

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

In the Matter of the)
Teaching License of)
YESENIA SANCHEZ)

On May 5, 2011, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Yesenia Sanchez (Sanchez) in which the Commission charged her with Gross Neglect of Duty and Gross Unfitness pursuant to OAR 584-020-0040(4)(n), OAR 584-020-0010(5), OAR 584-020-0040(3)(b), OAR 584-020-0040(4)(c), and OAR 584-020-0040(5)(c). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 3759 to the address on file with the Commission. The Certified Mail was signed for by Sanchez on May 7, 2011. The Notice of Opportunity of Hearing, dated May 5, 2011, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

Sanchez did not request a hearing. The Commission, therefore, finds Sanchez 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. On March 29, 2010, the Commission received Sanchez's Student Teaching or Practicum Report Form PA-1. Sanchez was then enrolled Eastern Oregon University.
2. Sanchez answered "yes" to question, "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.” With her application Sanchez attached the following explanation:

“I haven’t been charged with any felonies, only for minor infractions related to traffic, such as DUI, and negligent driving (misdemeanors). I can guess on the dates of these charges, they occurred in Idaho and it has been at least [sic] two years since the incident. If you need me to elaborate on it I can get my driving record, or search to see if I still have documentation on it.”

3. On April 30, 2010, the Commission requested that Sanchez submit, as required, a certified true copy of the disposition of the of the court charges in the case she referenced. On May 10, 2010, the Commission received a more thorough explanation of Sanchez’s criminal convictions, including disclosure of a conviction for negligent driving in Washington, and two driving under the influence (DUII) convictions in Idaho.

4. On June 15, 2010, the Commission requested that Sanchez send an alcohol evaluation before granting Sanchez approval for student teaching. Sanchez said she would send the necessary documentation. The Commission sent requests on at least three subsequent occasions for Sanchez to submit additional information. When Sanchez did reply she verbally requested withdrawal of her application. Sanchez was informed that she would need to submit a letter requesting that her application be withdrawn. To date Sanchez has not sent a written request for withdrawal of her application.

CONCLUSIONS OF LAW

Yesenia Sanchez’s above described conduct 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(3)(b) (*Is charged with knowingly making any false statement in the application for a license or registration*), OAR 584-020-0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*),

1 and gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
2 (*Conviction of violating any federal, state, or local law. A conviction includes any final*
3 *judgment of conviction by a court whether as the result of guilty plea, no contest plea*
4 *or any other means*).

5 The Commission's authority to impose discipline in this matter is based upon
6 ORS 342.175.

7 **FINAL ORDER**

8 The Commission hereby imposes a Public Reprimand on Yesenia Sanchez's
9 licensure.

10 IT IS SO ORDERED THIS 2nd day of November, 2011.

11 TEACHER STANDARDS AND PRACTICES COMMISSION

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14 By: 
15 Victoria Chamberlain, Executive Director
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20 **NOTICE OF APPEAL OR RIGHTS**

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