

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

In the Matter of the	)	
Teaching License of	)	DEFAULT ORDER
JAY ELLIOTT NAVE	)	REVOKING LICENSE
	)	

On or about February 13, 1997, the Teacher Standards and Practices Commission received a report from the Superintendent of Silverton School District, indicating that Jay Elliott Nave had been arrested on charges of possession of marijuana. On March 10, 1997 Nave entered a plea of "guilty" to Possession of a Controlled Substance, Class B Felony. On November 21, 1997, the Commission took action to charge Jay Elliott Nave with the misconduct identified below. The authority for this action is ORS 342.175 through 342.190 and the Standards for Competent and Ethical Performance of Oregon Educators. Mr. Nave was informed of his opportunity for hearing on the charges. The notice, dated December 2, 1997, and signed by David V. Myton, 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.

The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt Requested. The Receipt #P 196 850 437, was signed on December 9, 1997 and returned to TSPC on December 10, 1997. Mr. Nave did not request a hearing.

FINDINGS OF FACT

1. Jay Elliott Nave holds a Basic Oregon Teaching License # 2970772, endorsed in elementary and advance mathematics and valid from August 10, 1995 to December 9, 1998.
2. Nave was employed by Silver Falls School District (formerly Silverton Public Schools) from September 1996 to February 1997 as a mathematics teacher at Silverton High School. Prior to his employment at Silver Falls SD, Nave was employed from 1994-95 at Port Orford-Langlois SD, and 1977-81 at Beaverton SD.
3. On February 13, 1997, the district's Superintendent, Craig Roessler informed TSPC that Jay Elliott Nave had been arrested on charges of possession of marijuana.
4. Jay Elliott Nave violated OR 584-20-040(5)(c) in the production, possession, use and sale of controlled substances (Marijuana) as evidenced in statements made to law enforcement officers at the time of his arrest.
5. Mr. Nave violated OAR 584-20-040(5)(c) in a plea of "guilty" to Possession of a Controlled Substance, a Class B Felony in Yamhill County Circuit Court on or about March 10, 1997.

### ULTIMATE FINDINGS OF FACT

Jay Elliott Nave violated OAR 584-20-045 by illegal activity in drugs and has demonstrated gross unfitness to serve as an educator.

### CONCLUSIONS OF LAW

Under ORS 342.175(1)(d) conviction for a crime involving illegal use, sale or possession of controlled substances is grounds for revocation of licensure as an educator.

### ORDER

The Commission revokes the Oregon Teaching License #290772, issued to Jay Elliott Nave, , for gross unfitness.

Dated this 26<sup>th</sup> day of January, 1998.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton  
David V. Myton, Executive Director

### NOTICE OF APPEAL OR RIGHTS

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.

DVM/cs