

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the matter of the Revocation

Or Suspension of the

Educator Certificate of

Brian Paul Krupa

Certificate 245598

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**ORDER OF
PEMANENT REVOCATION**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2011. On April 8, 2010, the South Carolina Department of Education (SCDE) sent notice to Brian Paul Krupa of the possible suspension or revocation of his educator certificate by regular and certified mail, return receipt requested. On April 9, 2010, Mr. Krupa received the notice at his address of 10 Wexford Club Drive, Hilton Head Island, as evidenced by the signed postal receipt bearing his signature. On April 22, 2010, Mr. Krupa sent a letter to the SCDE requesting a hearing in this matter. The SCDE received this letter on April 28, 2010. On both November 28, 2010, and November 29, 2010, the SCDE sent hearing date notice letters to Mr. Krupa, certified mail, restricted delivery. Mr. Krupa signed the domestic receipts for both copies on December 1, 2010, and December 3, 2010, respectively. On December 15, 2010, a hearing was held before the State Board hearing officer Geraldine H. Urbanic, Esquire, in Columbia, South Carolina. Appearing at the hearing was the SCDE represented by Wendy B. Cartledge, Esquire. Also present was Paul Bozard, Investigator/Paralegal at the SCDE. Mr. Krupa did not attend.

On February 10, 2011, Ms. Urbanic presented her findings and recommendations to the State Board. The State Board, after careful deliberation of the recommendations and the evidence

on the whole record, voted to permanently revoke Mr. Krupa's educator certificate, effective February 10, 2011.

FINDINGS OF FACT

Mr. Krupa had been employed as a special education teacher by the Cobb County School District, Cobb County, Georgia. The Smyrna Police Department, Cobb County, Georgia conducted an undercover investigation on the Gnutella Peer-to-Peer file sharing network located in Cobb County looking for computers which were engaged in the possession of/or distribution of child pornography images or movies: (Tr: p. 12). A computer IP address was located in Cobb County which had available files with the same verifiable computer address tag as the control file containing child pornography the undercover investigator had in his possession.

A Cobb County Grand Jury subpoena served on the internet service provider returned the information that the only internet subscriber using the IP address of this computer was Mr. Brian Krupa. When a search warrant was obtained and served on Mr. Krupa, he admitted to using "Limeware" to access the Gnutella Peer-to-Peer network to access pornography. The computer belonging to Brian Krupa using the IP address identified by the internet service provider was seized and subjected to forensic examination. The forensic examination revealed the child pornography previously identified and teen pornography. The internet history showed many references to teen pornography.

The estranged wife of Brian Krupa provided the police investigation with copies of images sent from Mr. Krupa's cell phone to her cell phone. The images were sent during the time when he would be at work for the school district and showed images of his penis, his wedding ring, and his Cobb County School employee badge.

An arrest warrant was obtained for Brian Paul Krupa on a charge of one count of sexual exploitation of a minor. Brian Krupa resigned from the Cobb County School District and voluntarily surrendered his Georgia teaching credential to the Georgia Professional Standards

The SCDE has shown that Brian Paul Krupa engaged in unprofessional conduct and demonstrated an evident unfitness for teaching when he was found to be in possession of a computer, and the only internet subscriber using the IP address of this computer, having on the hard drive available files with the same verifiable computer address tag as a control file containing child pornography; his computer hard drive also contained teen pornography and an internet history showing references to teen pornography; and Mr. Krupa admitted to using “Limeware” to access the Gnutella Peer-to-Peer network for the purposes of accessing pornography. Mr. Krupa also sent pictures of his penis to his wife that he had taken during the school day. The State Board further finds that “just cause” exists for the permanent revocation of Mr. Krupa’s educator certificate, 245598, effective February 10, 2011.

RECOMMENDATIONS OF HEARING OFFICER

Having found from the evidence presented that Mr. Krupa’s conduct was unprofessional and demonstrated evident unfitness for teaching, Ms. Urbanic recommended that the State Board permanently revoke Mr. Krupa’s educator certificate.

CONCLUSIONS OF LAW

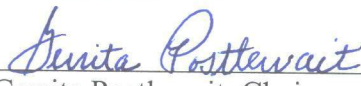
The State Board has jurisdiction of this manner pursuant to S.C. Code Ann. § 59-25-150 (2004). “The State Board of Education may, for just cause, either revoke or suspend the certificate of any person.” S.C. Code Ann. § 59-25-510 (2004), S.C. Code Ann. § 59-25-160 (2004), 24 S.C. Code Regs. 43-58 (Supp. 2010). Just cause includes unprofessional conduct and

any conduct which evidences unfitness for teaching. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (Supp. 2010). The State Board finds that the evidence presented demonstrates that Brian Paul Krupa engaged in unprofessional conduct and demonstrated an evident unfitness for teaching when he was found to be in possession of a computer, and the only internet subscriber using the IP address of this computer, having available files on the hard drive with the same verifiable computer address tag as a control file containing child pornography and Mr. Krupa admitted he had teen pornography on the hard drive, as well as, an internet history showing references to teen pornography; and Mr. Krupa admitted to using "Limeware" to access the Gnutella Peer-to-Peer network for the purposes of accessing pornography. . Mr. Krupa also engaged in unprofessional conduct when he sent pictures of his penis to his wife that he had taken during the school day. The State Board further finds that the evidence presented supports its determination that "just cause" exists for the permanent revocation of Mr. Krupa's educator certificate, 245598, effective February 10, 2011.

Now, therefore, it is hereby ordered that the State Board permanently revoke the educator certificate of Brian Paul Krupa, certificate 245598. The permanent revocation of Mr. Krupa's educator certificate 245598 shall be reported to the NASDTEC Clearinghouse, and all South Carolina school districts within thirty days from the date of this order with the reasons stated as "unprofessional conduct and evident unfitness for position for which employed."

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 
Gerrita Postlewait, Chair

Columbia, South Carolina
February 10, 2011