

APPROVED MINUTES OF THE STATE OF IDAHO PROFESSIONAL STANDARDS
COMMISSION SPECIAL TELEPHONIC MEETING OF DECEMBER 20, 2016

A special telephonic meeting of the State of Idaho Professional Standards Commission was held December 20, 2016. It originated from the Department of Education in Boise, Idaho. The meeting was called to order at 10:00 a.m. with a roll-call of members. Commission Chair Char McKinney presided.

Members present: Allred, Chipman, Davis, Enger, Gorton, Johnson, Koehler, McConnell, McKinney, Neill, Raney, Roark, Saffle, Sulfridge, Welton, Wilkinson.
Members absent: Copmann, Zeydel.

Staff present: Professional Standards Commission – Colón Durham, Lackey, Markland, Schwab; Office of the Attorney General – Michael Gilmore. Staff absent: Professional Standards Commission – Haas, Miner.

AGENDA REVIEW

Chair Char McKinney called the telephonic meeting to order. Deputy Attorney General Michael Gilmore explained that the purpose of the meeting was to consider a Petition for Reconsideration in the matter of the certificate of Bryan Hess, Case #21215. On September 19, 2016, Presiding Officer Michael Gilmore issued and served a Default Order against Bryan Hess. Mr. Hess moved to set aside the Default Order. On November 3, 2016, Mr. Gilmore issued and served an Order that denied the Motion to Set Aside Default Order. On November 4, 2016, the Commission issued a Final Order revoking the certificate of Bryan Hess for willfully violating Ethics Principle II, IDAPA 08.02.02.076.03 (2011). The attachment to that final order informed all persons that the deadline for filing a motion for reconsideration of the Final Order was 14 days after the service date of the Final Order. The Final Order was served on either November 4 or November 7. On November 29, 2016, Mr. Hess's attorney filed a Motion for Reconsideration of the Default Order but did not seek reconsideration of the Final Order. The Final Order takes precedence over the Default Order or the Order that denied the Motion to Set Aside Default Order. The 14-day deadline for reconsideration of a Final Order lapsed on either November 18 or November 21. Mr. Hess's November 26, 2016, Motion was untimely.

M/S (Enger/McConnell): In Case #21215, regarding the certificate of Bryan Hess, I move that the Commission deny the request for reconsideration of the Final Order based on the fact that it was filed in an untimely manner. Motion carried unanimously. Commission members Allred, Chipman, Koehler, Raney, and Roark were recused from voting.

M/S (Raney/Koehler): To adjourn the meeting. Motion carried unanimously.

The teleconference meeting adjourned at 10:30 a.m.

Mary Jane Markland, Secretary
Professional Standards Commission

Lisa Colón Durham, Administrator
Professional Standards Commission