

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Robert N. Hamilton,

Respondent

Case No. 21824

**STIPULATION**

**BACKGROUND**

The Professional Standards Commission received an allegation of unethical conduct concerning Robert N. Hamilton. 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 Robert N. Hamilton's certificate. The Executive Committee has recommended the following Stipulation.

**STIPULATION**

1. This is an agreement (Stipulation) between Robert N. Hamilton (Mr. Hamilton) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Mr. Hamilton wishes to agree to this Stipulation, he must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (Mountain Time) on or before **February 15, 2019**, unless he has been granted an extension.

3. After Mr. Hamilton 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.

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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  
Fax: (208) 334-2228 (Attn: Professional Standards Commission)

**A. STIPULATED FACTS AND LAW**

5. The Commission regulates teacher certification in Idaho.
6. Mr. Hamilton holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:
  - a. Standard Instructional certificate with an endorsement in All Subjects (K-8), effective September 1, 2018, through August 31, 2023.
7. Mr. Hamilton was employed by Coeur d'Alene School District #271 ("District") for the 2017-2018 school year.
8. On or about April 18, 2018, the assistant principal at Ramsey Elementary School smelled alcohol on Mr. Hamilton's breath at approximately 9:20 a.m.
9. Per district policy, the District called for a drug/alcohol test from American Mobile Drug Testing.
10. A breathalyzer examination was administered at 10:42 a.m., and Mr. Hamilton blew a .051.
11. A breathalyzer examination was administered at 10:59 a.m., and Mr. Hamilton blew a .049.
12. Mr. Hamilton was then informed that he was being placed on administrative leave until further notice.
13. Mr. Hamilton apologized to both of his administrators and said it has been a problem.

14. Mr. Hamilton was then driven home by his administrators at 11:50 a.m.

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

- a. Mr. Hamilton'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, Mr. Hamilton violated Code of Ethics Principle III (Idaho Admin. Code r. 08.02.02.076.04) ("A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.").

16. Mr. Hamilton admits that he violated the laws and rules cited in paragraph 15 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 15.

#### **B. STIPULATED DISCIPLINE**

17. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Hamilton's certificate:

- a. The Commission will revoke Mr. Hamilton's certificate.

18. Any costs associated with Mr. Hamilton's compliance with the terms of this Stipulation are his responsibility.

19. During the pendency of this Stipulation, Mr. Hamilton will comply with all laws and rules governing teacher certification in Idaho.

#### **C. PRESENTATION OF THIS STIPULATION**

20. Once Mr. Hamilton 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.

21. The Commission may accept, reject, or modify the Stipulation.

22. If the Commission modifies this Stipulation, it must receive Mr. Hamilton's approval on any modification before the Stipulation is effective.

#### **D. WAIVER OF RIGHTS**

23. If this Stipulation is approved by the Commission, Mr. Hamilton 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.

24. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Hamilton's certificate without further process.

25. By signing this Stipulation, Mr. Hamilton 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 Mr. Hamilton ultimately rejects a modified stipulation (if Mr. Hamilton does). If the Commission ultimately rejects this Stipulation or if Mr. Hamilton ultimately rejects a modified stipulation, and Mr. Hamilton has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

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**F. GENERAL ACKNOWLEDGMENTS**

26. This Stipulation contains the entire agreement between the parties, and Mr. Hamilton is not relying on any other agreement or representation, whether verbal or written.

27. 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.

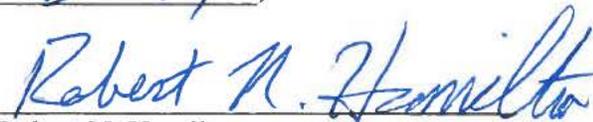
28. Mr. Hamilton agrees that he has read this Stipulation, has had the opportunity to discuss it with legal counsel, if he so chose, and understands that by signing below, he will be agreeing to the terms of this Stipulation.

**SIGNATURES**

**Respondent**

The respondent, Robert N. Hamilton, agrees to this Stipulation.

DATED this 12<sup>TH</sup> day of February, 2019.

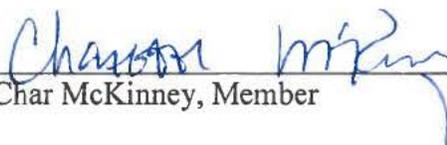
  
Robert N. Hamilton  
Respondent

**Executive Committee**

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

DATED this 4 day of April, 2019.

IDAHO PROFESSIONAL STANDARDS COMMISSION  
EXECUTIVE COMMITTEE

  
Char McKinney, Member

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

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Robert N. Hamilton

Respondent

Case No. 21824

**CONSENT ORDER**

The Professional Standards Commission orders that the Stipulation, entered between Robert N. Hamilton 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 4<sup>th</sup> day of April, 2019. The discipline listed in the Stipulation is imposed on Robert N. Hamilton's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Robert N. Hamilton has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Elisa Saffle, Member

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10<sup>th</sup> day of April, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Robert N. Hamilton



- 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