

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

In the Matter of the )  
Educator License of )  
RUSSELL ALLEN NAMITZ )

On April 23, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Russell Allen Namitz (Namitz) 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 7010 2780 0000 2187 2999 to the address on file with the Commission. The certified mail receipt was returned to the Commission on May 15, 2014, signed as received on May 13, 2014. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Notice of Opportunity of Hearing, dated April 23, 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.”**

Namitz did not request a hearing. The Commission, therefore, finds Namitz 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. Namitz been licensed as a teacher in Oregon since July 22, 2003. Namitz previously held an Initial II Teaching License, issued August 28, 2009, with an endorsement in Biology (HS), which expired on August 27, 2012. Namitz did not make application for renewal of his license. During all relevant times, Namitz was employed by the Coos Bay School District.
2. On March 27, 2012, the Commission received a complaint from the administration of the Coos Bay School District indicating Namitz may have committed acts which constitute gross neglect of duty. Subsequent investigation determined that during the 2010-11 and 2011-12 school years:

- 1 a) Namitz befriended a minor aged, female student (LS) from another school  
2 district during a school wrestling event where Namitz coached the team from  
3 Marshfield High School, and LS was a “Mat girl” for another school’s team.
- 4 b) On or about February 13, 2011, Namitz sent LS a “friend” request on the social  
5 media website Facebook. In Namitz’s request, he included a message that  
6 included the statement, “I just wanted to let you know that I think you’re  
7 sweet.....Russ”. LS accepted Namitz’s friend request.
- 8 c) Over the school years of 2010-11 and 2011-12, Namitz made posts or comments  
9 to LS’s Facebook page, sent her messages via Facebook, exchanged cell phone  
10 numbers, and began to exchange text messages with LS.
- 11 d) Namitz’s electronic communications with LS became student – teacher  
12 inappropriate and sexually explicit; some examples include:
- 13 • “I just wanted to let you know that I think you’re sweet”
  - 14 • “Bitch”
  - 15 • “You swallow and probably felch”
  - 16 • “Why don’t you do us a favor and go fiddle the bean. It’ll put a smile on  
17 your face...maybe even help you sleep.”
  - 18 • “What would you prefer? Masturbate? “Rub one out?”
  - 19 • “Felching isn’t the best thing to be known for”
  - 20 • “Pinching your nips might help with boredom and lameness”.
- 21 e) On February 23, 2011, LS sent Namitz a message asking what hotel Namitz and  
22 the team were staying at. Namitz replied by informing her which hotel he was at  
23 and provided LS a Google with directions to the hotel.
- 24 f) On April 4, 2011, Namitz responded to a text message from LS involving a  
25 discussion the two of them were having about teachers who have sex with  
26 students. Namitz’s reply included, “I’m on your side...not ok behavior. But I can  
27 see where the line gets slippery....Still nothing good can come from it.... Except  
28 the sex itself, of course. But if you ask anyone of the people that got caught if it  
29 was worth it, they would say no.”

- 1 g) Namitz sent LS a MHS wrestling shirt as a gift. Namitz later sent LS a message  
2 stating, "BTW, I don't want to get you into moral trouble with your coaches or  
3 team. No need to wear the shirt to regional's...it's enough that you have it."  
4 3. Namitz refused to comply with requests by the Commission to meet with their investigator  
5 to be interviewed and / or provide documents as required.  
6 4. On April 20, 2012, Namitz resigned from employment with the Coos Bay School  
7 District.  
8

### 9 CONCLUSIONS OF LAW

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11 Namitz's conduct described in section two (2) above constitutes gross neglect of  
12 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates  
13 OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is  
14 incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing*  
15 *professionally inappropriate interest in a student's personal life*), OAR 584-020-  
16 0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal*  
17 *gifts or notes with a student*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate*  
18 *adult boundaries with students in conduct and conversation at all times*); and OAR  
19 584-020-0040(4)(f) (*Any sexual conduct with a student*). The Commission may rely on  
20 the definitions of sexual conduct in ORS 339.370(9) and OAR 584-020-0005(5).  
21

22 Namitz's conduct described in section three (3) above constitutes gross neglect of  
23 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (*Subject to the*  
24 *exercise of any legal right or privilege, failure or refusal by an educator under*  
25 *investigation to respond to requests for information, to furnish documents or to*  
26 *participate in interviews with a Commission representative relating to a Commission*  
27 *investigation*)  
28


29 The Commission's authority to impose discipline in this matter is based upon ORS  
30 342.175.

1  
2 **FINAL ORDER**

3 The Commission hereby revokes Russell Allen Namitz's right to apply for an  
4 educator license.

5 IT IS SO ORDERED THIS 29<sup>th</sup> day of May, 2014.

6 TEACHER STANDARDS AND PRACTICES COMMISSION  
7  
8

9 By:   
10 Victoria Chamberlain, Executive Director  
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12 **NOTICE OF APPEAL OR RIGHTS**  
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14 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY  
15 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE  
16 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF  
17 ORS 183.482 TO THE OREGON COURT OF APPEALS.