

<b>MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:</b> CONSIDERATION TO DISCIPLINE THE LICENSE TO TEACH OF DEBRA GIBBS, CASE # HR 13-018	<b>March 2014</b>
-----------------------------------------------------------------------------------------------------------------------------------------------	-------------------

<b>STATUTORY AUTHORITY:</b>	<input type="checkbox"/> Consent Item <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Report Item
-----------------------------	----------------------------------------------------------------------------------------------------------------------------

Section 168.071, RSMo

**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

**SUMMARY:**

Debra Gibbs holds a substitute teaching certificate set to expire on October 13, 2014. In August 2011, she pled guilty to two felony counts, one for theft/stealing and one for the fraudulent use of a credit/debit device. She was given a suspended imposition of sentence of five years probation.

**PRESENTER(S):**

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

**RECOMMENDATION:**

It is recommended that the State Board of Education revoke Debra Gibbs' substitute teaching certificate.

**BEFORE THE STATE BOARD OF EDUCATION  
STATE OF MISSOURI**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>Department of Elementary and</b>	)	
<b>Secondary Education,</b>	)	
<b>Petitioner,</b>	)	
<b>v.</b>	)	<b>Case No. HR 13-018</b>
	)	
<b>Debra Gibbs,</b>	)	
<b>Respondent.</b>	)	

Introduction

This matter was held on January 6, 2014, before Cynthia Quetsch, Hearing Officer, designated by the Commissioner of Education. Those present were:

Nichole Bock, Counsel for the Department of Elementary and Secondary  
Education;  
Margery Tanner, Director of Educator Certification; and  
Dana Keilholz, Legal Assistant, by telephone

Findings of Fact

1. Debra Gibbs, Respondent, holds a substitute certificate issued on October 13, 2010, and expires October 13, 2014 (Petitioner's Exhibit 3) (Transcript page 8, lines 15-23).
2. On or about August 11, 2011, Respondent pled guilty to two felony counts, one for theft/stealing in violation of Mo. Rev. Stat. § 570.030 and one for the fraudulent use of a credit/debit device in violation of Mo. Rev. Stat. § 570.130 in the circuit court of Taney County, Missouri. Respondent was given a suspended imposition of sentence of five (5) years probation (Petitioner's Exhibit 4).
3. On January 2, 2014, a hearing was held before Cynthia Quetsch, Hearing Officer. Respondent was not present and was not represented by counsel. Petitioner was represented by Assistant Attorney General Nichole Bock (Transcript page 2, line 23 to page 3, line 3).
4. Respondent received notice of the hearing by letter dated October 7, 2013 sent to the last known address of Respondent both by certified mail and first class mail. The return receipt was signed by Respondent (Petitioner's Exhibits 1 and 2) (Transcript page 4, line 20 to page 5, line 13).

### Conclusions of Law

1. Respondent, pled guilty to two felonies in circuit court admitting guilt to violations of Mo. Rev. Stat. § 570.030 and 570.130.
2. The charges concerning Respondent's substitute teaching certificate were set for hearing and notice was served on the Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (Supp. 2013).
3. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2013) provides the following authority to the State Board of Education:

*The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;*

4. The Missouri Supreme Court has defined "moral turpitude" as:

*An act of baseness, vileness, or depravity in the private and social duties which man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty and good morals'. In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985).*

5. Theft/stealing and fraudulent use of a credit device are both crimes of moral turpitude. *Brehe v. Mo. Dept. of Elem. & Sec. Ed*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007).
6. Based upon Mo. Rev. Stat. §168.071.1(1) (Supp. 2013) the State Board of Education is authorized to suspend or revoke any certificate held by Respondent.

### Recommendation

It is recommended that the State Board of Education revoke the substitute certificate of license to teach of Debra Gibbs pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013).

Submitted this 7th day of March 2014, by  
the designated Hearing Officer for the  
Commissioner of Education.

A handwritten signature in black ink, appearing to read 'C. Quetsch', written over a horizontal line.

Cynthia Quetsch  
Hearing Office

1 DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

2

3

4

5

6

DISCIPLINARY HEARING

Of

7

DEBRA GIBBS

8

JANUARY 6, 2013

9

Jefferson State Office Building

205 Jefferson Street

10

Jefferson City, MO 65102

11

12

Case No. HR13-018

13

14

15

16 Before:

Dana Keilholz - via telephone

17

Cynthia Quetsch

Margery Tanner

18

19 Nichole Block - Counsel for the Department

20

21 Reported by:

Jenna Petree, CCR #1347(T)

22

Midwest Litigation Services

401 Locust Street

23

Columbia, MO 65201

573-449-0561

24

25

1 PROCEEDINGS

2 HEARING OFFICER QUETSCH: This hearing is in  
3 the matter of Missouri Department of Elementary and  
4 Secondary Education versus Debra Gibbs and has been  
5 designated Hearing HR 13-018.

6 This hearing is being held pursuant to  
7 Section 168.071 of the Revised Statutes of Missouri, which  
8 authorizes the State Board of Education to suspend or  
9 revoke a certificate of license to teach if the certificate  
10 holder has pleaded to or been found guilty of a felony or  
11 crime involving moral turpitude under the laws of this  
12 state or any other state of the United States, or any other  
13 country, whether or not sentence is imposed.

