| 1 2 | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON |
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| 3 4 5 6 7 | In the Matter of the DEFAULT ORDER OF Teaching License of NEVOCATION OF LICENSE LUIS ALBERTO GUEVARA |
| 8 | On March 19, 2012, the Teacher Standards and Practices Commission (Commission) |
| 9 | issued a Notice of Opportunity for Hearing to Luis Alberto Guevara (Guevara) in which the |
| 10 | Commission charged him with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584- |
| 11 | 020-0040(4)(n) as it incorporates OAR 584-020-0010(5); OAR 584-020-0040(4)(0) as it |
| 12 | incorporates OAR 584-020-0035(1)(b), OAR 584-020-0035(1)(c)(A), OAR 584-020- |
| 13 | 0035(1)(c)(B), OAR 584-020-0035(1)(c)(C), OAR 584-020-0035(1)(c)(D); and OAR 584-020- |
| 14 | 0040(4)(f); and Gross Unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e). |
| 15 | The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7009 1410 0002 |
| 16 | 1925 3419 to the address on file with the Commission. The Notice of Opportunity of Hearing, |
| 17 | dated March 19, 2012, and signed by Victoria Chamberlain, Executive Director, stated: |
| 18 19 20 21 22 23 24 | "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." |
| 25 | Guevara did not request a hearing. The Commission, therefore, finds Guevara to be in |
| 26 | default and enters the following findings of fact, conclusions of law and order, based on the files |
| 27 | and records of the Commission concerning this matter. |
| 28 | FINDINGS OF FACT |
| 29 | 1. Guevara has been licensed as a teacher in Oregon since February 21, 2006. Guevara's |
| 30 | current Initial I Teaching License, with endorsements in Language Arts (HS, ML), |
| 31 | Middle School Social Studies (ML) and Multiple Subjects (MIDLVL) was issued on |
| 32 | August 17, 2010, and expires on August 25, 2013. During all relevant times, Guevara |
| 33 | was employed by the Woodburn School District. |
| 34 | 2. On March 17, 2011, Guevara was arrested on charges of Official Misconduct (two counts), Sex |
| 35 | Abuse in the 2nd Degree, Luring a Minor, and Attempted Sex Abuse in the 2 nd degree. On |
| 36 | September 21, 2011, Guevara was scheduled for a plea hearing in the Marion County Circuit |
| 37 | Court. Guevara failed to appear as ordered and a warrant for his arrest was issued. As of the |

date of this order, a felony warrant for Guevara's arrest remains in effect. The conduct that gave rise to these charges and subsequent arrest warrant was Guevara's inappropriate relationship with two female students. Specifically, Guevara kissed one of the female students on multiple occasions and exchanged messages with female students by text message that contained sexual content. Guevara also drove female students in his personal vehicle, alone and unsupervised, where on certain occasions Guevara engaged in kissing with at least one female student. Guevara repeatedly called one student "Kuuipo" which means "Sweetheart" in Hawaiian and would often tell and text this student "Mahalkita" which means "I love you" in Hawaiian. Guevara repeatedly propositioned these students asking them out on dates for dinner, lunch or other meetings. Guevara sent these students inappropriate text messages after school hours and as late as two o'clock in the morning.

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342.175.

CONCLUSIONS OF LAW

Guevara's conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a student's personal life), OAR 584-020-0035(1)(c)(B) (Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student), OAR 584-020-0035(1)(c)(C) (Reporting to the educator's supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator), OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times); and OAR 584-020-0040(4)(f) (Any sexual conduct with a student). Guevara's arrest and warrant for the previously listed criminal charges, including statements made by Guevara to police detectives during the investigation also constitutes gross unfitness in violation of ORS 342.175 (1)(c); OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction). The Commission's authority to impose discipline in this matter is based upon ORS

| 1 | FINAL ORDER |
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| 2 | The Commission hereby revokes Luis Alberto Guevara's teaching license. |
| 3 | IT IS SO ORDERED THIS 10th day of May, 2012. |
| 4 | TEACHER STANDARDS AND PRACTICES COMMISSION |
| 5 6 7 8 9 | By: <u>Ickaila (Manuarkain)</u> Victoria Chamberlain, Executive Director |
| 10 | NOTICE OF APPEAL OR RIGHTS |
| 1 | VOLUADE ENTERTIED TO HIDICIAL DEVIEW OF THIS ODDED. HIDICIAL DEVIEW MAY RE |
| 2 | YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF |
| 3 4 | THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE |
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| l5 | OREGON COURT OF APPEALS. |