

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificates of:

Michael J. Sermon,

Respondent

Case No. 21933

FINDINGS

Background

The Professional Standards Commission received an allegation of unethical conduct concerning Michael J. Sermon, from which an inquiry was launched. Before the Executive Committee’s review of the case and a finding of probable cause, Mr. Sermon voluntarily surrendered his certificate. The Commission enters these findings under Idaho Code § 33-1208(3).

GENERAL AVERMENTS

1. The Professional Standards Commission (Commission) regulates teacher certification in Idaho.
2. Mr. Sermon held the following certificates and endorsements issued under the authority of the Idaho State Board of Education:
 - a. Degree Based Career Technical with CTE-Business Technology Education (6-12) endorsement, effective August 14, 2018, through August 27, 2019, when his surrendered certificate was invalidated.
 - b. Standard Instructional Certificate with Business Technology Education (6-12) endorsement, effective August 14, 2018, through August 27, 2019, when his surrendered certificate was invalidated.
3. Mr. Sermon was employed by the Buhl Joint School District (“District”) for the 2018-2019 school year as a teacher at Buhl High School.
4. On February 22, 2019, a Criminal Complaint was filed against Mr. Sermon in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in Case No. CR42-19-1875. A copy of the criminal complaint is attached as Exhibit A.

5. The Criminal Complaint alleged one count of Sexual Battery, a misdemeanor under Idaho Code § 18-924.

6. On or about December 6, 2018, Mr. Sermon was alleged to have willfully made physical contact with the intimate parts, and without the consent, of K.S., a minor female student at Buhl High School, with the intent of arousing, appealing to, or gratifying the lust, passion and/or sexual desires of Mr. Sermon and or K.S.

7. On July 16, 2019, based upon a voluntarily plea of guilty, judgment was entered against Mr. Sermon in the aforesaid criminal matter for one count of misdemeanor battery, a violation of Idaho Code § 18-903. A copy of the Judgment is attached as Exhibit B.

8. On August 21, 2019, Mr. Sermon voluntarily surrendered his educator credentials “to avoid being subject to further disciplinary action and oversight and to resolve this matter.” A copy of the Surrender is attached as Exhibit C.

9. Based upon the above findings, the Commission finds that Mr. Sermon willfully violated Idaho Code, Section 33-1208(1)(j), and Principles II and X of the Code of Ethics for Idaho Professional Educators.

These findings are effective on the day signed. These findings and the voluntary surrender form submitted by Mr. Sermon, which will be attached to this Order, are public records, and may be made available on the State Department of Education or Commission website.

Dated 24 day of April, 2020.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa S. Saffle

Elisa Saffle, Member

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:

Michael J. Sermon



- 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.gottsche@ag.idaho.gov

Annette Schwab
Program Specialist
Idaho State Department of Education

EXHIBIT A

2019 FEB 22 AM 10:09

BY _____
[Signature]

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83301
eService address: inbox.pros@tfco.org
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	Case No. CR42-19- <u>1875</u>
)	
Plaintiff,)	
)	
vs.)	CRIMINAL COMPLAINT
)	
MICHAEL J. SERMON,)	
117 Sunset Circle, Buhl, ID)	DOB: 07/03/1987
Defendant.)	SSN: XXX-XX-4413
_____)	

Personally appears before me this 22nd day of February, 2019, Suzanne E. Ehlers, Chief Deputy Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this complaint, pursuant to Idaho Criminal Rule 3 and based upon the attached sworn affidavit, that MICHAEL J. SERMON, did commit the following:



SEXUAL BATTERY
Misdemeanor, I.C. 18-924

That the Defendant, MICHAEL J. SERMON, on or about December 6, 2018, in the County of Twin Falls, State of Idaho, did willfully make physical contact with the intimate parts of a person, K.S., without the consent of K.S., with the intent of arousing, appealing to or gratifying the lust, passion and/or sexual desires of the Defendant and or K.S., in violation of Idaho Code Section 18-924.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that a SUMMONS be issued for the said defendant, MICHAEL J. SERMON, and that he may be dealt with according to law.

