

JUN 16 2023

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of:)	23DOEBEE0037
)	BOEE Nos. 22-133 & 22-134
JUSTIN QUERY,)	
Folder # 345125)	SETTLEMENT AGREEMENT AND
)	FINAL ORDER
Respondent.)	

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

STIPULATIONS

1. Respondent holds a Standard License (FOLDER # 345125) with a 5-12 English/Language endorsement which expired on October 31, 2008.
2. During all material events of this case, Respondent was employed as an English Teacher with the Lone Tree Community School District.
3. On August 11, 2022, the Board of Educational Examiners received a complaint against Respondent alleging various violations.
4. On March 22, 2023, the Board found probable cause to proceed to hearing based upon the facts set forth in paragraph(s) 6 below. A hearing in this matter is currently scheduled for August 29, 2023.
5. Respondent was charged with sexual involvement or indecent contact with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(c); sexual exploitation of a minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(d);

committing or soliciting any sexual or otherwise indecent act with a student or any minor, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(3); soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student, in violation of 282 Iowa Administrative Code rule 25.3(1)(e)(4); failing to make reasonable effort to protect the health and safety of the student, in violation of 282 Iowa Administrative Code rule 25.3(6)(c); and conducting professional business in such a way that the practitioner repeatedly exposes students to unnecessary embarrassment or disparagement, in violation of 282 Iowa Administrative Code rule 25.3(6)(d).

6. Respondent denies the allegations but acknowledges the evidence in the case may support a finding he engaged in an inappropriate relationship with a student.

SETTLEMENT AGREEMENT

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent accepts a PUBLIC REPRIMAND.
- b. Respondent accepts a SUSPENSION of his license for a minimum of TWELVE YEARS from the date of the Final Order. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent agrees he is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c) and (d) below.
- c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. These hours are in addition to required continuing education requirements. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.
- d. Respondent shall undergo a risk evaluation by a SOTP qualified professional. Respondent must seek prior approval of the selected evaluator from the Board's Executive Director. This evaluation must include an assessment of his ability to establish and maintain appropriate teacher-student boundaries and address the specific concerns from the

investigation. Respondent shall provide the professional a copy of the complaint, the investigative file, this Settlement Agreement and Final Order, and sign a release for the professional to speak with the involved student prior to the evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the evaluation. Respondent shall successfully complete any recommendations for treatment and/or training resulting from the evaluation prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Settlement Agreement and Final Order to the Board *ex parte*.

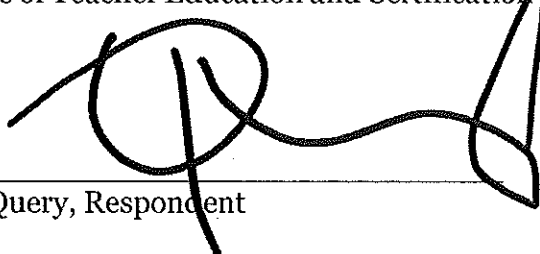
I agree to comply with the requirements set forth in the stipulations and requirements of this Settlement Agreement and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that the Statement of Charges and the Settlement Agreement and Final Order are public records, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

6/16/23
Date


Justin Query, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

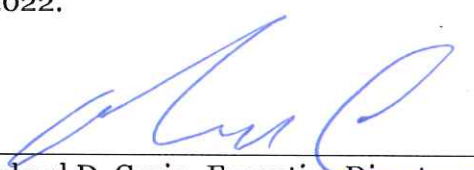
2. Respondent's license(s) shall be SUSPENDED for a minimum of TWELVE (12) YEARS. Respondent bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (3) and (4) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical Educators," which is offered by the PEL. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement. These hours shall not be utilized toward continuing education renewal requirements.

4. Respondent shall undergo a risk evaluation by a SOTP qualified professional. Respondent must seek prior approval of the selected evaluator from the Board's Executive Director. This evaluation must include an assessment of his ability to establish and maintain appropriate teacher-student boundaries and address the specific concerns from the investigation. Respondent shall provide the professional a copy of the complaint, the investigative file, this Settlement Agreement and Final Order, and sign a release for the professional to speak with the involved student prior to the evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

5. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 27th day of June, 2022.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Justin Query
RESPONDENT

Christy A.A. Hickman
ATTORNEY FOR RESPONDENT

Kristi Traynor
ATTORNEY FOR THE STATE