

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) FINAL ORDER OF PROBATION
5 ROBERT JAMES HOFER)

6 On or about May 13, 2011, the Teacher Standards and Practices Commission
7 (Commission) received information that Robert James Hofer (Hofer) was convicted of Driving
8 Under the Influence of Intoxicants, DUII in March of 2009. Hofer was then on Probation with
9 the Commission requiring that any such conviction be reported to the Commission.

10 Mr. Hofer fully cooperated with the Commission's investigation in this matter. After
11 review of the matters alleged, Mr. Hofer and the Commission agree that their respective
12 interests, together with the public interest, are best served by a stipulation to certain facts, a an
13 extension of the term of his probation with the Commission for an additional four years. Mr.
14 Hofer understands that the probation will be subject to specific terms and conditions.

15 This document sets forth the facts upon which the parties have agreed and the stipulated
16 sanction to be imposed. Mr. Hofer stipulates that there is sufficient evidence in the
17 Commission's files and records to support the findings of fact, conclusions of law, and order set
18 forth below.

19 By signing below, Mr. Hofer acknowledges, understands, stipulates, and agrees to the
20 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
21 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
22 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Final Order
23 of Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order
24 is a public document and disclosed to the public upon request by the Commission; (iii) this
25 Stipulation and Final Order is contingent upon and subject to approval and adoption by the
26 Commission. If the Commission does not approve and adopt this Stipulation and Final Order,
27 then neither Mr. Hofer nor the Commission are bound by the terms herein; (iv) he has fully read

1 this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any
2 force or duress, enters into this Stipulation and Final Order and consents to issuance and entry
3 of the Stipulated Final Order below; (vi) he states that no promises or representation has been
4 made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an
5 attorney regarding this Stipulation and Final Order and has been fully advised with regard to his
6 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this
7 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

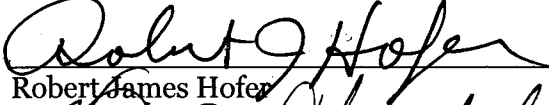
8 **STIPULATION OF FACTS**

- 9 1. The Commission has licensed Robert James Hofer since July 1, 1977. Mr. Hofer formerly
10 held a Standard Teaching License, with a Standard Social Studies endorsement, issued
11 December 9, 2004, which expired on November 4, 2010.
- 12 2. Mr. Hofer began employment with Canby School District in 1992, and is currently
13 assigned to Canby High School teaching Social Studies.
- 14 3. On October 3, 2005, Mr. Hofer appeared as a spectator at a Forest Grove High School
15 girls' soccer match while under the influence of alcohol.
- 16 4. Mr. Hofer has an alcohol dependency problem and is currently undergoing a plan of
17 treatment and aftercare as prescribed by his treatment provider.
- 18 5. On November 5, 2007 the Commission adopted a stipulated agreement imposing a
19 public reprimand and placing Hofer on probation for two years subject to certain
20 conditions.
- 21 6. Specifically Hofer agreed to report in writing within ten days to the Executive Director of
22 the Commission any arrest or citation for any felony, misdemeanor, major traffic
23 violation or violation of criminal probation.
- 24 7. Hofer did not apply for termination of his probation as required by OAR 584-050-0019,
25 and therefore remained on probation with the Commission.


1 8. On January 4, 2009 Hofer was arrested for Driving Under the Influence of Intoxicants,
2 DUII (ORS 813.010). On March 16, 2009 Hofer was subsequently convicted of DUII.

3 9. Hofer did not report his arrest or conviction to the Commission as agreed in the
4 November 2007 stipulated agreement.

5 **IT IS SO STIPULATED AND AGREED TO:**

6 
7 Robert James Hofer

12 Sep 2011
Date

8 
9 Victoria Chamberlain, Executive Director
10 Teacher Standards and Practices Commission

11-7-11
Date

11 **CONCLUSIONS OF LAW**

12 In early 2009, Robert James Hofer was arrested and convicted for Driving Under the
13 Influence of Intoxicants. Hofer did not report this arrest or conviction as he agreed to do in the
14 November 2007 Stipulated Agreement. This conduct constituted Gross Neglect of Duty
15 pursuant to OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(*Use professional*
16 *judgment*), OAR 584-020-040(4)(k) (*Knowing violation of any order or rule of the*
17 *Commission*), and gross unfitness pursuant to OAR 584-020-0040(5)(c) (*Conviction of*
18 *violating any federal, state, or local law. A conviction includes any final judgment of*
19 *conviction by a court whether as the result of guilty plea, no contest plea or any other means*).
20 The Commission has the authority to impose discipline in this matter is based upon ORS
21 342.120 through 342.430 and OAR Chapter 584.

22 **FINAL ORDER**

23 The Commission hereby adopts and incorporates herein the above findings of fact and
24 conclusions of law and hereby places Mr. Hofer on Probation for a period of four years subject to
25 the following terms and conditions:

26 1. Mr. Hofer shall, at his own initiative and expense, continue to obtain treatment for his
27 alcohol dependency as recommended by his alcohol treatment provider and to abstain from the
28 consumption of alcohol, if his treatment provider requires that as a part of his treatment plan;

1 2. Mr. Hoffer Shall to provide to the Commission a copy his alcohol treatment providers'
2 evaluation or treatment plan;

3 3. Mr. Hofer shall report in writing within ten days to the Executive Director of the
4 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or
5 violation of criminal probation; and

6 4. Mr. Hofer shall comply with the Standards for Competent and Ethical Performance of
7 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

8 5. In order to terminate his probation Mr. Hoffer shall provide to the Commission
9 verification that he is current with his treatment plan.

10 Violation of any term or condition of probation shall constitute an independent basis for
11 the Commission to revoke Mr. Hofer's teaching license or otherwise impose discipline, after first
12 providing Mr. Hofer with notice and opportunity for hearing.

13 Issued and dated this 7th day of November, 2011.

14 **TEACHER STANDARDS AND PRACTICES COMMISSION**
15 **STATE OF OREGON**

16 By *Victoria Chamberlain*
17 Victoria Chamberlain, Executive Director
18

19

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulated Order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Robert James Hofer
225 NE 32nd Ct.
Redmond, OR 97756

DATED this 15 day of December, 2011.

By: Patty Liddell
Patty Liddell
Investigative Assistant