

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

3 In the Matter of the Teaching  
4 License of:  
5 RICHARD ELWOOD LANCE  
6

STIPULATION OF FACTS,  
SURRENDER OF LICENSE AND  
REVOCATION ORDER

7                   On or about July 15, 1998 the Teacher Standards and Practices Commission  
8 (Commission) issued a Notice of Opportunity for hearing to Richard Elwood Lance (Lance) in  
9 which the Commission proposed to suspend or revoke his Oregon teaching license or to impose  
10 other discipline under ORS 342.177. The basis for the proposed action was Lance's alleged  
11 misconduct including possession and use of a controlled substance at school.

12                   The Commission and Lance have now reviewed the matters alleged and have agreed that  
13 their respective interests, together with the public interest, are best served by entering an Order  
14 of Surrender of License and Revocation of License based upon the following Stipulation of  
15 Facts. In entering this Stipulation, Lance waives his right to a hearing. This agreement sets forth  
16 the facts upon which the parties have agreed including the Commission's Order of Surrender and  
17 Revocation of Lance's teaching license.

18                   **FINDINGS OF FACT**

19                   1.       Lance was employed as a music teacher at Rainer School District from 1974 to  
20 February 13, 1996.

21                   2.       On January 10, 1996, Lance was found using cocaine in the Rainier High School  
22 Auditorium. He was also in possession of additional cocaine and morphine, a controlled  
23 substance.

1 3. On January 16, 1996, Lance was indicted on felony drug charges.

2 4. On February 13, 1996, Lance resigned.

3 5. Immediately after his arrest, Lance entered and successfully completed an  
4 in-patient treatment program followed by an eight month out patient program for drug addiction.  
5 He continues to attend Alcoholics and Narcotics Anonymous meetings and his spouse attends  
6 AL-ANON meetings. In addition Lance has engaged in extensive counseling with a  
7 psychologist and received medical support by a psychiatrist. He has exhibited exemplary  
8 behavior in his treatment and recovery process.

9 6. On April 22, 1998, Lance pled no contest to possession of morphine and cocaine.  
10 Lance entered a two-year diversion agreement on April 22, 1998. Lance has been compliant  
11 with his Diversion. If the diversion is successfully completed, the criminal charges will be  
12 dismissed and Lance will be eligible to have records in the case sealed pursuant to ORS 137.225.

13 7. Lance recognizes the egregiousness of his conduct and surrenders his license on  
14 the basis of the above facts and agrees to the revocation of his license.

15 Lance enters into this Stipulation of Facts with knowledge that the Commission will  
16 revoke his license and place him on two years probation. This Stipulation is contingent upon  
17 approval and adoption of the Order by the Commission. If the Commission does not adopt this  
18 Order, neither Lance nor the Commission are bound by these stipulations and Lance retains all  
19 rights to a hearing on the allegations.


20 **CONCLUSIONS OF LAW**

21 Lance's actions set forth above constitute a violation of OAR 584-020-0040(4) and (5).

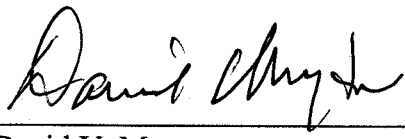
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1 IT IS SO STIPULATED

2   
3 \_\_\_\_\_  
4 Richard Elwood Lance

12-1-98  
\_\_\_\_\_  
Date

5   
6 \_\_\_\_\_  
7 David V. Myton  
8 Teacher Standards and Practices Commission

12/4/98  
\_\_\_\_\_  
Date

8 **DISCUSSION**

9 Ordinarily, misconduct as set forth in the stipulations above, would not result in favorable  
10 consideration of license reinstatement after one year. However, in this instance more than  
11 2 ½ years has passed since Lance's resignation and he has demonstrated model behavior over  
12 this time. An additional year of appropriate behavior demonstrates good cause to permit  
13 reinstatement.

14 **ORDER**

15 The Commission adopts the above Findings of Fact, accepts the surrender of Lance's  
16 license and revokes his license. Pursuant to ORS 342.175(3) Lance may apply to the  
17 Commission for reinstatement of his license after one-year from the date of revocation.

18 Upon application and after the one-year period of revocation the Commission will  
19 reinstate Lance's license if he remains compliant with his Diversion, has not during the term of  
20 his revocation violated standards relating to competent and ethical educators as contained in law  
21 and OAR 584 Division 20, and otherwise meets standard terms for licensure.

22 Lance will be on probation for two years from the date of his reinstatement subject to the  
23 following terms:

