

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**January 2016**

CONSIDERATION TO DISCIPLINE THE
LICENSE TO TEACH OF JOSHUA D. FOUST, CASE # HR 15-027

STATUTORY AUTHORITY:

Section 168.071, RSMo

Consent
ItemAction
ItemReport
Item**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Joshua D. Foust holds a continuous professional certificate of license to teach in the area of Elementary Education, grades 1–6. He also held an initial administrator certificate for Principal, grades K–8, which was effective September 1, 2011, through September 1, 2015, but is renewable.

Mr. Foust was employed as an elementary principal with the Hannibal 60 School District from 2012 to 2015.

On April 6, 2015, Mr. Foust pled guilty to the Felony, Possession of a Controlled Substance with Intent to Distribute, Deliver, or Sell (Heroin). Mr. Foust was sentenced to ten (10) years' incarceration in the Department of Corrections (DOC) with 120 days in the DOC's Institutional Treatment Program.

Mr. Foust received notice of the hearing, but was neither present nor represented by counsel.

PRESENTER:

William Thornton, General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

It is recommended that the State Board of Education revoke Mr. Foust's teaching certification or any claim of certification pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2014).

BEFORE THE STATE BOARD OF EDUCATION
STATE OF MISSOURI

IN THE MATTER OF:)	
)	
Department of Elementary and)	
Secondary Education,)	
Petitioner,)	
)	
v.)	Case No. HR 15-027
)	
Joshua D. Foust,)	
Respondent.)	

Introduction

This matter was held on October 1, 2015, before Kristen A. Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

Ross Brown, Counsel for the Department of Elementary and Secondary Education;
Billie Jo Keim, Legal Assistant, Department of Elementary and Secondary Education;
and
Margery Tanner, Director, Educator Certification, Department of Elementary and
Secondary Education.

Findings of Fact

1. Joshua D. Foust, Respondent, holds a continuous professional certificate of license to teach in the area of Elementary Education, grades 1-6. He also held an initial administrator certificate for Principal, grades K-8, effective September 1, 2011, which expired September 1, 2015, but is renewable. Respondent's certifications were current and active at all times material herein. (Petitioner's Exhibit C) (Transcript page 11, line 22-page 13, line 16).
2. Respondent was employed as an elementary principal with the Hannibal 60 School District from 2012 to 2015. (Petitioner's Exhibit C) (Transcript page 11, line 22-page 12, line 24).
3. On or about April 6, 2015, Respondent pled guilty to the Class B Felony, Possession of a Controlled Substance with Intent to Distribute, Deliver, or Sell (Heroin) in the Circuit Court of Marion County (Hannibal) in the case styled *State v. Joshua D. Foust*, Case No. 15MR-CR000756-01. Respondent was sentenced to ten (10) years' incarceration with the Department of Corrections (DOC) with 120 days in the DOC's Institutional Treatment Program. (Petitioner's Exhibit A) (Transcript page 6, lines 9-19).

4. By letter dated August 7, 2015, sent by first-class mail and by certified mail, Respondent received the complaint and notice of the hearing. (Petitioner's Exhibit B) (Transcript page 7, line 14–page 10, line 8).
5. A certified mail receipt dated August 14, 2015, and signed by Respondent indicates he received the complaint and notice of the hearing. (Petitioner's Exhibit B) (Transcript page 9, line 16–page 10, line 8).
6. On October 1, 2015, a hearing was held before Kristen A. Morrow, designated Hearing Officer. The Respondent was neither present nor was he represented through counsel. (Transcript page 4, line 3–page 5, line 1).

Conclusions of Law

1. The conviction of Joshua D. Foust, Respondent, of Possession of a Controlled Substance (Heroin) with Intent to Distribute, Deliver, or Sell, is a Class B Felony pursuant to Mo. Rev. Stat. § 195.211 (Supp. 2014).
2. This charge was set for hearing and notice was served on Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
3. The Missouri Supreme Court has defined “moral turpitude” as:

An act of baseness, vileness, or depravity in the private and social duties which man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything ‘done contrary to justice, honesty, modesty and good morals’. In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985).

4. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2014) provides the following authority to the State Board of Education:

The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

5. In *Brehe v. Missouri Department of Elementary and Secondary Education*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), the court classified crimes into three categories:
 - Category (1) is “crimes that necessarily involve moral turpitude, such as fraud.”

- Category (2) is “crimes so obviously petty that conviction carries no suggestion of moral turpitude, such as illegal parking.”
 - Category (3) is “crimes that may be saturated with moral turpitude, yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee.”
6. Based upon the notice of the hearing and the documentation of Respondent’s conviction, the State Board of Education, pursuant to Mo. Rev. Stat. § 168.071 (Supp. 2014), is authorized to suspend or revoke any certification or claim of certification held by Joshua D. Foust.

