

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

In the Matter of the)
Teaching License of)
ORVAL RAY MIKESELL)

DEFAULT ORDER REVOKING
RIGHT TO APPLY FOR LICENSURE

On March 18, 2005, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Orval Ray Mikesell (Mikesell) in which the Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7004 2510 0002 6790 9857 to the address that Mr. Mikesell provided to the Commission. The U.S. Certified Mail Receipt was signed by Ryan Brophy and returned to the Commission on March 24, 2005. The Notice of Opportunity of Hearing, dated March 18, 2005, and signed by Victoria Chamberlain, Executive Director, stated:

"You, Orval Ray Mikesell, 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)."

Mr. Mikesell did not request a hearing. The Commission, therefore, finds Mr. Mikesell 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. Mr. Mikesell held a Transitional School Psychologist License restricted to Northwest Regional ESD with an endorsement in School Psychologist, issued October 8, 2003. Said license expired on August 30, 2004.

2. Mr. Mikesell was employed by Northwest Regional ESD from January 18, 2000, through November 22, 2004.

3. During the months of September and October 2004, Mr. Mikesell made repeated unwelcome sexual advances toward Lisa Bates, a co-worker at Northwest Regional ESD.

1 4. From January 18, 2000, until May 18, 2000, Mr. Mikesell served on contract as a
2 School Psychologist at Northwest Regional ESD without a license.

3 5. From August 18, 2003, until October 8, 2003, Mr. Mikesell served on contract as a
4 School Psychologist at Northwest Regional ESD without a license.

5 6. From October 8, 2004 through November 22, 2004, Mr. Mikesell served on contract
6 as a School Psychologist at Northwest Regional ESD without a license.

7 **CONCLUSIONS OF LAW**

8 Orval Ray Mikesell's repeated unwelcome sexual advances toward a co-worker
9 constitutes Sexual Harassment in violation of OAR 584-020-0040(4)(l). Mr. Mikesell served on
10 contract without proper licensure in violation of OAR 584-020-0040(4)(c) and OAR 584-020-
11 0035(2)(a). This misconduct constitutes Gross Neglect of Duty. The Commission's authority to
12 impose discipline in this matter is based upon ORS 342.175.

13 **ORDER**

14 The Commission hereby revokes Orval Ray Mikesell's right to apply for licensure.
15 IT IS SO ORDERED this 28th day of April, 2005.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17 By: Victoria Chamberlain
18 Victoria Chamberlain, Executive Director
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20

21 **NOTICE OF APPEAL OR RIGHTS**

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23 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
24 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
25 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
26 183.482 TO THE OREGON COURT OF APPEALS.