

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

In the Matter of the)
Educator License of)
BENJAMIN CARL PATTERSON)

On March 18, 2015, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Benjamin Carl Patterson (Patterson) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5642 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 receipt was signed and returned to the Commission. The first class mail was not returned and is assumed delivered. The Notice of Opportunity for Hearing, dated January 28, 2015, 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.”

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

FINDINGS OF FACT

1. Patterson has been licensed by the Commission since July 17, 1980. Patterson's Standard Personnel Service License, with an endorsement in Standard Counselor (050), was valid from July 21, 2008, through July 24, 2013. Commission records indicate that during all relevant times, Patterson was not employed by any Oregon School District. As part of a routine background check pending the renewal of Patterson's licensure, a criminal conviction was located and investigated.
2. On or about September 20, 2012, Patterson was arrested on charges stemming from a law enforcement investigation regarding Patterson's actions as a food service coordinator at the Oregon State Prison in Coffee Creek. The original criminal charges

1 included Custodial Sexual Misconduct in the First Degree (ORS 163.452), a class C
2 felony; Custodial Sexual Misconduct in the second degree (ORS 163.454), a class A
3 misdemeanor; Official Misconduct in the First Degree (ORS 162.415), a class A
4 misdemeanor; and Supplying Contraband (ORS 162.185), a class C felony. On March
5 15, 2013, Patterson pled guilty to and was convicted of Custodial Sexual Misconduct
6 in the second degree (ORS 163.454), a class A misdemeanor. Patterson was
7 sentenced to a 30 days in jail, two years' probation, and required to register as a sex
8 offender.

- 9 3. Patterson's conviction arose from allegations that on or about November 2008,
10 Patterson engaged in sexual contact with an inmate of the facility where Patterson
11 was employed as a food services coordinator. As the food services coordinator,
12 Patterson had supervisory responsibility, including some direction and control over
13 prison inmates.

14 CONCLUSIONS OF LAW

15 Patterson's conviction detailed above, and the conduct underlying Patterson's
16 charges and conviction constitutes gross neglect of duty in violation of ORS
17 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
18 *professional judgment*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-
19 020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the*
20 *law, exemplifying personal integrity and honesty*). This conduct also constitutes gross
21 unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of*
22 *violating any federal, state, or local law. A conviction includes any final judgment of*
23 *conviction by a court whether as the result of guilty plea, no contest plea or any other*
24 *means*), and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
25 *criminal conduct, even in the absence of a conviction*).

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

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1 **FINAL ORDER**

2 The Commission hereby revokes Benjamin Carl Patterson's right to apply for
3 licensure.

4 IT IS SO ORDERED THIS 20th day of May, 2015.

5 TEACHER STANDARDS AND PRACTICES COMMISSION
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8 By: _____
9 Victoria Chamberlain, Executive Director
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13 **NOTICE OF APPEAL OR RIGHTS**
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15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
16 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
17 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
18 ORS 183.482 TO THE OREGON COURT OF APPEALS.