| 1<br>2<br>3                | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON   |
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| 4<br>5<br>6<br>7           | In the Matter of the ) DEFAULT ORDER OF Teaching License of ) SUSPENSION OF RIGHT DANIEL NORMAN JOHNSON ) TO APPLY FOR LICENSE   |
| 8<br>9                     | On May 6, 2010, the Teacher Standards and Practices Commission (Commission)  |
| 10                         | issued a Notices of Opportunity for Hearing to Daniel Norman Johnson (Johnson) in which the  |
| 11                         | Commission charged him with Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR   |
| 12                         | 584-020-0010(5) and OAR 584-020-0040(4)(c). The US Postal Service was unable to deliver  |
| 13                         | the Notice as addressed. The Commission located additional addresses for Mr. Johnson and   |
| 14                         | sent Notices on May 17, 2010, and August 3, 2010 to the new addresses. All of the Notices  |
| 15                         | sent were returned to the Commission as undeliverable. The Final Notice was sent via U.S.  |
| 16                         | First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4220 to the last known  |
| 17                         | address on file with the Commission. The U.S. Postal Service attempted delivery on August 6,   |
| 18                         | 2010, August 14, 2010 and the finally on August 24, 2010 before returning the mail to the  |
| 19                         | Commission as undeliverable. The Notice of Opportunity of Hearing, dated August 3, 2010, and   |
| 20                         | signed by Victoria Chamberlain, Executive Director, stated:  |
| 21<br>22<br>23<br>24<br>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<br>27                   | Mr. Johnson did not request a hearing. The Commission, therefore, finds Mr. Johnson to be in   |
| 28                         | default and enters the following findings of fact, conclusions of law and order, based on the files  |
| 29                         | and records of the Commission concerning this matter.  |
| 30                         | FINDINGS OF FACT   |
| 31                         | 1. On June 2, 2009, Johnson signed and submitted a Student Teaching or Practicum   |
| 32                         | Report – Form PA-1. On this form, Mr. Johnson answered "no" to question 8, "Have you   |
| 33                         | ever been convicted of or been granted conditional discharge by any court for: (a) any   |

| <sup>-</sup> 1             | felony; (b) misdemeanor; or (c) any major traffic violation, such as: driving under the  |
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| 2                          | influence of intoxicants or drugs, reckless driving; fleeing from or attempting to elude a   |
| 3                          | police officer; driving while your license was suspended, revoked or used in violation of  |
| 4                          | any license restriction; or failure to perform the duties of a driver or witness at an   |
| 5                          | accident?" Mr. Johnson's response was false. In April of 2003, Mr. Johnson was   |
| 6                          | convicted of misdemeanor DUII, misdemeanor failure to appear in 2004, and  |
| 7                          | misdemeanor driving while revoked/suspended in December of 2004. All of these  |
| 8                          | convictions occurred in the State of Virginia.   |
| 9                          | CONCLUSIONS OF LAW   |
| 10                         | Daniel Norman Johnson's failure to disclose his criminal convictions on his PA-1   |
| 11                         | application form for a Student Teacher Practicum constitutes gross neglect of duty in violation of   |
| 12                         | ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use  |
| 13                         | professional judgment); and OAR 584-020-0040(4)(c) (Knowing falsification of any document or   |
| 14                         | knowing misrepresentation directly related to licensure, employment, or professional duties).  |
| 15                         | FINAL ORDER  |
| 16                         | The Commission hereby suspends Daniel Norman Johnson's right to apply for a license  |
| 17                         | for 30 days.   |
| 18                         | IT IS SO ORDERED THIS 5 <sup>1</sup> / <sub>2</sub> day of November, 2010.   |
| 19                         | TEACHER STANDARDS AND PRACTICES COMMISSION   |
| 20<br>21<br>22<br>23<br>24 | By: Wanderlain, Executive Director   |
| 25<br>26                   | NOTICE OF APPEAL OR RIGHTS   |
| 27<br>28<br>29<br>30<br>31 | 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. |