Recommendation

Respondent pled guilty to the Felony, Possession of a Controlled Substance (Heroin) with Intent to Distribute, Deliver, or Sell, which by itself authorizes the State Board of Education to take discipline against his certification. Further, Respondent’s acts constitute a crime of moral turpitude. Because Respondent did not appear, we do not have the benefit of his testimony in this matter.

It is recommended the State Board of Education revoke any certification or claim of certification held by Respondent.

Submitted this 15th day of December 2015, by
the designated Hearing Officer for the
Commissioner of Education.



Kyristen A. Morrow
Hearing Officer

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BEFORE THE STATE BOARD OF EDUCATION

In the Matter of:

Department of

Elementary and Secondary Education

vs.

Joshua D. Foust

No. HR 15-027

Hearing

October 1, 2015

Jefferson State Office Building

1st Floor State Board Room

205 Jefferson Street

Jefferson City, Missouri 65101

BEFORE:

Kristen Morrow, Hearing Officer

1 APPEARANCES:

2

3 FOR THE PETITIONER:

4

5 Mr. Ross Brown

6 Assistant Attorney General

7 Supreme Court Building

8 Jefferson City, Missouri 65101

9 (573) 751-3321

10

11

12 REPORTED BY:

13 Patricia A. Stewart, CCR 401

14 Midwest Litigation Services

15 3432 Truman Boulevard, Suite 207

16 Jefferson City, Missouri 65109

17 (573) 636-7551

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TRANSCRIPT OF PROCEEDINGS 10/1/2015

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1	I N D E X	
2		PAGE
	Opening Statement by Mr. Brown	4:6
3	PETITIONER'S WITNESSES:	
4		
5	BILLIE JO KEIM	
	Direct Examination by Mr. Brown	5:23
6	MARGERY TANNER	
	Direct Examination by Mr. Brown	9:18
7		
8	Closing Statement by Mr. Brown	13:1

9	EXHIBITS INDEX	
10	MARKED	REC'D
	Exhibit A	
11	Certified Court Records*5:18	
12		
13	Exhibit B	
14	Notice of Hearing/Certified	
15	Mail Receipt	* 8:4
16		
17	Exhibit C	
18	Certification Records	* 11:23
19		
20	* Premarked by counsel, Mr. Brown.	

21		
22	EXHIBIT INSTRUCTIONS:	
23	Retained by the hearing officer.	
24		
25		

TRANSCRIPT OF PROCEEDINGS 10/1/2015

Page 4

1 (Start time: 9:15 a.m.)

2 P R O C E E D I N G S

3 HEARING OFFICER MORROW: This hearing is in
4 the matter of the Department of Elementary and Secondary
5 Education versus Joshua D. Foust and has been designated
6 Hearing No. 15-027.

7 This hearing is being held pursuant to
8 168.071 of the Revised Statutes of Missouri which
9 authorizes the State Board of Education to suspend or
10 revoke a certificate of license to teach if the
11 certificate holder or applicant for certificate has
12 pleaded to or been found guilty of a felony or crime
13 involving moral turpitude under the laws of the state or
14 any other state of the United States or any other
15 country whether or not sentence is imposed.

16 Administrative rules adopted by the State
17 Board of Education pursuant to the statute authorizes
18 the Commissioner of Education to designate a hearing
19 officer in this matter. My name is Kristen Morrow and
20 I've been designated as the hearing officer.

21 The hearing is being held pursuant to the
22 procedural rules of Chapter 536, the Administrative
23 Procedures Act.

24 Let the record show that the certificate
25 holder, Joshua Foust, is not present at the hearing and

1 is not represented by counsel.

2 Let the record also show that Ross Brown is
3 present on behalf of the State.

4 Okay. Mr. Brown, do you have an opening
5 statement that you would like to make?

6 MR. BROWN: Yes, ma'am.

7 Good morning. Good morning. My name is Ross
8 Brown, Assistant Attorney General, here today on behalf
9 of the Department of Elementary and Secondary Education.

10 The Department will show today that there is
11 cause to discipline the certifications of Joshua Foust
12 based on his guilty plea to a Class B felony of
13 possession of a controlled substance with an intent to
14 distribute, deliver or sell, which is a crime of moral
15 turpitude and a violation of Section 195.211 of the
16 Revised Statutes of Missouri.

17 Foust currently holds certification as a
18 principal in the area of elementary education to teach
19 Grades K through 8 and a certificate to teach in the
20 area of elementary education, Grades 1 through 6.

21 The evidence will show that Mr. Foust pled
22 guilty to a felony and a crime of moral turpitude. The
23 evidence will show that cause exists to discipline
24 Mr. Foust's certificates pursuant to Section 168.071 of
25 the Revised Statutes, and Regulation 5 CSR 20-400.230

1 because of his guilty plea to a felony and a crime of
2 moral turpitude.

