

1 **FINDINGS OF FACT**

2 1. Brown has been licensed by the Commission since August 12, 1987. Brown
3 previously held a Basic Teaching License, with an endorsement in Basic Elementary
4 (014), valid from February 13, 2013, through April 28, 2016. Brown did not make
5 application for renewal. During all relevant times, Brown was employed by the
6 Klamath Falls City Schools District as a substitute teacher.

7 2. On February 12, 2015, the Commission received information from the Klamath Falls
8 City Schools indicating Brown may have committed acts which constitute gross
9 neglect of duty. The district reported Brown had been under the influence of alcohol
10 while she was on school grounds. Investigation determined that on February 10,
11 2015, at approximately 8:30 am, Principal Bartels, of Mills Elementary School, was
12 alerted by a patron that Brown was behaving strangely and might be intoxicated.
13 Bartels went to Brown’s kindergarten classroom to check on her. Bartels observed
14 that Brown was slurring her words, appeared shaky on her feet and she was not
15 engaging with her students. While Bartels escorted Brown to the office to discuss the
16 matter, another school administrator, Sandy Yazzie, observed that Brown was unable
17 to walk normally.

18 At Bartels’ office, Brown was interviewed by school officials. Bartels reported
19 smelling a strong scent of alcohol on Brown’s person as she spoke. Initially, Brown
20 denied being under the influence of alcohol. Later in the interview, Brown disclosed
21 that she had engaged in an argument with her boyfriend the prior evening. Brown
22 reported having trouble sleeping that night and began drinking alcohol at
23 approximately 1:00 am. It was determined that Brown was still under the influence
24 of alcohol and was not fit to continue teaching. Brown was relieved of her teaching
25 duties and elected to walk home. The district subsequently removed Brown from the
26 substitute teaching list, advising that the district would no longer employ Brown for
27 such services.

28 Commission investigators repeatedly attempted to communicate with Brown by
29 letter, voice mail, and via a message through Brown’s mother concerning the
30 Commission’s request for an official and required interview with Brown regarding
31 the incident. Brown failed to make contact with the investigator as requested.

1 **CONCLUSIONS OF LAW**

2 Dana Lynn Brown engaged in unprofessional conduct as described in section
3 two (2) above. Brown’s conduct constitutes gross neglect of duty in violation of ORS
4 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
5 (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*
6 *reasonable rules and regulations*); OAR 584-020-0040(4)(g) (*Appearing on duty or*
7 *at any district-sponsored activity while under the influence of alcohol or any*
8 *controlled substance*); and OAR 584-020-0040(4)(p) (*Subject to the exercise of any*
9 *legal right or privilege, failure or refusal by an educator under investigation to*
10 *respond to requests for information, to furnish documents or to participate in*
11 *interviews with a Commission representative relating to a Commission*
12 *investigation*).


13
14
15 The Commission’s authority to impose discipline in this matter is based
16 upon ORS 342.175.

17 **FINAL ORDER**

18 The Commission hereby revokes Dana Lynn Brown’s Right to Apply for an
19 Educator License.

20 IT IS SO ORDERED THIS 23rd day of February, 2018.

21 TEACHER STANDARDS AND PRACTICES COMMISSION

22 By: 
23 Dr. Anthony Rosilez, Executive Director
24

25 **NOTICE OF APPEAL OR RIGHTS**

26
27 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
28 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
29 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
30 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

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
6) RIGHT TO APPLY
7 DANA LYNN BROWN) FOR AN EDUCATOR LICENSE
8
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10 On April 25, 2017, the Teacher Standards and Practices Commission (Commission)
11 issued a Notice of Opportunity for Hearing to Dana Lynn Brown (Brown) in which the
12 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
13 Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 1508 to the address on file
14 with the Commission. The Notice designated the Commission file as the record for purposes
15 of proving a prima facie case. The Certified Mail receipt was returned "Unclaimed" to the
16 Commission dated May 17, 2017. The first class mail was not returned to the Commission.
17 The Notice of Opportunity of Hearing, dated April 25, 2017, and signed by Monica Beane,
18 then Executive Director, stated:

19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
23 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
24 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
25 YOUR LICENSE OR OTHER DISCIPLINE."
26

27 On May 15, 2017, Brown requested a hearing by letter. The hearings process was initiated
28 and on August 31, 2017, a pre-hearing conference was conducted. A hearing date of January
29 17, 2018, was established. On January 17, 2018, Commission staff and DOJ attorney
30 appeared for the scheduled hearing. Brown did not appear for the hearing. The Commission,
31 therefore, finds Brown to be in default and enters the following findings of fact, conclusions
32 of law, and final order, based on the files and records of the Commission concerning this
33 matter.

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