

**BEFORE THE PROFESSIONAL STANDARDS COMMISSION
OF THE STATE OF IDAHO**

In the matter of the certificate of:)	Case No. 21908
)	
Cory Thomas Hollingsworth,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Respondent.)	FINAL ORDER
_____)	

1. On August 22, 2019, this matter came before a hearing panel of the Professional Standards Commission of the State of Idaho (“Hearing Panel”) for an administrative hearing. The hearing was conducted to consider allegations against Cory Thomas Hollingsworth (“Respondent”) brought by Lisa Colón Durham, Chief Certification Officer for the State of Idaho (“Complainant”).

2. Based upon the findings of fact and conclusions of law set forth herein, this Hearing Panel enters its Final Order issuing Respondent a reprimand and requiring that he complete an ethics course, specifically the NASDTEC Prevention and Correction Course, within six (6) months of the date of this Final Order, unless an alternate deadline is otherwise agreed to by the parties in writing.

PROCEDURAL HISTORY

3. On May 2, 2019, Complainant, by and through her attorney, Deputy Attorney General Robert Berry, filed the Administrative Complaint against Respondent.

4. On May 30, 2019, Respondent, by and through his attorney Paul J. Stark, filed a Request for Hearing. Respondent did not file an Answer in response to the Administrative Complaint and was not required to file an Answer pursuant to the Notification of Procedural Rights set forth in in the Administrative Complaint.

5. On August 22, 2019, an administrative hearing in this matter was conducted before the Hearing Panel. The hearing was held in the Community Room of the American Falls District Library in American Falls, Idaho. During the hearing, Mr. Stark represented Respondent, and Deputy Attorney General Berry represented the Complainant. Dan Sakota served as Chair for the Hearing Panel. Sandee Nelson and Jeremy Tyler Jones served as the other members of the Hearing Panel. Andrew J. Snook, Deputy Attorney General, served as legal counsel for the Hearing Panel.

6. During the August 22 hearing, the parties offered documentary evidence in the form of Complainant's Exhibits A through G and Respondent's Exhibits 1 through 5. The parties stipulated to the admission of all offered exhibits, and this Hearing Panel admitted all offered exhibits. The Hearing Panel also received verbal testimony from the following witnesses:

- Annette Schwab, Program Specialist, Professional Standards Commission;
- Lisa Colón Durham, Chief Certification Officer for the State of Idaho;
- Randy Jensen, Superintendent, American Falls School District; and
- Cory Thomas Hollingsworth, Respondent.

FINDINGS OF FACT

7. Respondent holds a Standard Secondary Certificate with Mathematics (6-12), Physical Education (PE) (6-12), and Health (6-12) endorsements. Respondent's certificate was issued under the authority of the Idaho State Board of Education and, at the time of the hearing in this matter, was effective from September 1, 2014, through August 31, 2019.¹ See Administrative Complaint, ¶ 3.

¹ Since the hearing in this matter, Respondent's certificate has been renewed effective from September 1, 2019, through August 31, 2024.

8. On January 13, 2014, Respondent received a letter from the Oregon Teacher Standards and Practices Commission (“Oregon TSPC”) informing him that that it had received a report from the North Wasco County School District (“North Wasco”), Respondent’s former employing school district. Per the Oregon TSPC’s letter, the North Wasco Report stated that Respondent “may have violated Standards for Competent and Ethical Performance of Oregon Educators regarding viewing inappropriate and blocked websites on a district owned computer.” The Oregon TSPC letter further informed Respondent that the Oregon TSPC was required to conduct an investigation into the report received from North Wasco. *See* Exhibit C; *see also* Administrative Complaint, ¶¶ 4-7.

9. On February 10, 2014, Respondent received a letter from his attorney at the time, Andrew J. Meyers of the law firm Thomas C. Peachey, P.C. Mr. Meyers’ letter was in regard to Respondent’s “matter concerning the Wasco County School District” and stated “this matter is now closed.” Mr. Meyers’ letter did not specify whether the now closed “matter” was a specific administrative, civil, or criminal matter. *See* Exhibit 1.

10. On March 19, 2014, Respondent completed and submitted an Application for Renewal of an Idaho Certificate/Credential (“Renewal Application”). *See* Exhibit B; *see also* Administrative Complaint, ¶ 8.

