

1
2 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
3 OF THE STATE OF OREGON
4
5
6

7 In the Matter of the)
8 Teaching License of) FINAL ORDER
9)
10 CATHERINE I. MORRIS) Case No. 1102374
11

12
13 On December 12, 2011, Administrative Law Judge (ALJ) Rick Barber issued a Proposed
14 Order in this case.
15

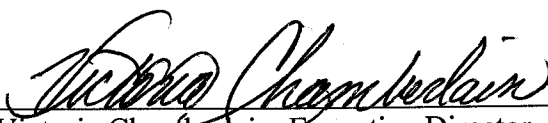
16 The Teacher Standards and Practices Commission adopts in its entirety the Findings of
17 Fact, Conclusions of Law and Order contained in the attached Proposed Order.
18
19

20 ORDER
21

22 The Commission adopts the Proposed Order in its entirety and revokes Catherine I.
23 Morris' right to apply for a license for one (1) year.
24

25 Dated this 20th day of March 2012.
26
27

28 TEACHER STANDARD AND PRACTICES COMMISSION
29

30
31 By: 
32 Victoria Chamberlain, Executive Director
33 Teacher Standards and Practices Commission
34
35

36
37
38
39 **NOTICE:** You are entitled to judicial review of this order. Judicial review may be obtained by
40 filing a petition for review within 60 days of the service of this order. Judicial review is pursuant
41 to the provision of ORS 183.482 to the Oregon Court of Appeal.

CERTIFICATE OF MAILING

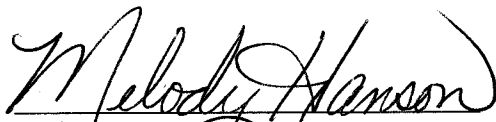
On March 22, 2012, I mailed the foregoing Final Order and Proposed Order in OAH Case No. 1102374 to:

By: Certified Mail – Return Receipt Requested and U.S. First Class Mail
Certified Mail Receipt #7010 2780 0000 2187 3873

Catherine I. Morris
PO Box 724
Mosier OR 97040

By: Shuttle
Raul Ramirez
Senior Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem OR 97301-4096

Hearings Coordinator
Office of Administrative Hearings
4600 25th Avenue NE, Suite 140
Salem OR 97301


Melody Hanson
Director of Professional Practices

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
TEACHER STANDARDS AND PRACTICES COMMISSION**

IN THE MATTER OF:

CATHERINE I. MORRIS

) **PROPOSED ORDER**

)

) OAH Case No. 1102374

) Agency Case No.

RECEIVED

DEC 13 2011

**Teacher Standards &
Practices Commission**

HISTORY OF THE CASE

On February 15, 2011, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Catherine I. Morris (Respondent). On March 8, 2011, Respondent requested a hearing.

On June 10, 2011, the Commission referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) Rick Barber was assigned to preside at hearing. A prehearing conference was held on July 18, 2011, to discuss the issues and to set a hearing date. Hearing was set for November 21 through 23, 2011.

Hearing was held as scheduled on November 21, 2011, in Tualatin, Oregon.¹ Respondent appeared but left before the presentation of evidence.² The Commission was represented by Assistant Attorney General Raul Ramirez. The Commission called the following witnesses: Principal Robi Osborn; school counselor Mary Megivern; teacher and union representative Lisa Davidson; retired administrator Dar Krambule; and Commission investigator Jeff Van Laanen. The record closed on November 21, 2011.

Motion to Postpone. Although Respondent did not specifically request postponement, I interpreted her comments and actions, both before and during the hearing, as an effort to have the case set over for a different date. On October 19, 2011 and November 4, 2011, Respondent sent letters indicating she might need to postpone the hearing because she was being stalked. She stated:

Since the Restrictions and my Termination in 2009, I have experienced a conspiracy amongst personal relations, businesses and government agencies. [Includes details of her arrests, traffic citations, and reports of a "Group Stalking Campaign" to various sheriffs].

¹ The additional dates of hearing (November 22 and 23) were not needed.

