

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

4 In the Matter of the Educator License of        )        DEFAULT ORDER OF  
5 KENDALL UTHUR LYONS                                )        REVOCATION OF RIGHT TO APPLY  
6  
7  
8

9           On June 14, 2011, the Teacher Standards and Practices Commission (Commission) issued a  
10 Notice of Opportunity for Hearing to Kendall Uther Lyons (Lyons) in which the Commission charged  
11 him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail  
12 Receipt 7010 0290 0001 6831 2172 to the address on file with the Commission. The Notice  
13 designated the Commission file as the record for purposes of proving a prima facie case. The  
14 Certified Mail receipt was returned, signed to the Commission on June 20, 2011. The regular mail  
15 was not returned to the Commission. The Notice of Opportunity of Hearing, dated June 14, 2011,  
16 and signed by Victoria Chamberlain, Executive Director, stated:

17           "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,  
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR  
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF  
20 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE  
21 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE  
22 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."  
23

24 On July 1, 2011 the Commission received notice from Lyons requesting a hearing. On April 4, 2013,  
25 Lyons sent the Commission a letter advising that he withdrew his request for a hearing. The  
26 Commission, therefore, finds Lyons to be in default and enters the following findings of fact,  
27 conclusions of law, and final order, based on the files and records of the Commission concerning this  
28 matter.

29   **FINDINGS OF FACT**

- 30 1. Kendall Uther Lyons has been licensed by the Commission since September 15, 1976. Lyons's  
31 Standard Teaching License, with an endorsement in Standard Elementary (014), was issued  
32 November 20, 2006, and expired on January 27, 2012.
- 33 2. On November 3, 2006, the Commission adopted a stipulated agreement imposing four years  
34 of probation upon Lyons' Standard Teaching License. The basis for the stipulated  
35 agreement was as follows:  
36
- 37       a. On September 12, 2005, Lyons submitted an Application for Educator License Form C-1.  
38 Lyons responded affirmatively to character question 8 and 10, provided an explanation  
39 and court documents.
- 40       b. On January 28, 2001, Lyons was charged with Falsely Reporting an Emergency in  
41 Superior Court for Santa Barbara County. On December 12, 2002, the misdemeanor  
42 charge was dismissed by the court based on Lyons' graduation from an alcohol program.

- 1 c. On July 29, 2003, Lyons was arrested in Santa Barbara, California for Driving Under the  
2 Influence of Alcohol; Battery of a Police Officer/Emergency Personnel, Resists, Obstruct,  
3 Delay a Peace Officer; Hit and Run Property. On October 24, 2003, Lyons pled guilty.  
4 The Superior Court, State of California for the County of Santa Barbara, convicted Lyons  
5 for Driving Under the Influence of Alcohol, Battery Upon an Officer, and Hit and Run  
6 Property. All other charges were dismissed. The court sentenced Lyons to 40 days in jail  
7 (commuted to community service) and placed Lyons on three years' probation.  
8 d. On December 15, 2003, Lyons was charged with Annoying Telephone Calls in Superior  
9 Court for Santa Barbara County. During a settlement conference on January 21, 2004,  
10 the charge was dismissed, and Lyons pled "no contest" to an infraction.  
11 e. On December 9, 2003, Lyons successfully completed a DUII program at Zona Seca DUI  
12 Department in Santa Barbara, California.  
13 f. As part of the November 3, 2006, agreement with the Commission, Lyons recognized  
14 that he had an alcohol abuse problem and agreed to continue treatment and agreed that:  
15 i. Lyons would, within the first six months of probation, on or before February 4,  
16 2007, provide a copy of the treatment plan and aftercare plan as prescribed by the  
17 treatment provider;  
18 ii. Lyons would at his own initiative and expense, continue to obtain treatment for  
19 Lyons' alcohol dependence as recommended by his alcohol treatment provider and  
20 abstain from the consumption of alcohol;  
21 iii. And that during the period of Lyons' probation, Lyons would submit to the Executive  
22 Director of the Commission reports of his compliance with the aftercare treatment  
23 plan. Lyons agreed to provide these reports every six months during his probation  
24  
25 3. On January 11, 2011, Lyons called the Commission office and spoke with staff to inform them  
26 that his probation report would be submitted late, but he was doing well with respect to his  
27 teaching and compliance with his probation terms. On January 18, 2011, Lyons called the  
28 Commission office and said he had been untruthful during his January 11, 2011 call. Lyons  
29 stated he had been on a two month drinking binge, that he had "hit bottom," had been admitted  
30 to the hospital for cirrhosis of the liver and was not currently fit to teach.

### 31 CONCLUSIONS OF LAW

32 Lyons's conduct described above, constitutes gross neglect of duty in violation of ORS  
33 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the*  
34 *worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
35 *professional judgment*); OAR 584-020-0040(4)(c) (*Knowing falsification of any document or*  
36 *knowing misrepresentation directly related to licensure, employment, or professional duties*), OAR  
37 584-020-0040(4)(k) (*Knowing violation of any order or rule of the Commission*).  
38

39 Furthermore, the conduct described above demonstrates that Lyons lacks good moral  
40 character, mental or physical fitness to hold a license as required under ORS 342.143(2).

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

1 **FINAL ORDER**

2 The Commission hereby revokes Kendall Uther Lyons's Right to Apply for an Educator  
3 License.

4 IT IS SO ORDERED THIS 17<sup>th</sup> day of May, 2013.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: \_\_\_\_\_  
7 Victoria Chamberlain, Executive Director  
8  
9

10 **NOTICE OF APPEAL OR RIGHTS**

11  
12  
13 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
14 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
15 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
16 THE OREGON COURT OF APPEALS.