

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3  
4 In the Matter of the ) DEFAULT ORDER OF  
5 Teaching License of ) SUSPENSION OF  
6 MICHAEL ALLEN PRESLEY ) LICENSURE

7 On August 5, 2004, the Teacher Standards and Practices Commission (Commission)  
8 issued a Notice of Opportunity for Hearing to Michael Allen Presley (Presley) in which the  
9 Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.  
10 First Class Mail and U.S. Certified Mail Receipt 7003 2260 0000 8804 6587 to the address  
11 Mr. Presley provided to the Commission on his application for licensure. The certified mail  
12 receipt was returned to the Commission on August 31, 2004, unclaimed. The Notice of  
13 Opportunity of Hearing, dated August 5, 2004, and signed by Victoria Chamberlain, Executive  
14 Director, stated:

15 "You, Michael Allen Presley, are entitled to a hearing on the proposed action of  
16 the Commission. If you want a hearing, you must file a written request for a  
17 hearing with the Commission within 21 days of the date of this notice. Attached  
18 to this notice is a copy of the procedures, right of representation and other rights  
19 of parties relating to the conduct of a hearing as required under ORS  
20 183.413(2)."

21  
22 Mr. Presley did not request a hearing. The Commission, therefore, finds  
23 Mr. Presley to be in default and enters the following findings of fact, conclusions of law  
24 and order, based on the files and records of the Commission concerning this matter.

25 **FINDINGS OF FACT**

26 1. Mr. Presley holds a Standard Teaching License issued January 5, 2001, valid until  
27 September 4, 2006, and a Basic Administrative License issued January 5, 2001, expired  
28 September 4, 2003.

29 2. On September 10, 2003, Mr. Presley was convicted of Theft III, in the State of  
30 Oregon for Klamath County Circuit Court.

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**CONCLUSION OF LAW**

Mr. Presley's criminal conviction constitutes Gross Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

**ORDER**

The Commission adopts the findings of fact and hereby suspends the Standard Teaching License of Michael Allen Presley for one (1) year. The Commission also suspends the right of Michael Allen Presley to apply for renewal of his expired Administrator's License for one (1) year.

IT IS SO ORDERED this 7 day of October, 2004.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director

**NOTICE OF APPEAL OR RIGHTS**

YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS. [101104]

CERTIFICATE OF MAILING

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2  
3 I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me  
4 as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed  
5 to:  
6

7 Michael Allen Presley  
8 31401 Airport Road  
9 Fort Bragg CA 95437

10 Dated this 25<sup>th</sup> day of October 2004.  
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14  
15 By: Melody Hanson  
16 Melody Hanson, Executive Assistant