

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

In the Matter of the )  
Teaching License of )  
CHALMERS VINSON LOVING )

On September 14, 2010, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Chalmers Vinson Loving (Loving) in which the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0010(5), and OAR 584-020-0040(4)(g). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4398 to the address on file with the Commission. The Certified mail was returned unclaimed. The regular mail was not returned and assumed received by Loving. The Notice of Opportunity of Hearing, dated September 14, 2010, 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."**

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

## FINDINGS OF FACT

1. Loving has been licensed as a teacher in Oregon since June 28, 1990. Loving's current Substitute Teaching License issued on January 18, 2007, expired on October 30, 2010. During all relevant times Loving substitute taught with the Bethel School District.
2. On May 30 2008, when Loving reported to Willamette High School, two students and one teacher observed that Loving smelled of alcohol. This was reported to the building principal who observed that Loving was disheveled in appearance and smelled of alcohol. Loving reported consuming alcohol until about 1:00 that morning. When asked to take a breathalyzer test, Loving refused and was asked to leave the premises.

- 1 3. Loving previously had several criminal convictions related to alcohol use:  
2 a. 01/14/1994, DUI conviction, District Court of Eugene  
3 b. 9/28/1996, DUI conviction, Reedsport Municipal Court  
4 c. 2/11/1997, Open Container conviction, Lincoln County District Court  
5 d. 01/03/2001, DUI conviction, Florence Municipal Court  
6 4. On March 24, 2010, Loving met with a Commission investigator. During this meeting Loving  
7 stated that he was an alcoholic and could not guarantee his future sobriety.

8 **CONCLUSIONS OF LAW**

9 Chalmers Vinson Loving's conduct as described above, constitutes gross neglect of duty in  
10 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
11 *professional judgment*); and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored*  
12 *activity while under the influence of alcohol or any controlled substance*).

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 Chalmers Vinson Loving's right to apply for an  
17 educator license.

18 IT IS SO ORDERED THIS 5<sup>th</sup> day of November, 2010.

19 TEACHER STANDARDS AND PRACTICES COMMISSION

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21  
22 By:   
23 Victoria Chamberlain, Executive Director  
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28 **NOTICE OF APPEAL OR RIGHTS**

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