² Respondent left the hearing after 36 minutes. Before leaving, she was apprised by the Commission of the oral amendment to the Notice it was making (correcting the identity of the person Respondent struck with a sign from Robi Osborn to Lisa Davidson).

Honestly, I am suspicious that you too may be aware of my predicament and have heard claims that a participant has been assigned by Attorney General Kroger to investigate. Until I can attend to basic needs, I do not believe it reasonable to expect I continue pursuit of presenting my case and securing privileges for Licensure as an Educator in Oregon.

(Ex. A36, an October 19 letter). In response to this letter, I wrote to Respondent and explained the method for requesting a postponement. I additionally told Respondent that, while stalking was a serious matter, I would need some nexus between the stalking allegations and this matter before I could postpone the hearing.

Respondent appeared for hearing but indicated she was unwilling to participate. Without asking for a postponement, she indicated that she did not feel capable of representing herself but had not been able to find an attorney to take her case. After giving the parties an opportunity to discuss ways to possibly resolve the case, I ruled that hearing would take place as scheduled. At that time, Respondent left the hearing room and did not return.

ISSUES

1. Whether Respondent's right to reapply for a license should be revoked because she committed gross neglect of duty.
2. Whether Respondent is physically and mentally fit to hold a teaching license.

EVIDENTIARY RULING

Exhibits A1 through A37, offered by the Commission, were admitted into evidence without objection. Exhibits L1 through L43 were also admitted into evidence without objection.³

FINDINGS OF FACT

1. Respondent was licensed as an educator in the State of Oregon from November 2000 until her license expired on July 18, 2011. At the time of the events described in this decision, she was a substitute teacher in the Portland Public Schools (PPS). (Doc. P1).
2. Respondent substituted at Glencoe Elementary School on January 16, 2009. Teacher Michelle Bernt complained to Principal Robi Osborn that her students had complained about Respondent, alleging that she was "mean" to the students, had been drinking beer, and was using the boys' bathroom in the gymnasium. Bernt also reported previous problems with Respondent as well. (Ex. A5).
3. Bernt reported her concerns, but Osborn was not on the premises at that time. She had left School Counselor Mary Megivern as the "Person In Charge" (PIC) in her absence, so

³ Exhibit L43 consists of four audio CDs, containing information from Respondent's Level grievance hearings. Only three were playable, even after the Department of Justice provided "cleaner" copies. The original and the improved copies are both in the file.

Megivern called Respondent out of an assembly to speak with her about the allegations. During their ten-minute discussion, Respondent denied the allegations and told Megivern that the children were calling her vagina a border collie, and telling her to put it on a leash and put it in her Subaru. Megivern did not understand what Respondent was talking about. Respondent went back into the assembly while Megivern decided what to do about the complaint and Respondent's response. (Test. of Megivern).

4. Dar Krambule was the Principal of the Drug and Residential Treatment (DART) Program for PPS, and his office was housed at Glencoe. Megivern contacted Krambule's office, but he was unavailable. His assistant principal, Mark Van Hoomison, came to assist Megivern. He called Michelle Riddell in the PPS Human Resources office and described the situation. Riddell told Megivern to send Respondent home, and to tell her she would be paid for the full day. (Test. of Megivern).

5. Krambule became available, so he and Megivern went to the assembly and asked Respondent to come join them in Megivern's office. Krambule told Respondent she needed to leave the premises, and Respondent argued with him. She kicked the door in the office to keep it open; it was a self-closing door and was shutting. Respondent did not want the door closed. She questioned Krambule's authority to remove her from the premises, and Megivern stepped forward, telling her she had to leave. Respondent said "Don't touch me!" Krambule escorted her to the gym to get her things, and then she left the building. (Test. of Megivern, Krambule; Ex. A6 at 4).