19M VINTI 9 #9202 FOR
Suzanne E. Ehlers
Senior Deputy Prosecuting Attorney

Signed before me this 22 day of February, 2019.


Judge

EXHIBIT B

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

vs.

Michael J Sermon
 117 Sunset Circle
 Buhl ID 83316

Case No. CR42-19-1875

Citation No.

Agency:

JUDGMENT

Event Code: JDMT

DOB: 1987

Count 1 Charge Desc Battery

Statute I.C.S
 118-903 {M}

DEFENDANT having been advised of all rights and penalties per ICR 5, 11, IMCR 5(f) and 6(c).

DEFENDANT WAS: Present Not present Was represented Appeared without counsel and waived right to counsel
 Defendant knowingly, voluntarily, and intelligently waived the following rights: right against compulsory self-incrimination, right to confront and cross-examine witnesses, right to a jury trial and any defenses to the charge(s).

COURT ENTERS JUDGMENT AFTER: Voluntary Guilty Plea Trial: Found Guilty WITHHELD JUDGMENT

DEFENDANT IS ORDERED TO SERVE/JAIL TIME beginning _____

Count _____	:	<u>180</u>	days w/	<u>160</u>	Suspended _____	days discretionary time	<input type="checkbox"/>	Credit for time served
Count _____	:	_____	days w/	_____	Suspended _____	days discretionary time	<input type="checkbox"/>	Credit for time served
Count _____	:	_____	days w/	_____	Suspended _____	days discretionary time	<input type="checkbox"/>	Credit for time served
Count _____	:	_____	days w/	_____	Suspended _____	days discretionary time	<input type="checkbox"/>	Credit for time served

_____ days house arrest _____ hours work detail and/or _____ hours community service completed within _____ days

DEFENDANT SHALL PAY \$ 100.00 per month beginning 2 month(s) from today per payment agreement

To be paid in full today

Count _____	:	Fine \$ <u>1000.00</u>	w/ \$ <u>600.00</u>	Suspended plus costs \$ <u>157.50</u>	<input type="checkbox"/>	Waived
Count _____	:	Fine \$ _____	w/ \$ _____	Suspended plus costs \$ _____	<input type="checkbox"/>	Waived
Count _____	:	Fine \$ _____	w/ \$ _____	Suspended plus costs \$ _____	<input type="checkbox"/>	Waived
Count _____	:	Fine \$ _____	w/ \$ _____	Suspended plus costs \$ _____	<input type="checkbox"/>	Waived

Reimburse Public Defender \$ _____ Restitution \$ 912.11 Prosecutor to submit Order of Restitution within 30 days.

DEFENDANT'S DRIVING PRIVILEGES SUSPENDED _____ days beginning _____; or first _____ days

absolute suspension Consecutive to any current suspension With restricted license Concurrent with ALS

The end of the suspension period does NOT reinstate your driver's license. To reinstate your license, you must make application to the Idaho Department of Transportation, P.O. Box 34, Boise ID 83731. (208)334-8736

PROBATION ORDERED/CONDITIONS: Probation for 27 months.

- 24 months supervised at discretion of probation officer Unsupervised for _____ months
- Reimburse the county \$60 per month for the cost of supervised probation and \$0 per month when moved to unmonitored.
- Report to Probation Office today. Successfully complete all programs required by probation office.
- Comply with standard conditions of probation agreement.
- Violate no Federal, State, or local laws, except infractions.
- Pay all fines, costs, reimbursements and restitution.
- Notify Court of change of address within 10 days of the change.
- Do not drive a vehicle unless validly licensed and insured.
- Do not operate a vehicle without an operating Interlock Device Interlock Device from _____ to _____
- Do not operate a motor vehicle with any alcohol in your blood.
- Do not consume alcohol, illegal substances, have them in your possession, or be where they are present.
- Submit to alcohol/drug test requested of you by a peace officer, probation officer, or drug/alcohol counselor.
- Obtain a substance abuse evaluation and follow recommendations.
- Attend Victim Impact Panel on next available date. Attend Court Alcohol School on next available date.

