BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 STIPULATION OF FACTS AND In the Matter of the 4 5 6 7 FINAL ORDER OF DENIAL OF **Educator License of** APPLICATION AND SUSPENSION OF RIGHT TO APPLY LOAN PHAN ZIEHL 8 On January 17, 2012, the Commission referred Loan Phan Ziehl (Ziehl) to 9 investigation for violation of professional practices standards. 10 After review of the matters alleged, Ziehl and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to 11 12 certain facts, the denial of Ziehl's application for renewal, and the implementation of a 13 six month suspension of her right to apply for licensure. 14 By signing below, Ziehl acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest 15 16 the findings of fact, conclusions of law, and order set forth below, and fully and finally 17 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 18 Facts and Final Order of Denial of Application and Suspension of Right to Apply (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document 19 and disclosed to the public upon request by the Commission; (iii) this Stipulation and 20 21 Final Order is contingent upon and subject to approval and adoption by the Commission. 22 If the Commission does not approve and adopt this Stipulation and Final Order, then 23 neither Ziehl nor the Commission are bound by the terms herein; (iv) she has fully read 24 this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to 25 issuance and entry of the Stipulated Final Order below; (vi) she states that no promise or 26 27 representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and 28 has been fully advised with regard to her rights thereto, or waives any and all rights to 29 30 consult with an attorney prior to entering into this Stipulation and Final Order and 31 issuance and entry of the Stipulated Final Order below. 32 STIPULATION OF FACTS 1. Loan Phan Ziehl has been licensed by the Commission since November 28, 2007. Ziehl 33 currently holds an Initial I Teaching License with an endorsement in Multiple Subjects 34

Self-Contained (ECE, ELE); issued October 23, 2009, and scheduled to expire on March

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11, 2012 (expiration is pending the outcome of the final Commission action). During all relevant times, Ziehl was not employed by any School District.

- 2. On January 17, 2012, Ziehl's C-1 application for renewal of her Oregon licensure was referred to investigations for review of Ziehl's answers on the character questions section. Ziehl correctly answered 'yes' to character questions 8 and 10, but Ziehl checked the box indicating she had provided an explanation of her yes answers in a prior application. The Commission's investigation determined that Ziehl did provide an explanation for a September 2009 criminal conviction for Theft, but Ziehl failed to advise or provide an explanation for a June 2010 criminal conviction for Theft.
- 3. The Commission's investigation also determined that Ziehl had been disciplined by the California Commission on Teacher Credentialing (CTC). On December 10, 2011, the CTC issued a "Public Reproval" upon Ziehl's California credentials as a result of the same theft conviction mentioned in section 2 above. Ziehl failed to answer "Yes" to her C-1 application character question number 4, "Have you ever had any adverse action taken on a professional certificate, license or charter school registration..."
- 4. Ziehl has sought and successfully completed related treatment and counseling. Ziehl, who is not a native English speaker, will seek clarification as needed regarding any future applications if she is not clear about an accurate response. Ziehl cooperated with investigators and accepted full responsibility for the inaccuracies in her application.

CONCLUSION OF LAW

Loan Phan Ziehl was convicted of two separate counts of Theft II (shoplifting 2009 and 2010), a misdemeanor. Ziehl failed to answer the character question section of her 2012 application accurately. This conduct constitutes gross neglect of duty in violation of ORS 342.175 (1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-

1	020-0010(5) (Use professional judgment), and OAR 584-020-0040(4)(C) (Knowing
2	falsification of any document or knowing misrepresentation directly related to
3	licensure, employment, or professional duties). This conduct also constitutes gross
4	unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of
5	violating any federal, state, or local law. A conviction includes any final judgment of
6	conviction by a court whether as the result of guilty plea, no contest plea or any other
7	means).
8	The Commission's authority to impose discipline in this matter is based upon
9	ORS 342.175.
10	ORDER
11	The Commission adopts and incorporates herein the above findings of fact and
12	conclusions of law, and based thereon, the Commission denies Ziehl's application for
13	renewal and imposes a six (6) month suspension of Ziehl's right to apply for licensure to
14	commence upon finalization of this order.
15	Issued and dated this day of July, 2013.
16 17	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
18 19 20	By Julia Manufacture Victoria Chamberlain, Executive Director