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

4	In the Matter of the Educator License of)	DEFAULT ORDER OF REVOCATION AND REVOCATION
6	Educator License or)	OF RIGHT TO APPLY
7	TIMOTHY L. YEE)	FOR LICENSURE

9 On October 30, 2020, the Teacher Standards and Practices Commission 10 (Commission) issued a Notice of Opportunity for Hearing to Timothy L. Yee (Yee) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. 11 12 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 2970 13 0000 4904 0877 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified 14 Mail return receipt was signed by the postal carrier as delivered for COVID-19 concerns 15 on November 2, 2020 and returned to the Commission. The regular first class mail was 16 17 not returned to the Commission, and assumed delivered. The Notice of Opportunity of 18 Hearing, dated October 30, 2020, and signed by Anthony Rosilez, Executive Director, 19 stated: 20 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY 21 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 22 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 23 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, 24 WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A 25 HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR 26 AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT 27 WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR 28 LICENSE OR OTHER DISCIPLINE." 29 30 Yee did not request a hearing. The Commission, therefore, finds Yee to be in default and enters the following findings of fact, conclusions of law, and final order, based on the 31 32 files and records of the Commission concerning this matter.

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FINDINGS OF FACT

Timothy L. Yee has been licensed by the Commission since July 29, 2013. Yee's
 Preliminary Teaching License, with endorsements in Legacy Middle Level (PK-12),
 Social Studies (PK-12), Health (PK-12), and Physical Education (PK-12); was valid

1		from August 30, 2016, though August 29, 2019. During all relevant times Yee was	
2		employed by the Beaverton School District (BSD).	
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4	2.	On April 18, 2019, the Commission became aware Yee had been arrested for criminal	
5		conduct that could constitute a violation of Commission rules. A news article	
6		reported Yee was accused of multiple counts of Using a Child in a Display of Sexually	
7		Explicit Conduct and Luring a Minor. On April 19, 2019, the BSD submitted a report	
8		to the Commission indicating Yee shared sexually explicit messages and videos with	
9		a sixteen (16) year-old female student and encouraged the student to do the same.	
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11	3.	Law enforcement investigation determined that during the summer of 2018, Yee	
12		exchanged sexually explicit messages and videos with a minor-aged female student	
13		attending Aloha High School. The student reported Yee sent approximately ten (10)	
14		sexually explicit photos and a video of Yee masturbating. On April 17, 2019, Yee	
15		admitted to police that he exchanged sexually explicit photos and videos with the	
16		student.	
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18	4.	On April 24, 2019, Yee was indicted on twelve (12) felony counts of Using a Child in a	
19		Display of Sexually Explicit Conduct and two felony counts of Luring a Minor. On	
20		June 16, 2019, by plea agreement, Yee was convicted of two felony counts of ORS	
21		167.057 Luring a Minor. Yee's conviction required he register as a sex offender. On	
22		June 16, 2020, Yee was sentenced to one hundred twenty (120) days jail, supervised	
23		probation for fourteen (14) months and fined.	
24		CONCLUSIONS OF LAW	
25		Timothy L. Yee's criminal convictions as described in section four (4) above,	
26	COL	constitute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-	
27	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); and		
28	OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply		
29	for a license or charter school registration to any applicant or educator who, has been		
30	convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of		
31		y of those crimes if convicted in another jurisdiction), including ORS 167.057 Luring	
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1 *a Minor*. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);

2 OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A

3 conviction includes any final judgment of conviction by a court whether as the result of

4 guilty plea, no contest plea or any other means); OAR 584-020-0040(5)(d)

5 (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e)

6 (Admission of or engaging in acts constituting criminal conduct, even in the absence of

- 7 a conviction).
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Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
and Practices Commission must revoke Yee's license and/or Yee's right to apply for a
license based on Yee's conviction of any of the crimes listed in ORS 342.143(3)(a), or the
substantial equivalent of any of those crimes, or convicted of attempt to commit such
crimes as defined in ORS 161.405.

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15 Furthermore, the conduct underlying Yee's convictions as described in section 16 two (2) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 17 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional 18 iudament); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law, 19 20 exemplifying personal integrity and honesty). Additionally, Yee's criminal convictions 21 and conduct related to his convictions constitute "gross unfitness" in violation of ORS 22 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to perform his 23 24 or her professional responsibilities); OAR 584-020-0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-0005(5); and OAR 584-020-0040(4)(0) as 25 26 it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries 27 with students in conduct and conversations at all times). 28 29 The Commission's authority to impose discipline in this matter is based upon 30 ORS 342.175.

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1	FINAL ORDER
2	The Commission hereby revokes Timothy L. Yee's Oregon educator license and
3	revokes Timothy L. Yee's right to apply for an Oregon educator license.
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5	IT IS SO ORDERED THIS $28^{1/2}$ day of January, 2021.
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7	TEACHER STANDARDS AND PRACTICES COMMISSION
	By: Anthony & Rosilez
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9	Dr. Anthony Rosilez, Executive Director
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13 14	NOTICE OF APPEAL OR RIGHTS
14	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
16	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
17	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
18	ORS 183.482 TO THE OREGON COURT OF APPEALS.