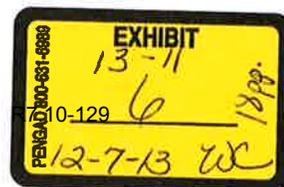
While working at Wood River Rural Schools, Mr. Webben has been dependable, thorough, communicates well with students and staff, and demonstrates consistently a high level of professionalism. Mr. Webben has a high proficiency of classroom management and is respected by the students he works with. Many of my teachers have commented about the thorough job he does while filling in for them and have even requested to have Mr. Webben in their classroom if they are planning to be absent. The high level of professionalism that Mr. Webben exhibits is witnessed both in his dress and the conversations he has with students and staff. Even while substitute teaching, Mr. Webben is also holding down another full time job, which speaks highly of his work ethic.

I do understand that Mr. Webben made a mistake for which he was reprimanded. With the talents I have witnessed while watching Mr. Webben teach students, I feel he has a gift for teaching and would highly recommend he retains his teaching certificate. If you would like to contact me with further questions, my phone number is on the heading of this letter.

Sincerely,



Laurel Roth  
Elementary Principal  
Wood River Rural Schools



Jackie Jones  
Substitute Coordinator  
Grand Island Public Schools  
123 South Webb Road  
Grand Island, NE 68803



November 26, 2013

RE: Character Reference for Donald Webben

TO: Professional Practices Committee

This letter is being written by the undersigned on behalf of Donald Webben. I have known Don Webben personally for 20 years. I have also known him as an employee of Grand Island Public Schools since June, 2010.

I first met Don Webben as a youth in our neighborhood. I have always known Don to have a kind and calm demeanor even when he was young. He was always polite, helpful, and respectful. As he grew up, he was known as a giving, happy, energetic, and very hard working young man. My son was in the same class as Don. Both Don and my son went to California after high school into a program called Young Americans. This organization was very demanding of time and energy. You had to have the ability to work well with youth to be a part of the organization. Don was chosen to tour with this organization and also was given many leadership roles. He was a teacher and leader of youth of all ages throughout his time in Young Americans. Young Americans only allow people that work well with students as leaders of this program. Upon finishing his time with Young Americans, Don came back and worked hard to finish his teaching degree in Nebraska. I know the students that had Don as a teacher had one of THE best. I have always known Don to do anything for anyone to help them out. He now works for Grand Island Public Schools as a custodian. Before that Don was a substitute custodian. I oversee the substitute custodians. His supervisor Doug Henry recently sent a separate email to me that said, "I just want to say Don Webben is a very, very good worker." Doug has been the head custodian at Senior High for 15 years and knows a good worker and person of integrity and character when he sees one. He has rarely contacted me personally to tell me about one of his staff.

Don is a personal of incredible integrity, kindness, and humility. He chooses to do good wherever he goes. He is extremely hard working. Don's contribution to society is very positive. This summer Don volunteered to travel with a small team from our church staff and help move a new staff person. He willingly gave of his time and energy for several days to move a family of 6. There was a LOT of lifting, etc. and Don gladly served others in this way. He also took a day and helped my husband with some large lifting and moving of a house we had sold in Lincoln, NE.

I've always believed that an excellent teacher can help change a life. Don Webben is just that kind of teacher. Don will care about the student and will make them a better person. He will provide quality instruction with a sincere heart for the student. It is my hope that you allow Don Webben to continue to have the opportunity to make an incredible positive contribution to society and to affect young lives for the better by allowing him to keep his teaching certificate. Don worked very hard to earn the opportunity to serve students by teaching them.

If you have any questions, please feel free to contact me at 308 380 4504 or [jrjones@gips.org](mailto:jrjones@gips.org).

Sincerely and thanking you,



Jackie Jones

Substitute Coordinator  
Grand Island Public Schools  
3530 South Blaine Street  
Grand Island, NE 68801  
Phone: 308 380 4504  
[jrjones@gips.org](mailto:jrjones@gips.org)

# Rebecca Allan

625 S. 150th Road • Wood River, NE 68883 • Phone: 308-583-0132  
E-Mail: rallan@wrrsd.org

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Date: November 30, 2013  
To: Professional Practices Committee  
Re: Mr. Don Webben

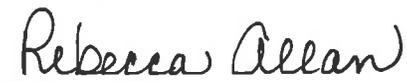
To Whom It May Concern:

I am writing this letter in reference to the personal and professional character of Mr. Don Webben. Mr. Webben has substitute taught and volunteered at Wood River Elementary School on many occasions. Mr. Webben has served as a substitute in my Kindergarten classroom. Although I have only formally known Mr. Webben for about one year, I have known Mr. Webben's mother for approximately 33 years. She and I have worked together for the past 11 years on committees, district-wide meetings, and grade-level meetings. We have worked side by side as teaching partners at the Kindergarten level for the past four years. Throughout the years, I have had informal encounters and interactions with Mr. Webben.

