IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:  

Tomas M. Fisher,  
Respondent

Case No. 21539

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the teaching certificate issued to Tomas M. Fisher, seeking for the Professional Standards Commission to impose discipline on Mr. Fisher's certificate. See Idaho Code § 33-1209. Because Mr. Fisher did not request a hearing within 30 days, and because Mr. Fisher 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. Fisher violated Idaho Code § 33-1208(2)(h) ("The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-15084, Idaho Code.").

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

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

Final Order – 1

Tomas M. Fisher
Mr. Fisher's certificate is suspended indefinitely pending completion of the following conditions:

1.
2.
3.
4.

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

1.
2.
3.
4.

A letter of reprimand will be placed in Mr. Fisher'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 19 day of January, 2017.

[Signature]
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, PO 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 23rd day of January, 2017, I caused to be served a true and correct copy of the foregoing by the following method to:

Idaho State Correctional Center Pie Bldg.
Tomas Fisher, Inmate # 118220
P.O. Box 70010
Boise, ID 83707

[Method of Service]

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

[Signature]
Shannon H. Haas
Program Specialist
Idaho State Department of Education

Final Order – 4
Tomas M. Fisher
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:  
Tomas M. Fisher,  
Respondent

Case No. 21539  
ADMINISTRATIVE COMPLAINT

Lisa Colón, Chief Certification Officer for the State of Idaho, alleges the following against Tomas M. Fisher.

GENERAL AVERMENTS

The following general averments are adopted in each count below.


2. The Chief Certification Officer is empowered to file an administrative complaint against the certificate of a teacher or other individual certified under the authority of the Idaho State Board of Education. Idaho Code § 33-1209.

3. Tomas M. Fisher (Mr. Fisher) holds the following certificate and endorsements, issued under the authority of the Idaho State Board of Education:

4. During the 2014-2015 school year, Mr. Fisher was employed by the Nampa School District as a teacher.

5. On or about December 8, 2015, Mr. Fisher was found guilty of or pleaded guilty to sexual battery of a minor child sixteen (16) or seventeen (17) years of age, a

6. On March 14, 2016, Mr. Fisher was convicted upon a plea of guilty of sexual battery of a minor child sixteen (16) or seventeen (17) years of age, a violation of Idaho Code § 18-1508A, in State v. Tomas Fisher, Case No. CR-2016-16565-C (Canyon County District Court).

7. Attached as exhibit A to this administrative complaint is a true copy of the judgment and commitment in State v. Tomas Fisher, Case No. CR-2016-16565-C (Canyon County District Court).

COUNT I

8. Mr. Fisher's conduct or course of conduct violated Idaho Code § 33-1208(2)(h) ("The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.").

REQUEST FOR RELIEF

The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209.

1. That if Mr. Fisher does not request a hearing, the Commission permanently revoke Mr. Fisher's certificate and deny any pending or future application for issuance of a certificate, as required by Idaho Code § 33-1208(2).

2. That if Mr. Fisher requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Fisher may present evidence concerning the allegations in this Administrative Complaint, to aid the

ADMINISTRATIVE COMPLAINT - 2
Tomas M. Fisher
hearing panel in determining whether Mr. Fisher's certificate should be disciplined and, if so, what discipline should be imposed.

3. Any other relief that would be just under the circumstances.

DATED this 21 day of October, 2016.

LISA COLON
Chief Certification Officer

Attorney for the
Chief Certification Officer

Brian V. Church
Deputy Attorney General
PO Box 83720
Boise, ID 83720-0010
(208) 334-2400
brian.church@ag.idaho.gov
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2016, I caused to be served a true and correct copy of the foregoing by the following method to:

Idaho State Correctional Center Pie Bldg.
Tomas Fisher, Inmate# 118220
PO Box 70010
Boise, ID 83707

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

Attorney for the
Chief Certification Officer
Brian V. Church
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:
  brian.church@ag.idaho.gov
  leslie.gottsch@ag.idaho.gov

Annette Schwab
Program Specialist
Idaho State Department of Education

Administrative Complaint - 4
Tomas M. Fisher
NOTIFICATION OF PROCEDURAL RIGHTS

The Professional Standards Commission wishes to notify you of the following rights.

