

## IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Case No. 21706

Kenne Michael Worthen,

**FINAL ORDER**

Respondent

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint and Amended Administrative Complaint against the teaching certificate issued to Kenne Michael Worthen, seeking for the Professional Standards Commission to impose discipline on Mr. Worthen's certificate. *See* Idaho Code § 33-1209. Because Mr. Worthen did not request a hearing within 30 days, and because Mr. Worthen was determined to be in default by a hearing/presiding officer, the allegations in the Amended 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. Worthen willfully violated statutes and/or Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j). The Commission specifically holds that Mr. Worthen willfully violated the following statutes and/or Codes of Ethics:

1. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(2)(a), 33-33-1208(2)(d), 33-1208(2)(g) or 1208(2)(n),. *See generally* Idaho Code § 33-1208(2) ("The general classes of felonies listed in subsection 2 of this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, 'child' means a minor or juvenile as defined by the applicable state or federal law.").

2. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(e) ("Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state.")

3. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(f) ("Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude").

4. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(l) ("Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.").

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

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

\_\_\_\_\_ Mr. Worthen's certificate is suspended for \_\_\_\_\_ years \_\_\_\_\_ months

\_\_\_\_\_ Mr. Worthen's certificate is suspended indefinitely pending completion of the following conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

\_\_\_\_\_ Mr. Worthen's certificate has the following conditions placed upon it.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

\_\_\_\_\_ A letter of reprimand will be placed in Mr. Worthen'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 24 day of January, 2019.

A handwritten signature in cursive script, reading "Elisa Saffle", written over a horizontal line.

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 29<sup>th</sup> day of January, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Kenne Michael Worthen  
Inmate #312356  
ASPC-E Cook Unit  
4373 East Butte Avenue  
Florence, AZ 85132

- ☒ 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
- ☐ Facsimile:
- ☒ Email: robert.berry@ag.idaho.gov  
leslie.gottsch@ag.idaho.gov



Annette Schwab  
Program Specialist  
Idaho State Department of Education

## IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Kenne Michael Worthen,  
Respondent

Case No. 21706

**FIRST AMENDED  
ADMINISTRATIVE COMPLAINT**

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Kenne Michael Worthen.

### GENERAL AVERMENTS

The following general averments are adopted in each count below.

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.
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. Kenne Michael Worthen (Mr. Worthen) holds the following certificate and endorsements, issued under the authority of the Idaho State Board of Education:
  - a. Standard Elementary Certificate with All Subjects K-8 and English as a New Language K-12 endorsements – effective February 4, 2013 – valid until August 31, 2018.
4. On April 27, 2016, Mr. Worthen, after pleading guilty, was convicted by the Maricopa County (Arizona) Superior Court of one count of Sexual Conduct with a Minor, a violation of Arizona Revised Statute § 13-1405, and two counts of Attempted Molestation of a Child, a violation of Arizona Revised Statutes §§ 13-1001, 13-1410.
5. On September 26, 2016, the Arizona State Board of Education permanently revoked any and all Arizona teaching certificates held by Mr. Worthen.

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### COUNT I

6. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(2)(a), 33-1208(2)(d), 33-1208(2)(g), or 33-1208(2)(n). *See generally* Idaho Code § 33-1208(2) ("The general classes of felonies listed in subsection 2 of this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, 'child' means a minor or juvenile as defined by the applicable state or federal law.").

### COUNT II

7. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(e) ("Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state").

### COUNT III

8. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(f) ("Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude").

### COUNT IV

9. Mr. Worthen's conduct or course of conduct violated Idaho Code § 33-1208(1)(l) ("Conviction, finding of guilt, withheld judgment, or suspended sentence, in this state or any other state of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.").

### 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. Worthen does not request a hearing, the Commission permanently revoke Mr. Worthen's teaching 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. Worthen requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Worthen may present evidence

concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Worthen'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 11 day of October, 2018.



LISA COLÓN DURHAM  
Chief Certification Officer

*Attorney for the*  
*Chief Certification Officer*  
Robert A. Berry  
Deputy Attorney General  
PO Box 83720  
Boise, ID 83720-0010  
(208) 334-2400  
robert.berry@ag.idaho.gov



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Kenne Michael Worthen  
Inmate #312356  
ASPC-E Cook Unit  
4373 East Butte Avenue  
Florence, AZ 85132

- ☒ 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

## 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.

Michael K. Jeanes, Clerk of Court  
\*\*\* Electronically Filed \*\*\*  
D. Casales, Deputy  
8/5/2016 12:00:00 PM  
Filing ID 7624467

IN THE SUPERIOR COURT OF THE STATE  
IN AND FOR THE COUNTY OF  
MARICOPA

TO: Az State Board Of Education  
1535 W Jefferson, Bin 11  
Phoenix, Az 85007

I, MICHAEL K. JEANES, Clerk of the Superior Court, pursuant to A.R.S. Section  
13-3990, do hereby certify, that under Maricopa County Case Number CR2015-117597-001-DT,  
NAME: Keene Michael Worthen, was on the 27 day of April, 2016, convicted of Ct 2: Sexual  
Conduct with a Minor, Dangerous Crime Against Children, class 2 felony; Cts 3 & 4: Att  
Molestation of a Child, Class 3 Felony Dangerous Crimes Against Children.

