

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

In the Matter of the Educator )  
License of )  
JOSH MATTHEW PICKENS )

On March 18, 2015, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Josh Matthew Pickens (Pickens) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5666 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned signed to the Commission on March 20, 2015. The first class mail was not returned and assumed delivered. The Notice of Opportunity for Hearing, dated March 18, 2015, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

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

## FINDINGS OF FACT

1. Pickens had been licensed as a teacher in Oregon since August 15, 2013. Pickens previously held an Emergency School Counselor License with an endorsement in School Counselor (ECE/ELE C, ML/HS C); valid from August 15, 2013, through June 30, 2014. Pickens did not make application for renewal. During all relevant times, Pickens was employed by the Umatilla School District.

2. On February 12, 2014, the Commission received a report from the Umatilla School District alleging that Pickens had violated professional standards. Subsequent investigation determined the following:

3. On January 22, 2014, the Umatilla School District received information from the Washington State Employment Security Department (Fraud Investigation Unit) indicating that Pickens had misrepresented his earnings while claiming unemployment benefits. Records indicate that during the time between August 17, 2013, and November 16, 2013, Pickens made unemployment claims and was paid unemployment benefits totaling \$2,623.00 while Pickens was employed full time with the Umatilla School District. Commission investigators delivered a certified letter requiring Pickens to contact them for an interview within 14 days. After multiple attempts to contact Pickens and receiving no response from Pickens, it was determined that Pickens was refusing to respond and/or participate in an interview as required.

#### CONCLUSIONS OF LAW

Pickens' conduct described above 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)(c) (*Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*); and OAR 584-020-0040(4)(p) (*Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*).

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 Josh Matthew Pickens's Right to Apply for  
3 licensure.

4 IT IS SO ORDERED THIS 20<sup>th</sup> day of May, 2015.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



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

9 **NOTICE OF APPEAL OR RIGHTS**

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