14 Administrative rules adopted by the State  
15 Board of Education pursuant to this statute authorize the  
16 Commissioner of Education to designate a hearing officer in  
17 these matters. My name is Cynthia Quetsch and I have been  
18 designated to hear this case.

19 Unless otherwise provided under Section  
20 168.071, this hearing is being held pursuant to the  
21 Procedural Rules of Chapter 536, the Administrative  
22 Procedure Act.

23 The hearing was scheduled for 9:00 a.m. It is  
24 now 9:15. The certificate holder, Debra Gibbs is not  
25 present at the hearing, either personally or through

1 counsel. Assistant Attorney General Nichole Block is  
2 present on behalf of the Department. Ms. Block, would you  
3 like to make an opening statement?

4 OPENING STATEMENT

5 BY MS. BLOCK:

6 MS. BLOCK: Good morning, I'm Nichole Block  
7 and I am representing the Missouri Department of Elementary  
8 and Secondary Education today. We are here regarding Debra  
9 Gibbs who currently holds a substitute certificate of  
10 license to teach. The evidence will show that Ms. Gibbs  
11 was charged with stealing more than \$25,000.00 from L&J  
12 Plumbing and fraudulently using an American Express card to  
13 obtain merchandise worth more than \$500.00. On August 11,  
14 2011, Ms. Gibbs pled guilty to those charges. One was a  
15 class B felony of stealing, the other was a class D felony  
16 of a fraudulent use of a credit device.

17 Ms. Gibbs' substitute certificate should be  
18 subject to discipline under 168.071 and regulations because  
19 both are felonies and crimes of moral turpitude.

20 At this time I would like to call Ms.  
21 Keilholz.

22 DANA KEILHOLZ,  
23 having been first duly sworn to testify the truth, the  
24 whole truth, and nothing but the truth, testifies as  
25 follows:

1 Q (By Ms. Block) Can you state and spell your  
2 name for the record?

3 A Dana --

4 HEARING OFFICER QUETSCH: We can't seem to  
5 hear you. This isn't going to work. We'll go off the  
6 record.

7 (A recess was taken.)

8 Q What are your responsibilities as a legal  
9 assistant?

10 HEARING OFFICER QUETSCH: Okay. Dana, it's  
11 not working. Let me call you on my cell phone.

12 (A recess was taken.)

13 Q (By Ms. Block) Ms. Keilholz, could you please  
14 describe what your job duties as a legal assistant entail?

15 A I set up the hearings when we receive a legal  
16 complaint about a teacher and setup the hearing, the date,  
17 and the time and then notify all the parties.

18 Q So does include serving notices of hearing?

19 A That's correct.

20 Q Did you send a notice regarding this notice to  
21 Debra Gibbs, the respondent?

22 A Yes, I did.

23 Q And was that notice sent on October 7, 2013?

24 A It was on the date of the letter.

25 Q Okay. And what information was contained in

1 the notice that you sent?

2 A I include the date and time, she gets a copy  
3 of the complaint and what she should do.

4 Q And I have in front of me what's been marked  
5 previously as Exhibit 1. It's dated October 7, 2013 and  
6 addressed to Debra Gibbs at 715 Deadwood Drive, Forsyth,  
7 Missouri 65653. Does that appear to be the document that  
8 you sent to Ms. Gibbs?

9 A Yes, and it's first-class and certified mail.

10 Q And so the address that is on this letter, was  
11 that the last known address that was on file for Ms. Gibbs?

12 A That was the address that was listed on the  
13 complaint.

14 Q Okay.

15 A And certification would have the address of  
16 the last one on file.

17 Q And so are the notices that you send out  
18 maintained in the ordinary course of the Department's  
19 business?

20 A Yes.

21 Q And the notice is made by someone with  
22 relevant knowledge and information as to the hearing date  
23 and the information contained in it?

24 A Yes.

25 MS. BLOCK: I'll go ahead and offer Exhibit 1

1 into evidence at this time.

2 HEARING OFFICER QUETSCH: Exhibit 1 was  
3 received.

4 (Exhibit 1 was offered and receive into  
5 evidence.)

6 A We did receive the return receipt requested  
7 card back from the certificate holder and it was signed by  
8 her, so I'm sure that she did receive the notice.

9 Q So in your experience you would believe that  
10 Ms. Gibbs received the notice based on receiving the  
11 certified mail receipt back from her?

12 A Yes.

13 Q And I have in front of me what's been marked  
14 as Exhibit 2, which has two pieces of information on it.  
15 The first says certified mail receipt and then below it  
16 says, "Complete this section upon delivery." That appears  
17 to be signed by Debra Gibbs. Is that appear to be what you  
18 received back from Ms. Gibbs in the mail?

19 A Yes.

20 MS. BLOCK: Okay. At this time I would like  
21 to offer Exhibit 2 into evidence.

22 HEARING OFFICER QUETSCH: Exhibit 2 is  
23 received.

24 (EXHIBIT 2 WAS OFFERED AND RECEIVED INTO  
25 EVIDENCE.)