License No:  
Social Security No: 519-35-8433  
Date of Birth: 6-1-87  
Address: Phoenix, AZ 85003

By: /S/ Michael K. Jeanes \_\_\_\_\_  
Clerk of the Superior Court

FORWARD TO CERTIFICATION DESK

Michael K. Jones, Clerk of Court  
 \*\*\* Filed \*\*\*

SUPERIOR COURT OF ARIZONA  
 MARICOPA COUNTY

8-9 2016 SCOM

CR2015-117597-001 DT

08/05/2016

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT  
 A. Moore  
 Deputy

STATE OF ARIZONA

JENNIFER NICOLE CARPER

KENNETH MICHAEL WORTHEN (001)  
 DOB: 6/1/1987

KYLE REEDY

APO-SENTENCINGS-GCC  
 APPEALS-CCC  
 AZ DOC  
 DISPOSITION CLERK-CSC  
 MCSO ATTN RECORDS MANAGER  
 RFR  
 ARIZONA STATE BOARD  
 OF EDUCATION  
 VIA CERTIFICATION DESK

SENTENCE - IMPRISONMENT AND PROBATION

10:41 a.m.

Courtroom GCB 1304

State's Attorney:	Jennifer Carper
Defendant's Attorney:	Kyle Reedy
Defendant:	Present

Court Reporter, Scott Coniam, is present.

A record of the proceedings is also made digitally.

Manuel Flores, Dorothy Ventura, Aaron Hornbuckle and LaDonna Ventura address the Court.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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Timothy Worthen, Brenda Lee Denny and Danielle Worthen address the Court.

Counts 2, 3 and 4: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 (Amended): Sexual Conduct with a Minor, a dangerous crime against children

Class 2 Felony

A.R.S. § 13-1401, 13-1405, 13-3821, 13-1414, 13-610, 13-604.01, 12-116.05, 13-701, 13-702, 13-705, 13-801

Date of Offense: 4/10/2015

Non Dangerous - Non Repetitive

OFFENSE: Count 3 (Amended): Attempted Molestation of a Child, a dangerous crime against children

Class 3 Felony

A.R.S. § 13-1001, 13-1401, 13-1410, 13-3821, 13-1414, 13-610, 13-604.01, 13-902, 12-116.05, 13-701, 13-702, 13-705, 13-801

Date of Offense: 4/10/2015

Non Dangerous - Non Repetitive

OFFENSE: Count 4 (Amended): Attempted Molestation of a Child, a dangerous crime against children

Class 3 Felony

A.R.S. § 13-1001, 13-1401, 13-1410, 13-3821, 13-1414, 13-610, 13-604.01, 13-902, 12-116.05, 13-701, 13-702, 13-705, 13-801

Date of Offense: 4/10/2015

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 25 years from 8/5/2016

Presentence Incarceration Credit: 477 days

More than Presumptive

Community Supervision: Count 2 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Counts 3 and 4.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-90J(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 3 Probation Term: Lifetime

Upon absolute discharge from prison for a separate offense in Count 2.

Count 4 Probation Term: Lifetime

Upon absolute discharge from prison for a separate offense in Count 2.

IT IS ORDERED that probation in Counts 3 and 4 shall run concurrently.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the state.

Condition 9: May apply for Interstate Compact supervision in the state of Idaho and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$65.00 per month beginning on a date to be determined.

SEX OFFENDER REGISTRATION FEE: Count 3 - \$250.00, payable on a date to be determined.

Docket Code 189

Form K189 10

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MARICOPA COUNTY

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PROBATION ASSESSMENT: Count 3 - \$20.00 payable on a date to be determined.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on a date to be determined.

INTERSTATE COMPACT APPLICATION FEE: Count 3 - \$300.00, payable in full at the time of submission of the application.

Count 3: \$50.00 to the Address Confidentiality Program, payable on a date to be determined.

Count 3: \$500.00 for Dangerous Crimes Against Children or Sexual Assault payable on a date to be determined.

The Court retains jurisdiction for any future restitution hearings.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforresponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21: Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Sex Offender; Computer Usage; Ownership and Monitoring

Pursuant to A.R.S. § 13-3821(K), notification is made to the Sheriff of Maricopa County, Arizona.

IT IS ORDERED Defendant shall register as a sex offender.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

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who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss Counts 1, 5 and 6.

Count 2: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Counts 3 and 4: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Notification is made to the State Board of Education via the Certification Desk.

11:46 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance ~~that shall accompany~~ include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

JUDGE MICHAEL W. KEMP

Date: 8-5-2016

CLERK OF THE COURT  
A. Moore

CR 2015-117597-001

Deputy

STATE v. WORTHEN

Let the record reflect that the Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

(right index fingerprint)



*Michael W. Kemp*  
JUDGE OF THE SUPERIOR COURT

This foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest August 23 20 16  
MICHAEL K. JENKINS, Clerk of the Superior Court of the  
State of Arizona, in and for Maricopa County of Maricopa

By *[Signature]* Deputy