

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2 OF THE STATE OF OREGON  
3

4 In the Matter of the ) DEFAULT ORDER OF  
5 Educator License of ) SUSPENSION AND PROBATION  
6 JOHN D. LUND )  
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9 On January 29, 2021, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to John D. Lund, (Lund) in  
11 which the Commission charged him with Gross Neglect of Duty and /or Gross Unfitness.  
12 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 2970  
13 0000 4903 8522 to the address on file with the Commission. The Notice designated the  
14 Commission file as the record for purposes of proving a prima facie case. The Certified  
15 Mail receipt was returned to the Commission as “Unclaimed.” The regular first class  
16 mail was not returned to the Commission, and assumed delivered. The Notice of  
17 Opportunity of Hearing, dated January 29, 2021, and signed by Anthony Rosilez,  
18 Executive Director, stated:

19 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,  
23 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR  
24 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT  
25 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF  
26 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
27 YOUR LICENSE OR OTHER DISCIPLINE.”  
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29 As of December 17, 2021, TSPC received no response from Lund. The  
30 Commission, therefore, finds Lund to be in default and enters the following findings of  
31 fact, conclusions of law, and final order, based on the files and records of the  
32 Commission concerning this matter.

33 **FINDING OF FACT**

- 34 1. The Commission has licensed Lund since July 30, 1992. Lund currently holds a  
35 Professional Administrator License, with an endorsement in administrator (K-12),  
36 valid from September 8, 2018, through September 7, 2023. During all relevant  
37 times, Lund was employed by the Amity School District (ASD).  
38

1 2. On March 2, 2020, the Commission received a misconduct report from the Amity  
2 School District alleging “poor performance” by Lund while serving as middle school  
3 Principal. The complaint specifically mentioned Lund not conducting fire drills  
4 regularly, not conducting formal observations, poor supervision of students, and  
5 intimidating communication practices. Additionally, it was alleged that Lund spent a  
6 lot of time on non-educational websites.

7  
8 3. The ASD investigated the complaints and discovered via a review of Lund’s web  
9 viewing history that Lund spent, on average, 4 hours of his workday viewing non-  
10 educational material and videos on the internet. The content of Lund’s web browsing  
11 included vacation planning, playing fantasy football, making personal purchases,  
12 and conducting random searches. Approximately 1/3 of the time Lund spent on the  
13 internet was dedicated to viewing explicit adult conduct which included nudity and  
14 sex scenes. Upon being notified of the complaint against Lund by the district, and  
15 the corresponding district investigation, Lund attempted to delete his browsing  
16 history in order to destroy evidence. The district’s investigation determined Lund  
17 had violated the district’s policy on appropriate use of district electronic technology  
18 and indicated the district would be recommending termination to the school board.

19  
20 4. Lund resigned his position with the district prior to the board taking action on the  
21 recommendation. On September 29, 2020, Lund met with Commission investigative  
22 staff and admitted to spending substantial amounts of his workday on his work  
23 computer looking at non-educational websites. Lund reported to the Commission  
24 that he had become “lazy” and complacent at his job and stated that his behavior was  
25 “ridiculously foolish and mortifying.” Lund indicated that his use of work time had  
26 been inappropriate and stated that he never looked at any adult content when staff  
27 or students were present and denied ever searching for or viewing pornography.  
28 Lund also reported that deleting his browsing history was a “knee jerk reaction” to  
29 avoid embarrassment.

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31 ////  
32 ////

1 **CONCLUSIONS OF LAW**

2 The conduct described above constitutes gross neglect of duty in violation of ORS  
3 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
4 *professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*  
5 *reasonable rules and regulations*); OAR 584-020-0040(4)(a) (*Substantial*  
6 *unauthorized use of: school name or financial credit; school materials or equipment*  
7 *for personal purposes; or school personnel to provide personal services unrelated to*  
8 *school business*) OAR 584-020-0040(4)(q) (*Unauthorized use of school electronic*  
9 *equipment to receive, store, produce or send sexually explicit materials*).


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11 The Commission’s authority to impose discipline in this matter is based  
12 upon ORS 342.175.

13 **FINAL ORDER**

14 The Commission hereby suspends John D. Lund’s Oregon educator license for a  
15 period of one (1) year. Upon successful reinstatement of licensure, John D. Lund will be  
16 placed on probation for a period of two (2) years.

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18 IT IS SO ORDERED THIS 27<sup>th</sup> day of January, 2022.

19  
20 **TEACHER STANDARDS AND PRACTICES COMMISSION**

21 By:   
22 Dr. Anthony Rosilez, Executive Director  
23

24 **NOTICE OF APPEAL OR RIGHTS**

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26 **YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY**  
27 **BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE**  
28 **SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF**  
29 **ORS 183.482 TO THE OREGON COURT OF APPEALS.**