

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

3       In the Matter of the                   )       STIPULATION OF FACTS  
4       Teaching License of                   )       AND ORDER  
5       MARSHALL HAYNE PRICE                )       OF PROBATION  
6    )

7       On August 25, 1997, Marshall Hayne Price applied for reinstatement of his Basic Teaching License  
8       endorsed for Music. The application was jointly sponsored by Corvallis School District requesting  
9       expedited Service. Price disclosed on his application that his Oregon License as an insurance agency  
10      had been revoked for neglect of his fiduciary duty. The Executive Secretary determined that there was  
11      sufficient evidence to warrant a hearing and informed Price of his intent to deny licensure as a teacher  
12      and of Price's opportunity for a hearing on the matter. The Executive Secretary proposed a  
13      Stipulation of Facts and Order of Probation. Price has entered into this agreement with the knowledge  
14      that he has waived his opportunity for hearing and that substantial evidence exists in the record to  
15      support the following Findings of Fact.

16   FINDINGS OF FACT

- 17      1.     Marshall Price held an Oregon Basic Teaching License endorsed for music and valid from July  
18             1, 1973 to June 30, 1976.
- 19      2.     Price was an agent of State Farm Insurance from 1975 to 1993 and was licensed by the  
20             Oregon Consumer and Business Affairs Division for all types of insurance. Price's insurance  
21             agency was located in Corvallis, Oregon.
- 22      3.     In 1993, State Farm and Oregon Consumer and Business Affairs, acting on information  
23             provided by another employee in the Corvallis firm, determined that Price had been co-  
24             mingling client accounts with personal funds for the previous 15 months and had borrowed  
25             \$7,304 from client premiums without the knowledge of the clients or the insurance company.
- 26      4.     At the time of the investigation Price had repaid all loans, but clients had been without  
27             insurance for periods of time as a result of Price's actions. However, no clients had been  
28             denied payment of claims as a result of Price's failure to make timely premium payments.
- 29      5.     On June 25, 1994 the Oregon Consumer and Business Affairs Division revoked Price's license  
30             as an insurance agent.
- 31      6.     At the time of his loan from client premiums, Price was experiencing financial difficulties in  
32             his second marriage, exacerbated by continuing obligations from his first marriage. Price's  
33             second marriage has since ended in divorce.
- 34      7.     Price has sought counseling from Dr. Ken Jones, Corvallis Counseling Center, and Dr. Charles  
35             Kuttner, a psychiatrist from Albany. This counseling is continuing at this time.


- 1 8. Price arranged for the Executive Secretary to confer with both Drs. Jones and Kuttner  
2 regarding Price's readiness to handle the financial responsibilities of a music teacher. Both  
3 rated Price's progress in dealing with his problems as very positive and predicted that he  
4 would have no further difficulties with inappropriate management of funds.
- 5 9. Since Price's termination by State Farm Insurance, he has been enrolled in a graduate program  
6 at Oregon State University preparing to re-enter education.
- 7 10. Corvallis School District selected Price to fill a late vacancy in the music program at Cheldelin  
8 Middle School. The interview panel were aware of Price's previous financial difficulties as an  
9 insurance agent and recommended his employment, his previous history notwithstanding.

10 Marshall Hayne Price enters into this Stipulation of Facts with knowledge that the Teacher Standards  
11 and Practices Commission will place him on probation for a period of four years. This Stipulation is  
12 contingent upon approval and adoption of the Order by the Commission. If the Commission does not  
13 adopt this Order, neither Mr. Price nor the Commission is bound by these stipulations, and Mr. Price  
14 retains all rights to a hearing on the allegations.

15 IT IS SO STIPULATED:

16   
17 Marshall Hayne Price

9-15-97  
Date

18   
19 David V. Myton, Executive Secretary  
20 Teacher Standards and Practices Commission

Sept 8, 1997  
Date

21 ULTIMATE FINDINGS OF FACT

22 Marshall Hayne Price was revoked as an Oregon insurance agent for misappropriating \$7,304 from  
23 client premiums without the permission of the clients or State Farm Insurance.

24 CONCLUSIONS OF LAW

25 Under ORS 342.143 and OAR 584-50-006, the Executive Secretary may deny a license when there is  
26 evidence that the prospective educator may lack fitness to serve in this capacity.

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OPINION

Marshall Price's position as an insurance agency has a relationship to the responsibilities of a music teacher. In his capacity as a teacher he may have responsibility to handle fund raising monies, student accounts, or district monies for purchases of equipment, instruments, materials, and music. His ability to handle the fiduciary responsibilities as an insurance agent is relevant to the position as a teacher.


ORDER

The Teacher Standards and Practices Commission approves issuance of an Oregon Basic Teaching License endorsed for music to Marshall Hayne Price and places him on probation for a period of four years. During this probation Price shall:

- 1) Conduct himself as a law-abiding citizen.
- 2) Perform duties as a teacher within the policies and procedures of the employing district.
- 3) Exemplify personal integrity in handling of funds entrusted to him as the result of being a licensed educator.

Dated this 23<sup>rd</sup> day of Sept, 1997.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:   
David V. Myton, Executive Secretary

DVM/cs