1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION OF RIGHT HUMPHREY, DAVID L TO APPLY FOR LICENSURE
8	On May 9, 2014, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to David L. Humphrey (Humphrey) in which
10	the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The
11	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 2780
12	0000 2187 3170 to the address on file with the Commission. The Notice designated the
13	Commission file as the record for purposes of proving a prima facie case. The Certified
14	Mail was signed for, and the return receipt was received by TSPC on May 19, 2014. The
15	regular mail was not returned to the Commission. The Notice of Opportunity of
16	Hearing, dated May 9, 2014, and signed by Victoria Chamberlain, Executive Director,
17	stated:
18 19 20 21 22 23 24 25	"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."
26	Humphrey did not request a hearing. The Commission, therefore, finds Humphrey to be
27	in default and enters the following findings of fact, conclusions of law, and final order,
28	based on the files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. David L. Humphrey has been licensed by the Commission since September 9, 1997.
31	Humphrey's Basic Teaching License with an endorsement in Basic Elementary (014),
32	was issued August 7, 2010, and expired on August 6, 2013.
33	2. On March 17, 2014, Humphrey was convicted on five counts of Encouraging Child
34	Sex Abuse in the first degree (ORS 163.684) and five counts of Encouraging Child
35	Sex Abuse in the second degree (ORS 163.686). Humphrey was sentenced to a total
36	of seven years in prison followed by a period of probation and required to register as

a sex offender.

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3. Humphrey's convictions arose from allegations that included Humphrey having 2 possession of over 300 child pornography movie files and over 90 child pornography photos. The content of the child pornography included both male and female children, including toddlers.

CONCLUSIONS OF LAW

Humphrey's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(1)(bb) (ORS 163.684 – Encouraging Child Sex Abuse in the First Degree); and OAR 584-020-0040(1)(cc) (ORS 163.686 -Encouraging Child Sex Abuse in the Second Degree). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1)), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1) the Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143.

Furthermore, the conduct underlying Humphrey's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(k) (knowing violation of any rule or order of the Commission); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty). Additionally, your convictions and conduct related to your convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c), OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities").

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

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1	FINAL ORDER
2	The Commission hereby revokes David L. Humphrey's right to apply for
3	licensure.
4	IT IS SO ORDERED THISday of July, 2014.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
6 7	
	By: Victoria Chamberlain Executive Director
8	By:
9	Victoria Chamberlain, Executive Director
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12 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.