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

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| 4 5 6 7 8 9 | In the Matter of the)DEFAULT ORDER OFEducator License of)REVOCATION OF RIGHT TO APPLYMARKUS J. STEVENS)FOR LICENSURE |
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| 10 | On June 10, 2022, the Teacher Standards and Practices Commission |
| 11 | (Commission) issued a Notice of Opportunity for Hearing to Markus J. Stevens, |
| 12 | (Stevens) in which the Commission charged him with Gross Neglect of Duty and /or |
| 13 | Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail |
| 14 | Receipt 7021 0350 0000 8184 3255 to the address on file with the Commission. The |
| 15 | Notice designated the Commission file as the record for purposes of proving a prima |
| 16 | facie case. The Certified Mail receipt was not returned to the Commission. Additionally, |
| 17 | neither the Certified Mail or the First Class Mail copy of the Notice of hearing were |
| 18 | return to TSPC and assumed delivered. The Notice of Opportunity of Hearing, dated |
| 19 | May 25, 2022, and signed by Anthony Rosilez, Executive Director, stated: |
| 20 21 22 23 24 25 26 27 28 29 | "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." |
| 30 | To date, as of the writing of this default order, the Commission has yet to receive |
| 31 | a response from Stevens. The Commission, therefore, finds Stevens to be in default and |
| 32 | enters the following findings of fact, conclusions of law, and final order, based on the |
| 33 | files and records of the Commission concerning this matter. |
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| 35 | FINDING OF FACT |
| 36 | 1. Stevens applied to the Commission for a Preliminary Teaching License on July 13, |
| 37 | 2021. The application was pending the outcome of TSPC's investigation. During all |
| 38 | relevant times, Stevens was employed by the Eugene 4J School District (ESD). |

- 1 2. On October 28, 2021, the Oregon Department of Education (ODE) transferred a 2 sexual misconduct investigation on Stevens to the Commission as Stevens was a 3 student teacher and under TSPC's jurisdiction. 4 5 On April 23, 2021, the ESD filed a Sexual Misconduct report with ODE alleging that 6 he had sexually assaulted a former SPED student (EA). Law enforcement was 7 notified, and a criminal investigation was initiated. 8 9 3. The ESD substantiated the allegations against Stevens after completion of an investigation by ESD and the Eugene Police Department (EPD). Direct witness and 10 11 victim testimony confirmed that Stevens engaged in sexual contact with EA. The sexual contact included kissing, oral sex, digital penetration, and sexual intercourse. 12 Additionally, the ESD determined that Stevens failed to cooperate with their 13 investigation by refusing to answer questions, providing vague, inaccurate and/or 14 15 incomplete answers to questions. Per ESD documents, Stevens resigned his position with the district on June 8, 2021. The Lane County District Attorney's office was 16 unable to charge Stevens criminally due in part to the age and cognitive abilities of 17 the victim. 18 19 4. The Commission attempted to contact Stevens to arrange for an interview regarding 20 this incident, multiple times. Below are the listed contacts and attempted contacts by 21 Commission staff: 22 23 • On January 11, 2022, Commission Investigative Staff sent a request to 24 interview letter to Stevens' last known address in Eugene, OR. This is the last 25 address proved the Commission as well as law enforcement. He did not 26 respond to this letter. 27 28 • On March 8, 2022, Commission Investigative Staff left a telephone message 29 for Stevens at the last known number of record provided ESD. The call was 30
 - not returned.

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| 1 | As of the writing of this Notice of Hearing, Commission staff has yet to receive a |
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| 2 | response from Stevens. |
| 3 | |
| 4 | CONCLUSIONS OF LAW |
| 5 | The conduct described above constitutes gross neglect of duty in violation of ORS |
| 6 | 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) |
| 7 | (Recognize the worth and dignity of all persons and respect for each individual), OAR |
| 8 | 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using |
| 9 | <i>district lawful and reasonable rules and regulations</i>); OAR 584-020-0040(4)(0) as it |
| 10 | incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting professional |
| 11 | relationships with any student for personal gain, or in support of persons or issues), |
| 12 | OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally |
| 13 | inappropriate interest in a student's personal life), and OAR 584-020-0035(1)(c)(D) |
| 14 | (Honoring appropriate adult boundaries with students in conduct and conversations |
| 15 | at all times). |
| 16 17 | The Commission's authority to impose discipline in this matter is based |
| 18 | upon ORS 342.175. |
| 19 | FINAL ORDER |
| 20 | The Commission hereby revokes Steven's right to apply for an Oregon teaching |
| 21 | license for a period of one (1) year. |
| 22 | |
| 23 | IT IS SO ORDERED THIS <u>10</u> day of May, 2023. |
| 24 | |
| 25 | TEACHER STANDARDS AND PRACTICES COMMISSION |
| 26 27 28 29 | By: |

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- 2 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
- 3 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
- 4 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
- 5 ORS 183.482 TO THE OREGON COURT OF APPEALS.