11. On his Renewal Application, in Item #7, Prior Certification Irregularities or Legal Convictions, Respondent answered “no” to the question of “are you currently under investigation, on probation or facing criminal charges in Idaho or any other state.” *See* Exhibit B; *see also* Administrative Complaint, ¶¶ 9-11.

12. On his Renewal Application, Respondent attested that he had read the Code of Ethics for Idaho Professional Educators and that all statements made by him on his

Renewal Application were true and correct to the best of his knowledge. *See* Exhibit B; *see also* Administrative Complaint, ¶ 12.

13. On March 24, 2014, Respondent submitted an Application for Certified Teacher to West Jefferson School District #253. *See* Exhibit D.

14. In his written application materials submitted to West Jefferson School District #253, Respondent omitted his time spent in Oregon as an educator and only identified his education experience as limited to Idaho. *See* Exhibit D.

15. On September 26, 2016, Respondent pled guilty to a Class A misdemeanor, Computer Crime, in the State of Oregon, based in part on the conduct at issue in the report forwarded to the Oregon TSPC by North Wasco. *See* Exhibit A; *see also* Administrative Complaint, ¶ 19.

16. On November 9, 2017, following completion of its investigation of the report received from North Wasco, the Oregon TSPC issued a Stipulation of Facts and Final Order of Surrender and Revocation of Right to Apply for Licensure (“Oregon Order”). *See* Exhibit A; *see also* Administrative Complaint, ¶ 13.

17. Pursuant to the terms of the Oregon Order, the Oregon TSPC and Respondent stipulated that a forensic examination of Respondent’s North Wasco school computer indicated that Respondent had used his school computer during school hours to search for pornographic material. *See* Exhibit A; *see also* Administrative Complaint, ¶ 19.

18. Pursuant to the terms of the Oregon Order, Respondent agreed that he voluntarily entered into the Oregon Order, had fully read it, and understood it completely. *See* Exhibit A; *see also* Administrative Complaint, ¶ 16.

19. Pursuant to the terms of the Oregon Order, the Oregon TSPC concluded that Respondent's conduct stipulated to and described in the Oregon Order constituted several instances of unprofessional conduct. *See Exhibit A; see also Administrative Complaint, ¶ 20.*

20. Per the Oregon Order, the Oregon TSPC accepted Respondent's surrender of his Oregon educator License and revoked Respondent's right to apply for an Oregon educator license, effective November 9, 2017. *See Exhibit A; see also Administrative Complaint, ¶ 21.*

21. On or about January 13, 2018, Respondent submitted an Application for Certificated Position to American Falls School District #381. *See Exhibit F.*

22. In his written application materials submitted to American Falls School District #381, Respondent omitted his time spent in Oregon as an educator and only identified his educator experience as limited to Idaho. *See Exhibits D and E; see also Administrative Complaint, ¶ 23.*

23. On or about October 31, 2018, after conducting a background check for purposes of Respondent's application for a position with American Falls School District #381, the Idaho State Department Education became aware of the Oregon Order and Respondent's conduct at issue therein. *See Administrative Complaint, ¶ 22.*

24. During the August 22 hearing, Respondent testified to this Hearing Panel that his inappropriate computer usage at North Wasco began after the district's content filter blocked Respondent's access to a comedy video he was attempting to view on his district computer. Respondent further testified to this Hearing Panel that he then became curious about what might get past the district's content filter, and he began to test the

district's content filter using various inappropriate search terms. Specifically, Respondent admitted to searching for those terms set forth in the Oregon Order, including using partial misspellings of inappropriate search terms in an effort to bypass the district's content filter. *See* Exhibit A; *see also* Administrative Complaint, ¶ 19.

25. During the August 22 hearing, Respondent testified to this Hearing Panel that his school computer at North Wasco was located in a gym office and that no students were ever present during any inappropriate computer usage by Respondent.

26. During the August 22 hearing, Respondent testified to this Hearing Panel that he admitted having engaged in inappropriate computer usage and that he understood he made serious mistakes in such computer usage at North Wasco.

27. During the August 22 hearing, Respondent testified to this Hearing Panel that his understanding of the letter he received from Mr. Meyers was that all potential matters stemming from Respondent's inappropriate computer usage at North Wasco were "closed" or otherwise resolved. *See also* Exhibit 1.