6. On January 27, 2009, Osborn formally requested that Respondent be restricted from substituting at Glencoe. (Ex. A6 at 1). Respondent contested the building restriction, and a meeting on the restriction was held on February 2, 2009. During that meeting, Respondent made several references to her sexuality and to comments she attributed to parents and staff:

CM: [Describing conversation with Megivern] * * * Um, often I hear parents, teachers, even people in their own school building and students using language and using reference, not in front of me and not directly with me, that I generally try to ignore or not give attention to. * * * She goes, what do you mean? Your sexuality shouldn't be an issue. Your personal matters have no concern here. I said, well obviously they are [sighs]. And I told her people in the community often refer to my border collie, my Subaru, other lesbians in the community, they talk about them * * * I hear it all the time in the community. Every day at least, when I come in town...I told her I wasn't specifically referring to any body in the building, specifically.

* * * * *

She [Megivern] looked extremely uncomfortable when I mentioned my vagina and I may...and I told her that people use the terminology border collie and Subaru... steal your Subaru, put your border collie on a chain, take your Subaru for granted, I shared these things, I'm sharing them here...because I'm [MS⁴

⁴ PPS Counsel Maureen Sloane.

interrupts].

MS: I have no idea what you're saying. [CM continues speaking over MS and raises her voice]

CM: Pardon me. I'm sharing them here. * * *

MS: I am now uncomfortable. I am just incredibly confused because I have no idea why, in the midst of this conversation, you would then say something about vaginas, Subaru's and border collies. I don't get it. So...

KK:⁵ Well, is it...is it... can... can you explain because I didn't understand when you told me either, and then when I asked some people they explained it to me. What is that... are those things code words for, for being a lesbian? Is that what you are saying?

* * * * *

CM: That's what I'm talking about and I'm not okay with it and because I speak out against it and I say I'm not a border collie and I don't need my Subaru stolen from me...I had to learn what their language was and what their inference was.

TM:⁶ Who is it?

CM: They! Whoever "they" is that uses it...and I can only be general with "they."

(Ex. A7 at 8-9).

7. On February 19, 2009, Respondent told Jackson Middle School Counselor Barbara Mutnick that she wished to report conversations in her school and around the city about "Subarus and border collies." When Mutnick said she did not understand what Respondent meant, Respondent said "I don't believe you; we're done talking." (Ex. A9, A10).

8. On April 1, 2009, Respondent filed a complaint with Roosevelt High School Principal Leo Colegio, alleging sexual harassment:

I am writing to express my concerns regarding verbal expressions that were directed my way as a substitute teacher on March 11, 2009. The earlier of my day was spent sitting in the office or lingering in the hall in wait of duty assignment. At this time a security officer was present and was making "under the breath" comments of sexual innuendos. I will share that he is not the first to do so and that I am currently discussing discriminatory actions in various schools with HR.

⁵ Union representative Kathi Koenig

⁶ PPS HR representative Tracy McMahan.

My concern, specifically, is his role as a security guard. He was monitoring the front hall I was sitting in. He stated several times that I ought [to] "open my legs and let someone take advantage." I commented several times in the like that he need not tell me what to do with my legs and that his comments were not welcome. I did not approach this male, though each time I attempted to give him eye contact he looked away.

(Ex. A14).

9. On May 5, 2009, Respondent picketed outside Glencoe Elementary School with a sign that stated "My vulva is not public property." Respondent was not on school property but was blocking the sidewalk for students and parents approaching the school. Teacher and union representative Lisa Davidson, concerned about the content of the sign and the blocking of the sidewalk, called Kathi Koenig, the union representative working with Respondent. Koenig wanted to talk to Respondent but did not have her phone number, so Davidson walked the phone out to Respondent. Respondent refused to discuss the matter with Koenig. Davidson bent down to pick up a piece of cardboard on the ground, and Respondent hit her over the head with her sign. (Test. of Osborn, Davidson). Portland Police cited Respondent for Harassment. (Ex. A17).