While volunteering at Wood River Elementary School, Mr. Webben has exhibited exceptional personal and professional character. Mr. Webben has a great rapport with the students and I am always very pleased with his performance as a substitute teacher in my classroom. I have specifically requested that Mr. Webben be called as a substitute for future personal time off because I am extremely comfortable with and confident in Mr. Webben's abilities to effectively lead and manage my classroom in my absence. Mr. Webben is very dependable and always follows through with the plans that are left for him. However, if necessary, Mr. Webben is a self-starter that can alter and adjust plans effectively. Upon being removed from his classroom teaching position, Mr. Webben's dedication to teaching and changing the lives of our young children has been evident through his volunteer work and substitute teaching. Mr. Webben was eager to get back in the classroom and did so as a volunteer before being asked to substitute teach at Wood River Elementary School. Mr. Webben is very personable and comfortable with the staff. When he spends time at Wood River Elementary (as a volunteer or substitute), he interacts with the staff in a professional and friendly manner. He has earned the respect of his colleagues because of his hard work, excellent teaching, and caring nature.

I believe that Mr. Webben exhibits the traits of an excellent teacher and this is demonstrated each and every time that he teaches at Wood River Elementary School. I believe that Mr. Webben exhibits traits of good character as shown through the personal relationships he has developed with staff because of his personable and caring personality. If you have additional questions, please do not hesitate to contact me using the contact information above.

Sincerely,

  
Rebecca Allan

Friday, November 29, 2013

To Whom It May Concern:

Mr. Don Webben has substitute taught in my fifth grade classroom on multiple occasions. I believe Mr. Webben to be very capable and qualified in the classroom. Everything on my lesson plans was completed and more. He goes above and beyond just 'filling in' for me by grading the assigned pages, which is a huge help! In his time in my classroom, he has developed a rapport with my students and they love having him in our room. I believe him to be a wonderful teacher and firmly believe it would be a disservice to revoke his teaching license. If I can offer any further assistance, please feel free to contact me.

Sincerely,



Anna Fehringer

5<sup>th</sup> grade

afehringer@wrrsd.org

December 2, 2013

Professional Practices Committee

This letter is in reference to Don Webben. We met Don a little over a year ago. We have known Don's parents for years. We met Don when he came to an AA Meeting with his parents.

Our experience getting to know Don has been very special. Don is a teacher even in life as a general. Don is a caring person. Don is responsible. We know Don really enjoys teaching and being a Teacher. Don is a hard worker. Don is a leader. He comes from a very good family. Don's mother is a teacher.

I (Bernie) went with Don to the sentencing in Howard County for the unfortunate night last November. What I saw and experienced was two families hurting. I know Don cared deeply about what happened. I believe the judge said it best. You aren't a bad person, you made a bad decision. She was speaking to Don. We agree. Don was not in trouble prior to that night. He has done what he was asked to do by his lawyer and the courts. Don is not a criminal. He has not been in trouble since that night.

We understand there are people whom think Don should loose his Teaching License. This is very unfortunate. This is the first time Don has ever had any trouble. He is not a criminal. He used bad judgment one night. Don loosing his Teaching License will not change anything that happened that night. What Don has done before and after show what kind of a person Don is. Taking Don's Teaching License would be a huge mistake. We think our society needs to have good teachers and Don is passionate about teaching. Part of being a teacher is sharing your experiences in life. We are sure Don will never forget what happened and could pass that knowledge on to other people.

Sincerely,  
Bernie and Bev Sommer  
308-382-3914

Nov. 24, 2013

RE: Donald Webben

To: Nebraska Professional Practices Board,

My name is Teresa Webben, I am Donald Webben's mother. I would like to tell you about my son. Don was raised in Grand Island and graduated from Northwest High School in 2002. He was a good student in school, got good grades and was a great role model for his younger siblings. He was very involved in high school activities. He wrestled, ran cross-country, was a member of 14 Karat Gold show choir, and participated in the school musicals. He also worked part time while in school, first at Subway and then at O'Reilly's Auto parts. He was a good kid and was not in any kind of trouble.

