

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

4 In the Matter of the Educator) DEFAULT ORDER OF DENIAL OF
5 License of) APPLICATION AND REVOCATION OF
6) RIGHT TO APPLY
7 KURT JOHN DELONG) FOR AN EDUCATOR LICENSE
8
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10 On December 28, 2015, the Teacher Standards and Practices Commission
11 (Commission) issued a Notice of Opportunity for Hearing to Kurt John DeLong (DeLong) in
12 which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The
13 Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0004
14 7539 6717 to the address on file with the Commission. The Notice designated the
15 Commission file as the record for purposes of proving a prima facie case. The Certified Mail
16 receipt was returned to the Commission "signed" on January 8, 2016. The first class mail
17 was not returned to the Commission. The Notice of Opportunity of Hearing, dated
18 December 28, 2015, and signed by Victoria Chamberlain, Executive Director, stated:

19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
23 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
24 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
25 YOUR LICENSE OR OTHER DISCIPLINE."
26

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

30 **FINDINGS OF FACT**

- 31 1. DeLong has been licensed by the Commission since July 1, 1971. DeLong previously
32 held a Basic Teaching License, with an endorsement in Basic Language Arts (020),
33 valid from October 8, 1974 through June 30, 1977. DeLong also held a Substitute
34 Teaching License, with an endorsement in Substitute Any Specialty (PP-12), valid
35 from November 30, 2004, through July 23, 2008. On July 22, 2015, DeLong made
36 application for renewal of his expired Substitute Teaching License.
37

2. On July 22, 2015, DeLong made application for the renewal of his expired Substitute Teaching License. DeLong answered “No” to all the character questions on the application, including question number four (4) “*Have you ever had any adverse action taken on a professional certificate, license or charter school registration? Have you ever been placed on probationary status for alleged misconduct while holding a professional license, certificate, registration, or credential?*”; question number seven (7) “*Have you ever been disciplined by any public agency responsible for licensure of any kind, including but not limited to educational licensure?*”; and question number eight (8) “*Have you ever been convicted or been granted a diversion or conditional discharge by any court for any: (a) Felony; or (b) Misdemeanor; or (c) Major traffic violation including but not limited to: driving under the influence of intoxicants or drugs; reckless driving; fleeing from or attempting to elude a police officer; driving while your license was suspended, revoked or used in violation of any license restriction; or failure to perform the duties of a driver or witness at an accident?*”. Background checks determined that on or about April 17, 2009, DeLong had been convicted of two counts of conspiring to manufacture and deliver a controlled substance. DeLong’s conduct leading up to the convictions included DeLong, as a licensed dentist, prescribing narcotics for a patient outside the scope of dentistry and in a manner that impaired the health and safety of the individual. As a result, in January 2009, DeLong surrendered his license to practice dentistry by consent order. On July 31, 2009, DeLong applied for reinstatement of his dental license, which was conditionally granted on September 25, 2009. On July 7, 2010, DeLong retired his Oregon Dental License. Based on the above information, DeLong should have answered affirmatively to the Commission’s application character questions, 4, 7, and 8; and provided written explanation for DeLong’s answers.

CONCLUSIONS OF LAW

3. Kurt John DeLong engaged in unprofessional conduct as described above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR

1 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
2 *judgment*); OAR 584-020-0040(4)(c) (*Falsification of any document or knowing*
3 *misrepresentation directly related to licensure, employment, or professional*
4 *duties*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)
5 (*Maintain the dignity of the profession by respecting and obeying the law,*
6 *exemplifying personal integrity and honesty*). This conduct also constitutes gross
7 unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
8 (*Conviction of violating any federal, state, or local law. A conviction includes any*
9 *final judgment of conviction by a court whether as the result of guilty plea, no*
10 *contest plea or any other means*), and OAR 584-020-0040(5)(e) (*Admission of or*
11 *engaging in acts constituting criminal conduct, even in the absence of a conviction*).
12

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

15 **FINAL ORDER**

16 The Commission hereby denies Kurt John DeLong's application for licensure
17 and revokes Kurt John DeLong's Right to Apply for an Educator License.

18 IT IS SO ORDERED THIS 29th day of February, 2016.

19 TEACHER STANDARDS AND PRACTICES COMMISSION

20 
21 By: _____

22 Victoria Chamberlain, Executive Director
23

24 **NOTICE OF APPEAL OR RIGHTS**

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