

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Educator License of)
CHARLES ERIC HAMILTON)

On September 5, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Charles Eric Hamilton (Hamilton) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 4685 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned signed and dated on September 19, 2014, and the regular mail was not returned to the Commission. The Notice of Opportunity for Hearing, dated September 5, 2014, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

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

FINDINGS OF FACT

1. Charles Hamilton has been licensed by the Commission since July 5, 1985. Hamilton's Standard Teaching License with an endorsement in Standard Music (018), was issued June 4, 2009, and expired on June 3, 2014. During all relevant times, Hamilton was employed by the Klamath Falls City School District.
2. On June 13, 2013, the Commission received a complaint from the administration of the Klamath Falls City School District indicating Hamilton may have committed acts which constitute gross neglect of duty. Subsequent investigation determined that during the 2011-12 and 2012-13 school years:

- 1 a) On or around November 2011, Hamilton had contact with a former student
2 named AS. Hamilton communicated with then 19 year old AS via Facebook
3 messenger systems and/or text messages. AS complained to school
4 administrators that Hamilton's communications were overly personal and that
5 Hamilton had openly admitted that he was flirting with her. Because AS was 19
6 years of age and a former student, the school district counseled Hamilton on
7 appropriate boundaries and issued Hamilton a written warning about
8 professional ethical practices and grooming behaviors.
- 9 b) On or about March of 2013, Hamilton contacted 17 year old, female student KS
10 via Facebook and text messages. KS complained that Hamilton asked her overly
11 personal questions, complimented her on her clothing she had worn to school,
12 and asked her personal questions about her plans for the future. Hamilton
13 invited KS to come to school early to meet with him privately so she could get
14 some extra choir practice. While review of Hamilton's conversations indicated
15 no direct sexual references, investigation determined that Hamilton's behavior
16 was in violation of district policies, in violation of Hamilton's prior written
17 directive, and possibly grooming behavior.
- 18 c) While investigating the complaint of student KS, the district learned of another
19 complaint by 17 year old female student, SB. SB reported that on or about
20 November 2012, Hamilton contacted her via text message and Facebook instant
21 messenger. During Hamilton's conversations with SB, Hamilton told her he was
22 getting divorced and other personal information related to Hamilton's failing
23 marriage. Hamilton messaged SB and shared information about his sex life.
24 Hamilton asked SB, *"After you graduate, would you ever think of having a*
25 *sexual fling with an older man like me?"*, and *"Think about it would you?*
26 *Please?"* Hamilton later contacted SB by text message and asked her to be his
27 *"Fuck Buddy"* and sent her two photographs of Hamilton's genitals.
- 28 3. On June 11, 2013, Hamilton resigned from employment with the Klamath Falls City
29 School District.

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1 **CONCLUSIONS OF LAW**

2 Hamilton's conduct constitutes gross neglect of duty in violation of ORS
3 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
4 *professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
5 0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest*
6 *in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or*
7 *exchanging romantic or overly personal gifts or notes with a student*), OAR 584-020-
8 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
9 *conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a*
10 *student*). The Commission may rely on the definitions of sexual conduct in ORS
11 339.370(9) and OAR 584-020-0005(5).

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13 The Commission's authority to impose discipline in this matter is based upon ORS
14 342.175.

15 **FINAL ORDER**

16 The Commission hereby revokes Charles Eric Hamilton's right to apply for
17 licensure.

18 IT IS SO ORDERED THIS 31st day of October, 2014.

19 TEACHER STANDARDS AND PRACTICES COMMISSION

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23 By: _____
24 Victoria Chamberlain, Executive Director
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27 **NOTICE OF APPEAL OR RIGHTS**
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29 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
30 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
31 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
32 ORS 183.482 TO THE OREGON COURT OF APPEALS.