1 MS. BLOCK: I have no further questions for  
2 Ms. Keilholz.

3 HEARING OFFICER QUETSCH: Thanks Dana. Have a  
4 good day.

5 MS. KEIHOLZ: Thanks Cynthia.

6 MS. BLOCK: At this time I call Margery Tanner  
7 as the second witness.

8 MARGERY TANNER,  
9 having been first duly sworn to testify the truth, the  
10 whole truth, and nothing but the truth, testifies as  
11 follows:

12 Q (By Ms. Block) Can you spell state and spell  
13 your name.

14 A Margery Tanner; M-a-r-g-e-r-y, T-a-n-n-e-r.

15 Q And who are you employed by Ms. Tanner?

16 A Department of Elementary and Secondary  
17 Education.

18 Q What is your position with the Department?

19 A I am the director for educator certification.

20 Q And what are your responsibilities in the  
21 position?

22 A I license educators for the State of Missouri.

23 Q Do your duties include maintained teacher  
24 certification records?

25 A Yes.

1 Q I have placed in front of you what has been  
2 marked as Exhibit 3. Do you recognize that document?

3 A Yes, I do.

4 Q Can you explain what that is?

5 A This is the certification for Debra J. Gibbs.

6 Q Is that record kept in the Department's  
7 regular course of business?

8 A Yes.

9 Q And is that a true and accurate copy of the  
10 record regarding Ms. Gibbs' certification?

11 A Yes.

12 Q Would it have been made by someone with  
13 knowledge of the information it contains?

14 A Yes.

15 Q Based on the records in front of you does Ms.  
16 Gibbs hold any certificates?

17 A Yes, she does.

18 Q And what type of certificate is that?

19 A She holds a substitute certificate.

20 Q And when was that certificate issued?

21 A She was issued that on October 13, 2010.

22 Q When will it expire?

23 A October 13, 2014.

24 Q Does this record reflect whether Ms. Gibbs is  
25 currently teaching in Missouri or serving as a substitute

1 teacher?

2 A No. It shows a district has not reported her  
3 as being employed for this school year.

4 Q I have nothing further for Ms. Tanner at this  
5 time.

6 HEARING OFFICER QUETSCH: Did you want to  
7 offer Exhibit 3 into evidence?

8 MS. BLOCK: Yes, I would like to offer Exhibit  
9 3.

10 HEARING OFFICER QUETSCH: It is received.

11 (EXHIBIT 3 WAS OFFERED AND RECEIVED INTO  
12 EVIDENCE.

13 MS. BLOCK: At this time I would also like to  
14 offer into evidence Exhibit 4, which has been already  
15 placed in front of you. Exhibit 4 is self-authenticating  
16 certified copies of the court records from Tanney County,  
17 which contain the indictment, the judgment, and the docket  
18 sheet. Exhibit 4 shows that Ms. Gibbs was charged with  
19 stealing more than \$25,000.00 from L&J Plumbing and  
20 fraudulently using an American Express Card with purpose of  
21 obtaining merchandise worth more than \$500.00. Exhibit 4  
22 also shows that on August 11, 2011, Ms. Gibbs entered a  
23 plea of guilty to the class B felony of stealing and the  
24 class D felony of use of a credit device based on those  
25 charges. I'd ask that Exhibit 4 be admitted at this time.

1 HEARING OFFICER QUETSCH: Exhibit 4 is  
2 received.

3 (EXHIBIT 4 WAS OFFERED AND RECEIVED INTO  
4 EVIDENCE.)

5 MS. BLOCK: I have no further evidence at this  
6 time.

7 HEARING OFFICER QUETSCH: Would you like to  
8 make a closing statement?

9 CLOSING STATEMENT

10 MS. BLOCK: Yes. Section 168.071.1 of the  
11 Missouri Revised Statutes and 5 CSR 20-400.230 allow the  
12 State Board of Education to discipline the holder of a  
13 certificate of license to teach who pleads guilty to a  
14 felony or a crime of moral turpitude. The Missouri Supreme  
15 Court has defined moral turpitude as an act that is  
16 contrary to the accepted and customary rules of duties  
17 between people, or an act that is contrary to justice,  
18 honesty, modesty and good morals. That's from In Re:  
19 Frick, 694 S.W.2d 473. Ms. Gibbs' offense of stealing and  
20 fraudulent use of a credit device clearly show a lack of  
21 honesty and good morals I believe. I believe that she  
22 should be subject to discipline based on that. However, if  
23 they were not crimes of moral turpitude she should be  
24 subject to discipline because both offenses were felonies  
25 in this case. So on behalf of the Department of Elementary

1 and Secondary Education I would ask that the Board consider  
2 the evidence before it and impose whatever appropriate  
3 discipline it believes should be appropriate in this case.  
4 Thank you.

5 HEARING OFFICER QUETSCH: That will close the  
6 record and this hearing is concluded.

7 (Hearing concluded at 9:25 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

STATE OF MISSOURI )

) ss.