After high school he auditioned and was selected for a musical group called the Young Americans. We moved him to California where he went to school and traveled with the musical group singing, dancing and teaching young kids all over the world. While working with young kids he made a decision to be an elementary teacher. He worked hard in California going to community college, and working at a warehouse loading trucks very early in the morning before going to school.

Family has always been very important to Don and he realized that he was missing out on many family occasions while living in California. He knew that he wanted to move closer to family and be able to spend time with his aging grandparents. So he moved back to Nebraska to finish up his bachelor's degree in Elementary Education.

He finished his college degree in Kearney while working close to forty hours a week for Developmental Services of Nebraska. At DSN he worked with several young handicapped boys. He took them to activities, on bike rides and helped them work on life skills. He also helped them get ready for Special Olympics, volunteering at Special Olympics. He has a soft heart for kids that need help. One Christmas a young boy had no family to take him home, so Don brought him home to our house to spend the holidays with us. I had a chance to watch him interact with this young man, playing games, and doing puzzles. He cares a lot about kids.

After graduation last May Don took a job teaching fourth grade at St. Libory School and coaching for the Northwest School system. He worked at the DSN job through most of the summer and moved home in time to start coaching at football camps. He moved in with us, hoping to find a place of his own later on. He was very busy coaching, and getting a classroom ready for school. As school started he would leave the house about 7 am, teach all day, and coach after school then return to school to work on plans and get his classroom ready for the next day. Most nights not returning home till about 9 o'clock. After eating supper he would spend a few more hours correcting papers and making plans. He was a very busy first year teacher, he loved it and he was doing very well.

As November came and football season was ending he was looking for a place to buy of his own. He found a piece of property that he wanted to buy, life was really going well for him.

Then he made a horrible mistake that changed many lives forever. A classmate from high school that he hadn't seen for a few years returned for the Thanksgiving holiday and they went out. Don had just purchased a different car, so he drove. He had only had it for five days. He and his friend were at the Worms bar when another young man at the bar, A J Sabin, asked him for a ride home. My son did not know AJ, but he agreed to give him a ride home. He didn't realize that AJ lived out in the country, which put Don out on an unfamiliar gravel road, with a car he was not yet familiar with. His new car was a much bigger a rear wheel drive car, he was used to driving a small Eagle Talon, a front wheel drive car. As he came over a slight incline on an intersection he hit the loose gravel and lost control of the car. His car rolled, AJ Sabin was not wearing his seatbelt, he was not thrown from the car but was deceased at the scene. Don did everything he could at the scene to help, but was not able to revive Mr. Sabin. His car was equipped with both front and side air bags, but none of the air bags deployed.

My son made a terrible decision to drink and then drive that night. His blood alcohol level was .10. That wrong decision will be with him for the rest of his life. If my son could go back and change his decision that night he would. But sadly he can't change the events of that night, he can only learn from it, accept responsibility and move on the best that he can.

The accident happened at Thanksgiving, the school system asked Don to make teaching sub plans until after Christmas, which he willingly did. I would drive him out at night to put out or adjust plans, to pick up papers to grade, to set up science experiments and art projects. He was still checking papers, and recording grades. He kept in close contact with the substitute. So even though the school was not allowing him back into the classroom he did all that he could to make sure that the kids in his classroom had the best transition they could.

After the accident I watched my son go through a lot. He has great sadness and remorse for that night, for the Sabin family, for that horrible decision. He was depressed and wanted to just crawl into a hole. He lost the job that he loved, the ability to buy the property that he wanted, his car and his driver's license. He was facing jail time and a very uncertain future.

As time passed he began to take many positive steps. He spent some time talking to our pastor, attended church, and joined a men's group at church. He wanted to make his life better again. He started volunteering at the school where I teach, and at church. He started giving back to people wherever he could.

After he was released from his contract he started doing some substitute teaching. Being back in a school, his life started to turn around. When summer came he started doing

some substitute janitor work for Grand Island Public Schools. They soon offered him a full time position and he took it.

He accepted a plea agreement and was sentenced the end of August to some jail time, counseling, probation and a few other things. He served his jail time. When he was released he continued his full time job with Grand Island schools. He works three till eleven. However if he has a substitute job they allow him to come into work after the school day. He currently substitutes several days a week. He does a great job with kids, and staff. He is well liked, respected and is a positive role model in the school. He is working very hard to put his life back together.

