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 REVOCATION OF 6 DAVID M. BRANDON **LICENSURE** 7 8 On September 28, 2023, the Teacher Standards and Practices Commission (Commission) 9 issued a Notice of Opportunity for Hearing to David M. Brandon (Brandon) in which the 10 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via 11 U.S. First Class Mail and U.S. Certified Mail Receipt 9589 0710 5270 0844 8660 74 to the address 12 on file with the Commission. The Notice designated the Commission file as the record for purposes 13 of proving a prima facie case. The Notice sent Certified Mail was returned unclaimed on October 18, 14 2023. The regular First Class mail was not returned to the Commission and assumed delivered. The 15 Notice of Opportunity of Hearing, dated September 28, 2023, and signed by Anthony Rosilez, 16 Executive Director, stated: 17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR 18 19 RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT 20 REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO 21 22 APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR 23 AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY 24 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER 25 DISCIPLINE." 26 27 Brandon did not request a hearing. The Commission, therefore, finds Brandon to be in default and 28 enters the following findings of fact, conclusions of law, and final order, based on the files and 29 records of the Commission concerning this matter. 30 FINDINGS OF FACT 31 1. David M. Brandon has been licensed by the Commission since August 25, 2014. Brandon 32 holds a Preliminary Teaching License, with endorsements in Career Trades - Generalist 33 34 (PK-12), Legacy Middle Level (PK-12), Foundational English Language Arts (PK-12), and Elementary Multiple Subjects (PK-12), valid from July 28, 2021, through June 7, 2025. 35 36 During all relevant times, Brandon was employed by the Jewell School District (JSD).

37

2. On November 29, 2021, the Commission received a report from the Knappa School District indicating Brandon was arrested on charges which if founded, would constitute gross neglect of duty and/or gross unfitness. Specifically, the information reported was that Brandon was arrested on twenty-three (23) counts of criminal acts which included rape, sexual abuse, sodomy, and unlawful delivery of a marijuana item to a minor.

3. On November 16, 2018, Brandon was reprimanded by the JSD for allowing students to demean other students, for creating an environment not conducive to learning, and failing to supervise students in his classroom while sitting in his office playing cards with a couple of students. On December 12, 2018, Brandon submitted his resignation to the JSD, effective June 10, 2019. On August 31, 2019, local law enforcement received information alleging Brandon's involvement in providing marijuana and prescription drugs to students. Law enforcement opened a case to investigate the allegations.

4. Law enforcement investigation found that Brandon developed a relationship with a freshman female student during the 2016-17 school year. The relationship between Brandon and the student continued to deepen over several school years. During the 2018-19 school year, Brandon spent time alone with the student in his classroom, in his personal vehicle, at his residence, at the student's residence, and at various locations in the surrounding community. Most of these interactions did not involve school related discussions or activities. Brandon also spent time with other female students, away from campus, while assisting them with school related projects.

5. Law enforcement investigation found that during the 2018-19 school year, Brandon provided marijuana or marijuana-based products to students which the students frequently smoked, vaped, or consumed with him. These interactions took place off campus.

6. Law enforcement investigation found that on or between April 1, 2018, to July 30, 2018, Brandon subjected the female student, then under the age of sixteen (16), to sexual intercourse, oral sex, and other sexual contact. Law enforcement investigation found that on or between July 31, 2018, and December 31, 2018, Brandon subjected the female student, then under the age of eighteen (18) to sexual contact.

7. On November 24, 2021, Brandon was indicted by the Clatsop County District Attorney on five (5) felony counts of Rape in the Third Degree, nine (9) misdemeanor counts of Sexual Abuse in the Third Degree, one (1) felony count of Sodomy in the Third Degree, and five (5) felony counts of Unlawful Delivery of a Marijuana Item. Brandon was arrested by the Clatsop County Sheriff's Office the same day. On March 28, 2023, by plea agreement, Brandon was convicted of two (2) felony counts of Rape in the Third Degree, one (1) felony count of Sodomy in the Third Degree, one (1) felony count of Unlawful Delivery of a Marijuana Item. On March 28, 2023, Brandon was sentenced to ninety (90) days in jail, required to register as a sex offender, given probation for three (3) years, and required to pay associated fees.

CONCLUSIONS OF LAW

David M. Brandon's criminal conviction as described in section seven (7) above, constitutes 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); and OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction), including ORS 163.355 Rape in the Third Degree and ORS 163.385 Sodomy in the Third Degree. This conduct 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); OAR 584-020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and Practices Commission must revoke Andry's license and/or his right to apply for a license based on his 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.

Brandon's conduct underlying his conviction, as described in section four (4), five (5) and six (6) above, constitutes 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 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 580-020-0005(8); and OAR 584-020-

1	0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing
2	professionally inappropriate interest in a student's personal life), OAR 584-020-0035(1)(c)(D)
3	(Honoring appropriate adult boundaries with students in conduct and conversations at all times)
4	and 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law,
5	exemplifying personal integrity and honesty).
6	Additionally, Brandon's criminal conviction and conduct related to his conviction constitute
7	"gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by
8	OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to
9	perform his or her professional responsibilities).
10	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
11	
12	FINAL ORDER
13	The Commission hereby revokes David M. Brandon's Oregon Educator license.
14	
15	IT IS SO ORDERED THIS day of October, 2023.
16	ϵ
17	TEACHER STANDARDS AND PRACTICES COMMISSION
18	
19	
	By:
20	By: Dr. Anthony Rosilez, Executive Director
21 22	Dr. Anthony Rosilez, Executive Director
23	
24 25	NOTICE OF APPEAL OR RIGHTS
26	
27	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
28 29	OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
30	THE OREGON COURT OF APPEALS.