3 We ask today that the Department discipline
4 his certificates as they deem appropriate.

5 Thank you very much.

6 HEARING OFFICER MORROW: Okay. Thank you,
7 Counsel.

8 You may call your first witness.

9 MR. BROWN: Your Honor, before I call my
10 first witness I would like to offer into evidence a
11 certified court record which shows Mr. Foust's guilty
12 plea to the aforementioned felony and crime of moral
13 turpitude. I would ask that that be admitted under
14 Section 490.130.

15 Thank you.

16 HEARING OFFICER MORROW: Okay. Petitioner's
17 Exhibit A will be admitted into the record.

18 (PETITIONER'S EXHIBIT A WAS RECEIVED INTO
19 EVIDENCE.)

20 MR. BROWN: And, Your Honor, I would like to
21 call Billie Jo Keim.

22 (Witness sworn.)

23 DIRECT EXAMINATION

24 BY MR. BROWN:

25 Q. Good morning, Ms. Keim.

1 **Can you please state your full name and spell**
2 **it for the record?**

3 A. Billie Jo Keim, B-i-l-l-i-e, J-o, K-e-i-m.

4 **Q. Can you please tell us where you're currently**
5 **employed and in what capacity?**

6 A. I'm employed with the Department of
7 Elementary and Secondary Education as a legal assistant.

8 **Q. And how long have you worked there?**

9 A. One year.

10 **Q. What are your primary job duties?**

11 A. My primary job duties include scheduling
12 discipline hearings and notifying the appropriate
13 parties of the hearing.

14 **Q. And, Ms. Keim, I have handed you what has**
15 **been labeled Exhibit B. Do you have that in front of**
16 **you?**

17 A. Yes.

18 **Q. And do you recognize this document?**

19 A. Yes.

20 **Q. Can you please tell us what it is?**

21 A. This is a notice of hearing to the
22 Respondent.

23 **Q. And how many pages are there to this**
24 **document?**

25 A. Three.

1 Q. And what is on the third page?

2 A. The third page is the certified mail receipt.

3 Q. And why do you recognize the document?

4 A. This document was prepared from my office and
5 sent to the Respondent.

6 Q. Is it part of the Department's ordinary
7 course of business to prepare such a notice?

8 A. Yes.

9 Q. And does the Department retain a copy of this
10 record in the regular course of business?

11 A. Yes.

12 Q. And was this record made at or near the time
13 of the event it purports?

14 A. Yes.

15 MR. BROWN: I would like to offer Exhibit B
16 into evidence.

17 HEARING OFFICER MORROW: Okay. May I have
18 Exhibit B, please.

19 MR. BROWN: Here is a copy. Ms. Keim has the
20 original.

21 HEARING OFFICER MORROW: Could I have the
22 original, please.

23 MR. BROWN: Here is the original, ma'am.

24 HEARING OFFICER MORROW: Thank you.

25 MR. BROWN: And C for the next witness.

1 HEARING OFFICER MORROW: Thank you.

2 Okay. Petitioner's Exhibit B will be
3 admitted into the record.

4 (PETITIONER'S EXHIBIT B WAS RECEIVED INTO
5 EVIDENCE.)

6 MR. BROWN: Thank you, Your Honor.

7 BY MR. BROWN:

8 Q. Ms. Keim, can you please tell us what date
9 and time the notice of hearing states the hearing will
10 take place?

11 A. The notice states that the hearing will take
12 place at nine o'clock on October 1st, 2015.

13 Q. And does the notice of hearing state that
14 this hearing room is the location for the hearing?

15 A. Yes.

16 Q. And how did you send this notice of hearing
17 to Mr. Foust?

18 A. The notice of hearing was sent first class
19 mail and certified mail.

20 Q. And can you please turn to the third page.
21 And you formerly identified the third page as
22 having a copy of the certified mail receipts. Correct?

23 A. Yes.

24 Q. And did Mr. Foust sign for the certified
25 mail?

1 A. It indicates that Joshua Foust signed for
2 the certified mail on August -- what appears to be
3 August 14, 2015.

4 It may actually be August 19, 2015.

5 **Q. But it does show that Mr. Foust received the**
6 **certified letter?**

7 A. The certified mail receipt does indicate
8 that.

9 MR. BROWN: Thank you, Ms. Keim.

10 No further questions.

11 HEARING OFFICER MORROW: Thank you.

12 You may call your next witness.

13 MR. BROWN: Your Honor, I would like to call
14 Ms. Margery Tanner.

15 HEARING OFFICER MORROW: Okay. If you'd be
16 sworn, please.

17 (Witness sworn.)

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 **Q. Good morning, Ms. Tanner. Can you please**
21 **state your full name and spell it for the record?**

22 A. Margery Tanner, M-a-r-g-e-r-y, T-a-n-n-e-r.

23 **Q. And where are you currently employed?**

24 A. I'm employed with the Department of
25 Elementary and Secondary Education.

1 Q. And what is your title and job duties?

2 A. I am the Director for Educator Certification.
3 My primary job duty is to license educators for the
4 State of Missouri.

