

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

In the Matter of the ) STIPULATION OF FACTS AND  
Educator License of ) FINAL ORDER OF  
BENJAMIN WILLIAM SMITH ) PROBATION

On July 1, 2015, the Commission, as part of processing Smith's application for an Educator License or Charter School Registration, referred Benjamin William Smith (Smith) to investigation for violation of professional practices standards regarding his background history.

After review of the matters alleged, Smith and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a period of probation.

By signing below, Smith acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Smith nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

**STIPULATION OF FACTS**

1. The Commission has licensed Smith since July 10, 1992. Smith currently holds a Professional Teaching License, with an endorsement in Special Education: Generalist (PK-12), valid from January 12, 2016, through August 12, 2021. On July 1, 2015, the Commission received Smith's application for renewal of his then expired license. Based

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Teacher Standards &  
Practices Commission

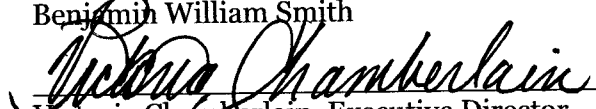
1 on Smith's affirmative answers to the character question section of his application,  
2 Smith's case was referred to professional practices for investigation.

- 3 2. On July 1, 2015, the Commission received Smith's Application for Educator License or  
4 Charter School Registration form (C-1), which was signed on June 1, 2015. On the C-1  
5 application form, Smith answered affirmatively to questions 8 and 9 in the Character  
6 Questions section of his application. Smith provided a letter explaining his "Yes"  
7 answers, describing Smith's involvement in a 2011, two-car motor vehicle accident that  
8 resulted in the death of the driver of the other vehicle. Court records indicate that on or  
9 about December 15, 2011, in Monroe County Court, New York, as part of a plea  
10 agreement, Smith plead guilty to driving while intoxicated, manslaughter in the second  
11 degree, vehicular manslaughter, and leaving the scene of an accident resulting in death.  
12 In return for pleading guilty to all charges, Smith was sentenced to one year  
13 incarceration, three years' probation, payment of fines and restitution, and substance  
14 abuse evaluation and related treatment.
- 15 3. Smith was forthright and honest with investigators. Smith successfully served his  
16 incarceration without incident, successfully completing any related treatment and  
17 counseling programs. Smith satisfactorily completed his court probation program in  
18 2015, and has had no other related incidents since 2011.

19  
20 IT IS SO STIPULATED:

21   
22  
23 Benjamin William Smith

3/17/2016  
Date

24   
25  
26 Victoria Chamberlain, Executive Director  
27 Teacher Standards and Practices Commission

3-24-16  
Date

28  
29 **CONCLUSION OF LAW**

30 Benjamin William Smith was convicted of various crimes as detailed above. These  
31 convictions and the conduct underlying these convictions constitutes gross neglect of duty in  
32 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
33 0010(5) (*Use professional judgment*); and OAR 584-020-0040(4)(o) as it incorporates OAR  
34 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the*

1 *law, exemplifying personal integrity and honesty*). This conduct also constitutes gross  
2 *unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating*  
3 *any federal, state, or local law. A conviction includes any final judgment of conviction by a*  
4 *court whether as the result of guilty plea, no contest plea or any other means), and OAR 584-*  
5 *020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the*  
6 *absence of a conviction).*

7 The Commission's authority to impose discipline in this matter is based upon ORS  
8 342.175.

9 **ORDER**

10 The Commission adopts and incorporates herein the above findings of fact and  
11 conclusions of law, and based thereon, imposes a period of probation on Benjamin William  
12 Smith as detailed below.

13 The Commission imposes a three (3) year probation upon Smith to commence upon  
14 finalization of this order subject to the following terms and conditions of probation:


15 1. Smith shall comply with the Standards for Competent and Ethical Performance of  
16 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

17 2. Smith will obey all laws and ordinances.

18 Violation of any term or condition of probation shall constitute an independent basis for the  
19 Commission to otherwise impose discipline, up to and including revocation of Smith' right to  
20 apply for a teaching license, after first providing Smith with notice and opportunity for  
21 hearing.

22 Issued and dated this 11<sup>th</sup> day of April, 2016.

23 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
24 **STATE OF OREGON**

25 By   
26 Victoria Chamberlain, Executive Director  
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