

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Stacy M. Briner,

Respondent

Case No. 21801

STIPULATION

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Stacy M. Briner. Following an investigation, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause exists for initiating an administrative action against Stacy M. Briner's certificates. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Stacy M. Briner (Ms. Briner) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Ms. Briner wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (mountain time) on **May 30, 2018**, unless she has been granted an extension.
3. After Ms. Briner and the Executive Committee agree to and sign this Stipulation, the Stipulation must be approved by the Commission, and the Commission must enter the attached consent order, before this Stipulation resolves the matter.
4. A signed copy of this Stipulation may be submitted via mail or fax to:

Professional Standards Commission
650 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027

A. STIPULATED FACTS AND LAW

5. The Commission regulates teacher certification in Idaho.
6. Ms. Briner holds (and held) the following certificates and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Standard Elementary-ABCTE certificate with All Subjects (K-8) endorsement – effective August 11, 2017 – valid until August 31, 2020;
 - b. (past) Alternate Authorization/Content Specialist with All Subjects (K-8) endorsement – effective September 1, 2016 – valid until August 31, 2017.
7. During the 2016-17 and 2017-18 school years, Ms. Briner was employed by the Idaho Science and Technology Charter School (“School”) in Blackfoot, Idaho as a classroom teacher.
8. In the 2016-2017 school year, Ms. Briner, along with another individual, sponsored a business plan (“plan”) to create a 5th grade snack store that was approved by School administration.
9. Part of the plan included maintaining accurate accounting records, including the preparation of profit and loss statements.
10. The plan identified that the purpose of the snack store was to fund field trips for the students, causing any funds received to be student funds, which requires that such funds be deposited into the school’s account.
11. Rather than deposit funds into a school account, Ms. Briner deposited the funds into a private bank account at ISU Credit Union to which she and another female teacher were the sole account holders.
12. The School did not know that this account existed and had not authorized use of a private account to handle student funds.

13. On September 1, 2017, Ms. Briner used a debit card from the private account to pay for personal goods.
14. Upon learning of the existence of the private back account, the School commenced an investigation in the fall of 2017.
15. During the investigation, the School learned that Ms. Briner utilized some of the funds for purposes other than the intended purpose, which was for student field trips.
16. Additionally, the School learned that there was no proper recordkeeping with regard to the collection of funds, expenditure of funds, recording of inventory and that cash deposits were not properly and timely deposited. Ms. Briner also did not retain receipts or inventory records.
17. The School administrator requested that the funds be turned over to the school beginning in August 2017 through early October 2017. From the time that the funds were requested, the account was reduced without Ms. Briner receiving permission to expend additional funds from the account for additional non-student field trip related expenses.
18. During this time period, the Board of Directors of the School had established policies applicable to all employees. Board Policy 5280 sets forth personal conduct policies and all employees were expected to maintain high standards of honesty and integrity in the conduct of School business and to comply and conform with the Code of Ethics for Idaho Professional Educators. Board Policy 7220 governs financial management and requires that all financial obligations and disbursements be documented in compliance with the statutory provisions and audit guidelines. Board Policy 7225 governs financial fraud and prohibits all employees from improper handling or reporting of financial transactions and mishandling (destroying, removing or misusing) financial records of School assets.

19. Ms. Briner denied knowledge of the purpose of the funds, despite being the co-sponsor who submitted the proposed project. Before she resigned, and while the investigation was ongoing, Ms. Briner deleted all of her files, internet history, emails and records from her School's computer hard drive. In addition, Ms. Briner provided multiple versions of the story about the September 1, 2017 transaction involving the debit card from the private account.

20. Based upon the above conduct, the School scheduled a hearing to determine whether Ms. Briner should remain employed at the School. Ms. Briner subsequently resigned before the hearing occurred.

21. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Briner for violating the following laws and rule laws and rule governing teacher certification:

- a. Ms. Briner's conduct or course of conduct willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Ms. Briner violated Code of Ethics Principle V (Idaho Admin. Code r. 08.02.02.076.06)(A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.)
- b. Ms. Briner's conduct or course of conduct willfully violated a principle of the code of ethics that was adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Ms. Briner violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05)(Falsifying, deliberately misrepresenting, or

deliberately omitting information submitted in the course of an official inquiry or investigation.)

22. Ms. Briner, although not admitting that she violated the laws and rule cited in paragraph 21, acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 21.

B. Stipulated Discipline

23. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Briner's certificate:

a. The Commission will issue a letter of reprimand.

24. Any costs associated with Ms. Briner's compliance with the terms of this Stipulation are her responsibility.

25. During the pendency of this Stipulation, Ms. Briner will comply with all laws and rules governing teacher certification in Idaho.

