

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

In the Matter of the)	DEFAULT ORDER
Charter School)	90 DAY SUSPENSION OF RIGHT
Registry of)	TO APPLY FOR LICENSE /
TROUT, GARY ALAN)	CHARTER SCHOOL REGISTRY

On April 25, 2012, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Gary Alan Trout (Trout) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 2183 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was signed for on April 27, 2012. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated April 25, 2012, 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.”

Trout did not request a hearing. The Commission, therefore, finds Trout 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. Trout has never been licensed as a teacher in Oregon. On June 2, 2010, the Commission received a letter from Elkton Charter School seeking assistance in registering Trout as a registered Charter School teacher. The Commission received Trout's application for Charter School Registry on June 4, 2010.
2. On June 20, 2010, and July 15, 2010, the Commission sent Trout letters informing him that his application was incomplete for lack of information from the school district and lack of required fingerprints. On July 15, 2010, the Commission sent Elkton Charter School a letter indicating that TSPC had not received Trout's fingerprints. On September 3, 2010, Trout's application was closed for failure to respond to requests for information from the Commission (phone, email, or mail), and Trout's failure to provide required fingerprints.
3. On February 1, 2011, the Elkton Charter School contacted the Commission again regarding Trout's application. At this time, the Commission ascertained that Trout was employed with the Charter

1 School as a Physical Education teacher and boys coach. On or about August 2, 2011, the Elkton
2 Charter School informed the Commission Investigator that Trout was no longer employed at the
3 Charter School. Elkton officials explained that they had incorrectly believed the ODE fingerprint
4 clearance they had provided was adequate to fulfill the fingerprint requirements of the Commission.

5 CONCLUSIONS OF LAW

6 Trout's conduct described above, constitutes gross neglect of duty in violation of ORS
7 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
8 *professional judgment*); OAR 584-020-0040(4)(r) (*Knowingly working without a license*);
9 OAR 584-050-0006(3)(e) (*The applicant refuses to consent to criminal records checks or*
10 *refuses to be fingerprinted upon request*); and OAR 584-050-0006(3)(f) (*The applicant has*
11 *served in violation of OAR 584-050-0035 Must be Licensed, Registered or Certified at All*
12 *Times While Employed*).


13 The Commission's authority to impose discipline in this matter is based upon ORS
14 342.175.

15 FINAL ORDER

16 The Commission hereby suspends Gary Alan Trout's right to apply for a Charter School
17 Registration or other licensure for a period of ninety (90) days, to begin upon the date this order
18 is signed and in effect.

19 IT IS SO ORDERED THIS 25th day of October, 2012.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21
22 By: 
23 Victoria Chamberlain, Executive Director
24
25
26
27

28 NOTICE OF APPEAL OR RIGHTS

29
30 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
31 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
32 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
33 THE OREGON COURT OF APPEALS.