5 Q. And how long have you been employed in this
6 capacity?

7 A. Twenty years.

8 Q. And do your duties include maintaining
9 teacher certification records?

10 A. They do.

11 Q. And are the teacher certification records
12 prepared and maintained in the regular course of
13 business?

14 A. Yes.

15 Q. Are the teacher certification records
16 prepared and maintained at or near the time of the
17 events recorded upon them?

18 A. Yes.

19 Q. And are you aware of the Department's case
20 against Mr. Foust?

21 A. Yes, I am.

22 Q. Ms. Tanner, if you'll look before you, I've
23 handed you a copy of what we've labeled as Exhibit C.
24 Do you recognize the document in front of you?

25 A. Yes, I do.

1 Q. And how many pages is Exhibit C?

2 A. Two pages.

3 Q. And why do you recognize the copy before you?

4 A. Page 1 is a copy of Joshua Foust's
5 certification record.

6 Q. And is it a true and accurate copy of
7 Mr. Foust's certifications?

8 A. Yes.

9 Q. And does the Department maintain the status
10 of this record?

11 A. Yes, it does.

12 Q. And was this particular record made in the
13 regular course of business?

14 A. Yes.

15 Q. And was it made by someone who would have had
16 knowledge about the information it contains regarding
17 Mr. Foust?

18 A. Yes.

19 MR. BROWN: I'd like to ask that Exhibit C be
20 admitted into evidence.

21 HEARING OFFICER MORROW: Okay. Petitioner's
22 Exhibit C will be admitted into the record.

23 (PETITIONER'S EXHIBIT C WAS RECEIVED INTO
24 EVIDENCE.)

25 MR. BROWN: Thank you, Your Honor.

1 BY MR. BROWN:

2 Q. What teaching certificates does Mr. Foust
3 hold?

4 A. He currently holds a career continuous
5 professional certificate for the area of elementary
6 education, Grades 1 through 6, and he holds an initial
7 administrator certificate for principal, Grades K
8 through 8.

9 Q. And when were these certificates issued?

10 A. The elementary teaching certificate was
11 issued July 7th, 2011 and the principal certificate was
12 issued on September 1, 2011.

13 Q. And are the certificates current and active?

14 A. His teaching certificate is current and
15 active. His principal certificate actually expired on
16 September 1, 2015 but it is renewable.

17 MR. BROWN: Thank you, Ms. Tanner.

18 I have no further questions.

19 HEARING OFFICER MORROW: Okay. Thanks.

20 Okay. You may continue.

21 MR. BROWN: Your Honor, I have no further
22 evidence, and at your pleasure I'm happy to offer a
23 closing statement.

24 HEARING OFFICER MORROW: Okay. If you would,
25 please.

1 MR. BROWN: Thank your, Your Honor.

2 The record today shows that Mr. Foust is
3 certified by the Department and pled guilty to a felony
4 and a crime of moral turpitude which provides cause to
5 discipline Mr. Foust's certifications under
6 Section 168.071 of the Revised Statutes of Missouri and
7 Regulation 5 CSR 20-400.230.

8 At this time I request the Department to
9 impose such discipline as it deems appropriate on
10 Mr. Foust's certification.

11 Thank you.

12 HEARING OFFICER MORROW: Okay. Thank you.

13 Let the record show that the hearing is
14 concluded at this time, which is about 9:28 a.m. on
15 October 1, 2015.

16 This matter will be brought before the State
17 Board of Education at a date and time to be set by the
18 Commissioner of Education.

19 Thank you.

20 WHEREIN, the hearing concluded at 9:28 a.m.

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CERTIFICATE OF REPORTER

I, Patricia A. Stewart, CCR, a Certified Court Reporter in the State of Missouri, do hereby certify that the testimony that appears in the foregoing transcript was taken by me to the best of my ability and thereafter reduced to typewriting by me; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Patricia A. Stewart

CCR No. 401

15MR-CR00076-01 ST V JOSHUA D FOUST **Security Level: 1 Public**

Case Type:	CC Felony	Case Filing Date:	06-Apr-2015
Status:	Defendant Sentenced		
Disposition:	Guilty Plea	Disposition Date:	06-Apr-2015
OCN#:	S8002905		
Arresting Agency:	MO0640000		

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	RACHEL BRINGER SHEPHERD (43804)		
Defendant	JOSHUA DAVID FOUST (FOUJD4087)		
Attorney for Defendant	C CLIFFORD SCHWARTZ JR (22977)		
Prosecuting Attorney	DAVID CLAYTON (56154)		

Current Bond: Bond Released ; 06-Apr-2015

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	11-Feb-2015	3246500	Dist/Del/Manf/Produce Or Attempt To Or Possess W/Intent To Dist/Del/Manf/Produce A Controlled Substance (Felony B RSMo: 195.211)
Disposition:	07-Apr-2015		Guilty Plea	
Order Date:	06-Apr-2015		Sentence or SIS :	Incarceration DOC
Length :	10 Years		Start Date :	06-Apr-2015

