

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

4 In the Matter of the) DEFAULT ORDER OF
5 Teaching License of) LICENSE REVOCATION AND
6 JUSTIN MICHAEL SMITH) REVOCATION OF RIGHT TO
7) APPLY FOR A LICENSE
8

9 On August 5, 2003, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Justin Michael Smith (Smith) in which the
11 Commission charged him with conviction of a crime listed in ORS 342.143(3). The Notice was
12 sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7002 3150 0004 3439 2377 to the
13 address obtained by the Commission. The certified mail receipt was signed by R. Rydon, agent
14 for the Coffee Creek Correctional Facility. The Notice of Opportunity of Hearing, dated August
15 5, 2003, and signed by Victoria Chamberlain, Executive Director, stated:

16 "You, Justin Michael Smith, are entitled to a hearing on the proposed action of
17 the Commission. If you want a hearing, you must file a written request for a
18 hearing with the Commission within 21 days of the date of this notice. Attached
19 to this notice is a copy of the procedures, right of representation and other rights
20 of parties relating to the conduct of a hearing as required under ORS
21 183.413(2)."
22

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

26 **FINDINGS OF FACT**

- 27 1. Mr. Smith holds a Standard Teaching License issued April 5, 2000, valid until
28 June 18, 2005.
- 29 2. Mr. Smith served as a substitute teacher for the Umatilla-Morrow Education Service
30 District from February 14, 2000, to December 5, 2001.
- 31 3. On February 24, 2003, Justin Michael Smith was convicted of two counts of Sexual
32 Abuse II, ORS 163.425, in the Circuit Court of the State of Oregon for Umatilla County.

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CONCLUSIONS OF LAW

The crime of Sexual Abuse II as defined in ORS 163.425 is listed in ORS 342.143(3).

The Commission is required to revoke the Oregon Standard Teaching License issued to Justin Michael Smith and revoke his right to apply for a license pursuant to ORS 342.175(2).

ORDER

The Commission hereby revokes the Oregon Standard Teaching License issued to Justin Michael Smith, also known as John Harold Kuchler, and revokes his right to apply for a teaching license.

IT IS SO ORDERED this 9th day of October 2003.

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.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. Certified Mail—Return Receipt Requested, addressed to:

Justin Michael Smith SID/14578922
Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914-0595

Dated this 17th day of October 2003.

By: Melody Hanson
Melody Hanson, Executive Assistant