

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

7 In the Matter of the Teaching License of: OAH Case No. 125759
8 WILLIAM GAHAN BENJAMIN. |
9 _____ STIPULATED AGREEMENT AND ORDER

10 The Teacher Standards and Practices Commission (Commission) issued William Gahan
11 Benjamin a Notice of Denial of Teaching License on November 14, 2005 and provided an
12 opportunity for hearing. Mr. Benjamin requested a hearing and this case was assigned to
13 Administrative Law Judge Lawrence Smith. On January 3, 2006, the Commission issued an
14 Amended Notice of Denial of Teaching License. A contested case hearing was held on June 13,
15 2006, at which time the Commission and Mr. Benjamin presented evidence. At the conclusion
16 of the hearing, ALJ Smith took the matter under advisement.

17 Following the hearing, Mr. Benjamin and the Commission entered into settlement
18 negotiations. After a further review of the matters alleged and the evidence, the Commission and
19 Mr. Benjamin have agreed that their respective interests, together with the public interest, are
20 best served by a stipulation to certain facts and an agreed-upon sanction as set forth below.

21 Mr. Benjamin stipulates to the facts set forth below and agrees that there is sufficient
22 evidence contained in the Commission's files and records to support the Stipulated Facts and
23 Conclusions of Law set forth below. In entering into this stipulation, Mr. Benjamin waives his
24 right to a hearing and understands that the Commission will issue a teaching license and place
25 him on probation for a period of three years subject to the conditions of probation set for the in
26 this order.

1 This stipulation and proposed order are contingent upon approval by the full
2 Commission. If the Commission does not approve this stipulation and order, it is understood that
3 any waiver of rights by Mr. Benjamin is thereafter revoked. It is further understood that the
4 statements contained in this stipulation may not be used by either the Commission or Mr.
5 Benjamin for any reason if the Commission fails to approve the stipulation and proposed order.

6 **STIPULATION OF FACTS**

7 Mr. Benjamin and the Commission stipulate as follows:

8 1. In 1984, when Mr. Benjamin was a licensed attorney, he neglected a legal matter
9 and failed to cooperate with an investigation of the matter by the Oregon State Bar. As a result,
10 the Bar issued a letter of admonition to Mr. Benjamin.

11 2. In 1986, Mr. Benjamin mishandled a decedent's estate when acting in his capacity
12 as a licensed attorney and again failed to cooperate with the Bar's investigation. As a result, the
13 Oregon State Bar suspended Mr. Benjamin from the practice of law for 60 days on September
14 16, 1988.

15 3. In 1986 and 1987, Mr. Benjamin violated five disciplinary rules of the Oregon
16 State Bar, including conversion of money belonging to a client to pay for personal expenses. As
17 a result, Mr. Benjamin was disbarred from practicing the practice of law on March 6, 1991.

18 4. On April 23, 2004, Mr. Benjamin submitted a Student Teaching Form PA-1 that
19 included his answers to certain "Character Questions." In his explanation to these questions, he
20 made several misrepresentations. He failed to disclose that he had been suspended from the
21 practice of law for 60 days in 1988. He stated falsely that the Oregon State Bar Discipline Panel
22 voted to disbar him by a 2-to-1 vote, when in fact the three-member panel issued a unanimous
23 decision.


24 5. On August 22, 2005, Mr. Benjamin submitted an application for a teaching
25 license, using Form C-1. On September 28, 2005, the Commission requested that he submit
26 copies of all relevant court records concerning those matters that he identified in his application.

1 He responded incorrectly that the case was "an internal matter" that "did not warrant any court
2 action" and failed to submit a written decision issued by the Oregon Supreme Court on
3 December 19, 1991.

4 IT IS SO STIPULATED.

5
6 
7 William Gahan Benjamin

6/28/06
Date

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

7-10-06
Date

11
12 **CONCLUSIONS OF LAW**

13 1. The conduct Mr. Benjamin engaged in that resulted in his admonishment by the
14 Oregon State Bar in 1984, suspension by the Bar for 60 days in 1988, and disbarment in 1991
15 constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(o) as that rule
16 incorporates OAR 584-020-0035(3)(a).

17 2. Mr. Benjamin's misrepresentations on his PA-1 form and his application for a
18 teaching license, as described in paragraphs 4 and 5 above, constitute gross neglect of duty
19 under in violation of OAR 584-020-0040(4)(c).

20 **ORDER**

21 In determining an appropriate action in this case, the Commission takes the following
22 factors into account: Mr. Benjamin's misconduct occurred more than 15 years ago. He appears
23 from his testimony to be genuinely remorseful. He successfully completed the teaching
24 preparation program at Western Oregon University and received supportive testimony from
25 Linda Cress, his supervisor in the student-teaching program, who believes Mr. Benjamin shows
26 promise as a classroom teacher. On the other hand, the Commission has concerns that Mr.

1 Benjamin was less than forthcoming in his application to the Commission and that he minimized
2 the conduct that led to his disbarment. The Commission also has concern that Mr. Benjamin has
3 not undergone counseling or other therapy to deal with the issues that led to his problems with
4 the Oregon State Bar. On balance, the Commission believes it is appropriate to allow Mr.
5 Benjamin to have a chance to succeed as a teacher, and the Commission will issue a teaching
6 license to him on a probationary basis.

7 The Commission GRANTS the application of William Gahan Benjamin for an Oregon
8 Teaching License and places Mr. Benjamin on probation to the Commission for a period of three
9 years from the date of this order and subject to the following conditions:

- 10 1. Mr. Benjamin shall report to the Commission in writing within 10 days any
11 formal discipline he receives from a school employer.
- 12 2. Mr. Benjamin shall report truthfully and shall fully disclose any information that
13 is requested by a prospective school employer concerning Mr. Benjamin's prior
14 discipline by the Commission and the Oregon State Bar (including a copy of this
15 Order, if requested). Mr. Benjamin shall also fully disclose any such information,
16 if requested, on any documents he submits related to licensure, employment or
17 professional duties.
- 18 3. Mr. Benjamin shall comply with all Standards for Competent and Ethical
19 Performance of Educators under OAR 584 Division 020.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 Violation of the terms of this probation may constitute an independent basis for the
2 Commission to impose discipline, up to and including revocation of Mr. Benjamin's Oregon
3 Teaching License, subject to his right to a hearing on the issue of whether he violated probation.

4
5 IT IS SO ORDERED this 4 day of August 2006.
6

7 TEACHER STANDARDS AND PRACTICES COMMISSION
8

9
10 By: Victoria Chamberlain
11 Victoria Chamberlain, Executive Director
12

13 Approved as to Form:

14
15 Dennis Koho
16 Dennis Koho, OSB #04331
17 Attorney for William Gahan Benjamin
18
19
20
21
22
23
24
25
26