

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 ANGELO VICTOR MERCURE) REVOCATION OF RIGHT TO APPLY FOR
6) AN EDUCATOR LICENSE
7
8

9 On December 21, 2012, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Angelo Victor Mercure (Mercure) in which the
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail
12 and U.S. Certified Mail Receipt 7011 2000 0001 1292 0066 to the address on file with the
13 Commission. The Notice designated the Commission file as the record for purposes of proving a
14 prima facie case. The Certified Mail receipt was returned, marked "undeliverable unable to forward"
15 on December 26, 2012. The regular mail was also returned to the Commission. Extensive checks for
16 new or alternate addresses revealed no known alternate address. The Notice of Opportunity of
17 Hearing, dated December 21, 2012, and signed by Victoria Chamberlain, Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
20 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF
21 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE
22 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE
23 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
24

25 Mercure did not request a hearing. The Commission, therefore, finds Mercure to be in default and
26 enters the following findings of fact, conclusions of law, and final order, based on the files and
27 records of the Commission concerning this matter.

28 **FINDINGS OF FACT**

- 29 1. Angelo Victor Mercure has been licensed by the Commission since April 18, 2011. Mercure's
30 Initial Teaching License, with an endorsement in Language Arts (HS), was issued April 18, 2011,
31 and expired on October 18, 2012. On October 21, 2011, Mercure contacted Commission
32 investigators advising he wished to voluntarily surrender his teaching license prior to the
33 completion of the Commission's investigation. During all relevant times, Mercure was on the
34 substitute teacher list for the Sweet Home School District, but according to district record, was
35 never employed to teach any classes, and Mercure were removed from the substitute teacher list
36 on or about September 22, 2011.
- 37 2. On September 22, 2011, the Commission was notified by the Sweet Home School District that
38 Mercure hosted an explicit, pornographic website. Commission Investigators conducted an
39 investigation and verified the website in question. The Commission found Mercure's website

1 "IronBamboo.com" to contain sexually explicit photographs. Mercure's website was open to the
2 public and contained numerous references to his name and related copyrights. A "Google"
3 internet search of Mercure's name quickly provided a direct link to Mercure's Iron Bamboo site,
4 making potential student access and exposure virtually inevitable. During the course of the
5 investigation, Mercure informed the Commission Investigator that he elected to waive any
6 interviews and expressed the desire to surrender his teaching license. On October 21, 2011, the
7 Commission received a letter from Mercure with his surrendered teaching license attached.

8 CONCLUSIONS OF LAW

9 Mercure's conduct described above establishes that Mercure does not possess good moral
10 character or mental and physical fitness as required to hold a license under ORS 342.143(2). This
11 conduct also constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
12 0040(2) (*An applicant fails to meet the requirement of ORS 342.143 "good moral character" if the*
13 *applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or*
14 *other acts which are in violation of sections (1) and (3) of this rule*); OAR 584-020-0040(4)(n) as it
15 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0010(1)
16 (*Recognize the worth and dignity of all persons and respect for each individual*).


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

18 FINAL ORDER

19 The Commission hereby revokes Angelo Victor Mercure's right to apply for an Educator
20 licensure.

21 IT IS SO ORDERED THIS 21st day of June, 2013.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23
24 By: 
25 Victoria Chamberlain, Executive Director

26 NOTICE OF APPEAL OR RIGHTS

27
28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
29 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
30 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
31 THE OREGON COURT OF APPEALS.

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