10. On May 11, 2009, Respondent wrote a letter to Tracy McMahon in the PPS Human Resources office, alleging that the following individuals had made the following comments to her:

Unfortunately, there have been numerous staff members whom have chosen to partake in comments specific to my personal and, often, sexual life. * * * Following is a list that encompasses some of the comments

Miss Englestadt, Grant High School - "Get out of here before I fall in love with you" [a group of students outside my classroom]

Mr. Sojo, Hosford - "You need to get out of here before you get your Subaru broken into by a gynecologist." (3/3/09) [from cross hall communication]

Security Guard, Roosevelt High - "Open up your legs and let someone violate you" (3/33/09) [in main hall, directed at me several times]

Mr. Lasley, Mt. Tabor Middle - "I could use a Border Collie Like her in my Bedroom" (3/13/09)[to a group of students on the basketball court]

'Bubba' Bridger - "Good for Eric Marter, he wants you to stay out of the Lesbian community. He wants you to have sex with a man." (4/2/09) [to a group of girls on the playground]

(Ex. A20; all parentheses in original). The persons accused of making the statements denied making them, and did not understand what the phrases claimed by Respondent meant. (Ex.

A25).

11. Respondent participated in a pre-termination hearing on June 4, 2009. (Ex. A26). On June 10, 2009, McMahon sent Respondent a letter indicating that her termination, effective June 4, 2009, was based upon:

- Willful disruption of student instruction with your public demonstration
- Use of physical force against a fellow employee in violation of Board Policy, Administrative Directives, and Oregon Administrative Rule Division 20 – Standards for Competent and Ethical Educator
- Failure to comply with OAR Division 20 – Standards for Competent and Ethical Educator
- In addition to prior incidents reported, the May 5th incident results in the 4th step of progressive discipline which is removal from the substitute list

(Ex. A27). On June 11, 2009, PPS reported the matter to the Commission. (Ex. A28).

12. Respondent later wrote the phrases that she “heard daily from community members and frequently students, teachers, administration and parents at school.” They include (partial list):

- Steal your Subaru
- Get your Subaru broken into
- Take advantage of your Subaru
- Steal your Border Collie
- Not supposed to let your Border Collie off leash
- Let a Border Collie be a Border Collie
- She needs to be violated
- She belongs in North Georgia; that’s where they all belong
- I don’t like her style of master baiting
- She’s a (lesbian’s) worst nightmare
- She’s going to end up like Mathew Shepherd

(Ex. A29). During the TSPC investigation, Respondent explained the reason for the May 5 protest:

My presence on May 5, 2009 was an attempt to increase awareness and deliver a message in opposition to the Discrimination I’d experienced in the past 6 months. Continued verbal harassment inclusive of threats, vulgarity and use of innuendos was creating a hostile environment that was shifting my energy from frustrated, intimidated and threatened to a state of anger and aggression. What had, seemingly, stemmed from a focus on my Sexual Orientation, activity and relationships, had morphed into an epidemic that was spreading throughout the country? Similar foci and comments were expressed prior to my departure from NC in autumn 2008 as I drove across the country. Comments suggested violations and harms already directed others in the country or tragedies that

should happen to me. Inclusive, were the following:

Matthew Shepherd, Matthew Shepherd
Run a broomstick up your Vagina
Take subjects position away from her
Get your Subaru broken into
Let someone violate you
Subject was gang raped
Get your border collie taken away
Subject was masculinized in the worst possible way
Putanana⁷

(Ex. A32).

13. Investigator Jeff Van Laanen interviewed Respondent in 2011, concerning complaints she had filed against Robi Osborn and Kendra Gardner, two educators. Respondent had subbed in Gardner's classes over the years. Respondent told Van Laanen that Gardner was a lesbian, that she had followed Respondent to North Carolina and Georgia. At an all-women's campground in Georgia, Respondent believed that Gardner was on the other side of the river talking to her, telling Respondent that if she laid down she would be penetrated sexually. Then Gardner claimed to be Respondent's niece, Nola Jo, who was taken away from the family at age five. Then she said Gardner had sex with Nola Jo. Respondent told Van Laanen that she had sensed Gardner's presence that day, while in Astoria, Oregon. Gardner, along with Robi Osborn and union representative Kathi Koenig were in a boat on the Columbia that was watching her movements. Even as Respondent spoke to Van Laanen from the Astoria Safeway, she claimed, they were upstairs at Safeway recording all she said and did. They had put invisible voice recorders and motion sensors all around, to keep track of Respondent. They were all part of a 30 to 50 person "group stalking," that had followed her back and forth across the country. (Ex. A35).

