

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

4   In the Matter of the Educator                    )     DEFAULT ORDER OF  
5   License of    )     REVOCATION OF RIGHT TO  
6   JOSHUA JAMES BROWN                            )     APPLY FOR LICENSURE  
7  
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9                   On March 22, 2017, the Teacher Standards and Practices Commission (Commission)  
10   issued a Notice of Opportunity for Hearing to Joshua James Brown (Brown) in which the  
11   Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  
12   Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 1195 to the address on file  
13   with the Commission. The Notice designated the Commission file as the record for purposes  
14   of proving a prima facie case. The Certified Mail receipt was returned signed to the  
15   Commission on March 31, 2017. The first class mail was not returned to the Commission.  
16   The Notice of Opportunity of Hearing, dated March 22, 2017, and signed by Monica Beane,  
17   Executive Director, stated:

18                   “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
19                   PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
20                   UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
21                   REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU  
22                   FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER  
23                   OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
24                   YOUR LICENSE OR OTHER DISCIPLINE.”  
25

26                   Brown did not request a hearing. The Commission, therefore, finds Brown to be in  
27   default and enters the following findings of fact, conclusions of law, and final order, based  
28   on the files and records of the Commission concerning this matter.

29   **FINDINGS OF FACT**

- 30   1. Brown has never been licensed by the Commission. On August 31, 2015, Brown made  
31   application to the Commission for an Oregon Charter School Registry in order to  
32   serve as a teacher at the Willamette Leadership Academy. During all relevant times,  
33   Brown was employed by the Willamette Leadership Academy Charter School as an  
34   instructional assistant.  
35   2. On or about May 1, 2016, Brown’s application for a Charter School Registry was  
36   referred to investigations to determine if Brown was properly assigned and/or  
37   licensed. Brown’s application of August 31, 2015 was deemed incomplete and was

1 expired on April 20, 2016, for failure to follow up on requested information related  
2 to Brown's application and background clearance.

- 3 3. In the course of the investigation, it was discovered that Brown's employment with  
4 the Willamette Leadership Academy had been previously terminated with cause. The  
5 investigation determined that on October 2, 2015, while working as an instructional  
6 assistant under the supervision of a properly licensed educator, Brown went off  
7 campus for his break time. During this time, Brown smoked marijuana for which he  
8 advised he held a valid medical marijuana card. After ingesting the marijuana,  
9 Brown returned to campus to continue his work. Other staff members reported  
10 Brown's activities to management, who questioned Brown about his actions. Brown  
11 admitted to using marijuana and explained that he was unaware this was a violation  
12 of school policy. Management reminded Brown of their policy stating "No employee  
13 may report to work or remain on duty or on-call status while under the influence of  
14 or impaired by any controlled substance or alcohol". Brown was asked to leave the  
15 campus and Brown's employment was terminated.

#### 16 **CONCLUSIONS OF LAW**

17 Joshua James Brown engaged in unprofessional conduct as described in section three  
18 (3) above. Brown's conduct is grounds for denial of his application under ORS 342.143(2).  
19 The above conduct also constitutes gross neglect of duty in violation of ORS 342.175(1)(b);  
20 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*  
21 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*  
22 *regulations*); and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-*  
23 *sponsored activity while under the influence of alcohol or any controlled substance*).  
24

25 The Commission's authority to impose discipline in this matter is based upon ORS  
26 342.175.

#### 27 **FINAL ORDER**

28 The Commission hereby revokes Joshua James Brown's Right to Apply for an  
29 Educator License.

1 IT IS SO ORDERED THIS 7<sup>th</sup> day of June, 2017.

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3  
4 By: Monica Beane

5 Dr. Monica Beane, Executive Director

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7 NOTICE OF APPEAL OR RIGHTS

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9 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
10 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
11 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
12 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.