

**BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON**

In the Matter of the)
Teaching License of)
LINDSAY GAYLE BROWN)

On March 31, 2011, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Lindsay Gayle Brown (Brown) in which the Commission charged her with Gross Neglect of Duty pursuant to OAR 584-020-0040(5)(c), OAR 584-020-0040(5)(e), and OAR 584-020-0040(4)(k). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4053 to the address on file with the Commission. The Certified Mail signed for on April 8, 2011. The Notice of Opportunity of Hearing, dated March 31, 2011, and signed by Victoria Chamberlain, Executive Director, stated:

"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."

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

FINDINGS OF FACT

1. On August 25, 2009, the Commission issued Brown an Initial Teaching License with endorsements in Language Arts and Multiple Subjects, valid through February 25, 2011.
2. During the background check associated with the issuance of the license, the Commission discovered that Brown was arrested on December 14, 2006, for possession of a controlled substance (marijuana) under Georgia law. Brown subsequently pled guilty under the terms of the Georgia conditional discharge statute. Brown successfully completed 6 months of probation thereby avoiding a conviction in this matter.
3. On February 23, 2009, the Commission adopted a Stipulated Order suspending Brown's right to apply for an educator license for a period of three months and placing her on probation for 4 years. The terms of the probation required that Brown "shall report in writing within ten days to the Executive Director of the Commission any arrest or citation for

any felony, misdemeanor, or major traffic violation.” Furthermore, Brown was required to “comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, and Division 020.”

4. On August 16, 2010, Brown was convicted of Careless Driving (ORS 811.135(2)). This conviction stemmed from a June 18, 2010, auto accident.
5. On September 20, 2010, Brown was convicted of Careless Driving (ORS 811.135(2)), and Inhalant Use/Possession (ORS 167.808(5)(B) Amyl acetate. These convictions stemmed from an accident on September 17, 2010, in which Brown crossed the center lane and collided with two vehicles. Brown was then under the influence of inhalants and the arresting officer witnessed Brown using inhalants following the accident.
6. On September 24, 2010, Brown was arrested for Careless Driving (ORS 811.135), Driving Under the Influence of Intoxicants (ORS 813.010(4)), and Inhalant Use/Possession (ORS 167.808(5)(B) Amyl acetate). This incident stemmed from a September 24, 2010, incident in which Brown drove her vehicle while using inhalants. Brown was observed passed out at the wheel of her vehicle blocking traffic.

CONCLUSIONS OF LAW

Lindsay Gayle Brown’s above arrests and convictions constitute gross unfitness in violation of OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*) and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

Brown did not report any of the above arrests or convictions to the Executive Director of the Commission as she agreed to do in the February 23, 2009, Stipulated Order. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(k) (*Violation of any order or rule of the Commission*).

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

///


///

1 **FINAL ORDER**

2 The Commission hereby revokes Lindsay Gayle Brown's right to apply for an educator
3 license.

4 IT IS SO ORDERED THIS 16th day of May, 2011.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6
7 By: 
8 Victoria Chamberlain, Executive Director
9
10
11
12
13

14 **NOTICE OF APPEAL OR RIGHTS**

15
16 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
17 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
18 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
19 THE OREGON COURT OF APPEALS.
20