

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Burton R. Withey,

Respondent.

Case No. 21732

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Burton R. Withey, seeking for the Professional Standards Commission to impose discipline on Mr. Withey's certificate. *See* Idaho Code § 33-1209. Because Mr. Withey did not request a hearing within 30 days, and because Mr. Withey was determined to be in default by a hearing/presiding officer, the allegations in the Administrative Complaint are treated as admitted, Idaho Code § 33-1209(3), and are incorporated by reference as findings of fact.

Based on these findings, the Professional Standards Commission concludes that Mr. Withey willfully violated a principle of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j). The Commission specifically holds that Mr. Withey willfully violated Principle VIII of the Code of Ethics that provides, "A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract." Idaho Admin. Code r. 08.02.02.076.09.

Under Idaho Code § 33-1208, the Professional Standards Commission orders that the following discipline (as marked) be imposed on Mr. Withey's certificate:

As requested in the Administrative Complaint

_____ The discipline requested by the Chief Certification Officer in her Request for Relief in the Administrative Complaint.

Other discipline

_____ Mr. Withey's certificate is revoked.

_____ Mr. Withey's certificate is permanently revoked under Idaho Code § 33-1208(2).

Mr. Withey's certificate is suspended for 1 years 0 months

_____ Mr. Withey's certificate is suspended indefinitely pending completion of the following conditions:

1. _____
2. _____
3. _____
4. _____

_____ Mr. Withey's certificate has the following conditions placed upon it.

1. _____
2. _____
3. _____
4. _____

_____ A letter of reprimand will be placed in Mr. Withey's permanent certification file.

This Order is effective on the day it is signed. This Order and the Administrative Complaint, which will be attached to this Order, are public records, and may be made available on the State Department of Education or the Commission's website.

DATED this 16 day of November, 2018.



ELISA SAFFLE, MEMBER

Idaho Professional Standards Commission

RECONSIDERATION AND JUDICIAL REVIEW

This is a final order of the Professional Standards Commission. Any party may file a motion for reconsideration of this order within 14 days of the service date of this order. The agency will dispose of the petition for reconsideration within 21 days of its receipt; if not, the petition will be denied as a matter of law. See Idaho Code § 67-5246. Petitions for reconsideration may be filed by mail addressed to the Professional Standards Commission, State Department of Education, P.O. Box 83720, Boise, ID 83720-0027, or hand delivered to the Commission at 650 West State Street, Second Floor, Boise, ID 83720.

Any party aggrieved by this final order or orders previously issued in this case may seek judicial review of the orders in this case in district court. A party may do this by filing a petition for judicial review in the district court as provided in Idaho Code §§ 67-5270 and 67-5272. The petition must be filed within 28 days of the service date of this final order; or, if a motion for reconsideration is filed, within 28 days of the service of a decision on the motion for reconsideration or denial of the motion as a matter of law. Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the agency action. Idaho Code § 67-5274.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Burton R. Withey



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

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