14. Van Laanen contacted Gardner on the day of the interview with Respondent to determine whether she had been in Astoria at that time. She had not. (Test. of Van Laanen).

CONCLUSIONS OF LAW

1. Respondent's right to reapply for a license should be revoked because she committed gross neglect of duty.
2. Respondent is not physically and mentally fit to hold a teaching license.

OPINION

The Commission contends that Licensee committed gross neglect of duty, and is physically or mentally unfit to hold a Teacher License. The Commission has the burden to present evidence to prove its claim. ORS 183.450(2). It must prove its case by a preponderance

⁷ Respondent understands this word to refer to a "whore's vagina." (Ex. A34).

of the evidence. *Sobel v. Board of Pharmacy*, 130 Or App 374, 379 (1994), *rev den* 320 Or 588 (1995) (standard of proof under the Administrative Procedures Act is preponderance of evidence absent legislation adopting a different standard). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely true than not. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390 (1987).

In this case, the Commission has alleged gross neglect of duty based upon the circumstances that led to Respondent's restriction from substitute teaching at Glencoe Elementary, as well as from the circumstances surrounding her protest in front of the school on May 5, 2009. In addition, the Commission points to the bizarre behaviors Respondent has shown, contending that she is mentally unfit to teach children. The review of these issues is made more difficult by Respondent's decision to leave the hearing without presenting any testimony, but I will address each issue below.

Gross Neglect of Duty. In alleging that Respondent committed gross neglect of duty, the Commission relies upon ORS 342.175, which states in part:

Grounds for discipline; reinstatement. (1) The Teacher Standards and Practices Commission may suspend or revoke the license or registration of a teacher or administrator, discipline a teacher or administrator or suspend or revoke the right of any person to apply for a license or registration if the licensee, registrant or applicant has held a license or registration at any time within five years prior to issuance of the notice of charges under ORS 342.176 based on the following:

* * * * *

(b) Gross neglect of duty;

Gross neglect of duty, in turn, is defined in the administrative rules. OAR 584-020-0040 states in part:

(4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:

* * * * *

(n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;

Thus, the question is whether Licensee deviated from his standards of competency and of ethics in this case.

Failing to use professional judgment. OAR 584-020-0010(5) requires the "Competent Educator" to have a commitment to exercise professional judgment. In the two incidents for which Respondent was disciplined by PPS, the school restriction after the January 16, 2009 school day (and a previous school day), and the picketing of the school on May 5, 2009, the

Commission contends that Respondent did not exercise sound professional judgment in her actions.

On January 16, 2009, when the PIC approached Respondent to address complaints made by some of the children and a teacher, Respondent immediately sexualized the conversation by contending that people at the school and in the community wanted to penetrate her vagina and were displeased with her sexual orientation. Megivern, the PIC who confronted Respondent, had no idea what Respondent was talking about. Respondent was rude to the DART principal, Krambule, kicked a door, and accused the school children of commenting on her sexuality. Respondent failed to show good professional judgment in her response to Megivern and Krambule, and in her allegations about the students commenting on her sexuality. The Commission has established gross neglect of duty on the basis of lack of professional judgment.

Problems with Communication. When she picketed the school in May 2009, carrying a sign that said "My vulva is not public property," she confused the parents and the children and got into an altercation with the union's building representative—the person most likely to be on her side in her issues with the school. The representative, Davidson, was trying to get Respondent to talk to her union representative on the telephone. Respondent refused.

OAR 584-020-0030 states in part:

Human Relations and Communications

(1) The competent educator works effectively with others -- Students, staff, parents, and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity, and judgment about educational matters, the school, and the needs of students.