Other: Reimbursement of K.S. for any cost under 18 years old for relinquish Teaching Certificate in this or any other state

THE SUSPENSION OF PENALTIES IS SUBJECT TO YOUR COMPLIANCE WITH ALL TERMS HEREIN

Defendant is notified of the right to appeal this judgment within 42 days of today and may apply for a public defender to assist in the appeal.

By signing this judgment the defendant acknowledges and accepts the terms and conditions of probation.

Accepted by Defendant _____ Date 7/16/19
 Copies To: Def. Def. Atty. Pros. Other Jail
Kormanik

Judge# _____
 By Deputy Clerk 313 sm

CR42-19-1875
 JDMT
 Judgment
 1516050



EXHIBIT C

RECEIVED

AUG 27 2019

Bureau of Teacher Cert/Prof Stds
(Backgrounds Records Office)
State Dept. of Education

Michael James Sermon
117 Sunset Circle
Buhl, ID 83316

August 21, 2019

Idaho State Department of Education
Professional Standards Commission
Sherri Ybarra, Superintendent
650 West State Street
Boise, ID 83702

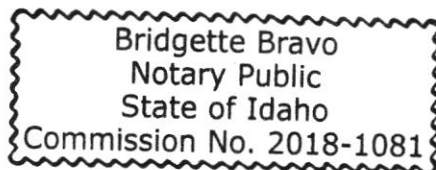
Re: Michael James Sermon
Edu ID 962815567
7093 - Business Technology Education (6-12)

Dear Sherri Ybarra and Professional Standards Commission Members:

Please be advised that I have decided to surrender my Idaho Education Credential in the State of Idaho.

I wish to make clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid being subject to further disciplinary action and oversight and to resolve this matter.

I affirm that enclosed with this Letter of Surrender is my original Idaho Education Credential.



Michael James Sermon

notary Public
Twin Falls ID 83301
Commission Exp 6-11-24
Bridgette Bravo

RENEWAL REQUIREMENTS

Application for renewal of an Idaho Education Credential must be made using forms supplied by the Idaho State Department of Education. Application may be made between January 1 and August 31 of the renewal year. For renewal information and forms, please see:
www.sde.idaho.gov/cert-psc/cert/apply/renewal.html

To renew a 5-year credential, all certificated personnel must complete at least 6 semester (or 9 quarter) credit hours during the validity period of the credential, which is between September 1 of the year the credential is issued and August 31 of the year it expires.

At least 3 semester credit hours must be taken for college or university credit. Non-university clock hours may be used for up to 3 of the 6 credits required for renewal. Fifteen (15) clock hours are equivalent to one renewal credit, if verified by an Idaho school district official on a signed B-7 Verification of Completion of Equivalent Inservice form.

If you have been issued a three-year Idaho Interim Certificate, you will need to meet the requirements listed on the evaluation that was sent with your credential to qualify for a five-year credential. Those requirements are also listed in the deficiency area at the bottom of the credential.

NOTE: Action of the State Board of Education and/or the Idaho Legislature may result in additional coursework and/or testing being required to renew an Idaho Education Credential. Please contact the Certification Office or go to our website (www.sde.idaho.gov/cert-psc/cert/apply/renewal.html) for details on any new renewal requirements.

CERTIFICATION REQUIREMENTS ARE SUBJECT TO CHANGE. THE CERTIFIED PROFESSIONAL IS RESPONSIBLE FOR BEING KNOWLEDGEABLE ABOUT CURRENT AND REVISED REGULATIONS.

IDAHO EDUCATION CREDENTIAL

Michael James Sermon

has fulfilled requirements of State law and the State Board of Education
and is issued the following certificates and endorsements.

Standard Instructional Certificate (8/14/2018 - 8/31/2023)
7093 - Business Technology Education (6-12)

Issued 8/14/2018
Edu ID 962815567



A handwritten signature in cursive script, reading "Sherry N. Ybarra".

State Superintendent of Public Instruction