

STATE OF OREGON
TEACHER STANDARDS AND PRACTICES COMMISSION

In the Matter of the)	FINAL ORDER BY DEFAULT
Teaching License of:)	
DUANE FILLMORE)	
)	

On September 30, 1996, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing proposing to suspend or revoke the teaching license of Duane Fillmore (Fillmore) or otherwise impose discipline under ORS 342.177. On October 2, 1996, Fillmore, through his attorney, Mark Toledo, requested a hearing, and the Commission attempted to schedule a hearing in 1996. In December, Mr. Toledo withdrew as Fillmore's counsel.

Counsel for the Commission then attempted to contact Fillmore directly, both by mail and telephone, using information provided in Fillmore's application form and from Three Rivers School District where he had been employed. The hearing was set for February 5, 1997 in Salem. Fillmore was notified of the hearing date by certified mail to both the address provided on his Application Form C-1 and an address provided by the Three Rivers School District, although TSPC was under no legal obligation to do so.^{1/}

Fillmore did not appear at the hearing. The Commission finds Fillmore in default and enters this Order based on the

^{1/} TSPC rules are quite clear that all license holders are required to report any changes in address to TSPC within 90 days of such a change. See 584-50-042.

hearing record which consists of the records and files of the Commission in this matter.

FINDINGS OF FACT

1. Fillmore had an Oregon teaching license which expired in June 1996. He was employed as a math teacher by Three Rivers School District from September 1995 to April 30, 1996.

2. In August 1995, Fillmore submitted an Application Form C-1 to the Commission to obtain his Oregon Teaching License. In response to character question #8 on the application form, Fillmore answered "yes-no" regarding previous arrests or convictions. Fillmore's written explanation on the application form stated that he had received a traffic ticket that "could have been a misdemeanor for unlawful detention."

3. When questioned about this incident by Three Rivers School District personnel, Fillmore provided a letter downplaying the incident. In the letter, Fillmore claimed that while backing out of a parking spot, he paused momentarily to speak with another person and adjust his belongings on the seat. In that short time, the driver of a vehicle he was inadvertently blocking got mad, ran into a building and contacted the police. Fillmore stated that as a result, he received a ticket for this incident and subsequently paid a fine.

4. However, a review of the Incident Report filed by the police officer responding to the complaint indicates that the incident was much more serious. Fillmore was charged with stalking, unlawful detention and disorderly conduct based on his

harassment of the victim. Fillmore was convicted by a jury of unlawful detention, fined \$1,200 and sentenced to six months in jail. Ultimately, the court reduced his fine to \$200, suspended his jail sentence, placed him on 12-months of probation and ordered him to complete 24 hours of community service. Fillmore was also ordered not to have any contact with the victim. At the time of the application, Fillmore did not acknowledge any other convictions he may have had in the past.

5. On April 3, 1996, the FBI notified TSPC that a fingerprint comparison of the prints provided by Fillmore revealed he had been convicted of assault in 1985. Through his attorney, Fillmore provided a letter describing the incident. According to Fillmore, he merely slapped his wife because she would not stop yelling at him and spitting at him and he was unaware that his conduct was a misdemeanor--"In all honesty, I don't recall this actually being an arrest."

6. However, police records indicate that Fillmore was arrested and transported to the police department where he was interviewed. Fillmore was offered bail but did not post it and therefore remained in jail until the following Monday when he was brought before a judge. Fillmore was found guilty of assault and sentenced to six months in jail, which was suspended, and fined \$299, which was ultimately reduced to \$100.

7. Fillmore provided false information on his application for employment with Three Rivers School District by failing to disclose these prior convictions. Fillmore was provided an

opportunity to provide correct information regarding the convictions but he chose not to do so. Ultimately, Fillmore and the District reached an agreement to allow him to resign in lieu of termination.

8. The application form also asks whether the applicant has been released or has ever resigned from any educational position or school-related employment because of a claim that the applicant engaged in misconduct or unsatisfactory service. Fillmore responded in the negative to this question. However, Fillmore resigned while under investigation by the Utah Professional Practice Commission for threats made against his principal and his stalking arrest. At the same time, the Alpine School District was taking steps to terminate Fillmore's employment for improper behavior. Fillmore failed to provide any of this information on his application form.

ULTIMATE FINDINGS OF FACT

1. Fillmore falsified his C-1 application form when he failed to reveal his misdemeanor conviction for unlawful detention.

2. Fillmore falsified his application when he failed to reveal his conviction for assault in 1985.

3. Fillmore falsified his application when he failed to reveal his disciplinary problems in Utah.

4. When asked to clarify the misdemeanor convictions for unlawful detention and assault, Fillmore repeatedly misrepresented the seriousness of his actions.

CONCLUSIONS OF LAW

The conduct described in paragraphs 1, 2, 3 and 4 of the Ultimate Findings of Fact constitute gross neglect of duty as that term is defined under ORS 342.175(1) and OAR 584-20-040.

OPINION

Fillmore's application contains numerous falsifications. Fillmore's explanation of his convictions were attempts to downplay the seriousness of these convictions, which clearly reflect on his fitness to hold a teaching license.

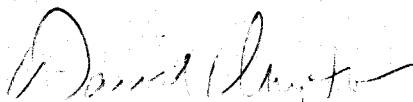
ORDER

Duane Fillmore's right to have his teaching license reinstated is hereby revoked.

DATED this 24th day of March, 1997.

TEACHERS STANDARDS AND PRACTICES COMMISSION

By:


David M. Myton, Executive Secretary

NOTICE: 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.

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