



- 1 3. On January 7, 2016, the Malheur County Grand Jury issued an indictment, charging  
2 Povoski with two counts of Sexual Abuse II, ORS 163.425, a class "C" felony, and  
3 Contributing to the Sexual Delinquency of a Minor, ORS 163.435 a class "A"  
4 misdemeanor. On August 22, 2016, as part of a plea agreement, Povoski was  
5 convicted of Sexual Abuse II, ORS 163.425, a class "C" Felony. Povoski was  
6 sentenced in part, to 13 months in prison, 36 months of post-prison supervision, and  
7 required to register as a sex offender
- 8 4. Povoski's criminal charges and subsequent convictions arose from allegations that  
9 on or between August 15, 2015 and September 24, 2015, Povoski on multiple  
10 occasions, unlawfully and knowingly engaged in sexual intercourse with VC, a female  
11 student at Ontario High School under the age of eighteen years.
- 12

### 13 CONCLUSIONS OF LAW

14 Michael Edward Povoski convictions constitute gross neglect of duty in violation  
15 of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
16 0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission*  
17 *will deny, revoke or deny the right to apply for a license or charter school registration*  
18 *to any applicant or educator who, has been convicted of any of the crimes listed in ORS*  
19 *342.143, or the substantial equivalent of any of those crimes if convicted in another*  
20 *jurisdiction*), including OAR 584-020-0040(1) (n) (*ORS 163.425 – Sexual Abuse in the*  
21 *Second Degree*). This conduct also constitutes gross unfitness in violation of ORS  
22 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*  
23 *local law. A conviction includes any final judgment of conviction by a court whether as*  
24 *the result of guilty plea, no contest plea or any other means*); OAR 584-020-  
25 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-  
26 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*  
27 *the absence of a conviction*).

28

29 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards  
30 and Practices Commission must revoke Povoski's license and Povoski's right to apply for  
31 a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the

1 substantial equivalent of any of those crimes.

2  
3 Furthermore, the conduct underlying Povoski's indictments and convictions  
4 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-  
5 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR  
6 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-  
7 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-  
8 0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)  
9 (*Honoring appropriate adult boundaries with students in conduct and conversations*  
10 *at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*  
11 *respecting and obeying the law, exemplifying personal integrity and honesty*).  
12 Additionally, your conviction and conduct related to your conviction constitute "gross  
13 unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as  
14 defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an*  
15 *educator unqualified to perform his or her professional responsibilities*).  
16


17 The Commission's authority to impose discipline in this matter is based upon ORS  
18 342.175.

19 **FINAL ORDER**

20 The Commission hereby revokes Michael Edward Povoski's teaching license and  
21 his right to apply for licensure.

22 IT IS SO ORDERED THIS 27<sup>th</sup> day of February, 2017.

23 TEACHER STANDARDS AND PRACTICES COMMISSION  
24

25   
26 By: \_\_\_\_\_  
27 Dr. Monica Beane, Executive Director  
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1 NOTICE OF APPEAL OR RIGHTS  
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3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY  
4 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE  
5 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF  
6 ORS 183.482 TO THE OREGON COURT OF APPEALS.