<u>Filing Date</u>	<u>Description</u>
12-Feb-2015	Bond Set Amount of Bond Set - \$100,000 CASH ONLY 06-Apr-2015 Bond Released
06-Apr-2015	Judge Assigned Arraignment Scheduled #1 FILE RECEIVED FROM ASSOCIATE LEVEL. Scheduled For: 06-Apr-2015; 1:30 PM; RACHEL BRINGER SHEPHERD; Setting: 0; Marion Hannibal Information Filed #2 INFORMATION CHARGING DEFENDANT WITH THE CLASS B FELONY OF POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE OR DELIVER OR SELL FILED. Filed By: DAVID CLAYTON Guilty Plea #3 JUDGMENT ENTERED PER MEMO. RACHEL B. SHEPHERD. (10 YRS DOC, PURSUANT TO SECTION 559.115 INSTITUTIONAL TREATMENT PROGRAM & COSTS). Scheduled For: 06-Apr-2015; 1:30 PM; RACHEL BRINGER SHEPHERD; Setting: 0; Marion Hannibal Felony Costs Tax-Reg-w/costs Associated To: JOSHUA D FOUST Judgment CVC \$68 - Other Judgement Against: JOSHUA D FOUST; Amount: \$68.00; Satisfied Date:

Case continued from previous page.

15MR-CR00076-01 ST V JOSHUA D FOUST

Security Level: 1 Public

Associated To: JOSHUA D FOUST

Bond Released

Defendant Sentenced

Sentence Date: 06-Apr-2015 **Sentence:** Incarceration DOC

20-Apr-2015 **Hearing Held**

#4 ORDER ENTERED PER MEMORANDUM FILED. RACHEL B. SHEPHERD. (10 YRS DOC, PURSUANT TO 559.115 INSTITUTIONAL TREATMENT PROGRAM).

Scheduled For: 20-Apr-2015; 9:00 AM; RACHEL BRINGER SHEPHERD; **Setting:** 0; Marion Hannibal

23-Apr-2015 **Certificate of Delivery**

DELIVERED TO DEPARTMENT OF CORRECTIONS 4-23-15.

15MR-CR00076 ST V JOSHUA D FOST **Security Level: 1 Public**

Case Type:	AC Felony	Case Filing Date:	12-Feb-2015
Status:	Bndover Circ-Waive Prel Hrng		
Disposition:	Bndover Circ-Waive Prel Hrng	Disposition Date:	06-Apr-2015
OCN#:	S8002905		
Arresting Agency:	MO0640000		

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	JOHN J JACKSON (33198)		
Defendant	JOSHUA DAVID FOST (FOUJD4087)		
Prosecuting Attorney	DAVID CLAYTON (56154)		
Attorney for Defendant	C CLIFFORD SCHWARTZ JR (22977)		
Current Bond:	\$100,000.00 ; 12-Feb-2015		

	<u>Charge #</u>	<u>Charge Date</u>	<u>Charge Code</u>	<u>Charge Description</u>
Original Charge:	1	11-Feb-2015	3246500	Dist/Del/Manf/Produce Or Attempt To Or Possess W/Intent To Dist/Del/Manf/Produce A Controlled Substance (Felony B RSMo: 195.211)
Disposition:	06-Apr-2015	Bndover Circ-Waive Prel Hrng		

<u>Filing Date</u>	<u>Description</u>
12-Feb-2015	Judge Assigned Complaint Filed Filed By: DAVID CLAYTON Bond Set Amount of Bond Set - \$100,000 CASH ONLY Warrant Issued Document ID: 15-MRARW-44, for FOST, JOSHUA DAVID. Service/Attempt Date: 18-Feb-2015
18-Feb-2015	Warrant Served Document ID - 15-MRARW-44; Served To - FOST, JOSHUA DAVID; Server - SO MARION COUNTY-PALMYRA; Served Date - 18-FEB-15; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served Arraignment Scheduled Scheduled For: 20-Feb-2015; 8:15 AM; JOHN J JACKSON; Setting: 0; Marion Hannibal
19-Feb-2015	Correspondence Filed COPY OF CORRESPONDENCE FROM PUBLIC DEFENDER'S OFFICE STATING DEFENDANT DOES NOT QUALIFY FOR THE SERVICES OF THE PUBLIC DEFENDER FILED.
20-Feb-2015	Hearing Continued/Rescheduled DEFENDANT APPEARS VIA VIDEO - CASE CONTINUED TO 2-27-15, @ 8:15 A.M. TO OBTAIN AN ATTORNEY. JJJ. Hearing Continued From: 20-Feb-2015; 8:15 AM Arraignment Scheduled

Case continued from previous page.

