

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

In the Matter of the )  
Teaching License of )  
CAROLYN SUE BARNES )

DEFAULT ORDER OF  
LICENSE REVOCATION

On December 24, 2007, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Carolyn Sue Barnes (Barnes) in which the Commission charged her with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7005 0810 0001 4602 4191 to the address Ms. Barnes provided to the Commission. The certified mail receipt was signed by Eleanor Barnes and returned to the Commission on December 28, 2007. The Notice of Opportunity of Hearing, dated December 24, 2007, and signed by Victoria Chamberlain, Executive Director, stated:

**"You, Carolyn Sue Barnes, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."**

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

## FINDINGS OF FACT

1. The Commission issued a Basic Teaching License to Ms. Barnes on February 7, 2007, valid until March 15, 2010, with Administrative Services and Standard General Business Endorsements and a Substitute Teaching License on March 15, 2006, valid until March 15, 2009, with a Substitute Any Specialty Endorsement.

2. On or about February 6, 2007, Ms. Barnes reported for substitute teaching duty at Foster Elementary School at approximately 10:45 a.m. While there, Ms. Barnes became agitated when she learned the substitution assignment was for a cafeteria worker. Ms. Barnes

1 appeared to be incapacitated, unsteady on her feet, and slurred her speech. School staff  
2 smelled alcohol on Ms. Barnes breath while she was at the school. As Ms. Barnes went to  
3 leave the school, she bumped into a side mirror of a pick up in the parking lot and appeared  
4 unsteady. The school principal reported Ms. Barnes conduct to the Sweet Home Police  
5 department. By Ms. Barnes conduct described above, she appeared for duty while under the  
6 influence of alcohol or a controlled substance, in violation of OAR 584-020-0040(4)(g).

7 3. On or about March 15, 2007, Ms. Barnes was convicted for Driving Under the  
8 Influence of Intoxicants in the Municipal Court of Sweet Home. The conviction resulted from  
9 Ms. Barnes conduct immediately after leaving Foster Elementary as described in paragraph 1.  
10 A police officer responding to the school principal's call witnessed Ms. Barnes driving erratically  
11 from the Foster Elementary School parking lot for several blocks. After being arrested and  
12 cited, Ms. Barnes registered a 0.12% blood alcohol content at approximately 12:20 p.m. Ms.  
13 Barnes conviction under the specific circumstances constitutes gross unfitness in violation of  
14 OAR 584-020-0040(5)(c). (Conviction of violating any federal, state, or local law. A conviction  
15 includes any final judgment of conviction by a court whether as the result of guilty plea, no  
16 contest plea or any other means).

17 4. During the course of the investigation Ms. Barnes was untruthful to TSPC  
18 investigators in her responses to questions concerning these events. Ms. Barnes responses to  
19 questions regarding the above incidents were contrary to what was contained in the police  
20 reports and reports from school personnel. By misrepresenting the nature and extent of the  
21 incidents above, Ms. Barnes engaged in gross neglect of duty in violation of OAR 584-020-  
22 0040(4)(c).

### 23 CONCLUSIONS OF LAW

24 Carolyn Sue Barnes' appearance for duty under the influence of alcohol constitutes  
25 Gross Neglect of Duty in violation of OAR 584-020-0040(4)(g). Ms. Barnes' conviction for DUII  
26

1 constitutes Gross Unfitness in violation of OAR 584-020-0040(5)(c). Ms. Barnes'  
2 misrepresentation of the nature and extent of the incidents above constitutes Gross Neglect of  
3 Duty in violation of OAR 584-020-0040(4)(c). The Commission's authority to impose discipline  
4 in this matter is based on ORS 342.177.

5 **FINAL ORDER**

6 The Commission adopts and incorporates herein the above findings of facts and  
7 conclusions of law, and based thereon, hereby revokes the Basic Teaching License and  
8 Substitute Teaching License issued to Carolyn Sue Barnes.

9 Issued and dated this 11 day of February, 2008.

10 TEACHER STANDARDS AND PRACTICES COMMISSION  
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12

13 By:   
14 Victoria Chamberlain, Executive Director

15 **NOTICE OF APPEAL OR RIGHTS**

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17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
18 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE  
19 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS  
20 183.482 TO THE OREGON COURT OF APPEALS.