

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Permanent Revocation	)	
	)	
of the Educator Certificate of	)	ORDER OF PERMANENT
	)	REVOCATION
Bryan R. Butz	)	
	)	
Certificate 904428	)	
_____	)	

SUMMARY OF THE CASE

The State Board of Education (State Board) considered this matter on October 9, 2013. On August 28, 2013, Mr. Bryan R. Butz plead guilty to Embezzlement of Public Funds (value of \$10,000 or more) pursuant to S.C. Code § 16-13-210 (Supp. 2012). On August 29, 2013, the South Carolina Department of Education (SCDE) sent a notice letter to Mr. Butz that the State Board would meet to make a determination regarding the possible suspension or revocation of his South Carolina educator certificate 904428 based on the statutory grounds of unprofessional conduct, dishonesty, conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed. On October 15, 2012, Mr. Butz received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Butz did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Butz's educator certificate 904428, effective October 9, 2013.

FINDINGS OF FACT

The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2004).

Mr. Butz holds a professional South Carolina educator certificate and has eight years of teaching experience. The Lexington County School District One (District) employed Mr. Butz as a teacher on September 3, 2002. In 2006, the District administration assigned Mr. Butz to the position of Athletic Director at White Knoll High School (School). In August 2010, the School Principal was informed by the incoming President of the School Booster Club that a local bank had contacted her regarding an overdrawn account. Neither the Principal nor the Booster Club knew that this bank account existed. The Chief Financial Officer reviewed the financial

transactions associated with this account and noted some questionable automatic teller withdrawals and checks made payable to Mr. Butz. The District placed Mr. Butz on administrative leave.

During the investigation into the unauthorized account, the Chief Financial Officer discovered another previously unknown bank account over which Mr. Butz had apparent authority. The District contacted the Lexington County Sheriff's Department concerning this matter and the District conducted a financial investigation of these accounts with the assistance of an accounting firm. The District sent all records to the Lexington County Sheriff's Department.

On September 28, 2010, District administrative staff met with Mr. Butz to discuss this matter. Mr. Butz admitted he had used public monies for his personal gain and that he had violated the District's Procurement Code and numerous District Board policies. On September 29, 2010, the Lexington County Sheriff's Department arrested Mr. Butz and charged him with Embezzlement of Public Funds, value \$10,000 or more pursuant to S.C. Code § 16-13-210 (Supp. 2012).

On October 18, 2010, the District Superintendent informed Mr. Butz of his suspension from employment and of her intent to recommend to the Board of Trustees that Mr. Butz be immediately dismissed from employment. On October 20, 2010, the Superintendent informed Mr. Butz of the Board of Trustees affirmation of his suspension and conditional sustaining of his termination from employment and his right to request a hearing. On November 4, 2010, Mr. Butz resigned from employment.

On August 28, 2013, Mr. Bryan R. Butz plead guilty to Embezzlement of Public Funds (value of \$10,000 or more) pursuant to S.C. Code § 16-13-210 (Supp. 2012). On August 29, 2013, the SCDE sent notice letter to Mr. Butz that the State Board would meet to make a determination regarding the possible suspension or revocation of his South Carolina educator certificate 904428 based on the statutory grounds of unprofessional conduct, dishonesty, conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed. On October 15, 2012, Mr. Butz received the notice as evidenced by a signed postal receipt bearing his signature. Mr. Butz did not request a hearing in this matter and is in default.

After considering the evidence presented, the State Board voted to permanently revoke Mr. Butz's educator certificate 904428, effective October 9, 2013.

CONCLUSIONS OF LAW

"The State Board may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes "unprofessional conduct, dishonesty, conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2011). The State Board finds that Mr. Butz engaged in unprofessional dishonesty, conduct involving moral turpitude, committed a crime against the law of this state, and demonstrated evident unfitness for position for which employed, as a result of his violation of the District Procurement Code and Board policies as well as his guilty plea on August 28, 2013, to Embezzlement of Public Funds (value of \$10,000 or more) pursuant to S.C. Code § 16-13-210 (Supp. 2012). Mr. Butz has admitted he used public monies for his personal gain and that he violated the District's Procurement Code and numerous District Board policies.

The State Board finds that the evidence presented by the SCDE supports its decision that just cause exists to permanently revoke the educator certificate of Bryan R. Butz, certificate 904428. The permanent revocation of Mr. Butz's educator certificate 904428 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: David W. Blackmon

David W. Blackmon, Chair

Columbia, South Carolina

October 9, 2013