

**CONSIDERATION OF APPEAL BY DEREK GUTHALS
OF THE DENIAL OF CERTIFICATION**

STATUTORY AUTHORITY:

Section 168.071, RSMo

Consent Item
 Action Item
 Report Item

DEPARTMENT GOAL NO. 3

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Applicant’s Name: Derek Guthals

Denial: On July 19, 2016, the Office of Educator Quality denied Mr. Guthals’ request for a Missouri substitute teaching certificate, based upon his criminal history.

On August 12, 2016, Mr. Guthals requested that the Department review the decision made by the Office of Educator Quality.

On September 13, 2016, the Department upheld the decision of the Office of Educator Quality and denied his application.

By correspondence received on October 4, 2016, Mr. Guthals requested an appeal of the decision dated September 13, 2016.

DISPOSTIONS:

On January 29, 1998, Mr. Guthals pled guilty to the Misdemeanor, Operating While Intoxicated, First Offense. Mr. Guthals was sentenced to electronic monitoring, completion of Drinker Driver School, and payment of a \$1,000 fine plus court costs.

On August 6, 1998, Mr. Guthals pled guilty to the Misdemeanor, Simple Assault. Mr. Guthals was sentenced to 30 days in jail, which was suspended upon the completion of anger management counseling. Mr. Guthals was ordered to pay a \$300 fine plus court costs.

On April 1, 1999, Mr. Guthals pled guilty to the Misdemeanor, Driving While Under the Influence. Mr. Guthals was sentenced to 10 days in jail, with 6 days suspended upon completion of alcohol treatment, payment of \$100 to DARE and have no similar offenses for a period of one year. Mr. Guthals’ driving privileges were revoked for 365 days and he was ordered to pay a \$500 fine plus court costs.

On October 2, 2001, Mr. Guthals pled guilty to Driving Under the Influence. Mr. Guthals was sentenced to 10 days in jail. Mr. Guthals’ driver’s license was revoked for one year and he was ordered to pay a \$500 fine plus court costs.

On November 21, 2005, Mr. Guthals pled guilty to Driving Under the Influence of Alcohol (3rd Offense). Mr. Guthals was sentenced to two years in the South Dakota State Penitentiary, which was

suspended. Mr. Guthals was placed on three years of supervised probation. Conditions of Mr. Guthals’ probation included obeying all federal, state and local laws; no possession or use of any alcohol, controlled substances, or illegal substances; no entry into a liquor store or establishment where alcoholic beverages are served; submission to chemical testing; attendance of AA or NA meetings and payment of any monetary obligations ordered by the court. Mr. Guthals’ driver’s license was revoked for two years and he was sentenced to 113 days in the Union County Jail, but received credit for time served.

In January 2007, a Petition for Violation of Probation was filed with the court. On June 4, 2007, Mr. Guthals admitted to the probation violations and was sentenced to two years in the South Dakota State Penitentiary, but received credit for 191 days of time served. As a condition of his parole, Mr. Guthals was ordered to pay all financial obligations imposed by the court.

On February 1, 2012, Mr. Guthals pled guilty and received a suspended execution of sentence (SES) to the Misdemeanor, Fail to Drive on the Right Half of Roadway when Roadway was of Sufficient Width, Resulting in an Accident.

On March 7, 2012, Mr. Guthals pled guilty to the Felony, DWI – Combined Alcohol/Drug Intoxication – Aggravated Offender. Mr. Guthals was sentenced to seven years in the Missouri Department of Corrections. In July of 2012, Mr. Guthals was released from the Missouri Department of Corrections and placed on five years of supervised probation. Conditions of Mr. Guthals’ probation included attending an aftercare program focusing on substance abuse; no purchase, possession or consumption of any intoxicating substances; no entry into establishments where alcohol is the major item offered for sale; submission to chemical testing upon request; payment of restitution and court costs; and enter into a mental health program and take mental health medications as prescribed. Mr. Guthals was discharged from probation on February 15, 2015.

PRESENTER:

William R. Thornton, General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

There is no new evidence which would merit reconsideration of the Department’s decision to uphold the denial of Mr. Guthals’ application for a Missouri substitute teaching certificate by the Office of Educator Quality. The Department recommends that Derek Guthals’ application be denied.