

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Scott O’Brady,

Respondent

Case No. 21918

FINAL ORDER

The Chief Certification Officer for the State of Idaho filed an Administrative Complaint against the educator certificate issued to Scott O’Brady, seeking for the Professional Standards Commission to impose discipline on Mr. O’Brady’s certificate. *See* Idaho Code § 33-1209. Because Mr. O’Brady did not request a hearing within 30 days, and because Mr. O’Brady 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. O’Brady 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. O’Brady’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. O’Brady violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05) (“A professional educator exemplifies honesty and integrity in the course of professional practice.”).

The Commission specifically holds that Mr. O’Brady’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. O’Brady violated Code of Ethics Principle X (Idaho Admin. Code r. 08.02.02.076.11.a) (“Any conduct that seriously impairs the Certificate holder’s ability to teach or perform his professional duties.”).

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

 X Mr. O’Brady’s certificate is revoked.

_____ Mr. O’Brady’s certificate is permanently revoked under Idaho Code § 33-1208(2).

_____ Mr. O’Brady’s certificate is suspended for _____ years _____ months

_____ Mr. O’Brady’s certificate is suspended indefinitely pending completion of the following conditions:

1. _____
2. _____
3. _____
4. _____

_____ Mr. O’Brady’s certificate has the following conditions placed upon it.

1. _____
2. _____
3. _____
4. _____

_____ A letter of reprimand will be placed in Mr. O’Brady’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 April, 2020.

Elisa S. Saffle

ELISA SAFFLE, MEMBER
Idaho Professional Standards Commission

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 19th day of May, 2020, I caused to be served a true and correct copy of the foregoing by the following method to:

Scott O'Brady



- 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

A handwritten signature in cursive script that reads "Annette Schwab".

Annette Schwab
Program Specialist
Idaho State Department of Education

IDAHO PROFESSIONAL STANDARDS COMMISSION

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Case No. 21918

ADMINISTRATIVE COMPLAINT

Lisa Colón Durham, Chief Certification Officer for the State of Idaho, alleges the following against Scott O’Brady.

GENERAL AVERMENTS

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. O’Brady holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:

- a. Standard Secondary certificate with Geography (6-12) endorsement, effective July 25, 2014, through August 31, 2019.
- b. (Expired) Standard Secondary Certificate with Social Studies (6-12), History (6-12), Geography (6-12), and Mathematics (6-12) endorsements, effective September 1, 2008, through September 1, 2013.

4. Mr. O’Brady was employed by the American School of Bangkok during the 2016-2017 school year as a math teacher.

5. The resume provided by Mr. O’Brady to the American School of Bangkok indicated that he was certified to teach Mathematics, Social Studies, Geography, and Computer Science.

6. During the 2016-2017 school year, American School of Bangkok had to cancel an AP statistics class that was being taught by Mr. O’Brady for lack of students.

7. The American School of Bangkok contacted Idaho to check on his certification and learned that Mr. O’Brady was only certified to teach Geography.

8. The American School of Bangkok subsequently received a copy of Mr. O’Brady’s purported Idaho certificate. A true and correct copy of this certificate is attached as Exhibit A.

9. The purported Idaho Certificate shows that Mr. O’Brady has a Standard Secondary certificate with Geography (6-12), History (6-12), Social Studies (6-12), and Standard Mathematics (6-12) endorsements.

10. The purported Idaho certificate claims to be valid from September 1, 2013 through September 1, 2018 and claims to have been issued on August 27, 2013, by Marilyn Howard, Ed., State Superintendent of Public Instruction.

11. Mr. O’Brady’s only endorsement since July 25, 2014, is Geography (6-12).

12. No educator certificate was issued by the State of Idaho on August 27, 2013.

13. Dr. Howard was the State Superintendent of Public Instruction, but not on August 27, 2013.

14. Dr. Howard was the State Superintendent of Public Instruction from 1999-2006.

15. Dr. Howard did not issue the purported Idaho certificate to Mr. O’Brady.

16. Mr. O’Brady did not hold Idaho certification from the time his certificate lapsed on September 1, 2013, until his certificate was reinstated on July 25, 2014.

17. The purported Idaho certificate is a forgery.

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Count I

18. Mr. O’Brady’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. O’Brady violated Code of Ethics Principle IV (Idaho Admin. Code r. 08.02.02.076.05) (“A professional educator exemplifies honesty and integrity in the course of professional practice.”)

Count II

19. Mr. O’Brady’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. O’Brady violated Code of Ethics Principle X (Idaho Admin. Code r. 08.02.02.076.11.a) (“Any conduct that seriously impairs the Certificate holder’s ability to teach or perform his professional duties.”).

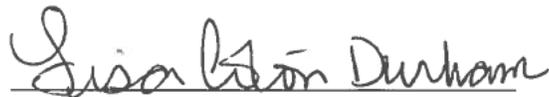
REQUEST FOR RELIEF

The Chief Certification Officer requests that the Commission grant the following relief, as permitted under Idaho Code §§ 33-1208 and 33-1209:

1. Revoke Mr. O’Brady’s certificate.
2. That if Mr. O’Brady requests a hearing, a hearing be conducted before a hearing panel, where the Chief Certification Officer and Mr. O’Brady may present evidence concerning the allegations in this Administrative Complaint, to aid the hearing panel in determining whether Mr. O’Brady’s certificate should be disciplined and, if so, what discipline should be imposed.

3. That after a hearing, the waiver of a hearing, or Mr. O'Brady's failure to file an Answer to this Administrative Complaint, the hearing panel issue findings of fact and conclusions of law finding the violations of law alleged herein;
4. Any other relief that would be just under the circumstances.

DATED this 14 day of October, 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 must file an answer pursuant to IDAPA rule 04.11.01.270, 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 18 day of October, 2019, I caused to be served a true and correct copy of the foregoing by the following method to:

Scott O'Brady



- 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