| 1 2 2  | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON   |
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| 3<br>4<br>5<br>6<br>7<br>8                   | In the Matter of the Educator License of )  DEFAULT ORDER OF  DENIAL OF APPLICATION, AND  REVOCATION OF RIGHT TO  APPLY FOR AN EDUCATOR LICENSE  |
| 9  | On May 3, 2013, the Teacher Standards and Practices Commission (Commission)  |
| 10   | issued a Notice of Opportunity for Hearing to Richard James Davis (Davis) in which the   |
| 11   | Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  |
| 12   | Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3398 to the address on file   |
| 13   | with the Commission. The Notice designated the Commission file as the record for purposes  |
| 14   | of proving a prima facie case. The Certified Mail receipt was returned, signed to the  |
| 15   | Commission on June 13, 2013. The regular mail was not returned to the Commission. The  |
| 16   | Notice of Opportunity of Hearing, dated May 3, 2013, and signed by Victoria Chamberlain,   |
| 17   | Executive Director, stated:  |
| 18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." |
| 26   | Davis did not request a hearing. The Commission, therefore, finds Davis to be in default and   |
| 27   | enters the following findings of fact, conclusions of law, and final order, based on the files   |
| 28   | and records of the Commission concerning this matter.  |
| 29   | FINDINGS OF FACT   |
| 30   | 1. Richard James Davis has been licensed by the Commission since July 1, 1975. Davis's   |
| 31   | Basic Teaching License, with an endorsement in Basic Elementary (014), was issued  |
| 32   | January 5, 2010, and expired on December 30, 2012. Davis made application for  |
| 33   | reinstatement of his expired license on January 3, 2013. Davis' license remained expired   |
| 34   | and his application was pended until his investigation was completed. During all   |
| 35   | relevant times, Davis was employed by the Gervais School District.   |
| 36   | 2. On or about May 11, 2012, the Commission received a report from the Gervais School  |
| 37   | District advising that Davis had violated Professional Standards by crossing   |

| 1 | inappropriate teacher / student boundaries. District and Commission investigations      |
|---|---|
| 2 | indicate that several female students had complained to school administrators regarding |
| 3 | Davis' conduct. This conduct included Davis referring to the student(s) as "Gorgeous".  |

Davis' conduct. This conduct included Davis referring to the student(s) as "Gorgeous",

"beautiful" and telling them they should be in a beauty contest. These students advised

that in class Davis would "look down their shirts", touch their shoulders and their faces.

and generally make them feel uncomfortable.

3. Investigation into the allegations detailed in section two above, determined that similar complaints about Davis' behavior were received by school staff during the spring of 2011, from four separate, female, middle school students. Davis was counseled about student / teacher boundaries and directed not to touch or otherwise make the students feel uncomfortable. In the fall of 2011, administrators received another, similar list of complaints by two different, female students. Davis was again counseled about his alleged behaviors and told if it happened again, Davis would be excluded from substitute teaching in the district.

**CONCLUSIONS OF LAW** 

Davis's conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0015(2)(e) (Skill in the selection and use of teaching techniques conducive to student learning), OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other patrons); OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

Davis's conduct described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), and OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other patrons).

The Commission's authority to impose discipline in this matter is based upon ORS

31 342.175.

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| 1            | FINAL ORDER  |
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| 2            | The Commission hereby revokes Richard James Davis' Right to Apply for an |
| 3            | Educator licensure.  |
| 4            | IT IS SO ORDERED THIS 22 md day of October, 2013.                        |
| 5            | TEACHER STANDARDS AND PRACTICES COMMISSION                               |
| 6            | By: Chamberlain  |
| 7            | Victoria Chamberlain, Executive Director                                 |
| 8<br>9<br>10 | NOTICE OF APPEAL OR RIGHTS   |
| 11           | YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW       |
| 12           | MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM      |
| 13           | THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE            |
| 4            | PROVISIONS OF ORS 182 482 TO THE OREGON COURT OF APPEALS                 |