

STATE OF OREGON

TEACHER STANDARDS AND PRACTICES COMMISSION

In the Matter of the Teaching License of

Case No. 20013377

JUSTIN ROY DAVIS

DEFAULT ORDER OF REVOCATION

On March 15, 2001, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Justin Roy Davis. The Notice of Hearing was sent to Mr. Davis by certified mail and by regular U.S. mail. On April 3, 2001, Mr. Davis requested a hearing. On October 24, 2001, the Commission amended the Notice of Hearing and referred the case to the Hearing Officer Panel.

Administrative Law Judge Catherine P. Coburn was appointed as the hearing officer in the case. On November 2, 2001, Ms. Coburn issued a notice of prehearing telephone conference to Mr. Davis and the Commission to be held on December 12, 2001. On December 12, 2001, Ms. Coburn convened the prehearing telephone conference, but Mr. Davis was not available at the telephone number he had supplied to the Commission. Ms. Coburn then issued a notice of hearing to the Commission and to Mr. Davis scheduling the hearing for 9 a.m. on March 25, 2002.

The Notice of Opportunity for Hearing and the Amended Notice of Hearing informed Mr. Davis that the Commission would adopt an order of default if Mr. Davis failed to appear at the hearing. The notices furthered informed Mr. Davis that the documents in the files of the Commission would automatically become part of the contested case record upon default for purposes of proving a prima facie case.

Mr. Davis failed to appear at the hearing. The Commission finds Mr. Davis to be in default and enters this order based on the hearing record consisting of the Commission's files on the date of the issuance of the Amended Notice of Hearing.

FINDINGS OF FACT

1. Justin Roy Davis holds an Oregon Substitute Teaching License that was issued by the Commission on February 19, 1999.
2. During the 1999-2000 school year, Mr. Davis served as a substitute teacher from time to time for the Music Department of the Hermiston High School in the Hermiston School District.

3. In April 2000, Mr. Davis and other teachers from the Hermiston School District accompanied a group of Hermiston High School students on an interscholastic music competition held on a cruise ship and known as the Spring Performance Cruise.
4. On April 12, 2000, the cruise ship docked for part of the day in Ensinada, Mexico. Mr. Davis was charged with supervision of approximately eight high school students while in Ensinada. Mr. Davis allowed three of the students from the group to walk around without a chaperone. He accompanied the other five students into an establishment that served alcoholic beverages. In that establishment, Mr. Davis allowed the five students to order alcoholic beverages and allowed at least four of the students to consume alcoholic beverages.
5. All of the above events occurred during a school-sponsored activity.
6. As a result of the events in Ensinada, several of the students received suspensions from the school.
7. On March 18, 1998 Mr. Davis drove his car on a public highway in Pendleton, Oregon while under the influence of alcohol. After being cited for driving while under the influence of alcohol, Mr. Davis refused to submit to a breath test to measure his blood/alcohol content. As a result, his driving privileges were suspended for a period of one year.
8. Following the traffic stop, the police officer administered several sobriety tests, and Mr. Davis was unable to successfully pass any of the tests. After being cited for driving under the influence of intoxicants, Mr. Davis became belligerent in his interaction with the police officer.
9. Mr. Davis was allowed by the court to enter into a diversion program. He successfully completed the program, and the charges against him were ultimately dismissed by the court.

#### ULTIMATE FINDINGS OF FACT

1. Mr. Davis exercised extremely poor judgment and improperly supervised students under his supervision in a school-sponsored activity by permitting the students to consume alcoholic beverages. Such actions constitute gross neglect of duty under OAR 584-020-0040(4)(n), 584-020-0020(2)(d) and 584-020-0010(5).
2. Mr. Davis drove a motor vehicle on a public highway while under the influence of intoxicants. This conduct constitutes gross unfitness under OAR 584-020-0040(5)(e).

## DISCUSSION

Mr. Davis' actions demonstrate extremely poor judgment and a lack of maturity. His conduct resulted in the students being disciplined and had a clearly negative effect on the public image of his employing school district. He obviously demonstrated an extremely poor example to these students.

Mr. Davis' Oregon Substitute Teaching License will be revoked, and the Commission is unlikely to approve an application for any other teaching license for *at least* one year from the date of this order.

## ORDER

The Oregon Teaching License of Justin Roy Davis is hereby revoked.

DATED this 17<sup>th</sup> of May 2002.

## TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton  
David V. Myton, Executive Director

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days of the service of this order. Judicial review is pursuant to the provision of ORS 183.482 to the Oregon Court of Appeals.