

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 MICHAEL RALPH MONTGOMERY) REVOCATION AND REVOCATION
6) OF RIGHT TO APPLY
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8 On February 22, 2013, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Michael Ralph Montgomery (Montgomery) in which
10 the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class
11 Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0219 to the address on file with the
12 Commission. The Notice designated the Commission file as the record for purposes of proving a
13 prima facie case. The Certified Mail receipt was returned, signed to the Commission on February 27,
14 2013. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing,
15 dated February 22, 2013, and signed by Victoria Chamberlain, Executive Director, stated:

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

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

26 **FINDINGS OF FACT**

- 27 1. Michael Ralph Montgomery has been licensed by the Commission since December 20, 1985.
28 Montgomery's Standard Teaching License, with endorsements in Basic French (018), Basic
29 Language Arts (020), Basic Social Studies (020) and Standard Spanish (018) was issued March
30 16, 2010, and expires on March 15, 2015. During all relevant times, Montgomery was employed
31 by the Salem-Keizer School District.
- 32 2. On August 23, 2012, Montgomery pled guilty and was subsequently convicted of four counts of
33 Sexual Abuse in the Second Degree (ORS 163.425) a class C felony and one count of Contempt of
34 Court (ORS 33.055). Montgomery were sentenced to 50 months of incarceration, four years of
35 post-prison supervision, and required to register as a sex offender upon his release.
36 Montgomery's conviction arose from allegations that included Montgomery having a sexual
37 relationship with a female student on or about April 2012.
38

1 **CONCLUSIONS OF LAW**

2 Montgomery's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
3 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*);
4 and OAR 584-020-0040(1)(n) (*ORS 163.425 – Sexual Abuse in the Second Degree*). This conduct
5 also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e)
6 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a*
7 *conviction*). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1) the Commission will deny,
8 revoke or deny the right to apply for a license or charter school registration to any applicant or
9 educator who, has been convicted of any of the crimes listed in ORS 342.143.

10 Furthermore, the conduct underlying Montgomery's convictions constitutes gross neglect of
11 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
12 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(k) (*knowing violation of any rule or*
13 *order of the Commission*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*), and OAR
14 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
15 *profession by respecting and obeying the law, exemplifying personal integrity and honesty*).
16 Montgomery's conduct underlying his convictions also constitutes "gross unfitness" in violation of
17 ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("*Gross*
18 *unfitness is any conduct which renders an educator unqualified to perform his or her professional*
19 *responsibilities*").

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

21 **FINAL ORDER**

22 The Commission hereby revokes Michael Ralph Montgomery's educator license and his right
23 to apply for an educator license.

24 IT IS SO ORDERED THIS 19th day of June, 2013.

25 **TEACHER STANDARDS AND PRACTICES COMMISSION**

26 By: 
27 Victoria Chamberlain, Executive Director
28

29 **NOTICE OF APPEAL OR RIGHTS**

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