



Robert Berry represented the Complainant. Attorney Paul Stark represented Respondent. Kathy Davis served as Chair for the PSC. All members of the PSC were present with the exception of Mary Flores, Peter McPherson and Topher Wallaert. Karen Sheehan, Deputy Attorney General, served as legal counsel for the PSC.

7. Prior to the hearing, the PSC members were given copies of the *Motion to Amend*, the *Affidavit of Paul Stark in Support of the Motion to Amend*, the *Respond to the Motion to Amend*, the *Declaration of Robert A. Berry* and the Exhibits to the *Declaration of Robert A. Berry*.

8. During the hearing, Paul Stark and Robert Berry argued their client's positions regarding the Motion to Amend.

9. After argument, the PSC deliberated and a motion was made to grant the Motion to Amend; the motion received a majority vote of the PSC.

### **FINAL ORDER**

IT IS THE FINAL ORDER of the PSC to amend the Stipulation to remove paragraph 14.a as currently written and to insert the following:

- a. Mr. Young's certificate will be suspended from December 4, 2015 (the Backdated Start Date) through the date the enclosed consent order is entered. Following his suspension, Mr. Young's certificate will be on probation until December 3, 2020. During any suspension and probation period, the standard drug and alcohol terms will apply, as set forth in the addendum to this Stipulation, but as modified in the paragraphs below. The standard drug and alcohol terms addendum is an attachment to this Stipulation, as is the medical release.

Dated on this 23 day of June, 2020.

/s/ Kathy Davis  
Kathy Davis  
Chair Professional Standards Commission

## **NOTIFICATION OF PROCEDURAL RIGHTS**

THIS IS A FINAL ORDER OF THE PROFESSIONAL STANDARDS COMMISSION (PSC). Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of its service date. The PSC is required by law to dispose of a Petition for Reconsideration within twenty-one (21) days of its filing or the Petition for Reconsideration will be considered to be denied by operation of law. *See* Idaho Code § 67-5243(3).

Petitions for Reconsideration of this Final Order may be filed by mail addressed to the Professional Standards Commission, Department of Education, Statehouse, Boise, ID 83720-0027, or may be delivered to the Department of Education, Len B. Jordan Building, Room 200, 650 West State Street, Boise, Idaho, and must be received within fourteen (14) days of the service date of this Final Order.

Pursuant to Idaho Code §§ 33-1209(8), 67-5270, and 67-5272, any party aggrieved by this Final Order or by another Order previously entered in this Contested Case may obtain Judicial Review of this Final Order and of all previously issued Orders in this Contested Case by filing a Petition for Judicial Review in the District Court as provided by those sections.

A Petition for Judicial Review must be filed within twenty-eight (28) days of the service date of this Final Order, or, if a Petition for Reconsideration is timely filed, within twenty-eight (28) days of the service date of a decision on the Petition for Reconsideration or denial of the Petition for Reconsideration by operation of law. *See* Idaho Code §§ 67-5246 and 67-5283.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of June, 2020, I caused to be served a true and correct copy of the preceding as follows:

Kirby Young c/o Park Stark Idaho Education Association 620 North Sixth Street Boise, Idaho 83701	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: <a href="mailto:pstark@idahoea.org">pstark@idahoea.org</a>
Robert Berry, Deputy Attorney General Office of the Attorney General Statehouse Boise, ID 83720-0010	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail, Return Receipt Requested <input checked="" type="checkbox"/> E-mail: <a href="mailto:robert/berry@ag.idaho.gov">robert/berry@ag.idaho.gov</a>

/s/ Karen Sheehan  
Karen Sheehan  
Deputy Attorney General  
PSC Legal Counsel