1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the ) DEFAULT ORDER OF Teaching License of ) IMPOSITION OF JAMES RALPH GADBERRY ) PUBLIC REPRIMAND
8	On March 26, 2009, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to James Ralph Gadberry (Gadberry) in which the
10	Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.
11	First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 9157 to the address on
12	file with the Commission. The Notice of Opportunity of Hearing, dated March 26, 2009, and
13	signed by Victoria Chamberlain, Executive Director, stated:
14 15 16 17 18 19 20	"You, James Ralph Gadberry, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."
21	The Certified Mail receipt shows that Gadberry received the notice on March 27, 2009.
22	Gadberry did not request a hearing. The Commission, therefore, finds Mr. Gadberry to
23	be in default and enters the following findings of fact, conclusions of law and order,
24	based on the files and records of the Commission concerning this matter.
25	FINDINGS OF FACT
26	1. On or about February 7, 2008, Gadberry was working as a teacher with the Nestucca Valley
27	School District. On that day, Gadberry grabbed a student on or near his neck and shoulder during a
28	confrontation in a wrestling practice. Gadberry admitted to grabbing the student during the
29	confrontation.
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1 2	CONCLUSIONS OF LAW
3	Gadberry's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
4	OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment);
5	OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow employees, or
6	visitors to the school, except as permitted under ORS 339.250). The Commission's authority to
7	impose discipline in this matter is based upon ORS 342.175.
8	FINAL ORDER
9	The Commission adopts and incorporates herein the above findings of facts and
10	conclusions of law, and based thereon, hereby impose a Public Reprimand on the Standard
11	Administrative License and Standard Teaching License issued to James Ralph Gadberry.
12	Issued and dated this // day of June, 2009.
13	TEACHER STANDARDS AND PRACTICES COMMISSION
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16 17	By: Wall Manuellaw Victoria Chamberlain, Executive Director
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19	NOTICE OF APPEAL OR RIGHTS
20	VOLLARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
21 22	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
23	OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
24	183,482 TO THE OREGON COURT OF APPEALS