

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

4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 FRANK HOWARD SUMMERS) PUBLIC REPRIMAND AND PROBATION
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8 On December 2, 2013, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Frank Howard Summers (Summers) in which the
10 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class
11 Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 2261 to the address on file with the
12 Commission. The Notice designated the Commission file as the record for purposes of proving a
13 prima facie case. The Certified Mail was returned to the Commission signed as received, on
14 December 6, 2013. The regular mail was not returned to the Commission. The Notice of
15 Opportunity of Hearing, dated December 2, 2013, and signed by Victoria Chamberlain,
16 Executive Director, stated:

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

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

28 **FINDINGS OF FACT**

- 29 1. Frank Howard Summers has been licensed by the Commission since June 15, 2007.
30 Summers' Initial I Teaching License, with endorsements in Multiple Subjects (MIDLVL) and
31 Social Studies (HS, ML), was issued March 4, 2010 and expired on December 5, 2013.
32 2. On February 12, 2010, the Commission adopted a Stipulation of Facts and Final Order of
33 Probation upon Summers' licensure. The facts supporting the probation upon Summers'
34 license in 2010 included:
35 a. Multiple convictions for DUII, three between 1993 and 2008.
36 3. Summers' license was placed on probation. As part of Summers' probation, he agreed to several
37 conditions, including attending regular (monthly) meetings of Alcoholics Anonymous, being subject
38 to random UA testing, submitting status reports every six months with the Commission, report to

1 the Commission any arrests, comply with Commission Rules and Regulations, and abstaining from
2 consuming alcohol. Summers' probation period was set for a period of four years.

- 3 4. On February 9, 2012, the Commission received information from both Klamath County School
4 District and Summers himself, indicating Summers had been arrested for DUII, Criminal Mischief
5 and Assault Four on February 4, 2012. On July 9, 2012, Summers plead guilty to the DUII. The
6 Assault Four and the Criminal Mischief charges were dismissed.
- 7 5. Review of Summers' probation status indicated Summers failed to present the Commission with the
8 six month status reports required by his probation. Summers did provide proof that he had been
9 attending ongoing treatment for alcohol abuse/addiction. Summers' also consumed alcohol on one
10 or more occasions during his probationary period.

11 CONCLUSIONS OF LAW

12 Summers's conduct described above constitutes gross neglect of duty in violation of ORS
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
14 *professional judgment*); OAR 584-020-0040(4)(k) (*Knowing violation of of any order or rule*
15 *of the Commission*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)
16 (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying*
17 *personal integrity and honesty*). This conduct also constitutes gross unfitness in violation of
18 ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
19 *local law. A conviction includes any final judgment of conviction by a court whether as the*
20 *result of guilty plea, no contest plea or any other means*), and OAR 584-020-0040(5)(e)
21 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a*
22 *conviction*).

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

25 FINAL ORDER

26 The Commission hereby issues a Public Reprimand upon Frank Howard Summers'
27 educator licensure, and places Summers on probation for a period of four (4) years from the
28 date of renewal of his licensure. This probation period is subject to the following terms and
29 conditions:


- 30 1. Summers shall continue to attend regular meetings (at least monthly) at a local
31 Alcoholics Anonymous program.

- 1 2. Summers shall, at his own initiative and expense, continue to obtain treatment for
2 his alcohol dependency as recommended by his alcohol treatment provider and
3 abstain from the consumption of alcohol.
- 4 3. Summers shall be subject to random urinalysis (UA), at his own expense. The
5 Commission shall determine when these UA's shall be conducted and may inform
6 Summers with limited advance notice.
- 7 4. Summers shall submit reports to the Executive Director of the Commission every six
8 (6) months describing his compliance with the terms and conditions of this
9 agreement.
- 10 5. Summers shall report in writing to the Executive Director of the Commission, within
11 ten days of any arrest or citation for any felony, misdemeanor, major traffic violation
12 or violation of criminal probation; and
- 13 6. Summers shall comply with the Standards for Competent and Ethical Performance of
14 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

15 Violation of any term or condition of probation shall constitute an independent basis for
16 the Commission to revoke Summers' teaching license or otherwise impose discipline, after first
17 providing Summers with notice and opportunity for hearing.

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19 IT IS SO ORDERED THIS 20th day of February, 2014.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21 
22 By: _____
23 Victoria Chamberlain, Executive Director

24 NOTICE OF APPEAL OR RIGHTS

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