

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:)
) CASE NO. 22246
Markette Kelemete,)
)
Respondent.) **FINDINGS OF FACT, CONCLUSIONS**
) **OF LAW, AND FINAL ORDER**
)
)
_____)

1. On June 26, 2023, 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 Markette Kelemete (“Respondent”) brought by Greg Wilson, Interim Chief Certification Officer for the State of Idaho, Department of Education (“Complainant”).

2. Based upon the findings of fact and conclusions of law set forth herein, this Hearing Panel enters its Final Order finding that Respondent willfully violated Code of Ethics Principle IV and ordering that Respondent’s certificate be suspended from September 20, 2022, through June 26, 2023, allowing Respondent to apply to reinstate her certificate immediately.

PROCEDURAL HISTORY

3. On February 27, 2023, Complainant, by and through his attorney Deputy Attorney General Jim Rice, filed an administrative complaint against Respondent. *See* Administrative Complaint. The Administrative Complaint alleged that Respondent violated Principle IV of the Code of Ethics for Idaho Professional Educators by not exemplifying honesty and integrity in the course of professional practice, in violation of Idaho Code § 33-1208(1) and IDAPA 08.02.02.076.05.

4. On June 1, 2023, Respondent requested a hearing before the Hearing Panel to address the ethics allegations against her.

5. On June 26, 2023, the Hearing Panel held a hearing on this matter in person in room B-35, Len B. Jordan Building, 650 West State Street, Boise, Idaho. The Hearing Panel consisted of the Chair, Anne Ritter, and panel members Leslie Priebe and Steven Gardner. Counsel for the Hearing Panel was Deputy Attorney General Brett Jarvis. Respondent was present and represented herself. Complainant was represented by Deputy Attorney General Jim Rice.

6. During the hearing the parties agreed to the admission of exhibits and presented their agreed upon resolution to the matter. The parties agreed that Respondent would admit that she misrepresented material facts during the course of her professional practice and that Respondent's certificate would be suspended, backdated starting on September 20, 2022, and ending the date of the hearing, June 26, 2023.

7. After a motion from panel member Steven Gardner and a second from panel member Leslie Priebe, the Hearing Panel voted unanimously to accept the agreement between the parties as the Hearing Panel's findings of fact, conclusions of law, and final order.

FINDINGS OF FACT

8. On September 5, 2017, Respondent submitted an Application for Renewal of an Idaho Certificate/Credential, on which she indicated that she had never had a professional license or certificate denied by any professional licensing authority and that she had never had disciplinary taken against her. See Ex. 2.

9. On October 27, 2017, Respondent's application was denied because of a discrepancy between the application and supporting documentation. See Ex. 3.

10. On November 6, 2017, Respondent submitted an Application for Reinstatement on which she updated her responses to indicated that she had a professional license or certificate

denied by a professional licensing authority and that she had disciplinary taken against her. See Ex. 4. In an attached explanation, Respondent wrote that disciplinary actions were taken against her for DUI charges from 2009 and 2011. See Ex. 5.

11. On August 3, 2022, at the conclusion of the five-year period for Respondent's renewable certificate, Respondent filed an Idaho Education Certification Renewal Application. See Ex. 1. On the application Respondent indicated that she had never had an educator or teacher license/certificate denied by any professional licensing authority. *Id.*

12. On August 29, 2022, Respondent's application was denied because Respondent failed to disclose that she had a professional license or certificate denied by a professional licensing authority. See Ex. 6.

13. On September 8, 2022, Respondent wrote to the then-Chief Certification Officer explaining that it was not her intent to deceive when she did not disclose her previous license denials on her 2022 application. See Ex. 8. Respondent wrote that 2017 was a difficult time for her personally, and she did not remember what information she included on her 2017 application. *Id.*

14. On September 9, 2022, Respondent submitted an updated Idaho Educator Certification Renewal Application on which she indicated that she had been denied a license/certificate by a professional licensing authority. See Ex. 7. That application was denied on September 20, 2022, after the Executive Committee of the Professional Standards Commission recommended that the application be denied. See Ex. 9.

15. At the hearing before the Hearing Panel, Respondent explained that in 2017 she had a substance abuse problem, making it difficult to remember what information she included on her applications in 2017. In 2019, Respondent voluntarily checked herself into alcohol

treatment at Port-of-Hope. Over the course of several months Respondent made progress to get sober. She attended over one-hundred Alcoholics Anonymous meetings. Respondent’s alcohol problem never resulted in problems on campus or impacted her students.

CONCLUSIONS OF LAW

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


17. 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.

18. The Hearing Panel finds that Respondent’s failure to disclose her previous denials of a license or certificate on her 2022 Idaho Education Certification Renewal Application constitutes a willful violation of a professional code or standard of ethics or conduct, adopted by the State Board of Education pursuant to Idaho Code § 33-1208(1)(j). Specifically, Respondent’s conduct was a violation of Principle IV—Professional Integrity, IDAPA 08.02.02.076.05 (A professional educator exemplifies honesty and integrity in the course of professional practice).

FINAL ORDER

IT IS THE FINAL ORDER of the Hearing Panel, based upon the findings of fact and conclusions of law set forth herein, that Respondent’s credential be suspended beginning September 20, 2022, and ending June 26, 2023.

Dated this 5 day of July, 2023


ANNE RITTER
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 5th day of July, 2023, I caused to be served a true and correct copy of the foregoing by the method indicated below and addressed to the following:

Markette Kelemete, Respondent	<input type="checkbox"/> US Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail at: [REDACTED] <input type="checkbox"/> Facsimile at (208) _____
Jim Rice, Deputy Attorney General Office of the Attorney General Statehouse Boise, ID 83702-0010	<input type="checkbox"/> Statehouse Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail at: jim.rice@ag.idaho.gov <input type="checkbox"/> Facsimile at (208) _____

Cc: Members of Hearing Panel
Attorney Advisor to Hearing Panel

By Annette Schwab
Annette Schwab, Program Specialist
Professional Standards Commission