COUNTY OF COLE )

I, Jenna Petree, Certified Court Reporter #1347(T), do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Certified Court Reporter

October 7, 2013

Ms. Debra Gibbs  
715 Deadwood Drive  
Forsyth, MO 65653

**RETURN RECEIPT REQUESTED**  
**CERTIFIED MAIL # 7006 0100 0005 2169 1789**  
**And VIA FIRST-CLASS MAIL**

RE: *Department of Elementary and Secondary Education v. Debra Gibbs*  
Case No. HR 13-018

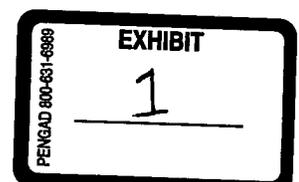
Dear Ms. Gibbs:

Pursuant to §168.071, RSMo Supp. 2012, the Missouri State Board of Education is initiating disciplinary proceedings against your certificate of license to teach. A photocopy of the complaint is enclosed.

In accordance with the procedures found in §168.071, RSMo Supp. 2012, and 5 CSR 20-400.230, you are notified that a hearing will be held January 6, 2014, by a hearing officer designated by the Commissioner of Education. Enclosed is a copy of the cited statute and regulation for your reference.

The hearing will commence at 9:00 a.m. Please report to the State Board of Education Room on the first floor of the Jefferson State Office Building, located at 205 Jefferson Street, Jefferson City, Missouri. You are strongly encouraged to be present at the hearing, either personally and/or through legal counsel, together with witnesses of your choice to give information relative to these allegations and to show cause as to why disciplinary action should not be taken against your certificate of license to teach.

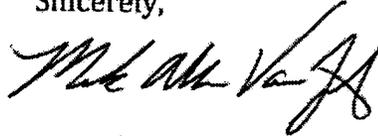
If you wish to offer documents into evidence at the hearing, please bring three copies of each document. The information gathered at the hearing and the findings of the hearing officer will be provided to the State Board of Education for a decision in this case.



Ms. Debra Gibbs  
Page 2  
October 7, 2013

If you will be represented by legal counsel please have them enter their appearance in this matter with this office as soon as possible. Should you have any questions in this matter, please feel free to contact my office at (573) 751-3527.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allan Van Zandt". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark Allan Van Zandt

Enclosures

c: Nichole M. Bock, Assistant Attorney General  
Paul Katnik, Assistant Commissioner, Educator Quality  
Margery Tanner, Director, Educator Certification





DESE - Certificate Status

- ▼ DESE
  - ▶ Profile
  - ▶ Payments
  - ▶ DESE Work Log
  - ▶ Evaluation Entry
  - ▶ Dist./Inst. Work Log
  - ▶ Fingerprint Entry
  - ▶ Fingerprint Mass Entry
  - ▶ **Certificate Status**
  - ▶ Application Status
  - ▶ Approved Programs
  - ▶ Discipline
  - ▶ Education
  - ▶ Occupational Exp.
  - ▼ Reports
    - ▶ Reports Menu
    - ▶ Reports Viewer
  - ▶ New Applications
  - ▶ Sub Cert. Log
  - ▶ Non-Public PD Reporting
  - ▶ Search Sub Certs
  - ▶ Appl CC Receipt
  - ▶ Maintenances
  - ▶ Payment Process
  - ▶ Web Application Menu
  - ▶ Help/Questions
  - ▶ Logon/Logoff
  - ▶ Admin Settings

▶ Selection Criteria

Educator ID: 529323 Social Security Number: [REDACTED]  
 Name: DEBRA JUNE GIBBS  
 Address: 715 DEADWOOD DRIVE  
 City: FORSYTH State: MO Zip: 65653-5129  
 Personal Phone: ( 417 ) 546 - 9641  
 Work Phone: ( 417 ) 593 - 1428  
 Email Address: [DEB.JUNE@GMAIL.COM](mailto:DEB.JUNE@GMAIL.COM)

[Edit Contact Information](#)

1 record(s)

Certification						
Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
CONTENT SUBSTITUTE	SUBSTITUTE CERT	10/13/2010	10/13/2014	SUBSTITUTE	ISSUED	

▼ Evaluations

0 record(s)

Evaluation			
Subject Area/Grade Level	Evaluation Date	Status	Evaluation

DESE

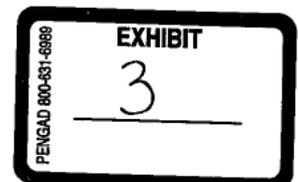
Educator

Email: [certification@dese.mo.gov](mailto:certification@dese.mo.gov)

Current User: ALEE Last Modified User: MWAGNERANALYSISINDUPATE\_03\_16\_2011 Last Modified Date: 3/16/2011 12:30:12 PM

"Missouri public schools: the best choice...the best results!"

