

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

In the Matter of the)
Teaching License of) FINAL ORDER
LUCAS C. HILL) Case No. 901019

On June 22, 2009, Administrative Law Judge (ALJ) John Mann issued a Ruling on Motion for Summary Determination and Proposed Order in this case.

The Teacher Standards and Practices Commission adopts in its entirety the Findings of Fact, Conclusions of Law and Order contained in the attached Ruling on Motion for Summary Determination and Proposed Order.

ORDER

The Commission adopts the Ruling on Motion for Summary Determination and Proposed Order revoking Mr. Hill's teaching license and revoking his right to apply for a license.

Dated this 10th day of August 2009.

TEACHER STANDARD AND PRACTICES COMMISSION

By 
Victoria Chamberlain, Executive Director

NOTICE: You are entitled to judicial review of this Final Order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this Final Order.

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

RECEIVED

JUN 23 2009

Teacher Standards &
Practices Commission

IN THE MATTER OF:

LUCAS C. HILL

) **RULING ON MOTION FOR**
) **SUMMARY DETERMINATION**
) **AND PROPOSED ORDER**
)
) OAH Case No.: 901019
)

HISTORY OF THE CASE

On March 26, 2009, the Teacher Standards and Practices Commission (TSPC) issued a Notice of Opportunity for Hearing to Lucas C. Hill. On March 30, 2009, Ralph Wiser, attorney at law, filed a request for hearing on Mr. Hill's behalf.

On April 14, 2009, TSPC referred the hearing request to the Office of Administrative Hearings (OAH). Senior Administrative Law Judge (ALJ) John Mann was assigned to preside at hearing.

On May 18, 2009, Raul Ramirez, Assistant Attorney General, filed a Motion for Summary Determination on behalf of TSPC. Mr. Hill did not respond to the motion.

A prehearing conference was convened by telephone on June 19, 2009. Mr. Ramirez participated in the conference. Mr. Hill did not appear for the conference personally, or through counsel. At the prehearing conference, ALJ Mann advised Mr. Ramirez that he would grant the Motion for Summary Determination.

ISSUES

1. Whether TSPC is entitled to a favorable ruling as matter of law pursuant to OAR 137-003-0580.
2. Whether TSPC is required to revoke Mr. Hill's teaching license, and to revoke his right to apply for a teaching license, pursuant to ORS 342.175(2), based upon Mr. Hill's conviction for Endangering the Welfare of a Child.

EVIDENTIARY RULING

TSPC submitted a Motion for Summary Determination along with Exhibits 1 and 2. The Motion and the Exhibits are admitted into the record.

FINDINGS OF FACT

1. Lucas Hill has been licensed as a teacher by the State of Oregon since December 3, 2005. (Ex. 2.)
2. On July 24, 2008, Mr. Hill pled guilty to, and was convicted of, Endangering the Welfare of a Minor in violation of 163.575.
3. On March 26, 2009, TSPC issued a Notice of Opportunity for Hearing to Mr. Hill, pursuant to ORS 342.176.

CONCLUSIONS OF LAW

1. TSPC is entitled to a favorable ruling as matter of law pursuant to OAR 137-003-0580.
2. TSPC is required to revoke Mr. Hill's teaching license, and to revoke his right to apply for a teaching license, pursuant to ORS 342.175(2), based upon Mr. Hill's conviction for Endangering the Welfare of a Child.

OPINION

OAR 137-003-0580 sets forth the legal standard that applies to such a motion. The rule provides, in relevant part:

(1) Not less than 28 calendar days before the date set for hearing, the agency or a party may file a motion requesting a ruling in favor of the agency or party on any or all legal issues (including claims and defenses) in the contested case. The motion, accompanied by any affidavits or other supporting documents, shall be served on the agency and parties in the manner required by OAR 137-003-0520.

(2) Within 14 calendar days after service of the motion, the agency or a party may file a response to the motion. The response may be accompanied by affidavits or other supporting documents and shall be served on the agency and parties in the manner required by OAR 137-003-0520.

* * * * *

(6) The administrative law judge shall grant the motion for a summary determination if:

(a) The pleadings, affidavits, supporting documents (including any interrogatories and admissions) and the record in the contested case show that there is no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought; and

(b) The agency or party filing the motion is entitled to a favorable ruling as a matter of law.

