

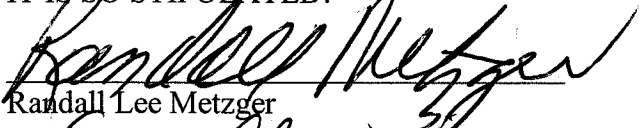
1 Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force
2 or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the
3 Stipulated Final Order below; (vi) he states that no promises or representation has been made to
4 induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney
5 regarding this Stipulation and Final Order and has been fully advised with regard to his rights
6 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. This
8 stipulation is contingent upon approval and adoption of the Order by the Commission. If the
9 Commission does not adopt this Order, neither Mr. Metzger nor the Commission are bound by
10 these Stipulations and Mr. Metzger retains all rights to a hearing on the allegations.

11 **STIPULATION OF FACTS**


- 12 1. The Commission has licensed Mr. Metzger since August 8, 1979. Mr. Metzger holds a
13 Standard Teaching License, with Basic Elementary and Standard Handicapped
14 endorsements, issued February 15, 2009 and valid through February 14, 2014.
- 15 2. On the morning of November 10, 2009, co-workers reported smelling alcohol on Metzger.
16 Metzger acted unusually by attempting to avoid breathing toward others by turning his head
17 away, and standing at an unusual distance to have conversations.
- 18 3. Metzger was observed consuming alcohol from a bottle he retrieved from his car. Later in
19 the morning, Metzger attended a driver's training course away from school to receive
20 certification for driving students. After the training Metzger submitted to a breathalyzer test
21 showing he had a 0.38 blood alcohol level.
- 22 4. The incidents of November were preceded by staff documenting other dates in 2009 on
23 which Metzger smelled of alcohol. Specifically it was reported that he smelled of alcohol or

1 exhibited behavior suggesting alcohol use on October 8, October 10, October 30 and
2 November 2. Metzger's employer also documented instances where he failed to complete
3 work or submitted incomplete student IEP's (Individualized Education Plans).
4 5. On January 28, 2010, Metzger spoke with a Commission investigator by phone. During that
5 conversation he denied ever consuming alcohol on school grounds. Regarding the incident
6 of November 10, 2009, Metzger told the investigator that he had been drinking late into the
7 night the day before and had consumed a mini bottle of vodka that day, which he estimated to
8 contain approximately two ounces of alcohol.
9 6. Metzger subsequently successfully completed an alcohol treatment program.

10 IT IS SO STIPULATED:

11 
12 Randall Lee Metzger

3-4-11
Date

13 
14 Victoria Chamberlain, Executive Director
15 Teacher Standards and Practices Commission

3-2-11
Date

16 **CONCLUSION OF LAW**

17 Randall Lee Metzger consumed alcohol on district property and appeared on duty on district
18 property under the influence of alcohol. This constitutes gross neglect of duty in violation of
19 ORS 342.175(1)(b); OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored*
20 *activity while under the influence of alcohol or any controlled substance*); and OAR 584-020-
21 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*).

22 Metzger failed to complete work on student records during the period he was suspected of
23 being under the influence of alcohol during work hours.. This constitutes gross neglect of duty
24 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-

1 0010(5) (*Use professional judgment*) and OAR 584-020-0025(2)(c) (*Using and maintaining*
2 *student records as required by federal and state law and district policies and procedures*).

3 Metzger was untruthful with a Commission investigator when questioned about his alcohol
4 issues during school time. This constitutes gross neglect of duty in violation of ORS
5 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
6 *professional judgment*); OAR 584-020-0040(4)(c) (*Knowing falsification of any document or*
7 *knowing misrepresentation directly related to licensure, employment, or professional duties*).

8 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

9 **ORDER**

10 The Commission adopts and incorporates herein the above findings of fact and
11 conclusion of law, based thereon, hereby imposes Suspends the Teaching License of Randall Lee
12 Metzger for 9 months.

13 IT IS SO ORDERED this 16th day of May, 2011.

14 TEACHER STANDARDS AND PRACTICES COMMISSION

15
16 By: Victoria Chamberlain
17 Victoria Chamberlain, Executive Director