15MR-CR00076**ST V JOSHUA D FOUST****Security Level: 1 Public**

Scheduled For: 27-Feb-2015; 8:15 AM; JOHN J JACKSON; **Setting:** 0; Marion Hannibal

27-Feb-2015 **Hearing Continued/Rescheduled**

DEFENDANT APPEARS VIA VIDEO - CASE CONTINUED TO 3-6-15, @ 8:15 A.M. TO OBTAIN AN ATTORNEY. JJJ.

Hearing Continued From: 27-Feb-2015; 8:15 AM

Arraignment Scheduled

Scheduled For: 06-Mar-2015; 8:15 AM; JOHN J JACKSON; **Setting:** 0; Marion Hannibal

04-Mar-2015 **Judge/Clerk - Note**

CLIFFORD SCHWARTZ IS ENTERING FOR DEFENDANT. AT REQUEST OF DEFENDANT CASE IS CONTINUED TO MARCH 13, 2015 AT 8:15 A.M. JJJ.

Hearing Continued/Rescheduled

CLIFFORD SCHWARTZ IN ENTERING FOR DEFENDANT, AT REQUEST OF DEFENDANT CASE CONTINUED TO 3-13-15 @ 8:15 A.M. JJJ.

Hearing Continued From: 06-Mar-2015; 8:15 AM

Arraignment Scheduled

Scheduled For: 13-Mar-2015; 8:15 AM; JOHN J JACKSON; **Setting:** 0; Marion Hannibal

13-Mar-2015 **Hearing Held**

DEFENDANT APPEARS VIA VIDEO - ATTORNEY APPEARS - CASE SET FOR PRELIMINARY HEARING 4-13-15, @ 1:30 P.M. JJJ.

Scheduled For: 13-Mar-2015; 8:15 AM; JOHN J JACKSON; **Setting:** 0; Marion Hannibal

Preliminary Hearing Scheduled

Scheduled For: 13-Apr-2015; 1:30 PM; JOHN J JACKSON; **Setting:** 0; Marion Hannibal

16-Mar-2015 **Subpoena Served**

SUBPOENA SERVED TO MOLLY FOUST ON 3-13-15 FOR HEARING ON 4-13-15 @ 1:30 PM FILED (ISSUED 3-13-15).

24-Mar-2015 **Subpoena Served**

SUBPOENA SERVED TO ROB WARNER, PATTI TALBERT, TIM FORNEY, CI 718, MIKE MURPHY ON 3-19-15 FOR HEARING ON 4-13-15 @ 1:30 PM (ISSUED 3-13-15).

03-Apr-2015 **Entry of Appearance Filed**

ENTRY OF APPEARANCE FILED.

Filed By: C C SCHWARTZ

Request Filed

DEFENDANT'S REQUEST FOR DISCOVERY FILED.

Filed By: C C SCHWARTZ

Motion for Bond Reduction

DEFENDANT'S MOTION TO REDUCE BOND OR ALTERNATIVE MOTION TO APPROVE 10% OR ALLOW A SURETY OR PROPERTY BOND FILED.

Case continued from previous page.

15MR-CR00076

ST V JOSHUA D FOUST

Security Level: 1 Public

Filed By: C C SCHWARTZ

Motion for Continuance

MOTION FOR CONTINUANCE FILED.

Filed By: C C SCHWARTZ

06-Apr-2015 **Bndover Circ-Waive Prel Hrng**

DEFENDANT APPEARS WITH ATTORNEY AND WAIVES PRELIMINARY HEARING -
ARRAIGNMENT IN CIRCUIT COURT, TODAY, 4-6-15. JJJ.

Scheduled For: 13-Apr-2015; 1:30 PM; JOHN J JACKSON; **Setting:** 0; Marion
Hannibal

STATE OF MISSOURI)
) SS.
 COUNTY OF MARION)

**IN THE CIRCUIT COURT OF MARION COUNTY, MISSOURI
 AT HANNIBAL, MO**

STATE OF MISSOURI)
 Plaintiff)
)
 vs.) Cause No. 15MR-CR00076-01
)
 JOSHUA D. FOUST)
 Defendant)

JUDGMENT AND ORDER

 X State appears by Prosecuting Attorney David N. Clayton.

 X Defendant appears not/in person and by attorney C. Clifford Schwartz Jr..

 The Court accepts Defendant's written and oral waivers of possible conflict of current Marion County Prosecuting Attorney, David Clayton, due to his previous employment as Assistant Public Defender for District 10.

 X The State announces that the School was not a victim of this offense + has not been notified.

 Defendant requests leave to withdraw his/her plea of not guilty.

 X Defendant waives formal reading of the Information

 X Defendant enters a plea of guilty to the charge of the **Class B felony of possession of a controlled substance with intent to distribute or deliver or sell**.