My son, Donald, is a wonderful young man, and I have seen him in a classroom, he is a good teacher. He has no history of problems, he made a very bad decision. He will live with that horrible decision for the rest of his life. He is in the process of building his life again. He will help others by sharing his story in schools. I pray that by sharing his mistake he can help others. Please take my son's history both before and after this tragic accident into consideration as you make this decision concerning his teaching certification.

Thank you for your time and consideration,

Teresa Webben



1610 Jerry Dr.

Grand Island, NE 68803

(308) 384-4128

# LITCHFIELD PUBLIC SCHOOL

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*Dr. Scott Maline, Superintendent*

*Jeffery Smith, Principal*

December 2, 2002

To Whom It May Concern,

I am writing this letter in support of Don Webben receiving a Nebraska Teaching Certificate.

I have known Don for 11 years. He was a part of the Young Americans during a time when my children were also in the Young Americans. During that time, Don helped teach and direct students in the United States and from all over the world in song and dance. More important, he helped students to believe in themselves.

Don comes from a teaching background and his mom is an elementary teacher. After the Young American Experience, Don was a successful teacher at Grand Island Northwest Public Schools. He loves working with students and has been successful in whatever he pursues. Students thrived under his leadership and Don was a very successful I teacher-leader prior to his tragic accident.

Because of the friendship and relationship we established over the past 11 years, I talked with Don immediately after his accident and helped him to deal with this terrible tragedy. You can imagine how that mistake changed his life. A life was lost, and his life was turned upside down. Don has taken full responsibility and completed all of the requirements and punishments as handed down by law. Prior to his accident, Don was someone who had never been in trouble, or had personal problems or legal problems during his entire life. He was a great young man who was becoming an outstanding teacher.

Don's terrible accident has taken the toll on everyone. Several families and friends have suffered, but Don is one of the people who may be suffering the most. He hopes someday that the family and friends of the person who died in his car that night will forgive him. He hopes his dream of teaching again will help to turn a tragedy and mistake into something positive the rest of his life. He will be working to do that every day of his life.

I believe Don will be an outstanding teacher, once again, if given the opportunity. Don has a good heart and soul, and I am proud to call Don a friend. I know 1,000 Young Americans and their teachers would also stand up for Don as an outstanding teacher and person.

I ask that Don be given an opportunity to teach again. It would be a second tragedy if Don was denied chance to help students to learn and grow-up. He needs the opportunity to contribute to our society in a positive way. I highly recommend Don Webben for a teaching certificate and would hire Don if I had an opening in my school.

Sincerely,



Dr. Scott Maline  
Superintendent  
Litchfield Public Schools

December 5<sup>th</sup>, 2013

To Whom It May Concern:

This letter is in regard to Don Webben. I have had the opportunity to become acquainted with Mr. Webben through him substitute teaching in our elementary building. My interaction with him has been nothing but positive.

He is friendly with students and staff, professional in his appearance and conduct. What is most apparent is how natural the profession of teaching is for him. I have seen this first hand when he subbed in my teaching partner's 5<sup>th</sup> grade Math and Science class. On each of these occasions, I have found he has good classroom management, he is punctual with the departmental schedule, and is approachable and liked by his students.

In my opinion, Mr. Webben is an asset to the teaching profession and the definition of a model teacher.

Sincerely,



Keo Zierke

December 2, 2013

Professional Practices Committee,

I am writing this letter to attest to the character and professionalism of Don Webben.

I have worked with Don at the Wood River Elementary School during spring and fall of 2013 school year. I can attest to Don's skill as an instructor in kindergarten, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> grades. He relates to children very well, adjusting to the varying ages with ease. I have worked with Don in small groups and noticed that the children enjoy learning from his instruction. Don is respected and well liked by the kids.

Don is also well liked as a substitute instructor by the school staff. He is cordial to everyone on the staff. He is enthusiastic and does his work with passion. Don is a kind hearted person, who is a joy to be around.

Sincerely,



Lori Gibson

Wood River Elementary School Para-educator

Dec. 3, 2013

To the Professional Practices Committee:

I am writing a character reference for Don Webben. He has been a substitute teacher at Wood River Elementary School. I am the elementary librarian and I teach reading at Wood River.

I have been in the classroom when Don has been teaching students. He has a good rapport with students of all ages. The children like him and listen to him. He engages the students by involving them in conversation or in the planned activities. You can tell that Mr. Webben enjoys teaching and helping children learn. He keeps the students on task and can redirect them when things don't go as planned.

Don has also been a substitute for me. He followed my directions well and accomplished everything I had planned both for reading small groups and library skill lessons. He had to deal with students in kindergarten through grade four.

