

1 this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any
2 force or duress, enters into this Stipulation and Final Order and consents to issuance and entry
3 of the Stipulated Final Order below; (vi) he states that no promises or representation has been
4 made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an
5 attorney regarding this Stipulation and Final Order and has been fully advised with regard to his
6 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this
7 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

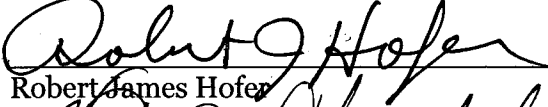
8 **STIPULATION OF FACTS**

- 9 1. The Commission has licensed Robert James Hofer since July 1, 1977. Mr. Hofer formerly
10 held a Standard Teaching License, with a Standard Social Studies endorsement, issued
11 December 9, 2004, which expired on November 4, 2010.
- 12 2. Mr. Hofer began employment with Canby School District in 1992, and is currently
13 assigned to Canby High School teaching Social Studies.
- 14 3. On October 3, 2005, Mr. Hofer appeared as a spectator at a Forest Grove High School
15 girls' soccer match while under the influence of alcohol.
- 16 4. Mr. Hofer has an alcohol dependency problem and is currently undergoing a plan of
17 treatment and aftercare as prescribed by his treatment provider.
- 18 5. On November 5, 2007 the Commission adopted a stipulated agreement imposing a
19 public reprimand and placing Hofer on probation for two years subject to certain
20 conditions.
- 21 6. Specifically Hofer agreed to report in writing within ten days to the Executive Director of
22 the Commission any arrest or citation for any felony, misdemeanor, major traffic
23 violation or violation of criminal probation.
- 24 7. Hofer did not apply for termination of his probation as required by OAR 584-050-0019,
25 and therefore remained on probation with the Commission.


8. On January 4, 2009 Hofer was arrested for Driving Under the Influence of Intoxicants, DUII (ORS 813.010). On March 16, 2009 Hofer was subsequently convicted of DUII.

9. Hofer did not report his arrest or conviction to the Commission as agreed in the November 2007 stipulated agreement.

IT IS SO STIPULATED AND AGREED TO:


Robert James Hofer

12 Sep 2011
Date


Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

11-7-11
Date

CONCLUSIONS OF LAW

In early 2009, Robert James Hofer was arrested and convicted for Driving Under the Influence of Intoxicants. Hofer did not report this arrest or conviction as he agreed to do in the November 2007 Stipulated Agreement. This conduct constituted Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(*Use professional judgment*), OAR 584-020-040(4)(k) (*Knowing violation of any order or rule of the Commission*), and gross unfitness pursuant to OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*). The Commission has the authority to impose discipline in this matter is based upon ORS 342.120 through 342.430 and OAR Chapter 584.

FINAL ORDER

The Commission hereby adopts and incorporates herein the above findings of fact and conclusions of law and hereby places Mr. Hofer on Probation for a period of four years subject to the following terms and conditions:

1. Mr. Hofer shall, at his own initiative and expense, continue to obtain treatment for his alcohol dependency as recommended by his alcohol treatment provider and to abstain from the consumption of alcohol, if his treatment provider requires that as a part of his treatment plan;

1 2. Mr. Hoffer Shall to provide to the Commission a copy his alcohol treatment providers'
2 evaluation or treatment plan;

3 3. Mr. Hofer shall report in writing within ten days to the Executive Director of the
4 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or
5 violation of criminal probation; and

6 4. Mr. Hofer shall comply with the Standards for Competent and Ethical Performance of
7 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

8 5. In order to terminate his probation Mr. Hoffer shall provide to the Commission
9 verification that he is current with his treatment plan.

10 Violation of any term or condition of probation shall constitute an independent basis for
11 the Commission to revoke Mr. Hofer's teaching license or otherwise impose discipline, after first
12 providing Mr. Hofer with notice and opportunity for hearing.

13 Issued and dated this 7th day of November, 2011.

14 **TEACHER STANDARDS AND PRACTICES COMMISSION**
15 **STATE OF OREGON**

16 By 
17 Victoria Chamberlain, Executive Director
18
19