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

In the Matter of the)
Teaching License of) DEFAULT ORDER OF
KEVIN MATHEW NICE) LICENSE REVOCATION

On October 26, 2010, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Kevin Mathew Nice (Nice) in which the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(1)(y) and OAR 584-020-0040(1)(m). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4541 to the address on file with the Commission. The Notice was signed for on October 27, 2010. The Notice of Opportunity of Hearing, dated October 26, 2010, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

Mr. Nice did not request a hearing. The Commission, therefore, finds Mr. Nice to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Kevin Mathew Nice currently holds a Standard Teaching License, with an endorsement in Standard Social Studies, issued December 29, 2005, and valid through November 10, 2012.

1 2. On October 15, 2010, Nice pled guilty and was convicted of the following crimes: one
2 count of ORS 167.057, Luring a Minor, four counts of ORS 163.670, Attempt to Use
3 Child in Display of Sexually Explicit Conduct, and ORS 163.415, Sexual Abuse 3.
4


5 **CONCLUSIONS OF LAW**

6 Kevin Mathew Nice was convicted of Luring a Minor, Attempt to Use Child in Display
7 of Sexually Explicit Conduct, and Sex Abuse 3. This conduct constitutes gross neglect of duty in
8 violation of ORS 342.143(3)(a)(A), ORS 342.175(2)(a); OAR 584-020-0040(1)(oo), OAR 584-
9 020-0040(1)(y), and OAR 584-020-0040(1)(m). Additionally these convictions constitute "gross
10 unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by
11 OAR 584-020-0040(5) (*Gross unfitness is any conduct which renders an educator unqualified to*
12 *perform his or her professional responsibilities*). The Commission's authority to impose
13 discipline in this matter is based upon ORS 342.175.

14 **FINAL ORDER**

15 The Commission hereby revokes the licensure of Kevin Mathew Nice.
16 IT IS SO ORDERED THIS 11th day of February, 2010.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

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19
20 By: 
21 Victoria Chamberlain, Executive Director
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24

25 **NOTICE OF APPEAL OR RIGHTS**

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27 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
28 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
29 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
30 ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. First Class Mail to the Attorney of record for Kevin Mathew Nice:

Brent H. Smith
Baum, Smith & Eyre, LLC
Attorneys at Law
PO Box 967
LaGrande OR 97850

Dated this 14th day of March, 2011.

By: Melody Hanson
Melody Hanson
Executive Assistant