

1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON				
4 5 6 7 8	Lic	the Matter of the Educator cense of OSH MATTHEW PICKENS)))	DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY FOR LICENSURE	
8 9	On March 18, 2015, the Teacher Standards and Practices Commission (Commission)				
10	issued a Notice of Opportunity for Hearing to Josh Matthew Pickens (Pickens) in which the				
11	Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was				
12	sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5666 to				
13	the address on file with the Commission. The Notice designated the Commission file as the				
14	record for purposes of proving a prima facie case. The Certified Mail receipt was returned				
15	signed to the Commission on March 20, 2015. The first class mail was not returned and				
16	assumed delivered. The Notice of Opportunity for Hearing, dated March 18, 2015, and				
17	signed by Victoria Chamberlain, Executive Director, stated:				
18 19 20 21 22 23 24 25	"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."				
23 26	Pickens did not request a hearing. The Commission, therefore, finds Pickens to be in default				
27	and enters the following findings of fact, conclusions of law, and final order, based on the				
28	file	les and records of the Commission co	oncernii	ng this matter.	
29					
30		FIN	IDING	S OF FACT	
31	1.	Pickens had been licensed as a teac	cher in (Oregon since August 15, 2013. Pickens	
32		previously held an Emergency Sch	ool Cou	nselor License with an endorsement in School	
33		Counselor (ECE/ELE C, ML/HS C)); valid	from August 15, 2013, through June 30, 2014.	
34		Pickens did not make application f	or rene	wal. During all relevant times, Pickens was	
35		employed by the Umatilla School I	District.		

2	2. On February 12, 2014, the Commission received a report from the Umatilla School
	District alleging that Pickens had violated professional standards. Subsequent
	investigation determined the following:

3. On January 22, 2014, the Umatilla School District received information from the Washington State Employment Security Department (Fraud Investigation Unit) indicating that Pickens had misrepresented his earnings while claiming unemployment benefits. Records indicate that during the time between August 17, 2013, and November 16, 2013, Pickens made unemployment claims and was paid unemployment benefits totaling \$2,623.00 while Pickens was employed full time with the Umatilla School District. Commission investigators delivered a certified letter requiring Pickens to contact them for an interview within 14 days. After multiple attempts to contact Pickens and receiving no response from Pickens, it was determined that Pickens was refusing to respond and/or participate in an interview as required.

CONCLUSIONS OF LAW

Pickens' conduct described 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 584-020-0040(4)(c) (*Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*); and OAR 584-020-0040(4)(p) (*Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*).

The Commission's authority to impose discipline in this matter is based upon ORS

- 29 342.175.
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FINAL ORDER The Commission hereby revokes Josh Matthew Pickens's Right to Apply for licensure. IT IS SO ORDERED THIS TEACHER STANDARDS AND PRACTICES COMMISSION Victoria Chamberlain, Executive Director NOTICE OF APPEAL OR RIGHTS YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE 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 THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Josh Matthew Pickens 2804 W Lyons Avenue Spokane, WA 99208-4555

Dated this _____day of May, 2015.

Patty Lightell

Investigative Assistant