C. Non-Compliance with this Stipulation

26. If the Commission or the State Department of Education, or its employees or agents, have reason to believe that Ms. Briner has not complied with the terms of this Stipulation, the Chief Certification Officer may file a Notice of Non-Compliance with the Commission. This Notice of Non-Compliance will be personally served or be served by certified mail on Ms. Briner at her last known address (or on her attorney). After granting Ms. Briner an opportunity to respond, the Commission may order that she complete the discipline in the original stipulated discipline, may order further discipline in addition to Ms. Briner completing the original stipulated discipline, or may impose other discipline as it sees fit, including suspending or revoking Ms. Briner's certificate.

D. Presentation of this Stipulation

27. Once Ms. Briner signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the Commission will present this Stipulation to the Commission at the Commission's next business meeting.
28. The Commission may accept, reject, or modify the Stipulation.
29. If the Commission modifies this Stipulation, it must receive Ms. Briner's approval on any modification before the Stipulation is effective.

E. Waiver of Rights

30. If this Stipulation is approved by the Commission, Ms. Briner knowingly, intelligently, and voluntarily waives the following rights:
- a. the right to a hearing;
 - b. the right to confront and cross-examine witnesses;
 - c. the right to present evidence or to call witnesses, or to testify at a hearing;
 - d. the right to reconsideration of the Commission's orders;
 - e. the right to judicial review of the Commission's orders; and
 - f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.
31. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Briner's certificate without further process.
32. By signing this Stipulation, Ms. Briner agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of a request for a hearing. This waiver applies to any hearing request made before the Commission ultimately rejects this Stipulation (if it does) or before Ms. Briner ultimately rejects a modified stipulation (if Ms. Briner does). If the Commission ultimately rejects this Stipulation or if Ms. Briner ultimately

rejects a modified stipulation, and Ms. Briner has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

F. General Acknowledgments

33. This Stipulation contains the entire agreement between the parties, and Ms. Briner is not relying on any other agreement or representation, whether verbal or written.

34. This Stipulation, if approved by the Commission, or modified and approved, resolves a contested case. If approved, the Stipulation, consent order, and any attachment are public records. And if approved, the Commission may make available through its or the State Department of Education's website a copy of the Stipulation, consent order, and any attachment, and may report any discipline to the national clearinghouse for teacher certification.

35. Ms. Briner agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

//
//
//
//
//
//
//
//
//
//
//
//


SIGNATURES

Respondent

STIPULATION - 7
Stacy M. Briner

The respondent, Stacy M. Briner, agrees to this Stipulation.

DATED this 1st day of June, 2018.



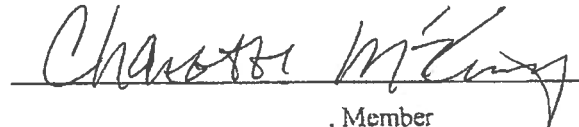
Stacy M. Briner
Respondent

Executive Committee

The Executive Committee recommends that the Commission enter an Order based upon this Stipulation.

DATED this 25 day of June, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Stacy M. Briner,

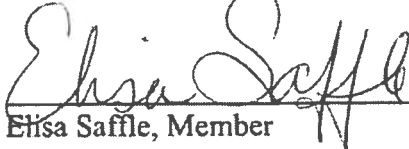
Respondent

Case No. 21801

CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Stacy M. Briner and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. It will be effective on the 26 day of June, 2018. The discipline listed in the Stipulation is imposed on Stacy M. Briner's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Stacy M. Briner has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION


Elisa Saffle, Member

CONSENT ORDER
Stacy M. Briner

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 8th day of ~~June~~ August, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Stacy M. Briner
4407 Apt. # B
Pocatello, ID 83204

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile:
- Email:

Attorney for the
Chief Certification Officer
Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 854-8073
- Email: robert.berry@ag.idaho.gov
leslie.gottsch@ag.idaho.gov



Annette Schwab
Program Specialist
Idaho State Department of Education

CONSENT ORDER
Stacy M. Briner



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83720-0027

OFFICE
650 W State Street
PHONE
(208) 332-6884
FAX
(208) 334-2228
SPEECH/HEARING IMPAIRED
(800) 377-3529

RE: Stacy M. Briner
Professional Standards Commission Case No. 21801

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Stacy M. Briner.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Ms. Briner's certificates by the Chief Certification Officer. In lieu of proceeding to hearing, Ms. Briner stipulated to discipline through this letter of reprimand based upon having co-mingled public or school-related funds in a personal bank account and for deleting data and evidence from her personal computer during an investigation. Ms. Briner is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Ms. Briner's certification file.

Dated this 8 day of August, 2018.

IDAHO STATE DEPARTMENT OF EDUCATION

Lisa Colon Durham, Chief Certification Officer

c: Robert A. Berry, Attorney for the Chief Certification Officer