28. During the August 22 hearing, Respondent testified to this Hearing Panel that at the time of completing his Renewal Application he believed Item #7, specifically Question 6, to pertain only to criminal investigations rather than licensure investigations. Respondent further testified to this Hearing Panel that he believed his Renewal Application answers were truthful. In his testimony to this Hearing Panel, Respondent correctly identified that the standard renewal application has since been revised to specifically refer to disciplinary proceedings or investigations "by a professional licensing authority." *See* Exhibit 3.

29. During the August 22 hearing, Respondent testified to this Hearing Panel that he pled guilty to the Class A misdemeanor, Computer Crime, in Oregon because he was indeed guilty, wanted to acknowledge that his conduct was “in the wrong,” and wanted to take responsibility for his actions.

30. During the August 22 hearing, Respondent testified to this Hearing Panel that he admitted to omitting his Oregon teaching experience from both his Application for Certificated Position submitted to American Falls School District #381 and his Application for Certified Teacher submitted to West Jefferson School District #253. Respondent also testified that he omitted his Oregon teaching experience because he wanted to focus on the experience most pertinent to the positions he was seeking. However, Respondent further testified that he recognized in hindsight that it was a mistake to omit his Oregon teaching experience from his applications.

31. During the August 22 hearing, both Respondent and Superintendent Jensen testified to this Hearing Panel that Respondent verbally disclosed to Superintendent Jensen Respondent’s Oregon educator experience, including Respondent’s inappropriate computer usage at North Wasco. However, Superintendent Jensen also confirmed in his testimony to this Hearing Panel that Respondent did not include his Oregon educator experience in his written application materials submitted to American Falls School District #381. *See also* Exhibit E. Also, this Hearing Panel did not receive any testimony from any administrators from West Jefferson School District #253.

32. During the August 22 hearing, Respondent concluded his testimony to this Hearing Panel by expressing that he was remorseful for his conduct and that he was willing to take any steps necessary to continue as an educator in Idaho.

CONCLUSIONS OF LAW

33. This Hearing Panel has authority under Idaho Code § 33-1208 and § 33-1209 to hear this contested case initiated by Complainant against Respondent.

34. The Hearing Panel has authority under Idaho Code § 33-1208 and § 33-1209 to revoke, suspend, issue a letter of reprimand, or place reasonable conditions on any certificate for violations of the statutes and rules governing Idaho professional educators.

Count I

(Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state)

35. Pursuant to Idaho Code § 33-1208(1)(e), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state.”

36. Respondent’s conduct at issue in the Oregon Order, had it occurred in Idaho, would have violated one or more of the statutes or rules governing teacher certification in Idaho, such as Principle V(a) of Idaho’s Code of Ethics for Idaho Professional Educators (“misuse, or unauthorized use, of public or school-related funds or property). *See* IDAPA 08.02.02.076.06.a.

37. Thus, while this Hearing Panel has concluded that the Oregon Order, when considered with Respondent’s subsequent actions and testimony to this Hearing Panel, does not warrant the revocation of Respondent’s Idaho certificate, **any** violation of the statutes or rules governing teacher certification in Idaho may result in the revocation of an Idaho certificate. *See* Idaho Code § 33-1208(1).

38. Therefore, this Hearing Panel concludes that the issuance of the Oregon Order against Respondent constitutes a violation of Idaho Code § 33-1208(1)(e).

Count II
(Making any material statement of fact in the application for a certificate, which the applicant knows to be false)

39. Pursuant to Idaho Code § 33-1208(1)(d), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . making any material statement of fact in the application for a certificate, which the applicant knows to be false.”

40. While Respondent’s testimony to this Hearing Panel correctly identified that Idaho’s standard renewal application has since been revised to specifically refer to disciplinary proceedings or investigations “by a professional licensing authority,” the questions on Respondent’s Renewal Application were sufficiently clear to inform Respondent of the need to disclose the Oregon TSPC investigation as part of his Renewal Application.

41. Therefore, this Hearing Panel concludes that Respondent’s conduct in completing and submitting his Renewal Application violated Idaho Code § 33-1208(1)(d).

Count III
(Gross neglect of duty)

42. Pursuant to Idaho Code § 33-1208(1)(a), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . gross neglect of duty.”

43. Given this Hearing Panel’s conclusions in Counts I, II, and IV, this Hearing Panel does not conclude that Respondent’s conduct at issue in this proceeding constituted a gross neglect of duty.

