1 2 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5	In the Matter of the Educator License of) DEFAULT ORDER OF REVOCATION OF RIGHT TO
6 7	BRANDY ANNE KANE) APPLY FOR AN EDUCATOR LICENSE
8 9	On June 28, 2013, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Brandy Anne Kane (Kane) in which the
11	Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3770 to the address on file
13	with the Commission. The Notice designated the Commission file as the record for purposes
14	of proving a prima facie case. The Certified Mail receipt was returned, signed to the
15	Commission on July 12, 2013. The regular mail was not returned to the Commission. The
16	Notice of Opportunity of Hearing, dated June 28, 2013, and signed by Victoria Chamberlain,
17	Executive Director, stated:
18 19 20 21 22 23 24 25	"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."
26	Kane did not request a hearing. The Commission, therefore, finds Kane to be in default and
27	enters the following findings of fact, conclusions of law, and final order, based on the files
28	and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Brandy Anne Kane has been licensed as a teacher in Oregon since July 10, 2007. Kane's
31	Initial I Teaching License, with an endorsement in Multiple Subjects Self-Contained
32	(ECE, ELE), was issued August 12, 2010, expired on August 11, 2013. During all relevant
33	times, Davis was employed by the Tigard-Tualatin School District.
34 35 36 37 38 39	2. On January 8, 2013, the Commission received information from the Tigard-Tualatin School District indicating Kane may have committed acts which constitute gross neglect of duty. Subsequent investigation determined on December 18, 2012, staff of the Bridgeport Elementary School reported "erratic behavior" and the concern that Kane was under the influence of alcohol while teaching. When questioned, Kane stated she had consumed alcohol heavily the night before, stopping around

1 2 3 4 5 6 7	and alcohol test. Kane's breath was professionally tested at both 11:58 am and again at 12:15 pm; Kane's test results were a Blood Alcohol Content (BAC) of .225 and .219 respectively. The results of Kane's drug screening indicated "Positive" for marijuana. Despite two prior DUII convictions and having a BAC level of nearly three times the presumptive level of intoxication in DUII cases, Kane told investigators that she does not believe she has an alcohol dependency problem.
8	CONCLUSIONS OF LAW
9	Kane's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
10	OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
l 1	judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and
12	regulations); and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-
13	sponsored activity while under the influence of alcohol or any controlled substance).
14	
15	The Commission's authority to impose discipline in this matter is based upon ORS
16	342.175.
17	FINAL ORDER
18	The Commission hereby revokes Brandy Anne Kane's right to apply for an educator
19	license.
20	IT IS SO ORDERED THIS 22 nd day of October, 2013.
21	TEACHER STANDARDS AND PRACTICES COMMISSION
22	By:
23	Victoria Chamberlain, Executive Director
24 25 26	NOTICE OF APPEAL OR RIGHTS
26 27 28 29	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 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183 482 TO THE OREGON COURT OF APPEALS.