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

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4 5 6	In the Matter of the)DEFAULT ORDER OF DENIAL OFEducator License of)APPLICATION AND REVOCATION)OF RIGHT TO APPLY FOR
7 8	JONATHAN R. SPENCER ) LICENSURE
9	On July 22, 2020, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Jonathan R. Spencer
11	(Spencer) in which the Commission charged him with Gross Neglect of Duty and $/$ or
12	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
13	Receipt 7019 0700 0002 0914 4949 to the address on file with the Commission. The
14	Notice designated the Commission file as the record for purposes of proving a prima
15	facie case. The Certified Mail was signed for on July 30, 2020, and receipt returned to
16	the Commission. The regular first class mail was not returned to the Commission, and is
17	assumed delivered. The Notice of Opportunity of Hearing, dated July 22, 2020, and
18	signed by Anthony Rosilez, Executive Director, stated:
19 20 21 22 23 24 25 26 27 28	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-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."
29	Spencer did not request a hearing. The Commission, therefore, finds Spencer to be in
30	default and enters the following findings of fact, conclusions of law, and final order,
31	based on the files and records of the Commission concerning this matter.
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33	FINDINGS OF FACT
34	1. Jonathan R. Spencer applied for licensure with TSPC. Spencer digitally signed and
35	submitted an application for a Reciprocal Teaching License on April 30, 2019.
36	Spencer's application was on hold pending resolution of this matter.
37	2. As part of the application process, TSPC staff conducted a routine background check.
38	On October 11, 2019, TSPC staff conducted a criminal background check and noted

several arrest and convictions which were not included in Spencer's written response
 to his application's character questions. The arrests and convictions noted on the
 criminal check were as follows:

- a. On March 4, 2014, Spencer was arrested in North Carolina for Failing to Report a
  Vehicle Accident; Hit and Run Vehicle Accident with Property Damage; Reckless
  Driving to Endanger Persons/Property; Resisting/Delaying/Obstructing Public
  Officer while Discharging Duties. Spencer was found guilty and convicted on two
  counts of reckless driving and sentenced to one (1) year probation and fined.
  b. On December 4, 2014, Spencer was arrested in New York for Assault with Intent
  to Cause Serious Injury with a Weapon; Assault with Intent to Cause Physical
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- c. On March 19, 2015, Spencer was arrested in North Carolina for Assault on a
   Female; Disorderly Conduct/Violent Conduct; and Simple Assault. The matter
   was dismissed.
- d. On August 13, 2016, Spencer was arrested in Kentucky for Operating a Motor
  Vehicle While Under the Influence of Alcohol/Drugs/Etc. Spencer was found
  guilty and convicted of being a Fugitive and his license suspended for one (1)
  year.
- e. On August 7, 2019, Spencer was arrested in Albany, Oregon, for Driving Under
  the Influence of Intoxicants; Reckless Driving; and Criminal Driving While
  Suspended. The matter was dismissed.
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Investigation determined that Spencer wrote on his application he was arrested in
 North Dakota for Driving Under the Influence and later charged with driving with a
 suspended license. Additional information obtained in Spencer's investigation
 showed the arrest in North Dakota occurred on December 2, 2018, for Driving Under
 the Influence. Spencer plead guilty and was convicted. Spencer was sentenced to ten
 (10) days in jail, one (1) year probation, fined \$750, and his license was suspended
 for one (1) year.

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In Spencer's interview with TSPC investigators, Spencer admitted to all the arrests
 and convictions. Spenser admitted to using a knife to injure persons in an incident in
 New York, which resulted in his arrest and the matter later being dismissed. Spenser
 admitted to having a physical altercation with a male in North Carolina, which
 resulted in his arrest and the matter later being dismissed.

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7 On Spencer's application, he answered "NO" to the Character Question, "Have you 8 ever left any educational or school-related employment, voluntarily or 9 involuntarily, while the subject of or within the six months following an inquiry, 10 review or investigation of alleged misconduct? Have you ever left educational or 11 school-related employment when you had reason to believe an investigation for 12 misconduct was underway or imminent?" In Spencer's interview with TSP 13 investigators, he admitted to leaving a teaching position in North Dakota because he 14 was on duty under the influence of alcohol and the district sought his removal if Spencer did not resign. 15

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## **CONCLUSIONS OF LAW**

Jonathan R. Spencer's conduct as described in sections two (2) and three (3) 18 19 above constitute 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 20 21 584-020-0040(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and 22 23 honesty); OAR 584-020-0040(4)(c) (Falsification of any document or knowing 24 misrepresentation directly related to licensure, employment, or professional duties): 25 OAR 584-020-0040(4)(g) (Appearing on duty or at any district-sponsored activity 26 while under the influence of alcohol or any controlled substance). 27 Spencer's conduct described in section two (2) and three (3) above also 28 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040 (5)(b) 29 (Fraud or misrepresentation); OAR 584-020-0040(5)(c) (Conviction of violating any 30 federal, state, or local law. A conviction includes any final judgment of conviction by a

31 court whether as the result of guilty plea, no contest plea or any other means) and OAR

1	584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct,
2	even in the absence of a conviction.
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4	The Commission's authority to impose discipline in this matter is based upon
5	ORS 342.175.
6	FINAL ORDER
v	I MAL OKDER
7	The Commission hereby denies Jonathan R. Spencer's application and revokes
8	Jonathan R. Spencer's right to apply for an educator license.
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10	IT IS SO ORDERED THIS 29th day of September, 2020.
11	TEACHER STANDARDS AND PRACTICES COMMISSION
	By: Anthony D. Rosilez
12	By:
13	Dr. Anthony Rosilez, Executive Director
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15	NOTICE OF APPEAL OR RIGHTS
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17	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
18	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
19	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
20	ORS 183.482 TO THE OREGON COURT OF APPEALS.