An administrative action has been initiated against your certificate(s). Under Idaho Code § 33-1209, if you wish to contest the allegations set forth in the administrative complaint, you must request a hearing. This request must be (1) made not more than 30 days after the date of service (mailing) of the administrative complaint, (2) in writing, and (3) addressed to the state superintendent of public instruction. If you do not request a hearing or do not comply with the requirements for requesting a hearing, the allegations in this administrative complaint will be treated as admitted under Idaho Code § 33-1209(3).

In response to this administrative complaint, you may file an answer to this administrative complaint, but you must file the answer at least 30 days prior to the day of the hearing.

You have the right to be represented by legal counsel, at your own expense, during this administrative proceeding. In addition, you are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, and other things relevant to the proceedings.

This administrative proceeding is governed by provisions of the Idaho Code, including the Idaho Administrative Procedure Act, and by provisions of the Idaho Administrative Code, including the Idaho Rules of Administrative Procedure of the Attorney General that have been adopted by the Board of Education. You may access these laws and rules online or via the Idaho State Law Library.

To request a hearing, you must deliver your request to the following address or fax number:

Sherri Ybarra
Superintendent of Public Instruction
Re: Professional Standards Commission Hearing
650 West State Street, Room 200
P.O. Box 83720
Boise, ID 83720-0027
Telephone: (208) 332-6800
Facsimile: (208) 334-2228

The State Department of Education receives mailed or hand-delivered documents between the hours of 8:00 a.m. and 5:00 p.m. (mountain time) except Saturdays, Sundays, and holidays. The State Department of Education does permit the filing of facsimile copies of documents that do not exceed ten pages, provided that the facsimile transmission is legible and is received before 5:00 p.m. on its due date. It shall be the responsibility of the filing party to verify with the staff of the State Department of Education that any facsimile transmission is successfully received and legible in its entirety.
IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO, )
 )
 Plaintiff, )
 )
 vs. )
 )
 TOMAS FISHER, AKA )
 TOMAS MICHAEL FISHER, )
 SSN: XXX-XX-7245 )
 D.O.B: 02/25/1987 )
 Defendant. )

JUDGMENT AND COMMITMENT

CASE # CR-2015-16565*C

On this 14th day of March, 2016, personally appeared Ms. Erica Kallin, Deputy
Prosecuting Attorney for the County of Canyon, State of Idaho, the defendant Tomas
Fisher, and the defendant's attorney Mr. Michael Larsen, this being the time heretofore
fixed for pronouncing judgment.

IT IS ADJUDGED that the defendant has been convicted upon a plea of guilty to
the offense of Sexual Battery of a Minor Child Sixteen or Seventeen Years of Age,
a felony, as charged in the Information, in violation of I.C. §18-1508A, being committed
on or between April 1, 2015 through June 20, 2015; and the Court having asked the
defendant whether there was any legal cause to show why judgment should not be
pronounced, and no sufficient cause to the contrary being shown or appearing to the
Court,

IT IS ADJUDGED that the defendant be sentenced to the custody of the Idaho
State Board of Correction for a minimum period of confinement of three (3) years,
followed by a subsequent indeterminate period of confinement not to exceed eight (8)
years, for a total unified term of eleven (11) years.
IT IS ORDERED that the defendant be given credit for ninety-eight (98) days of incarceration prior to the entry of judgment for this offense (or included offense) pursuant to I.C. §18-309.

IT IS FURTHER ORDERED that the defendant pay court costs and fees in the total amount of $545.50, a fine in the amount of $1,000.00, reimburse Canyon County for the preparation of the psycho-sexual evaluation in the amount of $1,450.00, and pay a judgment in favor of the victim in the amount of $5,000.00, pursuant to Idaho Code Section 19-5307.

IT IS ORDERED that the defendant, pursuant to I.C. §19-5506, provide to the Idaho State Police or its agent, the Idaho Department of Corrections, a DNA sample and a right thumbprint impression, the defendant shall register as a Sexual Offender, pursuant to statute and shall have no contact with the victim C.P.F. (DOB 05/05/1998), as well as no contact with any minor females, other than the defendant's minor daughter. The Court recommended the defendant participate in sexual offender treatment while incarcerated.

IT IS ADJUDGED that the defendant be committed to the custody of the Sheriff of Canyon County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary or other facility within the State designated by the State Board of Correction.

IT IS FINALLY ORDERED that the clerk deliver a certified copy of this Judgment and Commitment to the Director of the Idaho State Board of Correction or other qualified officer and that the copy serve as the commitment of the defendant.

DATED this 24th day of March, 2016.

[Signature]
District Judge

CHRISTIAN COUNTY COURT, District Court