(7) The administrative law judge shall consider all evidence in a manner most favorable to the non-moving party or non-moving agency.

* * * * *

(10) When a motion for summary determination is made and supported as provided in this rule, a non-moving party or non-moving agency may not rest upon the mere allegations or denials contained in that party's or agency's pleading. When a motion for summary determination is made and supported as provided in this rule, the administrative law judge or the agency must explain the requirements for filing a response to any unrepresented party or parties.

On May 14, 2009, TSPC filed a Motion for Summary Determination. Mr. Hill is represented by counsel and did not file a response. TSPC's Motion and attached exhibits demonstrate that TSPC is entitled to a favorable ruling as a matter of law.

Mr. Hill has been licensed as a teacher since December 2005. On July 24, 2008, Mr. Hill was convicted of Endangering the Welfare of a Minor in violation of ORS 163.575.

ORS 342.175(2) provides:

(2) Notwithstanding ORS 670.280, the commission shall revoke any license or registration and shall revoke the right of any person to apply for a license or registration if the person has held a license or registration at any time within five years prior to issuance of the notice of charges under ORS 342.176 when the holder or person has been convicted of any crime described in ORS 342.143(3).

ORS 342.143(3) provides, in relevant part:

Without limiting the powers of the Teacher Standards and Practices Commission under subsection (2) of this section and notwithstanding ORS 670.280:

(a) No teaching, personnel service or administrative license or registration as a public charter school teacher or administrator shall be issued to any person who:

(A) Has been convicted of a crime listed in * * * 163.575 * * * [.]

The statutes are clear. Where a licensed teacher is convicted of violating ORS 163.575, TSPC is *required* to revoke the license and to revoke the person's right to apply for a license if the person has held a license or registration at any time within five years prior to the issuance of a notice of charges under ORS 342.176. TSPC issued a Notice of Opportunity for Hearing to Mr. Hill, pursuant to ORS 342.176, on March 26, 2009. Mr. Hill was convicted on July 24, 2009, within five years prior to the Notice.

Therefore, pursuant to ORS 342.175(2), TSPC is required to revoke Mr. Hill's license and to revoke his right to apply for a license.

RULING AND PROPOSED ORDER

The Teacher Standards and Practices Commission is entitled to a favorable ruling as a matter of law. I propose the Teacher Standards and Practices Commission issue the following order:

Lucas C. Hill's teaching license shall be revoked.

Lucas C. Hill's right to apply for a license shall be revoked.

John Mann

Senior Administrative Law Judge
Office of Administrative Hearings

ISSUANCE AND MAILING DATE: June 22, 2009

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
465 Commercial Street, NE
Salem, Oregon 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 June 22, 2009, I mailed the foregoing Ruling on Motion for Summary Determination and Proposed Order in OAH Case No. 901019.

By: First Class and Certified Mail

Certified Mail Receipt #7008 1830 0003 4612 0524

Ralph Wisner
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Lake Oswego OR 97035

By: First Class Mail

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Lucy Garcia
Administrative Specialist
Hearing Coordinator

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

3 In the Matter of the Educator License of:) ORDER OF LICENSE REINSTATEMENT
4 LUCAS CLAYTON HILL)

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6
7 This matter came before the Commission on April 26, 2013 to consider Lucas Hill's
8 request to reinstate his Initial I Teaching license that was revoked on August 10, 2009, and
9 reinstate Hill's right to apply for any other license he may be qualified and eligible to apply for.
10 Lucas Hill is eligible for reinstatement under the Commission's rules.

11 Whereas Lucas Hill has complied with all conditions for reinstatement required by the
12 Commission:

13 Now therefore, the Commission orders that Lucas Clayton Hill's Initial I Teaching license
14 and his right to apply for a license is reinstated effective April 26, 2013.
15 Issued and dated this 30th day of April 2013.

16 TEACHER STANDARDS AND PRACTICES COMMISSION
17 STATE OF OREGON

18 By *Victoria Chamberlain*
19 Victoria Chamberlain, Executive Director
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