I see a passion for teaching and for children in Mr. Webben. He truly enjoys what he's doing and he is good at it and successful. I would hope he would be able to continue teaching children in elementary schools. We need more teachers like him.

Sincerely,



Trena Boshart  
Wood River Elementary School

November 6, 2013

To: Professional Practices Committee  
Re: Mr. Don Webben

My name is Scott Jones, and I am a pastor in Grand Island. Don and I have known each other for twenty years, when we lived a block from one another. Don and my son Alex where in the same grade, went to the same high school and made the journey together to California to participate in the Young Americans youth educational and performance program. Don is also active in our church.

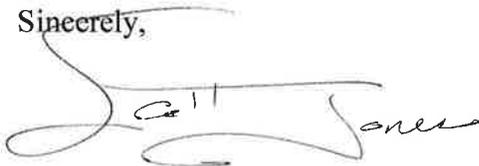
I have had the privilege of watching Don grow up to be an outstanding man. Don has always been an overachiever, working harder than virtually everyone around him to succeed. But that is not what motivates him. Don is a person who cares about others.

Over the course of the last few months I have spent a lot of time with Don. What I have always seen in Don is what we have witnessed as he has walked through this time: Personal Integrity, responsibility and a determination to not allow his mistakes to be wasted. Don has never been one to shy away from responsibility and—I am certain—will continue to use this for a positive result.

He has never made any excuses for himself as he has worked to overcome the accident. He has a teacher's heart. A teacher takes the lesson learned and brings it into a positive light for those around him. I have no doubt that this event will continue to mold him into a better person for the good of others.

I am fond of the saying, "God never wastes a hurt." There is no question that the circumstances that have brought you to this decision have had plenty of them for all involved. I am not trying to sugarcoat the situation in any way. The choices that were made that have led to this hearing are tragic. But, in my opinion, it would be tragedy placed upon tragedy if Don were not to find his way back into the classroom, teaching students and using this life lesson as a way to help others.

Sincerely,



Scott Jones  
Minister

Professional Practices Committee

December 5, 2013

Dear Committee Members:

Respectfully I would like to submit my letter of support for Mr. Don Webben as the future of his Teaching Certificate is debated. My relationship with Mr. Webben has been of a professional nature as he has served our school as a substitute teacher and of a personal nature as I have had the opportunity to know him as a friend as well.

Knowing that you have the difficult task of evaluating those who have come into questionable behavior and wanting to maintain the highest of integrity and safety of those who they are teaching, I am imploring you not to deny Mr. Webben of his teaching certificate. Mr. Webben is one of the most dedicated teachers I have ever met. He is exactly what the state desires to have in the classroom. Professional, personable, knowledgeable and caring are the words that instantly come to mind when I think of Mr. Webben. As a matter of fact, it was because he cared and was willing to help people he didn't even know that led to the unfortunate tragedy. Please understand that in no way do I condone drinking and driving and that it is certainly a serious offense but this entire accident is due to the fact that Mr. Webben was trying to be helpful when asked by Mr. Sabin for a ride home. Mr. Webben was willing to help him out without knowing anything about him. Without knowing his name, without knowing his background but just knowing that someone needed a ride home, Mr. Webben said yes when asked for help. That's the kind of man Don is and that's the way he was raised. To always assist those who are in need. Unfortunately, a series of other issues (underestimating the amount of alcohol consumed, not being very familiar with the new vehicle he had recently purchased, not being used to country roads, and not being familiar with his surroundings) resulted in a horrific tragedy for Mr. Webben and Mr. Sabin. I know Mr. Webben is sincerely sorry for the accident and for the death of Mr. Sabin. But losing a quality teacher who loves to teach and a compassionate adult who genuinely cares about his students would be another tragedy.

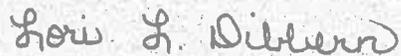
Mr. Webben's teaching career is what he has worked very hard to achieve. It is an opportunity for him to give back on a daily basis and to influence young people about making good choices which may prevent something like this from happening to them. I truly believe that Mr. Webben needs to be in the classroom and the students deserve to have him as a teacher. Mr. Webben would never be a threat to his students and would lay down his life to protect them. He is a gifted, passionate teacher who has such a wonderful classroom rapport that it would be detrimental to future students to not have him in the

classroom.

Please earnestly consider retaining Mr. Don Webben's ability to teach. He genuinely cares about his students and will make a difference in their lives if granted the opportunity to continue to teach.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lori L. Dibbern".

