

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:

December 2014

**CONSIDERATION TO DISCIPLINE THE
LICENSE TO TEACH OF LINNEA O'NEAL, CASE # HR 08-015**

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:

On or about January 14, 2008, Respondent pled guilty to the class D felony of property damage in the first degree in a case styled *State of Missouri v. Linnea O'Neal* in the Circuit Court of St. Charles County, Case No. 0711-CR06193-01. As a result of Respondent's guilty plea she was sentenced to five (5) year's probation, suspended imposition of sentence (SIS), and ordered to pay restitution and court costs.

On September 17, 2008, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was present and represented by counsel.

The State Board of Education pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2007), tabled its decision regarding the charges against Respondent Linnea O'Neal's certificate of license to teach until the Respondent demonstrated successful completion of her probation. Evidence has been received by the Department that Respondent has successfully completed probation and has no other criminal history.

PRESENTER(S):

Kristen A. Morrow, Assistant General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

It is recommended that this matter be dismissed.

EXHIBIT 23

AGENDA ITEM:

CONSIDERATION TO DISCIPLINE THE
LICENSE TO TEACH OF LINNEA O'NEAL, CASE # HR 08-015

STATUTORY AUTHORITY:

Section 168.071, RSMo

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03/09

SUMMARY:

Linnea O'Neal, Respondent, holds a professional class II certificate of license to teach in the area of English, grades 9-12. Respondent's certification is current and active and was so during all times material herein.

On or about January 14, 2008, Respondent pled guilty to the class D felony of property damage in the first degree in a case styled *State of Missouri v. Linnea O'Neal* in the Circuit Court of St. Charles County, Case No. 0711-CR06193-01. As a result of Respondent's guilty plea she was sentenced to five (5) year's probation, suspended imposition of sentence (SIS), and ordered to pay restitution and court costs.

Respondent knowingly damaged a car that was lent to her by her ex-husband after he reported it as stolen to law enforcement.

Respondent is currently employed with the Wentzville School District (district) as an English teacher and recently completed her master's degree in education from Lindenwood University. The district is aware of her situation.

By letter dated June 13, 2008, Respondent received notice of this complaint and of a hearing scheduled for September 17, 2008.

On September 17, 2008, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was present and represented by counsel.

PRESENTER(S):

Kristen A. Morrow, Assistant General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

It is the recommendation of the Interim Commissioner that the State Board of Education pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2007), table its decision regarding the charges against Respondent Linnea O'Neal's certificate of license to teach until the Respondent demonstrates successful completion of her probation.

BEFORE THE STATE BOARD OF EDUCATION
STATE OF MISSOURI

IN THE MATTER OF:)	
)	
Department of Elementary and Secondary)	
Education,)	
Petitioner,)	
)	
v.)	Case No. HR 08-015
)	
Linnea O'Neal,)	
Respondent.)	

Introduction

This matter was held on September 17, 2008, before Kristen Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

Sarah Ledgerwood, Counsel for Department of Elementary and Secondary Education;
David J. Moen, Counsel for Respondent;
Margery Tanner, Supervisor, Educator Certification, Department of Elementary and
 Secondary Education; and
Linnea O'Neal, Respondent.

Findings of Fact

1. Linnea O'Neal, Respondent, holds a professional class II certificate of license to teach in the area of English, grades 9-12. Respondent's certification is current and active and was so during all times material herein. (Petitioner's Exhibit 1) (Transcript page 8, line 12 - page 12, line 17).
2. On or about January 14, 2008, Respondent pled guilty to the class D felony of property damage in the first degree in a case styled *State of Missouri v. Linnea O'Neal* in the Circuit Court of St. Charles County, Case No. 0711-CR06193-01. As a result of Respondent's guilty plea she was sentenced to five (5) year's probation, received a suspended imposition of sentence (SIS), and was ordered to pay restitution and court costs. (Petitioner's Exhibit 4) (Transcript page 13, line 13 - page 14, line 22).
3. Respondent testified that she is currently employed with the Wentzville School District (district) as a high school English teacher. Respondent recently completed her master's degree in education from Lindenwood University. (Transcript page 15, line 22 – page 16, line 17).
4. Respondent testified that she left the teaching field and began working at a brokerage firm. She testified while working at the firm she met Charlie O'Neal and they married a few years

later. She testified that in 2002, she left her position at the brokerage firm to return to teaching, initially substituting in the district, until she was hired by the district as a full-time teacher in 2003. (Transcript page 16, line 18 – page 18, line 10).

