

1                   BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2   OF THE STATE OF OREGON  
3

4   In the Matter of the Educator                    )  
5   License of    )  
6   FREDERICK ALBERT WAFER II                    )

DEFAULT ORDER OF  
REVOCATION

7  
8  
9           On April 23, 2014, the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Frederick Albert Wafer II (Wafer) in which  
11 the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  
12 Class Mail and U.S. Certified Mail Receipt 7010 2780 0000 2187 2982 to the address on file  
13 with the Commission. The Notice designated the Commission file as the record for purposes  
14 of proving a prima facie case. The Certified Mail was returned to the Commission  
15 "Unclaimed and Unable to forward". The first class mail was not returned to the  
16 Commission and assumed delivered. The Notice of Opportunity of Hearing, dated April 23,  
17 2014, and signed by Victoria Chamberlain, Executive Director, stated:

18           "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
19           PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
20           UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
21           REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU  
22           FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER  
23           OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
24           YOUR LICENSE OR OTHER DISCIPLINE."  
25

26   Wafer did not request a hearing. The Commission, therefore, finds Wafer to be in default  
27 and enters the following findings of fact, conclusions of law, and final order, based on the  
28 files and records of the Commission concerning this matter.  
29

30   **FINDINGS OF FACT**

- 31   1. Wafer has been licensed as a teacher in Oregon since September 10, 1980. Wafer's  
32   Standard Teaching License, with an endorsement in Standard Advanced  
33   Mathematics (018),, was issued on June 21, 2011, and expires on June 20, 2016.  
34   During all relevant times, Wafer was employed by the Mount Hood Community  
35   College.  
36

- 1 2. On February 27, 2012, the Commission received a complaint from a patron  
2 indicating Wafer may have committed acts which constitute gross neglect of duty.  
3 Subsequent investigation determined that during the 2010-11 school year, while  
4 teaching at the Mount Hood Community College, Wafer violated employment  
5 policies by engaging in behaviors with subordinate students including sexual  
6 harassment and sexual relationships. The details of Wafer's inappropriate behaviors  
7 include:
- 8 a) While employed in an educational setting Wafer engaged female students with  
9 sexual banter to a degree constituting sexual harassment.
  - 10 b) Wafer engaged female students with inappropriate text messages, including  
11 sexual banter, sharing of explicit photographs, and invitations to date and engage  
12 in sexual activities.
  - 13 c) Wafer dated students and engaged in sexual activities with students, including  
14 sexual intercourse.
  - 15 d) Wafer has established a pattern of inappropriate behavior and related discipline  
16 dating back to 2004. On April 28, 2005, the Commission adopted an order  
17 regarding Wafer violating professional standards related to sexual harassment  
18 and inappropriate interactions with female staff that resulted in a 30 day  
19 suspension of his teaching license and established a three year probation period  
20 upon the reinstatement of Wafer's license. Wafer's continuing behavior pattern  
21 includes the sexual harassment of subordinates and students including  
22 inappropriate sexual banter, sending of sexual messages, invitations to date and  
23 engage in sexual encounters, and engaging in sexual relationships.
- 24
- 25 3. Wafer refused to comply with requests by the Commission to meet with their  
26 investigator to be interviewed and / or provide documents as required in connection  
27 with the report from Mt. Hood Community College. Wafer placed a call restriction on  
28 his phone line blocking calls from the Commission investigator.
- 29
- 30 4. On April 8, 2011, Wafer entered into a separation agreement with his employer  
31 related to Wafer's conduct at Mt. Hood Community College.
- 32

1 **CONCLUSIONS OF LAW**

2 Wafer' conduct described in section two (2) above constitutes gross neglect of duty in  
3 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
4 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR  
5 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate*  
6 *interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving*  
7 *or exchanging romantic or overly personal gifts or notes with a student*), OAR 584-020-  
8 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*  
9 *conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a*  
10 *student*). The Commission may rely on the definitions of sexual conduct in ORS 339.370(9)  
11 and OAR 584-020-0005(5). This conduct also constitutes gross unfitness in violation of  
12 ORS 342.175(1)(c); OAR 584-020-0040(5) (*Gross unfitness is any conduct which renders*  
13 *an educator unqualified to perform his or her professional responsibilities. Conduct*  
14 *constituting gross unfitness may include conduct occurring outside of school hours or off*  
15 *school premises when such conduct bears a demonstrable relationship to the educator's*  
16 *ability to fulfill professional responsibilities effectively*).

17 The conduct described in section three (3) above constitutes gross neglect of duty in  
18 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (*Subject to the exercise of any*  
19 *legal right or privilege, failure or refusal by an educator under investigation to respond to*  
20 *requests for information, to furnish documents or to participate in interviews with a*  
21 *Commission representative relating to a Commission investigation*).

22  
23 The Commission's authority to impose discipline in this matter is based upon ORS  
24 342.175.

25 **FINAL ORDER**

26 The Commission hereby revokes Frederick Albert Wafer' educator License.  
27 IT IS SO ORDERED THIS 29<sup>th</sup> day of May, 2014.

28 TEACHER STANDARDS AND PRACTICES COMMISSION



By: \_\_\_\_\_  
Victoria Chamberlain, Executive Director

NOTICE OF APPEAL OR RIGHTS

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.