 X The Court interrogates Defendant as to the voluntariness of the plea, and finds that there is a factual basis for the plea and that it is made knowingly, voluntarily, intelligently, and with knowledge of the range of punishment and the consequences of the plea on his/her rights. The court finds the Defendant guilty beyond a reasonable doubt.

 X The Court accepts the Defendant's guilty plea and awards the State of Missouri judgment against the Defendant in the sum of \$46.00/\$68.00 pursuant to Chapter 595, RSMo, and for the costs of the case.

 X The Court awards the State of Missouri judgment against the Defendant in the sum of \$300.00 to the Law Enforcement Restitution Fund.

 X The Court awards the State of Missouri judgment against the Defendant in the sum of \$ for the Public Defender Program pursuant to Chapter 600, RSMo.

X The Court asks Defendant if he knows of any legal reason why judgment should not be pronounced against him/her at this time. Hearing no sufficient cause, the Court thereupon sentences Defendant, pursuant to the plea agreement, to serve a term of ten (10) years in the Department of Corrections of the State of Missouri pursuant to Section 559.115, the Institutional Treatment Program with a bed date of to be determined

X Matter passed to April 20, 2015, at 9:00 a.m. for bed date announcement by the Board of Probation and Parole.

X Defendant is examined and advised of his rights under Supreme Court Rule 24.035 and regarding assistance of counsel. The Court finds that no probable cause of ineffective assistance of counsel exists.

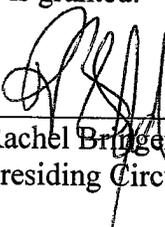
Defendant is remanded to the custody of the Sheriff who is allowed an extra guard for the purpose of transporting Defendant to the penitentiary upon receipt by Court of bed date from the Department of Corrections.

Clerk to provide a copy of this Judgment to Counsel of Record and to the Office of Probation and Parole.

Bond, if posted, is released.

Defense Counsel's oral Motion to Withdraw is granted.

Dated: 4-6-15



Rachel Bringer Shepherd
Presiding Circuit Judge

STATE OF MISSOURI)
) SS.
COUNTY OF MARION)

**IN THE CIRCUIT COURT OF MARION COUNTY, MISSOURI
AT HANNIBAL, MO**

STATE OF MISSOURI)
Plaintiff)
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vs.) Cause No. 15MR-CR00076-01
)
JOSHUA D. FOUST)
Defendant)

JUDGMENT AND ORDER

X State appears by Prosecuting Attorney David N. Clayton.

X Defendant appears not/in person and by attorney C. Clifford Schwartz Jr..

_____ Victim notification: N/A; victim appears; victim not notified; victim notified but did not wish to appear.

X Defendant appears following his guilty plea of April 6, 2015, to the charge of **the Class B Felony of possession of a controlled substance with intent to distribute or deliver or sell**. *The Defendant was sentenced to ten years with 120 ITD per § 559.115, RSMO.*

X The Board of Probation and Parole has obtained a bed date of 5-18-15 for the Institutional Treatment Program.

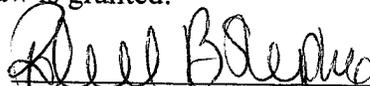
Defendant is remanded to the custody of the Sheriff who is allowed an extra guard for the purpose of transporting Defendant to the penitentiary.

Clerk to provide a copy of this Judgment to Counsel of Record and to the Office of Probation and Parole.

Bond, if posted, is released.

Defense Counsel's oral Motion to Withdraw is granted.

Dated: 4-20-15


Rachel Bringer Shepherd
Presiding Circuit Judge

August 7, 2015

Joshua D. Foust
P.O. Box 1153
Hannibal, MO 63401

RETURN RECEIPT REQUESTED
CERTIFIED MAIL # 7013 2250 0001 3267 4742
And VIA FIRST-CLASS MAIL

RE: *Department of Elementary and Secondary Education v. Joshua D. Foust*
Case No. HR 15-027

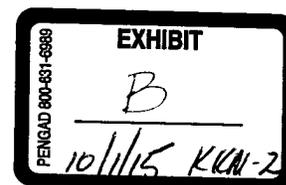
Dear Mr. Foust:

Pursuant to §168.071, RSMo, the Missouri State Board of Education is initiating disciplinary proceedings against your teaching certificate. A copy of the complaint is enclosed.

In accordance with the procedures found in §168.071, RSMo and 5 CSR 20-400.230, you are notified that a hearing will be held on October 1, 2015, by a hearing officer designated by the Commissioner of Education. Enclosed is a copy of the cited statute and regulation for your reference.

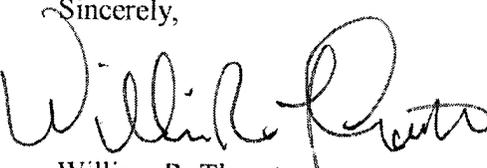
The hearing will commence at 9:00 a.m. on October 1, 2015. Please report to the State Board of Education room on the first floor of the Jefferson State Office Building, located at 205 Jefferson Street, Jefferson City, Missouri. You are strongly encouraged to be present at the hearing, either personally and/or through legal counsel, together with witnesses of your choice to give information relative to these allegations and to show cause as to why disciplinary action should not be taken against your teaching certificate.

