

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the)
5 Teaching License of) DEFAULT ORDER
6 DAVID ARTHUR SMITH) REVOKING TEACHING LICENSE
7)
8

9 On or about October 5, 1999, the Teacher Standards and Practices Commission received
10 information that David Arthur Smith had been found guilty by a jury of Attempted Murder,
11 Burglary in the First Degree, Assault with a Stun Gun-Tazer, and Possesison of Stolen Property
12 in Superior Court of California, County of Santa Clara. On December 10, 1999 Smith was
13 sentenced to seven years at San Quentin Prison. The Executive Director took action to notify
14 Smith of intent to revoke his Oregon Teaching License, and to inform him of his opportunity for
15 hearing. The notice, dated February 10, 2000, and signed by David V. Myton, Executive
16 Director, notified Smith that he had 21 days to request a hearing from the date of the notice.
17 The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt
18 Requested.
19

20 FINDINGS OF FACT
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- 22 1. On September 29, 1999, David Arthur Smith was convicted of Attempted Murder in
23 Superior Court of California, County of Santa Clara.
24
25 2. On September 29, 1999, David Arthur Smith was convicted of First Degree Burglary,
26 Assault with a Stun Gun-Tazer and Possession of Stolen Property in Superior Court of
27 California, County of Santa Clara.
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29 3. On December 10, 1999, David Arthur Smith was sentenced to seven years in California
30 State Prison for conviction of the above crimes.
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32 ULTIMATE FINDINGS OF FACT
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34 On September 29, 1999, David Arthur Smith was found guilty by a jury and convicted of the
35 crimes of Attempted Murder, First Degree Burglary, Assault with a Stun Gun-Tazer and
36 Possession of Stolen Property in Superior Court of California, County of Santa Clara.
37

38 CONCLUSIONS OF LAW
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40 Under ORS 342.175 conviction for the crime of Attempted Murder constitutes gross unfitness
41 and requires the Commission to revoke the license of an educator. Additionally, conviction of
42 the crimes of First Degree Burglary, Assault with a Stun Gun and Possession of Stolen Property
43 constitutes gross neglect of duty and authorizes the Commission to revoke an educator's
44 license.
45

ORDER

The Commission revokes the Oregon Basic Teaching License #288529 of David Arthur Smith for conviction of the crimes of Attempted Murder, First Degree Burglary, Assault with a Stun Gun-Tazer and Possession of Stolen Property.

Dated this 13th day of March, 2000.

TEACHER STANDARDS AND PRACTICES COMMISSION

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

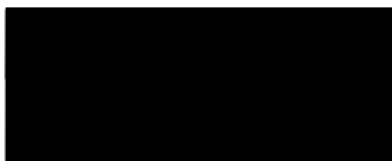
NOTICE OF APPEAL OR RIGHTS

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

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. Certified Mail with Return Receipt Requested to:



Dated this 13th day of March, 2000.

By: Charlene A. Smith
Charlene A. Smith
Executive Assistant to the Commission