[Online Privacy/Security Policy](#)



REPORT NO: HQ01  
RUN DATE: 4/5/2013  
RUN TIME: 9:06:27 AM

MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
STAFF ASSIGNMENTS REPORT

4/4/2013

---

No course assignments found for the Educator Selected

10AF-CR02525-01 ST V DEBRA J GIBBS

Security Level: 1 Public

**Case Type:** CC Felony **Case Filing Date:** 15-Nov-2010  
**Status:** Costs &/or Fines Paid in Full  
**Disposition:** Guilty Plea **Disposition Date:** 11-Aug-2011  
**OCN#:** 87385504  
**Arresting Agency:** MO1070000

Release/Status Reason  
Change Date

Judge MARK ESTLE ORR (33843)  
Defendant **DEBRA GIBBS (GIBD\*1917)**  
Attorney for Defendant STACIE RENAE CALHOUN BILYEU(41568)  
Prosecuting Attorney JEFFREY M MERRELL (46206)  
Attorney for Defendant BARNEY NAIOTI (40517) 27-Mar-2013 Attorney Withdrawn

**Charge #** **Charge Date** **Charge Code** **Charge Description**

**Original Charge:** 1 23-Aug-2008 1501800 Theft/Stealing (Value Of Property Or Services Is \$25,000 Or More) (Felony B RSMo : 570.030)  
**Disposition:** 11-Aug-2011 Guilty Plea  
**Order Date:** 11-Aug-2011 **Sentence or SIS:** Suspended Imposition of Sent.  
**Length:** 5 Years **Start Date:** 11-Aug-2011

**Original Charge:** 2 23-Aug-2008 1903000 Fraudulent Use Of Credit/Debit Device (Value of \$500 or More) (Felony D RSMo : 570.130)  
**Disposition:** 11-Aug-2011 Guilty Plea  
**Order Date:** 11-Aug-2011 **Sentence or SIS:** Suspended Imposition of Sent.  
**Length:** 5 Years **Start Date:** 11-Aug-2011

**Program:** PROBATION **Agency:** MISSOURI BOARD OF PROBATION & PAROLE

**Associated To:** Charge 1, Charge 2  
**Classification:** SUPERVISED  
**Start Date:** 11-Aug-2011 **Due to End:** 11-Aug-2016

RECEIVED  
JUL 19 2013

**Filing Date** **Description**  
15-Nov-2010 **Judge Assigned**  
**Transcript Filed**  
Arraignment 12-16-10. /sd  
**Arraignment Scheduled**  
**Scheduled For:** 16-Dec-2010; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney  
23-Nov-2010 **Information Filed**  
State's Request for Disclosoure; Plea Offer filed. /sd



Case continued from previous page.

**10AF-CR02525-01 ST V DEBRA J GIBBS****Security Level: 1 Public**

- 16-Dec-2010 **Order**  
Defendant with attorney; Defendant waives formal arraignment; Defendant enters plea of not guilty; cause continued to 1-13-11. Judge Orr //ed  
**Arraignment Held**  
**Hearing Scheduled**  
**Scheduled For:** 13-Jan-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 13-Jan-2011 **Order**  
Defendant with Attorney; Pleads guilty. Judge Orr/ss  
**Guilty Plea Entered**  
On this the 13th day of January, 2011, Defendant appears in person, together with Attorney, Naioti, State appears by the Prosecuting Attorney.  
Defendant appears and asks leave of Court to withdraw plea of not guilty. Granted. Defendant now enters a plea of guilty to Stealing and Fraudulent Use of Credit Device. Defendant sworn.  
State and Defendant inform the Court of the facts.  
Court's Exhibit(s) I admitted in evidence and ordered filed as a part of the record.  
Court accepts Defendant's plea of guilty in accordance with Supreme Court Rule 24.02, finding that Defendant understands the nature of the charges filed; that Defendant understands the consequences of entering the plea of guilty to those charges; and that Defendant does so freely and voluntarily.  
It is ordered that the Board of Probation and Parole conduct a pre-sentence investigation/sentencing assessment report. Formal sentencing scheduled for 3-24-11.  
**Hearing Held**  
**Scheduled For:** 13-Jan-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 14-Jan-2011 **Sentencing Hearing Scheduled**  
**Scheduled For:** 24-Mar-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 15-Mar-2011 **Sent Assessment Report Filed**
- 18-Mar-2011 **Motion Filed**  
Motion to Set Aside Guilty Plea; Notice of Hearing 3-24-11, filed by atty Naioti. /sd
- 24-Mar-2011 **Order**  
Defendant with attorney, hearing set 5-10-11 at 1:00 p.m. Judge Orr //ed  
**Hearing Continued/Rescheduled**  
**Hearing Continued From:** 24-Mar-2011; 10:00 AM  
**Sentencing Hearing Scheduled**  
**Scheduled For:** 10-May-2011; 1:00 PM; MARK ESTLE ORR; **Setting:** 0; Taney
- 10-May-2011 **Order**  
P.A. Merrell. Defendant by attorney, continue 5-19-11. MEO/sd  
**Hearing Continued/Rescheduled**  
**Hearing Continued From:** 10-May-2011; 1:00 PM
- 11-May-2011 **Sentencing Hearing Scheduled**  
**Scheduled For:** 19-May-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 19-May-2011 **Order**  
Defendant by attorney, continued 6-2-11. Judge Orr //ed  
**Hearing Continued/Rescheduled**

RECEIVED

JUL 16 2013

Case continued from previous page.

