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6-28-2012

KAREN S. BUNDREN

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BEFORE THE TENNESSEE STATE BOARD OF EDUCATION

IN THE MATTER OF:)
) **Docket No. 07.01-116896J**
KAREN S. BUNDREN)

INITIAL ORDER

This contested case hearing came to be heard on June 28, 2012, in Nashville, Tennessee before Administrative Judge Thomas G. Stovall, assigned by the Secretary of State, Administrative Procedures Division, and sitting on behalf of the Tennessee State Board of Education. Ms. Dannelle Walker, General Counsel for the Tennessee State Board of Education, represented the State. The Respondent Karen Bundren did not appear and was not represented by counsel.

ENTRY OF DEFAULT

Pursuant to T.C.A. §§ 4-5-307, 49-1-302(a)(5)(A)(ii) and 49-5-108(a), on May 23, 2012, the Petitioner filed a NOTICE OF HEARING AND CHARGES. Petitioner filed an AMENDED NOTICE OF HEARING AND CHARGES on May 31, 2012. The Respondent failed to appear for the hearing. Based on the Respondent's failure to appear for the hearing on June 28, 2012, the Petitioner moved for a default pursuant to T.C.A. § 4-5-309.

In support of the motion for default, the Petitioner presented evidence demonstrating that the Respondent was given notice of the hearing. Petitioner sent a letter of intent to suspend Respondent's license on December 20, 2011. Service of a copy of the NOTICE OF HEARING AND CHARGES was attempted on Respondent via Certified U.S. Mail on May 25, 2012, May 30, 2012, and June 19, 2012, but the letter was returned marked UNCLAIMED. The U.S. Postal Service notation that a properly addressed certified letter is "unclaimed" is sufficient evidence of the addressee's refusal to accept service and is sufficient legal notice to the addressee. Further,

the PETITIONER'S MOTION FOR SUMMARY JUDGMENT was sent to the same address via Certified U.S. Mail and was successfully delivered on June 11, 2012. The original was filed with the Administrative Procedures Division on May 27, 2012. All documents sent to Respondent from the Administrative Procedures Division were also successfully delivered.

It is determined that the Petitioner established proof of service of the NOTICE of HEARING AND CHARGES in compliance with Rule 1360-04-01-.06 of the Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies, Tenn. Comp. R. & Regs. Ch. 1360-4-01-.06. The Respondent did not appear for the hearing. Accordingly, pursuant to T.C.A. §§ 4-5-309 and Rule 1360-04-01-.15, the Respondent is held in Default for failure to appear at the hearing. Pursuant to Rule 1360-04-01-.15(2)(b), the hearing was held as an uncontested hearing.

FINDINGS OF FACT

1. Respondent was at all times pertinent thereunto licensed by the State Board of Education to teach in Tennessee.
2. Respondent applied to have a Doctor of Education degree added to her employment records, based on a transcript from the University of Wyoming, to obtain a pay increase from Campbell County Schools.
3. Respondent has not, in fact, taken any classes at the University of Wyoming.
4. The transcript submitted under her name included the University of Wyoming student identification number of Michael R. Martin, another Tennessee educator who had requested that a copy of his transcript be sent to Respondent.
5. An email from University of Wyoming officials indicated that Respondent had never enrolled and never obtained a degree from that institution.

6. Based upon her misconduct Respondent pled guilty to Official Misconduct and Theft of Property Between \$1,000- \$10,000, Falsifying Education and Academic Records, and Tampering with Government Records in the Criminal Court of Campbell County, Tennessee.

ANALYSIS AND CONCLUSIONS OF LAW

1. The State bears the burden of proof in this matter, by a preponderance of the evidence, to show that the Respondent’s license should be suspended.

2. T.C.A. § 49-1-302 empowers the State Board of Education to adopt policies governing the “qualification, requirements, and standards of and provide the licenses and certificates for all public teachers.” It further empowers The Board to approve, disapprove, or amend regulations prepared by the Commissioner of the Department of Education to implement these standards. T.C.A. § 49-1-302(5) and (11).

3. State Board of Education Rule 0520-02-04-.01(9) Denial, Permanent Revocation, and Revocation of License, provides the following:

(b) Denial, Suspension or Revocation of License. The State Board of Education may revoke, suspend or refuse to issue or renew a license for the following reasons:

1. **Conviction of a felony**, (Emphasis added.)
2. Conviction of possession of narcotics,
3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. **Other good cause**. (Emphasis added.)

4. The State is seeking to suspend the Respondent's license for two years based upon her conviction of a felony, and "other good cause" for the falsification of her credentials.

5. It is concluded that the State carried its burden of proving, by a preponderance of the evidence, that the Respondent's license should **be suspended for a period of two years**.

It is so **ORDERED**.

This INITIAL ORDER entered and effective this 11 day of July, 2012

Thomas G. Stovall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 11 day of July, 2012

Thomas G. Stovall, Director
Administrative Procedures Division