(2) The competent teacher demonstrates:

* * * * *

(b) Skill in communicating with administrators, students, staff, parents, and other patrons.

(3) The competent administrator demonstrates:

* * * * *

(d) Skill in reconciling conflict.

The Commission relies upon subsections (2)(b) and (3)(d) in this case. However, subsection (3)(d) is not applicable because it describes the "competent administrator" and not an educator. I review the case looking only at Respondent's skill in communicating with administrators,

students, and staff.

The picketing incident, as well as Respondent's conflict with Megivern and Krambule on January 16, 2009, shows that Respondent currently lacks the skill to communicate effectively with administrators, staff, students and parents.

Respondent contends (based upon her written materials) that she was exercising her First Amendment right to freedom of speech, and I agree. However, when that exercise leads to a blocked sidewalk for the school children, an altercation with another educator, and a citation for Harassment from Portland Police, that speech (however constitutionally protected) still constitutes poor professional judgment. The Commission has established that Respondent demonstrated poor professional judgment and also violated the requirement that she be skillful in communications. Gross neglect of duty has been established.

Mental Fitness to Teach. ORS 342.143 states in part:

Issuance of licenses and registrations. (1) No teaching, personnel service or administrative license shall be issued to any person until the person has attained the age of 18 years and has furnished satisfactory evidence of proper educational training.

(2) *The Teacher Standards and Practices Commission may require an applicant for a teaching, personnel service or administrative license or for registration as a public charter school teacher or administrator to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant's fitness to serve as a teacher or administrator.*

(Emphasis added). This statute gives the Commission the right to require evidence of many factors, including good mental and physical health. OAR 584-050-0006(3)(d) provides that a refusal to renew may be sent to a licensee when:

(3) Notice of denial and right to a hearing may be issued by the Executive Director when any of the following conditions exist:

* * * * *

(d) The Executive Director has evidence that the applicant may lack fitness to serve as an educator[.]

With this statute and rule in mind, I review the evidence to determine whether there is sufficient evidence of a lack of fitness to justify the Commission's denial. In this case, I find there is sufficient evidence.

1. Sexualization. The record is full of incidents and allegations involving Respondent and her sexualization of the events in her life. When Megivern asked Respondent about the

issues reported by the children in her class, she responded that the issues concerned her vagina, and her sexual orientation. However, the issues raised by Megivern were not sexual at all.

Respondent accused several educators and administrators of making sexual innuendos about her, usually involving references to "border collies" and "Subarus," which she understood to be code words for her sexual orientation and her genitalia.

It is unknown what the source of Respondent's belief is concerning these phrases, whether she misinterpreted an innocent phrase sexually or whether some person made sexual innuendos using those phrases. What is clear, based on this record, is that her perception of what people are saying about her is unsupported by any evidence. Respondent attributes the "border collie" and "Subaru" phrases to educators and others throughout Portland, North Carolina and Georgia, contending they are attacks on her sexuality, but the striking thing is that most of those to whom she attributes those comments have no idea what the "code words" mean. As Maureen Sloane wrote in response to Respondent's allegations against PPS personnel at several schools:

The responses of those we interviewed were remarkably similar. They all denied making the statements that you allege were made. In fact, they did not even understand what the alleged statements meant.

(Ex. A25). Thus, there is no evidence other than Respondent's written comments that the statements were made by those other persons, and no evidence whatsoever to consider the comments sexual in nature.