5. Respondent testified she and her husband began having marital problems. She testified Mr. O'Neal was bipolar and because of stress, his depression cycles became increasingly frequent. She testified there were instances of physical violence and the use of a weapon. She further testified Mr. O'Neal became paranoid, frightening her and causing her to leave home. Respondent testified that in March 2003, she filed for an adult abuse protection order against her husband. (Transcript page 18, line 11 – page 21, line 2 and page 22, line 16 – page 23, line 1).
6. Respondent testified she filed for divorce in 2003 and received full custody of their two children; and that Mr. O'Neal was ordered to pay child support. Respondent testified she did not receive any support from Mr. O'Neal for nearly three (3) years, which caused her a lot of financial stress and difficulty. She further testified she tried to maintain a good relationship with Mr. O'Neal for the children. (Transcript page 21, line 3 – page 23, line 1).
7. Respondent testified that since she returned to teaching she has been very poor which has caused her a lot of stress. Respondent testified that when her van broke down and she didn't have the means to pay for the repair, Mr. O'Neal loaned her a car. After calling Respondent a total of 22 times during the day, he reported the vehicle as stolen. Respondent testified she was cooking dinner when she received a phone call from the sheriff who told her to return the vehicle, to which she agreed. (Transcript page 23, line 2 – page 24, line 14).
8. Respondent testified that immediately after she talked with the sheriff, Mr. O'Neal called her again claiming he was checking on this property. She testified she then became very upset with Mr. O'Neal, took a kitchen knife and damaged the vehicle by slashing the tires and the interior. (Transcript page 24, line 15 – page 26, line 8).
9. Respondent testified she was arrested later that night and afterward pled guilty to property damage. She testified that she has five (5) years to pay restitution and that she's not on a set payment schedule. She further testified that she has the opportunity to reduce her probation from five (5) to two-and-a-half years (2 ½) if she can pay restitution sooner. (Transcript page 25, line 8 – page 26, line 8).
10. Respondent testified after she left Mr. O'Neal the bank foreclosed on their home and she moved into an apartment. Respondent testified she had some problems with anxiety so she sought the help of a counselor to help her cope with some of the issues. She further testified she continues to receive counseling. (Transcript page 26, line 9 – page 28, line 2 and transcript page 32, lines 11 – 21).
11. Respondent testified the principal of the school where she teaches has been aware of her situation since 2003 and the school is very supportive of her. Respondent testified the principal has been aware since 2003, and that she continues to perform well at her job receiving good evaluations. Respondent further testified that she is well liked by her colleagues and students and their parents. (Transcript page 28, line 3 - page 29, line 5).

12. By letter dated June 13, 2008, Respondent received notice of this complaint and of a hearing scheduled for September 17, 2008. (Petitioner's Exhibit 2) (Transcript page 12, line 24 - page 13, line 11).
13. On September 17, 2008, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was present and represented by counsel. (Transcript page 6, lines 6 - 8).

Conclusions of Law

1. The suspended imposition of sentence (SIS) of Linnea O'Neal, Respondent, for property damage in the first degree is a class D felony pursuant to Mo. Rev. Stat. § 569.100 (2000).
2. These charges were set for hearing and notice was served on the Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
3. 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).*

4. The Missouri Court of Appeals, Western District has determined that discipline must be based on a finding of moral turpitude in the conduct of the Respondent, unless express authority to discipline is stated in Mo. Rev. Stat. § 168.071.6 (Supp. 2008). *Brehe v. Missouri Dept. of Elem. and Secondary Educ.*, 213 S.W.3d 720, 724 (Mo. App. W.D. 2007).
5. Missouri courts have upheld license revocations based on moral turpitude in cases where the license holder was guilty of violating narcotics laws, crimes involving fraud and false pretenses, income tax evasion, theft, contributing to the delinquency of a minor and willful failure to pay child support. The facts and circumstances involve willful or intentional conduct and/or outrageous and egregious behavior. See *In re Frick*, 694 S.W.2d at 479; *In re Duncan*, 844 S.W. 2d 443, 444 (Mo. banc 1992); *In re Warren*, 888 S.W.2d 334, 335-336 (Mo. banc 1994); *In re Shrunk*, 847 S.W.2d 789, 791-792 (Mo. banc 1993).
6. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2007) 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;

Recommendation

Respondent knowingly committed property damage, a crime of moral turpitude, to a vehicle belonging to her ex-husband. She admitted doing so in a fit of rage after her husband falsely reported to law enforcement the vehicle he lent her as being stolen. She received a suspended imposition of sentence (SIS) and five (5) year's probation for which she is required to pay restitution within this time.

Respondent maintains custody of her children and continues to teach high school English in the Wentzville School District. The district is aware of her situation.

It is recommended that the State Board of Education table its decision in this matter until such time that Linnea O'Neal, Respondent, can demonstrate successful completion of her probation.

Submitted this 16th day of March 2009, by the
designated Hearing Officer for the Interim
Commissioner of Education.



Kristen A. Morrow
Hearing Officer

