

**IDAHO PROFESSIONAL STANDARDS COMMISSION**

In the matter of the certificate of:

Nathaniel J. Park,

Respondent

Case No. 21911

**FINAL ORDER**

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the educator certificate issued to Nathaniel J. Park, seeking for the Professional Standards Commission to impose discipline on Mr. Park’s certificate. *See* Idaho Code § 33-1209. Because Mr. Park did not request a hearing within 30 days, and because Mr. Park was determined to be in default by a hearing/presiding officer, the allegations in the 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. Park willfully violated the following principles of the Code of Ethics adopted by the State Board of Education. Idaho Code § 33-1208(1)(j).

The Commission specifically holds that Mr. Park’s conduct or course of conduct in violating Utah Code 76-4-401 violated Idaho Code § 33-1208(2)(f), which applies where there is a violation of equivalent state laws in another jurisdiction (“The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child: The sexual exploitation of a child, section 18-1507, Idaho Code.”).

Mr. Park'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.") (emphasis added).<sup>1</sup>

Mr. Park'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)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Mr. Park 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.").

Mr. Park'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)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Mr. Park violated Code of Ethics Principle X (Idaho Admin. Code r. 08.02.02.076.11) ("Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties.").

Mr. Park'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").

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

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<sup>1</sup> See *Gonzalez-Cervantes v. Holder*, 709 F.3d 1265, 1267 (9<sup>th</sup> Cir. 2013).

*Other discipline*

\_\_\_\_\_ Mr. Park's certificate is revoked.

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

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

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

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

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

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

\_\_\_\_\_ A letter of reprimand will be placed in Mr. Park'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 14 day of November, 2019.

  
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 22 day of November, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:


Nathaniel J. Park



- 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](mailto:robert.berry@ag.idaho.gov)  
[leslie.gottsch@ag.idaho.gov](mailto: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:

Nathaniel J. Park,

Respondent

Case No. 21908

**ADMINISTRATIVE COMPLAINT**

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Nathaniel J. Park.

**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. Mr. Park holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:

a. Standard Secondary certificate with Mathematics (6-12) and Physical Education (PE) (K-12) endorsements, effective April 28, 2016, through August 31, 2021.

4. Mr. Park taught math at Joel P. Jensen Middle School from 2016 until his resignation in January 2018.

5. From August 2017 to January 2018, Mr. Park communicated on social media with an undercover police officer, who Mr. Park thought was a thirteen-year-old girl.

6. Mr. Park had sexually charged conversations, sent nude photos and videos of himself, and repeatedly enticed the “girl” to engage in sex.

7. When police interviewed Mr. Park in January 2018, he admitted the allegations, admitted that he was sexually attracted to children, that he frequently viewed child pornography, and that he fantasized about seducing his students.

8. Mr. Park was arrested and on June 5, 2018, Mr. Park entered a plea of guilty to Charge 1, Utah Code 76-4-401, Entice, Solicit, Seduce, or Lure a Minor by Internet or Text, a second degree felony, in *State of Utah v. Nathaniel James Park*, 2<sup>nd</sup> District-Farmington, Davis County, State of Utah, Case Number 181700464.

9. Utah Code 76-4-401(2)(a), provides the following: “A person commits enticement of a minor when the person knowingly uses the Internet or text messaging to solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person that the actor believes to be a minor, to engage in any sexual activity which is a violation of state criminal law.”

10. Utah Code 76-4-401(2)(b), provides the following: “A person commits enticement of a minor when the person knowingly uses the Internet or text messaging to: (i) initiate contact with a minor or a person the actor believes to be a minor; and (ii) subsequently to the action under Subsection (2)(b)(i), by any electronic or written means, solicits, seduces, lures, or entices, or attempts to solicit, seduce, lure, or entice the minor or a person the actor believes to be the minor to engage in any sexual activity which is a violation of state criminal law.”

11. Idaho Code 18-1507(2) provides the following: “A person commits sexual exploitation of a child if he knowingly and willfully: a) Possesses or accesses through any means including, but not limited to, the internet, any sexually exploitative material; or

(b) Causes, induces or permits a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing or making sexually exploitative material; or (c) Promotes, prepares, publishes, produces, makes, finances, offers, exhibits or advertises any sexually exploitative material; or (d) Distributes through any means including, but not limited to, mail, physical delivery or exchange, use of a computer or any other electronic or digital method, any sexually exploitative material. Distribution of sexually exploitative material does not require a pecuniary transaction or exchange of interests in order to complete the offense.”

12. Mr. Park’s judgment and conviction on the Utah felony charge was entered on July 31, 2018.

13. The Utah Professional Practices Advisory Commission (“UPPAC”) sent Mr. Park a Complaint on August 10, 2018.

14. Mr. Park failed to file an answer or otherwise defend against the Complaint.

15. An order of default was subsequently issued and UPPAC revoked Mr. Park’s license in Utah.

#### COUNT I

16. Mr. Park’s conduct or course of conduct in violating Utah Code 76-4-401 violated Idaho Code § 33-1208(2)(f), which applies where there is a violation of equivalent state laws in another jurisdiction. (“The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child: The sexual exploitation of a child, section 18-1507, Idaho Code.”).



## COUNT II

17. Mr. Park'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.") (emphasis added).<sup>1</sup>

## COUNT III

18. Mr. Park'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)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Mr. Park 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.").

## COUNT IV

19. Mr. Park'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)(j) ("Willful violation of any professional code or standard of ethics or conduct, adopted by the state board of education"). Specifically, Mr. Park violated Code of Ethics Principle III (Idaho Admin. Code r. 08.02.02.076.11) ("Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties.").

## COUNT V

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<sup>1</sup> See *Gonzalez-Cervantes v. Holder*, 709 F.3d 1265, 1267 (9<sup>th</sup> Cir. 2013).

20. Mr. Park'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").

#### 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. Permanently revoke Mr. Park's certificate.
2. That if Mr. Park requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. Park may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. Park'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 9 day of July, 2019.

  
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

## 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 permits 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9<sup>th</sup> day of July, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Nathaniel J. Park



- 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
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- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: (208) 854-8073
- Email: robert.berry@ag.idaho.gov  
leslie.gottsich@ag.idaho.gov

  
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Annette Schwab  
Program Specialist  
Idaho State Department of Education