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

In the Matter of the Educator License of LARRY D. BOST	)))	DEFAULT ORDER TO DENY APPLICATION AND REVOKE RIGHT TO APPLY FOR AN EDUCATOR LICENSE

On July 22, 2020, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Larry D. Bost (Bost) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 0700 0002 0914 4888 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 Mail receipt was returned signed to the Commission on July 27, 2020. The regular, first class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of Opportunity for Hearing, dated July 22, 2020, and signed by Anthony Rosilez, 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."

On August 25, 2020, Bost requested a hearing. The hearing was scheduled for February 18, 2021. On February 18, 2021, the Commission representatives appeared on a videoconference before Administrative Law Judge Joe Allen of the Office of Administrative Hearings on time and prepared to participate in the scheduled hearing. Bost failed to appear for the hearing as scheduled. Judge Allen entered all Commission offered exhibits and pleadings into the record and declared the hearing a default. The Commission, therefore, finds Bost to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Bost applied for licensure with TSPC. Bost submitted an application for a Restricted Substitute Teaching License on February 7, 2020. Bost's application was on hold pending resolution of this matter.

2. In late February 2020, TSPC staff conducted a routine background investigation which was initiated by Bost's application. On February 28, 2020, TSPC staff conducted a criminal background check and noted several arrest and convictions, which were not disclosed in Bost's response to his application's character questions. The following arrests and convictions were found as part of the Commission's investigation:
    a. On September 19, 1987, Bost was arrested in Florida under the misdemeanor law prohibiting prostitution and related acts and on October 27, 1987, Bost plead guilty and was convicted. Bost was fined $250.
    b. On March 11, 2006, Bost was arrested for burglary in California. Bost plead guilty to a lesser crime and was convicted of a criminal threat with intent to terrorize. Bost was given a three year suspended sentence, five (5) years of probation.
    c. On September 26, 2015, Bost was arrested for violation of a protective order to prevent domestic violence in California. Bost plead nolo contender and was convicted and sentenced to four (4) days in jail and three (3) years of probation.

    Subsequent investigation found Bost failed to list on his application the arrests and convictions in California. Bost provided a TSPC investigator an account of the arrest in Florida, and Bost said he did not believe he was found guilty in court or convicted. Bost failed to provide any documentation of the outcome of the matter in Florida.

CONCLUSIONS OF LAW

Bost's conduct and criminal convictions/arrests described in sections two (2) above, and his failure to disclose criminal history in response to character questions, are grounds to deny his license application under ORS 343.143(2) because he has failed to provide evidence satisfactory to the commission of good moral character, and general fitness to hold a teaching license. Additionally, the allegations described in section two (2) 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 584-020-0035(3)(a) *(Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty.* The conduct and criminal convictions/arrests as described above also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).