**10AF-CR02525-01 ST V DEBRA J GIBBS****Security Level: 1 Public****Hearing Continued From:** 19-May-2011; 10:00 AM**Sentencing Hearing Scheduled****Scheduled For:** 02-Jun-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney

02-Jun-2011

**Order**

Defendant by attorney, continued to 7-14-11. Judge Orr //ed

**Hearing Continued/Rescheduled****Hearing Continued From:** 02-Jun-2011; 10:00 AM**Sentencing Hearing Scheduled****Scheduled For:** 14-Jul-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney

14-Jul-2011

**Order**

Defendant by attorney, continued to 8-11-11. Judge Orr //ed

**Hearing Continued/Rescheduled****Hearing Continued From:** 14-Jul-2011; 10:00 AM**Sentencing Hearing Scheduled****Scheduled For:** 11-Aug-2011; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney

11-Aug-2011

**Hearing Held****Scheduled For:** 11-Aug-2011; 10:00 AM**Order**

Defendant with Attorney; Defendant withdraws Motion to Set Aside Guilty Plea; S.I.S. Judge Orr/ss

**Defendant Sentenced**

Allocution granted.

**ORDER OF SUSPENDED IMPOSITION OF SENTENCE**

It is the Order and Judgment of the Court that imposition of sentencing be suspended; that Defendant be placed on probation for a period of 5 years under supervision of Board of Probation and Parole. The special conditions of Defendant's probation are described in Exhibit A attached hereto. Costs taxed against Defendant, including Crime Victims' Compensation Fund and any Lab Fees. SO ORDERED.

Judge: Mark E. Orr

Date of final Order: August 11, 2011

Exhibit A

**Special Conditions of Probation**

Defendant to obtain a substance abuse evaluation and follow the recommendations thereof.

Defendant to submit to random urinalysis.

Defendant is not to consume or possess alcohol or illegal drugs.

Defendant to attend victim impact panel as follows: \_.

Defendant to perform 100 hours of community service.

Defendant to maintain full time employment.

Defendant to obtain a mental health evaluation/assessment and follow the recommendation thereof.

Defendant to make restitution in the sum of \_ to the victim(s) as follows: Court orders Defendant to pay restitution in the amount determined by the Judgment in the Taney County Civil case now pending. All to be paid during period of probation.

Other special conditions: Defendant to notify any employer during her term of probation as to her guilty plea in this case.

**Judgment CVC \$68 - Other****Judgment Against:** DEBRA GIBBS; **Amount:** \$68.00; **Satisfied Date:** 14-Sep-2011RECEIVED  
JUL 10 2013

Case continued from previous page.

**10AF-CR02525-01 ST V DEBRA J GIBBS**

**Security Level: 1 Public**

- 11-Aug-2011    **Judgment Entered**  
Court costs. ss  
**Judgment Against:** DEBRA GIBBS; **Amount:** \$313.50; **Satisfied Date:** 14-Sep-2011  
  
**Judgment Restitution Entered**  
**Judgment Against:** DEBRA GIBBS; **Amount:** \$.00; **Satisfied Date:**  
  
**Guilty Plea**
- 14-Sep-2011    **Costs &/or Fines Paid in Full**  
A Payment of -\$381.50 was made on receipt 38AF91710.
- 27-Mar-2013    **Motion Filed**  
Motion to Clarify Conditions of Probation; Notice of Hearing 4-11-13  
**Filed By:** STACIE RENAE C BILYEU
- 01-Apr-2013    **Hearing Scheduled**  
**Scheduled For:** 11-Apr-2013; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 11-Apr-2013    **Hearing Held**  
**Scheduled For:** 11-Apr-2013; 10:00 AM; MARK ESTLE ORR; **Setting:** 0; Taney
- 15-Apr-2013    **Suggestions in Support**  
Defendant be Required to Pay Full Restitution. /sd
- 29-Apr-2013    **Response Filed**  
Response To Suggestions in Support of Defendant Being Required to Pay Full Restitution. /sd  
**Filed By:** STACIE RENAE C BILYEU
- 24-Jun-2013    **Order**  
Defendant ordered to pay restitution as ordered in amount of civil judgment of \$43,179.06. Payment to be applied first to victims then to reimburse insurance company. MEO/sd

RECEIVED

JUL 10 2013

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

STATE OF MISSOURI, )  
Plaintiff, )

vs. )

Debra J Gibbs, )  
Defendant. )

Case No. 10AF CRD 2525-01

ON THIS THE 13 DAY OF Jan 2011, DEFENDANT APPEARS IN PERSON, TOGETHER WITH ATTORNEY, Nati; STATE APPEARS BY THE PROSECUTING ATTORNEY.

(AFTER BEING DULY ARRAIGNED) (AFTER WAIVING FORMAL ARRAIGNMENT AND THE READING OF THE INFORMATION) DEFENDANT ENTERS A PLEA OF (GUILTY) (NOT GUILTY). \_\_\_\_\_ DEFENDANT SWORN.

DEFENDANT APPEARS AND ASKS LEAVE OF COURT TO WITHDRAW PLEA OF NOT GUILTY. GRANTED. DEFENDANT NOW ENTERS A PLEA OF GUILTY.

Stealing  
Fraudulent use of credit device DEFENDANT SWORN.

STATE AND DEFENDANT INFORM THE COURT OF THE FACTS.

