

1 STATE OF OREGON

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the ~~Basic~~ ^{Standard} Teaching License of | HOP FILE NO. 20010731
4 THOMAS GEORGE LEES | FINAL ORDER

5
6 On April 24, 2001, Hearing Officer Catherine P. Coburn issued a proposed order to
7 revoke the Oregon ~~initial~~ ^{Standard} Teaching License of Thomas George Lees. The proposed order
8 contained a notice permitting Mr. Lees to file written exceptions to the proposed order with the
9 Teacher Standards and Practices Commission within 30 days following service of the proposed
10 order. Mr. Lees has not filed written exceptions.

11 The Commission has reviewed the proposed order, and is now fully advised.

12 NOW, THEREFORE, IT IS HEREBY ORDERED that the findings of fact, conclusions
13 of law and proposed sanction in the proposed order are adopted and incorporated into this final
14 order by reference, and the Oregon Teaching License of Thomas George Lees is hereby revoked.

15 DATED this 11th day of July, 2001.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17
18 By: David V. Myton
19 David V. Myton, Executive Director

20 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by
21 filing a petition for review within 60 days of the service of this order. Judicial review is pursuant
22 to the provision of ORS 183.482 to the Oregon Court of Appeals.
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STATE OF OREGON
BEFORE THE HEARING OFFICER PANEL
for
THE TEACHER STANDARDS AND PRACTICES COMMISSION

In the Matter of the Teaching License of) DOJ File No.: 584-001-GEO12
Thomas George Lees) HOP Case No.: 20010731
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TEACHER STANDARDS) **PROPOSED ORDER**
AND PRACTICES COMMISSION)
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v.)
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THOMAS GEORGE LEES)

On January 26, 2001, the Teacher Standards and Practices Commission (Commission) filed a Notice of Opportunity for Hearing (Notice) alleging that Thomas George Lees (respondent) was convicted of three criminal statutes. On February 9, 2001, respondent, representing himself *pro se* timely appealed the Notice. On March 5, 2001, the Commission, represented by Assistant Attorney General Joe Gordon McKeever filed a Motion for Ruling on a Legal issue pursuant to OAR 137-003-0580.

NOTICE

On January 26, 2001, the Commission issued a Notice which proposed to revoke respondent's Oregon Teaching License pursuant to ORS 342.175 through 342.190 and the Standards for Competent and Ethical Performance of Oregon Educator, OAR 584, Division 020. The Commission alleged the following misconduct:

1. On or about December 11, 2000, respondent was convicted of Sexual Abuse in the First Degree (two counts), ORS 163.427.
2. On or about December 11, 2000, respondent was convicted of Sexual Abuse in the Third Degree, ORS 163.415.
3. On or about December 11, 2000, respondent was convicted of Furnishing Liquor to a Minor (two counts), ORS 471.410.

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ISSUE

The issue is whether revocation of respondent's Oregon Teaching License is warranted where he was convicted of ORS 163.427, ORS 163.415 and ORS 471.410.

EVIDENTIARY RULINGS

The Commission attached Exhibits 1 through 6 to the Motion for Ruling on a Legal Issue dated March 5, 2001. Having received no objection to these exhibits, I now consider them.

FINDINGS OF FACT

Respondent holds an Oregon Teaching License. The effective date is May 21, 1997 and the expiration date is May 9, 2002. (Ex. 1). On December 11, 2000, respondent was convicted of two counts of Sexual Abuse 1. (Exs. 2 and 3). On December 11, 2000, respondent was convicted of Sexual Abuse 3. (Ex. 4). On December 11, 2000, respondent was convicted of two counts of Furnishing Liquor to a Minor. (Exs. 5 and 6).

OPINION AND CONCLUSIONS OF LAW

ORS 342.175(2) provides:

“Notwithstanding ORS 670.280, the Commission shall revoke any license or registration *** when the holder or person has been convicted of any crime described in ORS 342.143(3).”

The crimes listed under ORS 342.143(3) include Sexual Abuse in the First Degree (ORS 163.427) and Sexual Abuse in the Third Degree (ORS 163.415). The statute establishes a *per se* rule. Without exception, revocation of the Oregon Teaching License of a person who is convicted of crimes listed under ORS 342.143(3) is mandatory. Furthermore, the statute does not provide for revocation postponement pending appeal of the criminal convictions.

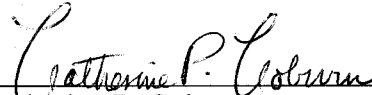
1 Based on the evidence, I find that there is no genuine issue as to any material fact that is
2 relevant to the issue whether revocation is warranted. Pursuant to OAR 137-003-0580(4), I
3 conclude that the Commission is entitled to a favorable ruling as a matter of law.
4

5 **ORDER**

6 The Oregon ^{Standard}~~Initial~~ Teaching License of Thomas George Lees shall be revoked.
7

8 IT IS SO ORDERED.

9 Dated this 27th day of April, 2001 at Salem, Oregon.

10 
11 Catherine P. Coburn
12 Administrative Law Judge
13 Hearing Officer Panel
14

15 **NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE REVIEW**

16 NOTICE: Pursuant to OAR 137-003-0650, you are entitled to file written exceptions to this
17 Proposed Order. Written exceptions must be received by the Teacher Standards and Practices
18 Commission within 30 days following the date of service of this Proposed Order. Mail
19 exceptions to:
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21 Teacher Standards and Practices Commission
22 Public Service Building
23 255 Capitol Street NE
24 Salem, OR 97310-1332
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