Count IV
(Principle IV - a professional educator exemplifies honesty and integrity in the course of professional practice)

44. Pursuant to Idaho Code § 33-1208(1)(j), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.”

45. Principle IV of the Code of Ethics for Idaho Professional Educators provides that a “professional educator exemplifies honesty and integrity in the course of professional practice” and that “unethical conduct includes . . . deliberately misrepresenting professional qualifications, degrees, academic awards and related employment history when applying for employment or licensure.” *See* IDAPA 08.02.02.076.05.b.

46. In his testimony to this Hearing Panel, Respondent admitted to deliberately omitting his Oregon educator experience from both his Application for a Certificated Position submitted to American Falls School District #381 and his Application for Certified Teacher submitted to West Jefferson School District #253. Respondent acknowledged to this Hearing Panel that it was a mistake to omit his Oregon educator experience from those written application materials. While the testimony provided to this Hearing Panel established that Superintendent Jensen was verbally made aware of Respondent’s Oregon educator experience, such verbal notification does not overcome the deliberate omission from Respondent’s written application materials.

47. Therefore, this Hearing Panel concludes that Respondent’s conduct in deliberately omitting his Oregon educator experience from his written application materials submitted to American Falls School District #381 and West Jefferson School District #253

violated Principle IV of the Code of Ethics for Idaho Professional Educators (IDAPA 08.02.02.076.05.b.).

Count V

(Principle V - a professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility)

48. Pursuant to Idaho Code § 33-1208(1)(j), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.”

49. Principle V of the Code of Ethics for Idaho Professional Educators provides that a “professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.” *See* IDAPA 08.02.02.076.06.

50. While this Hearing Panel notes that Respondent’s Oregon conduct, had it occurred in Idaho, would have violated Principle V(a) of the Code of Ethics for Idaho Professional Educators (“misuse, or unauthorized use, of public or school-related funds or property), given this Hearing Panel’s conclusions in Counts I, II, and IV, this Hearing Panel does not conclude that Respondent’s conduct at issue in this proceeding violated the requirement that “a professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility.”

Count VI

(Principle X - just and equitable treatment for all members of the profession)

51. Pursuant to Idaho Code § 33-1208(1)(j), this Hearing Panel “may deny, revoke, suspend, or place reasonable conditions on any certificate . . . upon . . . willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.”

52. Principle X of the Code of Ethics for Idaho Professional Educators provides that a “professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities while following generally recognized professional principles.” See IDAPA 08.02.02.076.11.


53. Given this Hearing Panel’s conclusions in Counts I, II, and IV, this Hearing Panel does not conclude that Respondent’s conduct violated the requirement that a professional educator “ensures just and equitable treatment for all members of the profession” as required by Principle X.

FINAL ORDER

IT IS THE FINAL ORDER of this Hearing Panel that, based upon the findings of facts and conclusions of law set forth herein, Respondent’s certificate shall be disciplined as follows:

1. The Professional Standards Commission shall issue a Reprimand upon Respondent’s educator certificate; and
2. Respondent shall complete an ethics course, specifically the NASDTEC Prevention and Correction Course, and provide the Professional Standards Commission with a certificate of completion, or other equivalent documentation evidencing Respondent’s completion of such course, within six (6) months of the date of this Final Order, unless an alternate deadline is otherwise agreed to by the parties in writing.

Dated this 28 of October, 2019.



Dan Sakota
Hearing Panel Chair

NOTIFICATION OF PROCEDURAL RIGHTS

THIS IS A FINAL ORDER OF THE HEARING PANEL. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of its service date. The Hearing Panel 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.

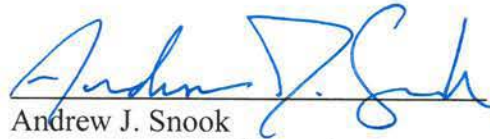
Pursuant to Idaho Code §§ 33-1209(8), 67-5270, and 67-5272, any party aggrieved by this Final Order or by another Order previously entered in this Contested Case may obtain Judicial Review of this Final Order and of all previously issued Orders in this Contested Case by filing a Petition for Judicial 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 31st day of October, 2019, I caused to be served a true and correct copy of the preceding as follows:

Paul J. Stark 620 N. Sixth St. P. O. Box 2638 Boise, ID 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: pstark@idahoea.org lrietze@idahoea.org
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: robert.berry@ag.idaho.gov leslie.gottsch@ag.idaho.gov



Andrew J. Snook
Deputy Attorney General
Hearing Panel Legal Counsel