

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

In the Matter of the)
Teaching License of)
JOSEPH TRACY GARNER)
)
)
)

DEFAULT ORDER OF
LICENSE REVOCATION AND
REVOCATION OF RIGHT TO APPLY
FOR LICENSE

On October 9, 2008, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Joseph Tracy Garner (Garner) 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 7008 1140 0002 8581 2171, to the address on file with the Commission. The U.S. Certified Mail receipt was returned to the Commission on October 14, 2008, signed by Joseph Garner. The Notice of Opportunity of Hearing, dated October 9, 2008, and signed by Victoria Chamberlain, Executive Director, stated:

"You, Joseph Tracy Garner, 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. Garner did not request a hearing. The Commission, therefore, finds Mr. Garner 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. Garner has been licensed by the Commission since January 31, 1990. The Commission issued Mr. Garner a Standard Teaching License on July 18, 2007, valid until July 17, 2012, with Basic Health and Standard Social Studies endorsements.

2. On September 19, 2008, Mr. Garner plead guilty to and was convicted in the Circuit Court of the State of Oregon for the County of Malheur, of seven counts of online sexual corruption of a child in the second degree, (ORS 163.432) a class C felony. A conviction for this crime constitutes gross neglect of duty in violation of OAR 584-020-0040(1)(p) and ORS 342.143(3)(a)(A).

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CONCLUSIONS OF LAW

Mr. Garner's conviction of online sexual corruption of a child in the second degree is listed in ORS 342.143(3). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

FINAL ORDER

The Commission hereby revokes the Standard Teaching License issued to Joseph Tracy Garner and revokes his right to apply for a teaching license.

IT IS SO ORDERED this 23rd day of February, 2009.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 

Victoria Chamberlain, 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.