STATE AND DEFENDANT INFORM THE COURT OF THE FACTS AND OF THE RECOMMENDATIONS AS TO PUNISHMENT OF DEFENDANT AS THE RESULT OF PLEA BARGAINING DISCUSSIONS.

COURT'S EXHIBIT(S) I AND II ADMITTED IN EVIDENCE AND ORDERED FILED AS A PART OF THE RECORD.

COURT ACCEPTS DEFENDANT'S PLEA OF GUILTY IN ACCORDANCE WITH SUPREME COURT RULE 24.02, FINDING THAT DEFENDANT UNDERSTANDS THE NATURE OF CHARGES FILED; THAT DEFENDANT UNDERSTANDS THE CONSEQUENCES OF ENTERING THE PLEA OF GUILTY TO THOSE CHARGES; AND THAT DEFENDANT DOES SO FREELY AND VOLUNTARILY.

COURT RESERVES THE RIGHT TO REJECT PLEA UPON RECEIPT OF SAR.

DEFENDANT WAIVES SENTENCING ASSESSMENT REPORT.

IT IS ORDERED THAT THE BOARD OF PROBATION AND PAROLE CONDUCT A PRE-SENTENCE INVESTIGATION/SENTENCING ASSESSMENT REPORT. FORMAL SENTENCING SCHEDULED FOR 3-24-11.

RECEIVED  
JUL 16 2011

ALLOCUTION GRANTED.

**ORDER OF SUSPENDED IMPOSITION OF SENTENCE**

IT IS THE ORDER AND JUDGMENT OF THE COURT THAT IMPOSITION OF SENTENCE BE SUSPENDED; THAT DEFENDANT BE PLACED ON PROBATION FOR A PERIOD OF 5 YEARS UNDER SUPERVISION OF BOARD OF PROBATION AND PAROLE.

THE SPECIAL CONDITIONS OF DEFENDANT'S PROBATION ARE DESCRIBED IN EXHIBIT A ATTACHED HERETO.

**ORDER OF CONVICTION**

IT IS THE ORDER AND JUDGMENT OF THE COURT THAT DEFENDANT BE SENTENCED TO \_\_\_\_\_ YEARS IN CUSTODY OF THE DEPARTMENT OF CORRECTIONS FOR THE OFFENSE OF \_\_\_\_\_

DEFENDANT TO BE CONFINED IN AN INSTITUTION DESIGNATED BY SAID DEPARTMENT OF CORRECTIONS.

SAID SENTENCES TO RUN CONCURRENT WITH ONE ANOTHER AND ALL CURRENTLY EXISTING SENTENCES \_\_\_\_\_.

SAID SENTENCES TO RUN CONSECUTIVE WITH ONE ANOTHER AND \_\_\_\_\_.

SHERIFF ORDERED TO DELIVER DEFENDANT TO DIRECTOR OF DEPARTMENT OF CORRECTIONS AND IS ALLOWED ONE GUARD TO ASSIST.

DEFENDANT GIVEN CREDIT FOR ALL JAIL TIME AWAITING DISPOSITION OF CHARGE.

DEFENDANT ADVISED AS TO (24.035) (29.15) RIGHTS.

THE COURT MAKES FINDINGS AS TO ASSISTANCE OF COUNSEL AND FINDS THAT PROBABLE CAUSE OF INEFFECTIVE ASSISTANCE OF COUNSEL (DOES) (DOES NOT) EXIST.

THE COURT RETAINS JURISDICTION OVER THE DEFENDANT UNDER SECTION 559.115 RSMO. THE COURT REQUESTS THAT DEFENDANT BE PLACED IN:

INSTITUTIONAL TREATMENT PROGRAM.

SEXUAL OFFENDER ASSESSMENT UNIT.

SHOCK INCARCERATION PROGRAM.

GENERAL POPULATION.

RECEIVED  
JUL 18 2013

\_\_\_ THE COURT RETAINS JURISDICTION OVER THE DEFENDANT UNDER SECTION 217.362 RSMO AND REQUESTS DEFENDANT BE PLACED IN THE LONG TERM SUBSTANCE ABUSE PROGRAM.

\_\_\_ DEFENDANT ORDERED REMANDED TO CUSTODY OF THE SHERIFF.

\_\_\_ IT IS ORDERED THAT EXECUTION OF SENTENCE BE SUSPENDED AND THAT DEFENDANT BE PLACED ON PROBATION FOR \_\_\_ YEARS UNDER SUPERVISION OF BOARD OF PROBATION AND PAROLE.

\_\_\_ THE SPECIAL CONDITIONS OF DEFENDANT'S PROBATION ARE DESCRIBED IN EXHIBIT A ATTACHED HERETO.

\_\_\_ DEFENDANT ORDERED RELEASED ON OWN RECOGNIZANCE.

\_\_\_ OTHER ORDERS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ \_\_\_ COSTS TAXED AGAINST DEFENDANT, INCLUDING CRIME VICTIMS' COMPENSATION FUND AND ANY LAB FEES.

**SO ORDERED.**



\_\_\_\_\_  
MARK E. ORR  
PRESIDING JUDGE  
38<sup>TH</sup> JUDICIAL CIRCUIT

DATE OF FINAL ORDER: 8-11-11

FILED  
JUL 16 2013

01-01-09

EXHIBIT A  
SPECIAL CONDITIONS OF PROBATION

DEFENDANT TO OBTAIN A SUBSTANCE ABUSE EVALUATION AND FOLLOW THE RECOMMENDATION THEREOF.

