IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of: Case No. 21810
Charles Tacke,
Respondent

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Charles Tacke. 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 Charles Tacke’s certificates. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Charles Tacke (Mr. Tacke) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Mr. Tacke 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 August 20, 2018, unless he has been granted an extension.

3. After Mr. Tacke 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
   Fax: (208) 334-2228 (Attn: Professional Standards Commission)

STIPULATION – 1
Charles Tacke – July 20, 2018
A. Stipulated Facts and Law


7. Mr. Tacke holds the following certificates and endorsements:


8. During the relevant time period, Mr. Tacke was a teacher for Bishop Kelly High School in Boise, Idaho.

9. On or about March 11, 2018, Mr. Tacke was in possession of a Bishop Kelly-issued laptop computer.

10. On or about March 11, 2018, Mr. Tacke deliberately viewed pornography on pornographic websites using the Bishop Kelly-issued laptop computer.

11. On or about March 13, 2018, Mr. Tacke admitted to Bishop Kelly’s principal that he viewed pornography while using the Bishop Kelly-issued laptop computer. Mr. Tacke also admitted that he viewed the pornography at his home.

12. The Executive Committee determined that probable cause exists for initiating an administrative action against Mr. Tacke for violating the following law and rule governing teacher Code certification:

   a. 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”).

   b. 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. Unethical conduct includes, but is not limited to: f. Use of school computers to deliberately view or print pornography”).

13. Mr. Tacke, although not admitting that he violated the law and rule cited in paragraph 12, acknowledges that there is sufficient evidence to support a finding of a violation of the law and rule cited in paragraph 12.

B. Stipulated Discipline

14. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Mr. Tacke’s certificates:

a. A letter of reprimand will be placed in Mr. Tacke’s permanent certification file. A copy of the letter of reprimand is attached to this stipulation.

15. Any costs associated with Mr. Tacke’s compliance with the terms of this Stipulation are his responsibility.

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

C. Presentation of this Stipulation

17. Once Mr. Tacke 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.

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

19. If the Commission modifies this Stipulation, it must receive Mr. Tacke’s approval on any modification before the Stipulation is effective.

Stipulation – 3
Charles Tacke – July 20, 2018
D. Waiver of Rights

20. If this Stipulation is approved by the Commission, Mr. Tacke 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.

21. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Mr. Tacke’s certificates without further process.

22. By signing this Stipulation, Mr. Tacke agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of his request for a hearing. This waiver applies to any hearing request made before the Commission, even if it ultimately rejects this Stipulation or even if Mr. Tacke ultimately rejects a modified stipulation. If the Commission ultimately rejects this Stipulation or if Mr. Tacke ultimately rejects a modified stipulation, and Mr. Tacke has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

E. General Acknowledgments

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

24. 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.

25. Mr. Tacke 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.

26. Under Idaho Code § 33-1209, the failure to complete any condition imposed as discipline on Mr. Tacke's certificates by the Commission may require the Chief Certification Officer to deny a future application, whether for a new certificate, endorsement, or renewal.
SIGNATURES

Respondent

The respondent, Charles Tacke, agrees to this Stipulation.

DATED this 20 day of August, 2018.

Charles Tacke
Respondent

Executive Committee

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

DATED this 10 day of November.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE

[Signature]
Member

STIPULATION – 6
Charles Tacke – July 20, 2018
IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of: Case No. 21810
Charles Tacke, CONSENT ORDER
Respondent

The Professional Standards Commission orders that the Stipulation, entered
between Charles Tacke and the Executive Committee, is adopted as the informal
disposition of this case, as permitted under Idaho Code § 67-5241. This order will be
effective on the date it is signed. The discipline listed in the Stipulation is imposed on
Charles Tacke’s certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final
agency order, and Charles Tacke has waived the right of reconsideration and the right
to judicial review.

Dated this 16 day of November, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa Saffle, Member

CONSENT ORDER – 1
Charles Tacke – July 20, 2018
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of JULY, 2018 I caused to be served a true and correct copy of the foregoing by the following method to:

Charles Tacke

Brian V. Church
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

Charles Tacke

Brian V. Church
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

RECONSIDERATION AND JUDICIAL REVIEW

Charles Tacke has waived the right of judicial review and the right of reconsideration.

Standard language – inapplicable if waived:

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.

CONSENT ORDER – 2
Charles Tacke – July 20, 2018
RE: Charles Tacke  
Professional Standards Commission Case No. 21810

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Charles Tacke (Mr. Tacke).

On or about March 11, Mr. Tacke, a teacher at Bishop Kelly High School, used his school-issued laptop computer to view pornography on pornographic websites. On or about March 13, Mr. Tacke admitted to Bishop Kelly's principal that he viewed the pornography while at home using the school-issued laptop computer.

Mr. Tacke, although not admitting that he violated the following law and rule governing teacher certification, acknowledged that there was sufficient evidence to support a finding of a violation of the following law and rule governing teacher certification:

a. 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").

b. 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. Unethical conduct includes, but is not limited to: f. Use of school computers to deliberately view or print pornography").

A copy of this letter of reprimand will be placed in Mr. Tacke's certification file.

Dated this 14th day of November, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION

[Signature]

Elisa Saffle, Member

LETTER OF REPRIMAND – 1
Charles Tacke