| 1<br>2<br>3                      | BEFORE THE TEACHIM STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON   |
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| 4<br>5<br>6<br>7                 | In the Matter of the ) DEFAULT ORDER OF Teaching License of ) REVOCATION OF RICHARD WILLIAM RICHARDS ) RIGHT TO APPLY FOR LICENSURE  |
| 8                                | On November 16, 2007, the Teacher Standards and Practices Commission (Commission)  |
| 9                                | issued a Notice of Opportunity for Hearing to Richard William Richards (Richards) in which the   |
| 10                               | Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First   |
| 11                               | Class Mail and U.S. Certified Mail Receipt 7006 0810 0001 4602 2067 to the address Mr. Richards  |
| 12                               | provided to the Commission. The U.S. First Class Mail was returned unsigned to the Commission on   |
| 13                               | December 6, 2007. The Notice of Opportunity of Hearing, dated November 16, 2007, and signed by   |
| 14                               | Victoria Chamberlain, Executive Director, stated:  |
| 15<br>16<br>17<br>18<br>19<br>20 | "You, Richard William Richards, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)." |
| 21                               | Mr. Richards did not request a hearing. The Commission, therefore, finds   |
| 22                               | Mr. Richards to be in default and enters the following findings of fact, conclusions of law and  |
| 23                               | order, based on the files and records of the Commission concerning this matter.  |
| 24                               | FINDINGS OF FACT   |
| 25.                              | 1. The Commission first licensed Mr. Richards on April 22, 1987. On December 18, 2003,   |
| 26                               | the Commission issued Mr. Richards a Substitute Teaching License a Substitute Any Specialty  |
| 27                               | Endorsement. Said license expired on March 1, 2007.  |
| 28                               | 2. On or about April 5, 2005, Mr. Richards was convicted of DUII in Curry County Circuit   |
| 29                               | Court. This misconduct constitutes gross unfitness in violation of OAR 584-020-0040(5)(c).   |
| 30                               | Conviction of violating any federal, state, or local law.  |
| 31                               | 3. On or about December 25, 2004, an arrest warrant was issued by the Ashland Municipal  |
| 32                               | Court charging Mr. Wilson with Telephonic Harassment. This misconduct constitutes gross unfitness  |
|                                  |  |

- in violation of OAR 584-020-0040(5)(e). Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction.
  - 4. Mr. Richards was untruthful or misleading in his responses to questions posed to him by the investigator in connection with the Commission's investigation. This conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4) and (4)(c). (Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties).
    - 5. Mr. Richards was untruthful or misleading in his responses to questions posed to him by the investigator concerning the arrest warrant issued for Telephonic Harassment. This misconduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(o), as it incorporates OAR 584-020-0035(3)(a). Substantial deviation from professional standards of competency set forth in OAR 584-020-0035: (a) Maintain the dignity of the professional by respecting and obeying the law, exemplifying personal integrity and honesty.

## **CONCLUSIONS OF LAW**

Mr. Richards' conviction for DUII and arrest warrant for Telephonic Harassment constitutes Gross Unfitness in violation of OAR 584-020-0040(5)(c) and 584-020-0040(5)(e). Mr. Richards' untruthful responses to the investigator constitutes Gross Neglect of Duty in violation of OAR 584-020-040(4)(c) and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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**ORDER** 1 The Commission hereby revokes Richard William Richards' right to apply for a teaching 2 3 license. IT IS SO ORDERED this 4 TEACHER STANDARDS AND PRACTICES COMMISSION 5 ictoria Chamberlain, Executive Director 9 NOTICE OF APPEAL OR RIGHTS 10 11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE 12 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF 13 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE 14 OREGON COURT OF APPEALS. 15

| 1  | CERTIFICATE OF MAILING  |
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| 2  |   |
| 3  |   |
| 4  | I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me |
| 5  | as such by U.S. First Class Mail and U.S. Certified Mail-Return Receipt Requested, addressed      |
| 6  | to:   |
| 7  |   |
| 8  | Richard William Richards  |
| 9  | PO Box 4643   |
| 10 | Brookings OR 97415-0081   |
| 11 | 9 Uth   |
| 12 | Dated this A 7 day of March, 2008.  |
| 13 |   |
| 14 |   |
| 15 |   |
| 16 | By: / letal + Janson  |
| 17 | Melody Hanson, Executive Assistant  |
|    |   |