If you wish to offer documents into evidence at the hearing, please bring three copies of each document. The information gathered at the hearing and the findings of the hearing officer will be provided to the State Board of Education for a decision in this case.



Joshua D. Foust
Page 2
August 7, 2015

If you will be represented by legal counsel, please have counsel file an entry of appearance with this office as soon as possible. Should you have any questions in this matter, please feel free to contact my office at (573) 751-3527.

Sincerely,

William R. Thornton

Enclosures

c: Ross A. Brown, Counsel for Petitioner
Paul Katnik, Assistant Commissioner, Educator Quality
Margery Tanner, Director, Educator Certification

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Sent To **Joshua D. Foust**
P.O. Box 1153
Hannibal, MO 63401

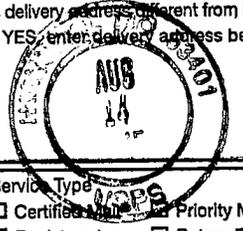
Street, Apt. No.,
or PO Box No.

City, State, ZIP+

PS Form 3800

7013 2250 0001 3267 4742

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>x Joshua Foust</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by <i>(Printed Name)</i> Joshua Foust</p> <p>C. Date of Delivery Aug. 19. 15</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="margin-left: 40px;">Joshua D. Foust P.O. Box 1153 Hannibal, MO 63401</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p>4. Restricted Delivery? <i>(Extra Fee)</i> <input type="checkbox"/> Yes</p>
<p>7013 2250 0001 3267 4742</p>	
<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	





DESE - Certificate Status

▶ Selection Criteria

Educator ID: 333037 Social Security Number: [REDACTED]
 Name: JOSHUA D FOUST
 Address: 500 UNION ST.
 City: HANNIBAL State: MO Zip: 63401-0000
 Personal Phone: (303) 726 - 4338
 Work Phone: () - -
 Email Address: JFOUST@HANNIBAL.K12.MO.US

[Edit Contact Information](#)

3 record(s)

Certification						
Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
PRINCIPAL K-8	INITIAL ADMIN	09/01/2011	09/01/2015	EXCHANGE NO TEST	ISSUED	
ELEMENTARY ED 1-6	CAREER CPC	07/07/2011	07/07/2110	COLLEGE RECOMMENDED	ISSUED	
ELEMENTARY ED 1-6	INITIAL PC	05/08/2004	05/08/2008	COLLEGE RECOMMENDED	EXPIRED	

[View Certificate](#)

▼ Evaluations

0 record(s)

Evaluation			
Subject Area/Grade Level	Evaluation Date	Status	Evaluation

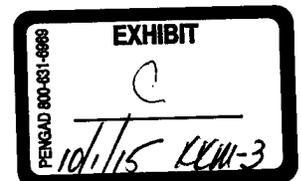
Email: certification@dese.mo.gov

Current User: ALEE Last Modified User: MTANNER Last Modified Date: 2/18/2014 10:38:07 AM

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RUN DATE: 3/3/2015

STAFF ASSIGNMENTS REPORT

RUN TIME: 1:45:09 PM

FOUST, JOSHUA D

3/2/2015

Year: 2012

064-075 HANNIBAL 60 Class/Org: A - K534 Supv: KING Dist Yrs Exp: 1 Degree: MAST

Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC	MSG	HQ	HQ	MSG	Li	Sirt	Erly	End
4020	20	1		1	882600	EL PRIN	0	16			0	1899	0	0	0	Y								

Year: 2013

064-075 HANNIBAL 60 Class/Org: A - K534 Supv: KING Dist Yrs Exp: 2 Degree: MAST

Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC	MSG	HQ	HQ	MSG	Li	Sirt	Erly	End
4020	20	1		1	882600	EL PRIN	0	16			0	1899	0	0	0	Y								

Year: 2014

064-075 HANNIBAL 60 Class/Org: A - K534 Supv: KING Dist Yrs Exp: 3 Degree: MAST

Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC	MSG	HQ	HQ	MSG	Li	Sirt	Erly	End
4020	20	1		1	882600	EL PRIN	0	16			0	1899	0	0	0	Y								

Year: 2015

064-075 HANNIBAL 60 Class/Org: A - K534 Supv: KING Dist Yrs Exp: 4 Degree: MAST

Schl	Pos	FTE	CTE	Asgn	Course	No/Name	Seq	Gr	Pr	DS	S	Min	Crdt	Enr	AC	AC	MSG	HQ	HQ	MSG	Li	Sirt	Erly	End
4020	20	1		1	882600	EL PRIN	0	16			0	1899	0	0	0	Y								