

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION APR 1 8 2012 1 Teacher Standards & 2 OF THE STATE OF OREGON **Practices Commission** STIPULATION OF FACTS AND 3 In the Matter of the FINAL ORDER OF REVOCATION 4 Teaching License of: OF RIGHT TO APPLY FOR 5 6 **GARY LEE WELBERG** ONE (1) YEAR 7 8 On April 8, 2010, Welberg submitted an Application for Student Teaching or

On April 8, 2010, Welberg submitted an Application for Student Teaching or Practicum Report (form PA-1), as part of his Masters Degree student teaching requirement through Eastern Oregon University. Review of Welberg's "Yes" answer on the character question section of his application indicated possible discrepancies and prompted an investigation.

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After review of the matters alleged, Welberg and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the revocation of Welberg's right to apply for a teaching license in the State of Oregon for a period of one year. Welberg denies any intentional misrepresentation or knowingly falsifying his application, but stipulates that there is sufficient information contained in the Commission's files to support the stipulation of facts set forth below.

By signing below, Welberg acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Welberg nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior

1 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated 2 Final Order below. 3 STIPULATION OF FACTS 4 Gary Lee Welberg applied for his student teaching/practicum license on April 8, 5 2010. Welberg has never been a licensed teacher in the State of Oregon. 2. On March 18, 2010, Welberg signed the character question section of his application, 6 7 certifying his answers and explanations to be "true and correct". Welberg correctly answered "Yes" to character question four (4), "Have you ever had a professional 8 9 certificate, credential or license (of any kind) revoked or suspended or have you 10 been placed on probationary status for any alleged misconduct or alleged violation of professional standard of conduct?" Welberg's required explanation of his "Yes" 11 answer was compared to records of the State of Oregon Department of Public Safety 12 13 Standard and Training (DPSST), which led to the revocation of Welberg's police certificate(s). The TSPC investigation discovered discrepancies between Welberg's 14 15 explanation and the DPSST records. 3. During the course of the investigation, Welberg advised investigators that he had 16 17 allowed DPSST to take action against his police certification(s) by default and failed to request a hearing in order to defend his position and explain his actions. Welberg 18 contends that the DPSST record is not entirely accurate and he was not aware of the 19 20 full contents of the DPSST findings and order when he provided his explanation to 21 TSPC. 4. Welberg's actions were independently investigated and reviewed by the County 22 23 District Attorney and the Oregon Department of Justice; both determined that Welberg had not committed any criminal acts. Welberg contends that his 24 participation in the associated incident(s) were in his role as a union official and not 25 in his role as a police officer. La Grande police officials, including now retired Police 26 Chief Courtney, support and recommend Welberg for licensure. Letters to the 27 Commission from both Chief Courtney and Lieutenant Reddington attest to 28 Welberg's "High degree of honesty and integrity" and express their full endorsement 29 30 of Welberg. 31 111 32 111 33 111 34 111

1	IT IS SO STIPULATED:	
2 3 4 5 6 7 8	Gary Lee Welberg Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission	$\frac{4}{3}/3$ ate $\frac{5-9-12}{2}$
9	CONCLUSION OF LAW	
10	Gary Lee Welberg's required explanation of the revocation of his police	
11	certification(s) was not completely accurate as stated in his application for a student	
12	teaching/practicum license. As a result, Welberg's explanation contains multiple false	
13	statements regarding the factual circumstances that led to the revocation of his police	
14	certificate(s) by the State of Oregon Department of Publics Safety Standard and Training	
15	(DPSST). This conduct constitutes gross neglect of duty in violation of OAR 584-020-	
16	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use of professional judgment);	
17	and OAR 584-020-0040(4)(c) (Knowing falsification of any document or knowing	
18	misrepresentation directly related to licensure, employment, or professional duties).	
19	The Commission's authority to impose discipline in this matter is based upon	
20	ORS 342.175.	
21	ORDER	
22	Based on the foregoing, the Commission hereby orders the re	vocation of Gary Lee
23	Welberg' right to apply for a license for a period of one (1) year.	
24	Issued and dated this day of April 2012. 20th of July, 2012	
25 26	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON Nomberlain	
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