

1 the Commission any arrests, comply with Commission Rules and Regulations, and abstaining from
2 consuming alcohol. Summers' probation period was set for a period of four years.

- 3 4. On February 9, 2012, the Commission received information from both Klamath County School
4 District and Summers himself, indicating Summers had been arrested for DUII, Criminal Mischief
5 and Assault Four on February 4, 2012. On July 9, 2012, Summers plead guilty to the DUII. The
6 Assault Four and the Criminal Mischief charges were dismissed.
- 7 5. Review of Summers' probation status indicated Summers failed to present the Commission with the
8 six month status reports required by his probation. Summers did provide proof that he had been
9 attending ongoing treatment for alcohol abuse/addiction. Summers' also consumed alcohol on one
10 or more occasions during his probationary period.

11 CONCLUSIONS OF LAW

12 Summers's conduct described above constitutes gross neglect of duty in violation of ORS
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
14 *professional judgment*); OAR 584-020-0040(4)(k) (*Knowing violation of of any order or rule*
15 *of the Commission*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)
16 (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying*
17 *personal integrity and honesty*). This conduct also constitutes gross unfitness in violation of
18 ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
19 *local law. A conviction includes any final judgment of conviction by a court whether as the*
20 *result of guilty plea, no contest plea or any other means*), and OAR 584-020-0040(5)(e)
21 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a*
22 *conviction*).

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

25 FINAL ORDER

26 The Commission hereby issues a Public Reprimand upon Frank Howard Summers'
27 educator licensure, and places Summers on probation for a period of four (4) years from the
28 date of renewal of his licensure. This probation period is subject to the following terms and
29 conditions:


- 30 1. Summers shall continue to attend regular meetings (at least monthly) at a local
31 Alcoholics Anonymous program.

- 1 2. Summers shall, at his own initiative and expense, continue to obtain treatment for
2 his alcohol dependency as recommended by his alcohol treatment provider and
3 abstain from the consumption of alcohol.
- 4 3. Summers shall be subject to random urinalysis (UA), at his own expense. The
5 Commission shall determine when these UA's shall be conducted and may inform
6 Summers with limited advance notice.
- 7 4. Summers shall submit reports to the Executive Director of the Commission every six
8 (6) months describing his compliance with the terms and conditions of this
9 agreement.
- 10 5. Summers shall report in writing to the Executive Director of the Commission, within
11 ten days of any arrest or citation for any felony, misdemeanor, major traffic violation
12 or violation of criminal probation; and
- 13 6. Summers shall comply with the Standards for Competent and Ethical Performance of
14 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

15 Violation of any term or condition of probation shall constitute an independent basis for
16 the Commission to revoke Summers' teaching license or otherwise impose discipline, after first
17 providing Summers with notice and opportunity for hearing.

18
19 IT IS SO ORDERED THIS 20th day of February, 2014.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21 
22 By: _____
23 Victoria Chamberlain, Executive Director

24 NOTICE OF APPEAL OR RIGHTS

25 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
26
27

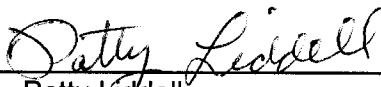
1 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
2 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
3 THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Frank Howard Summers
PO Box 96
Chiloquin, OR 97624-0096

Dated this 20th day of February, 2014.

By: 
Patty Liddell
Investigative Assistant