

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Robert Kiser,
Respondent

Case No. 22240

STIPULATION

BACKGROUND

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

STIPULATION

1. This is an agreement (Stipulation) between Robert Kiser (Mr. Kiser) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).
2. If Mr. Kiser 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 September 15, 2023, unless he has been granted an extension.
3. After Mr. Kiser 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

STIPULATION - 1
Robert Kiser

650 W. State St. 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 educator certification in Idaho.
6. Mr. Kiser holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:
 - a. Standard Instructional Certificate with Sociology (6-12), Physical Education (PE)(K-12), and Health (6-12) endorsements, effective September 1, 2020, through August 31, 2025.
7. Mr. Kiser was employed by the Middleton District during the 2021-2022 and continuing through the 2022-2023 school years as a teacher and football coach.
8. Mr. Kiser attended a football camp with other coaches and players held at Eastern Oregon University (EOU) in La Grande Oregon on July 11, 2022.
9. Mr. Kiser drove his own vehicle to the football camp and met the team at the bus parking spot on the campus of EOU.
10. When Mr. Kiser arrived at the football camp he appeared to be under the influence of some substance, was slurring his words, and having difficulty walking.
11. Mr. Kiser used derogatory language towards players, including referring to players as "Fuckers" and "Faggots".
12. Mr. Kiser put one of the players in a wrist lock causing the player pain and discomfort.
13. Mr. Kiser also struck at least one student in the groin.

14. Mr. Kiser was charged with and plead guilty (no contest) to the charge of Harassment (misdemeanor) in the Circuit Court of the State of Oregon for the County of Union in Case No. 22CR56492 and the Court found that there was a factual basis for the plea. Mr. Kiser was sentenced to a diversion sentence under Oregon law that will result in dismissal of the charge if Mr. Kiser performs the conditions of the diversion sentence. Those conditions include community service, a letter of apology to the student who was put in the wrist lock, no contact with the student, payment of a diversion fee of \$300.00, payment of a \$100.00 diversion program fee, and payment of a fine of \$500.00.

15. The Executive Committee determined that probable cause exists for initiating an administrative action against Kiser for violating the following laws and rules governing educator certification:

- a. Mr. Kiser plead no contest to a misdemeanor crime of Harassment ORS 166.065 in which a student was the victim and the crime occurred during the course and in the scope of Mr. Kiser's employment with the Middleton district, which crime is relevant to Mr. Kiser's fitness as a teacher Idaho Code § 33-1208(g) ("Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state of a crime that is deemed relevant in accordance with 67-9411(1) Idaho Code.").
- b. Mr. Kiser'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) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education."). Specifically, Mr. Kiser violated Code of Ethics Principle II Idaho Admin Code r.

08.02.02.076.03)(“A professional educator maintains a professional relationship with all students both inside and outside the physical and virtual classroom.”).

- c. Mr. Kiser’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)(“Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.”). Specifically, Mr. Kiser 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. Unethical conduct includes but is not limited to: c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away.”).

16. Mr. Kiser 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 rules 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. Kiser’s certificate:

a. A letter of reprimand will be placed in Mr. Kiser’s permanent certification file.

b. Mr. Kiser will complete an approved ethics course and an approved boundaries course within one year. If Mr. Kiser does not complete the courses within one year

then Mr. Kiser's certifications will be suspended until he completes the courses and provides proof that he has completed them.

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

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

C. PRESENTATION OF THIS STIPULATION

20. Once Mr. Kiser 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. Kiser's approval on any modification before the Stipulation is effective.

D. WAIVER OF RIGHTS

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

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

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

E. GENERAL ACKNOWLEDGMENTS

26. This Stipulation contains the entire agreement between the parties, and Mr. Kiser 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. Kiser 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.

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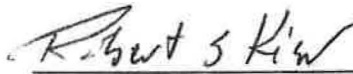
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SIGNATURES

Respondent

The Respondent, Robert Kiser, agrees to this Stipulation.

DATED this 11 day of September, 2023.



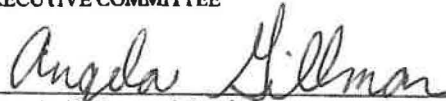
Robert Kiser
Respondent

Executive Committee

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

DATED this 22 day of Sept, 2023

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE



Angela Gillman, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

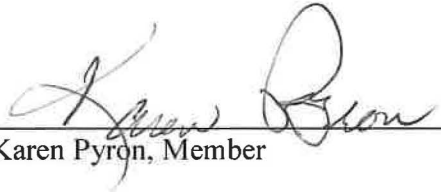
Robert Kiser,

Respondent

Case No. 22240
CONSENT ORDER

The Professional Standards Commission orders that the Stipulation, entered between Robert Kiser 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 22 day of September, 2023. The discipline listed in the Stipulation is imposed on Robert Kiser's certificates under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Robert Kiser has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION



Karen Pyron, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2023, I caused to be served a true and correct copy of the foregoing by the following method to:

Attorney for Robert S. Kiser
Jill S. Holinka
Holinka Law, PC
P.O. Box 90164
Boise, ID 83719

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile:
- Email: jsh@holinkalaw.com

Attorney for the
Chief Certification Officer
James E. ("Jim") Rice
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: jim.rice@ag.idaho.gov
colleen.funk@ag.idaho.gov

Annette Schwab

Annette Schwab
Program Specialist



STATE OF IDAHO
PROFESSIONAL STANDARDS COMMISSION
STATE DEPARTMENT OF EDUCATION
PO BOX 83720
BOISE, IDAHO 83720-0027

OFFICE
650 W State Street
PHONE
(208) 332-6884
FAX
(208) 334-2228
SPEECH/HEARING IMPAIRED
(800) 377-3529

RE: Robert Kiser
Professional Standards Commission Case No. 22240

LETTER OF REPRIMAND

The Professional Standards Commission issues a formal reprimand to Robert Kiser.

The Executive Committee found that probable cause existed to warrant the filing of an administrative complaint against Mr. Kiser's certificate by the Chief Certification Officer. After an administrative complaint was filed, Mr. Kiser stipulated that he pleaded no contest to a misdemeanor crime of Harassment ORS 166.065 in relation to an incident that occurred at a school related football camp and in which the victim was a student, the incident arose out of the inappropriate use of a prescription medication by Mr. Kiser. These actions, constitute a violation Idaho Code § 33-1208(1) and Code of Ethics Principles II and III. The full Professional Standards Commission considered his case and adopted the stipulated discipline recommended by the Executive Committee. Accordingly, a letter of reprimand is now issued based upon Mr. Kiser's behavior in which he pleaded no contest to a misdemeanor crime of Harassment ORS 166.065 in relation to an incident that occurred at a school related football camp and in which the victim was a student, the incident arose out of the inappropriate use of a prescription medication by Mr. Kiser, which is a violation of Idaho Code § 33-1208(1) and Code of Ethics Principles II and III. Mr. Kiser is hereby reprimanded for such behavior. The Chief Certification Officer is directed to issue and place this letter of reprimand in Mr. Kiser's certification file.

Dated this 22 day of September, 2023.

IDAHO STATE DEPARTMENT OF EDUCATION

Cina Lackey, Chief Certification Officer

cc: James E. ("Jim") Rice, Attorney for the Chief Certification Officer