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In the Matter of the
Teaching License of
JUSTIN MICHAEL SMITH

On August 5, 2003, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Justin Michael Smith (Smith) in which the Commission charged him with conviction of a crime listed in ORS 342.143(3). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7002 3150 0004 3439 2377 to the address obtained by the Commission. The certified mail receipt was signed by R. Rydon, agent for the Coffee Creek Correctional Facility. The Notice of Opportunity of Hearing, dated August 5, 2003, and signed by Victoria Chamberlain, Executive Director, stated:

"You, Justin Michael Smith, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."

Mr. Smith did not request a hearing. The Commission, therefore, finds Mr. Smith 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. Mr. Smith holds a Standard Teaching License issued April 5, 2000, valid until June 18, 2005.

2. Mr. Smith served as a substitute teacher for the Umatilla-Morrow Education Service District from February 14, 2000, to December 5, 2001.

3. On February 24, 2003, Justin Michael Smith was convicted of two counts of Sexual Abuse II, ORS 163.425, in the Circuit Court of the State of Oregon for Umatilla County.

1 **CONCLUSIONS OF LAW**

2 The crime of Sexual Abuse II as defined in ORS 163.425 is listed in ORS 342.143(3).

3 The Commission is required to revoke the Oregon Standard Teaching License issued to Justin
4 Michael Smith and revoke his right to apply for a license pursuant to ORS 342.175(2).

5 **ORDER**

6 The Commission hereby revokes the Oregon Standard Teaching License issued to
7 Justin Michael Smith, also known as John Harold Kuchler, and revokes his right to apply for a
8 teaching license.

9 IT IS SO ORDERED this 9th day of October 2003.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

11
12 By: Victoria Chamberlain
13 Victoria Chamberlain, Executive Director
14

15 **NOTICE OF APPEAL OR RIGHTS**

16
17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
18 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
19 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
20 183.482 TO THE OREGON COURT OF APPEALS.
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