Lori L. Dibbern

Administrative Assistant

Wood River Elementary School

12/5/13

To: The Professional Practices Committee

This is a letter of character regarding Donald Webben. My name is Kim Anderson, I met Don in 2010 while working together at a home for people with Developmental Disabilities. During this time I have known Don to be a kind-hearted, tolerant, and giving person.

Don took the time to get to personally know and build relationships with the men he worked with. He took the time to learn of the personal interests of the gentlemen he worked with and would then find ways to incorporate those activities into the times he worked with the men. Don worked with a young man that did not have a family who was involved in his life. Don took it upon himself to arrange for this young man to spend the Christmas holidays with Don and his family. On numerous occasions Don was willing to go out of his way to serve the men he worked with. He would arrange to take them to community activities he thought they would be interested in even if he was not working that day.

Don demonstrated extreme patience while working with individuals in highly stressful situations. On more than one occasion Don had to deal with both verbal and physical aggression directed toward him and the staff he worked with. Don used these situations as a time to demonstrate patience and understanding. He then used these as a time of reflection with the men he served to teach them alternative behaviors to use so they could become successful and independent.

Don worked in a home for people with Developmental Disabilities while attending college to pursue a teaching degree. Don has spent his adulthood working to serve others and guide them in the decisions they make.

In the short amount of time I have known Don, I have known him to always being willing to help and serve others. On numerous occasions he has taken time out of his days to help others when they needed it.

Sincerely,

Kim Anderson

December 5, 2013

• • •

Lindsay Davis  
307 W. Green Street  
Wood River, NE 68883

Nebraska Professional Practices Commission  
P.O. Box 94941  
Lincoln, NE 68509

Dear Professional Practices Committee:

This letter is in regard to Don Webben. I have worked with Don for the past couple of months as he served as a substitute teacher in our elementary building and in my classroom.

In working with Don, I am always impressed by his professionalism and his friendliness towards the students. His classroom leadership skills are very apparent in every experience I have had with him. He is constantly interacting with the students, and keeping them engaged and focused. His enthusiasm and willingness to do what is best for the kids he is teaching makes his dedication to the teaching profession very obvious. I feel that Mr. Webben would be a tremendous asset to any school!

Sincerely,

A handwritten signature in cursive script that reads "Lindsay Davis". The signature is written in black ink and is positioned below the word "Sincerely,".

Lindsay Davis  
4th Grade Teacher  
Wood River Elementary School

# LITCHFIELD PUBLIC SCHOOL

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*Dr. Scott Maline, Superintendent*

*Jeffery Smith, Principal*

December 2, 2013  
2002

To Whom It May Concern,  
I am writing this letter in support of Don Webben receiving a Nebraska Teaching Certificate.

I have known Don for 11 years. He was a part of the Young Americans during a time when my children were also in the Young Americans. During that time, Don helped teach and direct students in the United States and from all over the world in song and dance. More important, he helped students to believe in themselves.

Don comes from a teaching background and his mom is an elementary teacher. After the Young American Experience, Don was a successful teacher at Grand Island Northwest Public Schools. He loves working with students and has been successful in whatever he pursues. Students thrived under his leadership and Don was a very successful teacher-leader prior to his tragic accident.

Because of the friendship and relationship we established over the past 11 years, I talked with Don immediately after his accident and helped him to deal with this terrible tragedy. You can imagine how that mistake changed his life. A life was lost, and his life was turned upside down. Don has taken full responsibility and completed all of the requirements and punishments as handed down by law. Prior to his accident, Don was someone who had never been in trouble, or had personal problems or legal problems during his entire life. He was a great young man who was becoming an outstanding teacher.

Don's terrible accident has taken the toll on everyone. Several families and friends have suffered, but Don is one of the people who may be suffering the most. He hopes someday that the family and friends of the person who died in his car that night will forgive him. He hopes his dream of teaching again will help to turn a tragedy and mistake into something positive the rest of his life. He will be working to do that every day of his life.

I believe Don will be an outstanding teacher, once again, if given the opportunity. Don has a good heart and soul, and I am proud to call Don a friend. I know 1,000 Young Americans and their teachers would also stand up for Don as an outstanding teacher and person.

I ask that Don be given an opportunity to teach again. It would be a second tragedy if Don was denied chance to help students to learn and grow-up. He needs the opportunity to contribute to our society in a positive way. I highly recommend Don Webben for a teaching certificate and would hire Don if I had an opening in my school.

Sincerely,  
  
Dr. Scott Maline  
Superintendent  
Litchfield Public Schools