2. Group Stalking Conspiracy. In a related matter, Respondent contends that there is a group of 30 to 50 people, and growing, who are stalking her. They include Robi Osborn, Kathi Koenig (her union representative), another teacher, Kendra Gardner, and many others. In Exhibit A35, Respondent explained to Van Laanen several of the issues with this conspiracy (in the context of her complaint against their teaching licenses):

- Her phone was being tapped by the conspiracy, which included businesses and governments;
- Gardner and others followed her to North Carolina and Georgia. While Respondent was staying at a campground on the Etowah River in Georgia, Gardner was just across the river speaking to her, telling her that if she laid down in the campground, she would be "penetrated" sexually;
- Later that night, Gardner crossed the river (although Respondent could not see her), and had a sexual relationship with Respondent's lost niece, Nola Jo;
- Then Gardner claimed to be Nola Jo;
- On the morning of the interview with Van Laanen, Respondent sensed Gardner's presence in Astoria, Oregon. Respondent was certain that Gardner and the rest of the conspirators had a boat on the Columbia and were monitoring her (they were on the Washington side), and there were voice recorders and motions sensors all around Respondent;
- While Respondent was giving her statement to Van Laanen from the café in the Astoria Safeway, she stated that the conspirators were upstairs, listening in. Robi

Osborn, the principal at Glencoe, had joined them, as had union representative Kathi Koenig.

(Ex. A35). Respondent was even concerned that I, as the Administrative Law Judge, might be part of the conspiracy. (Ex. A36).

While I have no doubt that Respondent honestly believes there is a conspiracy against her involving all of the persons mentioned, there is simply no evidence to find such a conspiracy. There is no mental health examination in the record, and I am not qualified to even guess as to a correct diagnosis of what condition might be causing Respondent's delusions and paranoia, but I have no doubt that she is both paranoid and delusional. In short, the Commission has sufficient evidence to require that Respondent establish that she is physically and mentally fit to hold a teaching license.

Sanctions. Having established both gross neglect of duty and a lack of mental fitness to teach, the Commission seeks to revoke Respondent's ability to apply for another teaching license in Oregon. ORS 342.175, quoted in part above, gives the Commission the right to such revocation.

The interplay of the Commission's desire for revocation with the probability that Respondent is mentally ill is troubling. On the one hand, the actions that led to Respondent's termination from PPS and which have been established here, justify a disciplinary sanction. On the other hand, there is some suggestion that even those matters may have been caused by the mental condition of which Respondent is clearly suffering. To the extent that those matters were caused by such a mental condition and were not volitional, it would make some difference in the sanction I would recommend.

However, I am not qualified medically or psychologically to make such a connection, even if it appears logical. Under the evidence as it was presented at hearing, revocation is appropriate.⁸

ORDER

I propose the Teacher Standards and Practices Commission issue the following order:

That the February 15, 2011 Notice of Opportunity for Hearing be AFFIRMED.

Rick Barber

Administrative Law Judge
Office of Administrative Hearings

⁸ This revocation does not preclude Respondent from later reapplying for a teaching license, after the statutory time period passes, and if she can establish to the Commission's satisfaction that her mental health has been restored.

EXCEPTIONS

The proposed order is the Administrative Law Judge's recommendation to the Teacher Standards and Practices Commission. If you disagree with any part of this proposed order, you may file written objections, called "exceptions," to the proposed order and present written argument in support of your exceptions. Written argument and exceptions must be filed **within fourteen (14) days after mailing of the proposed order** with the:

Teacher Standards and Practices Commission
250 Division Street NE
Salem OR 97301

The Commission need not allow oral argument. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination. If oral argument is allowed, the Commission will inform you of the time and place for presenting oral argument.

CERTIFICATE OF MAILING

On December 12, 2011, I mailed the foregoing Proposed Order issued on this date in OAH Case No. 1102374.

By: First Class and Certified Mail

Certified Mail Receipt # 7010 2780 0000 2132 7703

Catherine Morris
General Delivery
Maupin OR 97037

By: First Class Mail

Catherine Morris
General Delivery
Tolovana Park OR 97145

Catherine Morris
PO Box 724
Mosier OR 97040-0724

Jeff Van Laanen
Teacher Standards & Practices Commission
250 Division Street NE
Salem OR 97301

Raul Ramirez
Assistant Attorney General
Department of Justice
1162 Court St NE
Salem OR 97301-4096

Pam Arcari
Administrative Specialist
Hearing Coordinator