DEFENDANT TO SUBMIT TO RANDOM URINALYSIS.

DEFENDANT TO ATTEND NA/AA ON A REGULAR BASIS AND FURNISH THE PROBATION OFFICER WITH PROOF THEREOF.

DEFENDANT TO ENTER AND SUCCESSFULLY COMPLETE INPATIENT DRUG/ALCOHOL TREATMENT PROGRAM AND TO THEREAFTER ENGAGE IN SUCH AFTERCARE TREATMENT AS RECOMMENDED.

DEFENDANT IS NOT TO CONSUME OR POSSESS ALCOHOL OR ILLEGAL DRUGS.

DEFENDANT TO BE FINANCIALLY RESPONSIBLE FOR ALL SUBSTANCE ABUSE TREATMENT AS DEEMED APPROPRIATE BY THE PROBATION OFFICE.

DEFENDANT TO ATTEND VICTIM IMPACT PANEL AS FOLLOWS: \_\_\_\_\_

DEFENDANT TO PERFORM 100 HOURS OF COMMUNITY SERVICE IN \_\_\_\_\_

DEFENDANT TO MAINTAIN FULL TIME EMPLOYMENT.

DEFENDANT TO OBTAIN A MENTAL HEALTH EVALUATION/ASSESSMENT AND FOLLOW THE RECOMMENDATION THEREOF.

DEFENDANT TO ENGAGE IN SUCH COUNSELING AS DIRECTED BY THE PROBATION OFFICE.

DEFENDANT TO MAKE RESTITUTION IN THE SUM OF \_\_\_\_\_ TO THE VICTIM(S) AS FOLLOWS: Court orders A to pay restitution - in the amount determined by the judgment in the Toney Co. civil case now pending. All to be paid during period of probation

DEFENDANT NOT TO ASSOCIATE WITH: \_\_\_\_\_

DEFENDANT TO ENTER AND SUCCESSFULLY COMPLETE THE INTENSIVE SUPERVISION PROGRAM.

DEFENDANT TO COMPLETE MISSOURI SEX OFFENDER PROGRAM (MOSOP).

DEFENDANT TO SERVE \_\_\_\_\_ DAYS SHOCK TIME IN THE COUNTY JAIL BEGINNING \_\_\_\_\_

DEFENDANT TO ENTER ELECTRONIC MONITORING PROGRAM.

OTHER SPECIAL CONDITIONS: A to notify any employer during her term of probation as to her guilty plea in this case

RECEIVED  
JUL 16 2010

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

2010 JUL 23 11:23 AM

STATE OF MISSOURI,

Plaintiff

v.

DEBRA J GIBBS

Defendant.

Case No. 10AF-CR02525-01

OCN: 87385504

PA File No. 213036418

State of Missouri

County of Taney

ss.

FELONY INFORMATION

Charge Code: 1501899.0

COUNT I

The Prosecuting Attorney of the County of Taney, State of Missouri, charges that the defendant, in violation of Section 570.030, RSMo, committed the class B felony of stealing, punishable upon conviction under Sections 558.011, RSMo, in that on or about between August 23, 2008 and August 5, 2010, in the County of Taney, State of Missouri, the defendant appropriated credit and/or U.S. currency of a value of at least twenty-five thousand dollars, which property was owned by and/or in the possession of and/or in the charge of L. & J. Plumbing, and the defendant appropriated such property without the consent of L. & J. Plumbing and with the purpose to deprive it thereof.

RECEIVED

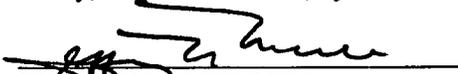
JUL 19 2010

Charge Code: 1903005.0

COUNT II

The Prosecuting Attorney of the County of Taney, State of Missouri, charges that the defendant, in violation of Section 570.130, RSMo, committed the class D felony of fraudulent use of a credit device, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about between August 23, 2008 and August 5, 2010, in the County of Taney, State of Missouri, the defendant used a credit device, namely American Express Card, for the purpose of obtaining merchandise, which property was of a value of at least five hundred dollars, knowing that the defendant's use of the device was unauthorized.

JEFFREY M. MERRELL  
Prosecuting Attorney of the County of  
Taney, State of Missouri, by

  
JEFFREY M. MERRELL  
Assistant Prosecuting Attorney  
County of Taney, State of Missouri  
Missouri Bar #46206

STATE WITNESSES:

Jeff Justus , L&J Plumbing P.O. Bos 785, Branson, MO 65615  
David Rozell , 266 Main Street, Forsyth, MO 65653

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Felony Information was hand-delivered to , attorney for defendant, on the 16 day of December, 2010.

,  
Fax:

  
Assistant Prosecuting Attorney

RECEIVED  
JUL 18 2010

ATTEST A TRUE COPY:  
10AF-CR0 2525-01  
BRENDA NEAL, CIRCUIT CLERK  
TANEY COUNTY, MISSOURI  
BY   
DATE 6-16-13