2 3	OF THE STATE OF OREGON
4 5 6 7	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION RUSSEL S. ZYSETT)
8	On May 12, 2020, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Russell S. Zysett (Zysett)
10	in which the Commission charged him with Gross Neglect of Duty. The Notice was sen
11	via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 0700 0002 0914 4475 to
12	the address on file with the Commission. The Notice designated the Commission file as
13	the record for purposes of proving a prima facie case. The Certified Mail was returned
14	to the Commission signed on May 14, 2020. The regular first class mail was not
15	returned to the Commission, and assumed delivered. The Notice of Opportunity of
16	Hearing, dated May 12, 2020, and signed by Dr. Anthony Rosilez, Executive Director,
17	stated:
18 19 20 21 22 23 24 25 26 27	"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, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
28	On May 20, 2020, Zysett, through his attorney, requested a hearing. On January 5,
29	2022, Zysett notified the Commission that Zysett was retracting his right to a hearing
30	and his intent was to default. The Commission, therefore, finds Zysett to be in default
31	and enters the following findings of fact, conclusions of law, and final order, based on
32	the files and records of the Commission concerning this matter.
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34	FINDINGS OF FACT
35	1. The Commission has licensed Zysett since July 6, 1984. Zysett holds a Professional
36	Teaching License, with endorsements in Physical Education (PK-12), Health (PK-
37	12), and Foundational Mathematics (PK-12), valid from March 18, 2017 to July 2,

2022. During all relevant times, Zysett was employed by the Lake County School
 District (LCSD).

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2. On February 11, 2018, the Commission received a complaint from a patron, and on February 27, 2018, the Commission received a report from the LCSD. The complaint and report indicated Zysett may have committed acts which constitute gross neglect of duty and/or gross unfitness. Specifically, the complaint and report alleged Zysett possessed and shared (via cellphone text/picture message) photos of MH, a minoraged female student with the LCSD.

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11 3. Investigation determined that Zysett took photographs of MH while accompanying 12 MH and her parents on a vacation in Mexico in the spring of 2017. The photos of MH 13 were of her wearing a bathing suit. On at least one occasion, Zysett shared a photo of MH in her bathing suit with several adults via cell phone messaging. In the 14 15 text/picture messages Zysett shared, Zysett referred to MH as a "dream girl." One of 16 the adults Zysett shared the photo with was Dylan Sullivan, a colleague and friend of 17 Zysett who also taught for the LCSD. Sullivan was later arrested and convicted of 18 charges relating to sexual abuse of other minor-aged students.

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20 4. On February 7, 2018, Oregon State Police interviewed Zysett in conjunction with the 21 arrest of Sullivan. During the interview, Zysett admitted to the investigating officers that Zysett had had conversations with Sullivan about MH. During the interview 22 Zysett referred to MH as "an attractive female." Zysett met with Will Cahill, LCSD 23 24 Superintendent, and admitted that Zysett had sent text/picture messages of MH, and had referred to her as a "dream girl." Later that evening, Zysett met with MH's 25 26 parents and apologized for taking the photos of their daughter and for sharing them 27 with others.

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5. After the conclusion of an investigation by the LCSD, district officials determined that Zysett's conduct violated district policies. Zysett resigned his employment on March 12, 2018 after learning that the district would be recommending termination of his employment with the Lake County School Board.

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CONCLUSIONS OF LAW
Russell S. Zysett's conduct as 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(1) (Recognize the worth and dignity of all persons and respect for each
individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-
0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-
020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting
professional relationships with any student for personal gain, or in support of persons
or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing
professionally inappropriate interest in a student's personal life), and OAR 584-020-
0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and
conversations at all times).
The Commission's authority to impose discipline in this matter is based upon
ORS 342.175.
FINAL ORDER
The Commission hereby revokes Russell S. Zysett's Oregon educator license.
IT IS SO ORDERED THIS day of January, 2022.
TEACHER STANDARDS AND PRACTICES COMMISSION
Anthony J. Rosiles
By: Dr. Anthony Rosilez, Executive Director
Di. Mithony Roshez, Executive Director
NOTICE OF APPEAL OR RIGHTS
NOTICE OF AFFEAL 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.

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