

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON

3
4 In the Matter of the Educator)
5 License of)
6)
7 LEO JOSEPH TRAN) DEFAULT ORDER OF DENIAL OF
 APPLICATION AND REVOCATION
 OF RIGHT TO APPLY FOR
 AN EDUCATOR LICENSE

8
9
10 On August 17, 2016, the Teacher Standards and Practices Commission (Commission)
11 issued a Notice of Opportunity for Hearing to Leo Joseph Tran (Tran) in which the
12 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was
13 sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 3010 0002 3171 1057 to
14 the address on file with the Commission. The Notice designated the Commission file as the
15 record for purposes of proving a prima facie case. The Certified Mail receipt was returned
16 signed to the Commission on August 25, 2016. The first class mail was not returned to the
17 Commission. The Notice of Opportunity of Hearing, dated August 17, 2016, and signed by
18 Monica Beane, Executive Director, stated:

19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-DAY
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
23 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
24 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
25 YOUR LICENSE OR OTHER DISCIPLINE."
26

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

30 **FINDINGS OF FACT**

- 31 1. Tran has never been licensed by the Commission. On February 15, 2016, Tran made
32 application to the Commission for an Oregon Teaching License.
33 2. On Tran's February 15, 2016, application for an Oregon Teaching License, Tran
34 answered "No" to all character questions. This included answering "No" to question
35 number two, "*Are you currently the subject of an inquiry, review or investigation*
36 *for alleged misconduct or alleged violation of professional standards of conduct by*
37 *either an employer or a licensure agency?*" Tran answered "No" to character

1 question number four, *"Have you ever had any adverse action taken on a*
2 *professional certificate, license, or charter school registration?"* Tran also answered
3 *"No"* to question number seven, *"Have you ever been disciplined by any public*
4 *agency responsible for licensure of any kind, including but not limited to*
5 *educational licensure?"*

6 Commission investigation determined that Tran, at the time he made application to
7 the Commission, was aware that the Texas Education Agency (TEA) was / had been
8 conducting an investigation into Tran's conduct related to his performance and
9 mental health. In November of 2015, Tran had received a "Proposal for Decision"
10 from the TEA recommending the suspension of Tran's Texas licensure. On February
11 15, 2016, Tran made application to the Commission for an Oregon teaching license.
12 On February 22, 2016, Tran received a final order of discipline from the TEA,
13 revoking his Texas teaching license until he is able to present proof of fitness. This
14 final order was completed and in effect on February 12, 2016. Based on these
15 documented events Tran failed to answer his Oregon educator application character
16 questions accurately.

17 CONCLUSIONS OF LAW

18 Leo Joseph Tran engaged in unprofessional conduct as described in section two (2)
19 above. Tran's conduct is grounds for denial of his application under ORS 342.143(2). The
20 above conduct also constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
21 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
22 *judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)
23 (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying*
24 *personal integrity and honesty*), and OAR 584-020-0040(4)(c) (*Falsification of any*
25 *document or knowing misrepresentation directly related to licensure, employment, or*
26 *professional duties*). The above conduct also constitutes gross unfitness in violation of ORS
27 342-175(1)(c); OAR 584-020-0040(5)(a) (*Revocation, suspension or denial of a license by*
28 *another state for reasons and through procedures that are the same as, or substantially*
29 *equivalent to, those permitting similar action in Oregon*), and OAR 584-020-
30 0040(5)(b)(*Fraud or misrepresentation*).

1 The Commission's authority to impose discipline in this matter is based upon ORS
2 342.175.

3 **FINAL ORDER**

4 The Commission hereby denies Leo Joseph Tran's application for an Oregon
5 educator license and revokes Leo Joseph Tran's right to apply for an Oregon educator
6 license.

7 IT IS SO ORDERED THIS 6th day of January, 2017.

8 TEACHER STANDARDS AND PRACTICES COMMISSION

9
10 By: Monica Beane
11 Dr. Monica Beane, Executive Director

12 **NOTICE OF APPEAL OR RIGHTS**

13
14
15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
16 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
17 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
18 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

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