

1                   BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2                   OF THE STATE OF OREGON  
3

4 In the Matter of the Educator License of        )        DEFAULT ORDER OF  
5 GWENDA DIANE NEALE                            )        PUBLIC REPRIMAND  
6  
7

8           On December 21, 2012, the Teacher Standards and Practices Commission (Commission)  
9 issued a Notice of Opportunity for Hearing to Gwenda Diane Neale (Neale) in which the  
10 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class  
11 Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0097 to the address on file with the  
12 Commission. The Notice designated the Commission file as the record for purposes of proving a  
13 prima facie case. The Certified Mail was returned to the Commission labeled "Refused", on  
14 January 7, 2013. The regular mail was not returned to the Commission. The Notice of  
15 Opportunity of Hearing, dated December 21, 2012, and signed by Victoria Chamberlain,  
16 Executive Director, stated:

17           "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,  
18           YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR  
19           FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL.  
20           IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A  
21           HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY  
22           INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
23           DISCIPLINE."  
24

25 Neale did not request a hearing. The Commission, therefore, finds Neale to be in default and  
26 enters the following findings of fact, conclusions of law, and final order, based on the files and  
27 records of the Commission concerning this matter.

28                   **FINDINGS OF FACT**

- 29 1. Gwenda Dianne Neale has been licensed by the Commission since July 1, 1970. Neale's  
30 Standard Teaching License, with endorsements in Basic Drama 020; Basic Speech 020; and  
31 Standard Language Arts 020, was issued September 29, 2011, and expires on August 20,  
32 2017.
- 33 2. On July 24, 1995, the Commission adopted a Stipulation of Facts and Order of Suspension  
34 regarding a Commission investigation into violations of professional practices while Neale was  
35 employed by the Hillsboro School District. Neale's subsequent applications for renewal of her  
36 teaching licenses submitted in 1995, 1997, 2002, and 2005, Neale properly answered "Yes" to  
37 Commission character questions related to Neale's disciplinary sanction of 1995. On May 8, 2008,  
38 Neale submitted a C-1 application to the Commission for the issuance of a Substitute Teaching  
39 License. Neale improperly answered "No" to the character questions of the application that applied

1 to Neale's prior disciplinary history. This inaccuracy in Neale's application went undetected by  
2 Commission staff and Neale was issued a Substitute Teaching License on May 21, 2008.

- 3 3. On July 18, 2011, the Commission received Neale's C-1 application for the issuance of a Standard  
4 Teaching License; Neale's application was signed and dated by Neale on July 14, 2011. Neale again  
5 made inaccurate and false statements on this application when she answered "No" to character  
6 questions: 4, "*Have you ever had any adverse action taken on a professional certificate, license or*  
7 *charter school registration? Have you ever been placed on probationary status for alleged*  
8 *misconduct while holding a professional license, certificate, registration or credential?"* and  
9 character question 7: "*Have you ever been disciplined by any public agency responsible for*  
10 *licensure of any kind, including but not limited to educational licensure?"*

### 11 CONCLUSIONS OF LAW

12 Neale's conduct described above constitutes gross neglect of duty in violation of ORS  
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
14 *professional judgment*); and OAR 584-020-0040(4)(c) (*Knowing falsification of any document*  
15 *or knowing misrepresentation directly related to licensure, employment, or professional*  
16 *duties*).


17 The Commission's authority to impose discipline in this matter is based upon  
18 ORS 342.175.

### 19 FINAL ORDER

20 The Commission hereby issues a Public Reprimand upon Gwenda Dianne Neale's  
21 Educator licensure.

22 IT IS SO ORDERED THIS 19<sup>th</sup> day of June, 2013.

23 TEACHER STANDARDS AND PRACTICES COMMISSION

24 By:   
25 Victoria Chamberlain, Executive Director  
26  
27

### 28 NOTICE OF APPEAL OR RIGHTS

29  
30 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
31 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
32 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
33 THE OREGON COURT OF APPEALS.