1 2 3	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF OF TEACHER STANDARDS AND PRACTICES COMMISSION
4 5 6	In the Matter of the OAH Case No. 1102301 Teaching License of )
7 8 9	ERIN MICHELLE DALRYMPLE ) FINAL ORDER BY DEFAULT
10	On February 9, 2011, the Teacher Standards and Practices Commission (Commission)
11	issued a Notice of Opportunity for Hearing to Erin Michelle Dalrymple (Dalrymple) in which the
12	Commission charged her with Gross Neglect of Duty and Gross Unfitness pursuant to ORS
13	342.175(1)(b) and (c); OAR 584-020-0040(4)(n), OAR 584-020-0010(5), OAR 584-020-
14	0040(0), OAR 584-020-0040(4)(c), OAR 584-020-0040(5)(c), OAR 584-020-0040(5)(b), and
15	OAR 584-020-0040(5)(e). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
16	Receipt 7010 0290 0001 6831 2080 to the address on file with the Commission. The Notice of
17	Opportunity of Hearing, dated February 9, 2011, and signed by Victoria Chamberlain, Executive
18	Director, stated:
19 20 21 22 23 24 25 26	"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."
27	On February 14, 2011, Dalrymple requested a hearing. A prehearing conference was scheduled
28	for June 13, 2011, at which Dalrymple appeared by phone. A hearing was scheduled for October
29	25, 2011, at the Office of Administrative Hearings in Salem, Oregon. Dalrymple did not appear
30	at the hearing. The Commission, therefore, finds Dalrymple to be in default and enters the
31	following findings of fact, conclusions of law and order, based on the files and records of the
32	Commission concerning this matter.
33	FINDINGS OF FACT
34	1. Dalrymple has not been licensed by the Commission. On October 20, 2010, the Commission
35	received Dalrymple's C-1 application for a Restricted Transitional Teaching License. The Athena
36	Weston School District applied for this license on Dalrymple's behalf.
37	

2. On June 19, 2010, Dalrymple signed the character questions on her C-1 application for educator license.

- a) Dalrymple answered "yes" to question #8 "Have you ever been convicted or been granted conditional discharge by any court for: (a) any felony; (b) misdemeanor; or (c) any major traffic violation, such as: driving under the influence of intoxicants or drugs; reckless driving; fleeing from or attempting to elude a police officer; driving while your license was suspended, revoked, or used in violation of any license restriction, or failure to perform the duties of a driver or witness to an accident?" and;
- b) Dalrymple answered "yes" to question #11 "Have you ever had a civil judgment or other court order entered against you resulting from abuse, assault, battery, harassment, intimidation, neglect, stalking, or other threatening behavior toward other persons?"
- c) Dalrymple answered "no" to question #10 "Have you ever entered a plea of guilty or No Contest relative to any charge for an offense listed in question 8."
- 3. Dalrymple disclosed a June 19, 2003, a guilty plea and violation conviction for Domestic Abuse in Pendleton, Oregon. This conviction was a violation and not a misdemeanor or felony and did not need to be reported.
- 4. Dalrymple did not report her October 1, 2002, conviction for Theft 2 (ORS 164.045), under the name Erin Roggiero, stemming from a December 15, 2001, arrest for theft at a K-Mart store in Pendleton Oregon. At that time Dalrymple was employed by the K-Mart and engaged in giving herself fraudulent refunds to a gift card, which Dalrymple then used to purchase goods from the store.

## **CONCLUSIONS OF LAW**

Dalrymple's 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(o) as it incorporates OAR 584-020-0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.*), OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*), and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

1	The Commission's authority to impose discipline in this matter is based upon ORS
2	342.175.
3	
4	FINAL ORDER
5	The Commission hereby suspends Erin Michelle Dalrymple's right to apply for a teaching
6	license in Oregon for one year.
7	IT IS SO ORDERED THIS day of November, 2011.
8	TEACHER STANDARDS AND PRACTICES COMMISSION
9 10 11 12	By: Namuelain Victoria Chamberlain, Executive Director
14 15 16	NOTICE OF APPEAL OR RIGHTS
18 19 20 21	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.