



- 1 c. On July 29, 2003, Lyons was arrested in Santa Barbara, California for Driving Under the  
2 Influence of Alcohol; Battery of a Police Officer/Emergency Personnel, Resists, Obstruct,  
3 Delay a Peace Officer; Hit and Run Property. On October 24, 2003, Lyons pled guilty.  
4 The Superior Court, State of California for the County of Santa Barbara, convicted Lyons  
5 for Driving Under the Influence of Alcohol, Battery Upon an Officer, and Hit and Run  
6 Property. All other charges were dismissed. The court sentenced Lyons to 40 days in jail  
7 (commuted to community service) and placed Lyons on three years' probation.  
8 d. On December 15, 2003, Lyons was charged with Annoying Telephone Calls in Superior  
9 Court for Santa Barbara County. During a settlement conference on January 21, 2004,  
10 the charge was dismissed, and Lyons pled "no contest" to an infraction.  
11 e. On December 9, 2003, Lyons successfully completed a DUII program at Zona Seca DUI  
12 Department in Santa Barbara, California.  
13 f. As part of the November 3, 2006, agreement with the Commission, Lyons recognized  
14 that he had an alcohol abuse problem and agreed to continue treatment and agreed that:  
15 i. Lyons would, within the first six months of probation, on or before February 4,  
16 2007, provide a copy of the treatment plan and aftercare plan as prescribed by the  
17 treatment provider;  
18 ii. Lyons would at his own initiative and expense, continue to obtain treatment for  
19 Lyons' alcohol dependence as recommended by his alcohol treatment provider and  
20 abstain from the consumption of alcohol;  
21 iii. And that during the period of Lyons' probation, Lyons would submit to the Executive  
22 Director of the Commission reports of his compliance with the aftercare treatment  
23 plan. Lyons agreed to provide these reports every six months during his probation  
24
- 25 3. On January 11, 2011, Lyons called the Commission office and spoke with staff to inform them  
26 that his probation report would be submitted late, but he was doing well with respect to his  
27 teaching and compliance with his probation terms. On January 18, 2011, Lyons called the  
28 Commission office and said he had been untruthful during his January 11, 2011 call. Lyons  
29 stated he had been on a two month drinking binge, that he had "hit bottom," had been admitted  
30 to the hospital for cirrhosis of the liver and was not currently fit to teach.

### 31 CONCLUSIONS OF LAW

32 Lyons's conduct described above, constitutes gross neglect of duty in violation of ORS  
33 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the*  
34 *worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
35 *professional judgment*); OAR 584-020-0040(4)(c) (*Knowing falsification of any document or*  
36 *knowing misrepresentation directly related to licensure, employment, or professional duties*), OAR  
37 584-020-0040(4)(k) (*Knowing violation of any order or rule of the Commission*).  
38

39 Furthermore, the conduct described above demonstrates that Lyons lacks good moral  
40 character, mental or physical fitness to hold a license as required under ORS 342.143(2).

41 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Kendall Uther Lyons's Right to Apply for an Educator  
3 License.

4 IT IS SO ORDERED THIS 17<sup>th</sup> day of May, 2013.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: \_\_\_\_\_  
7 Victoria Chamberlain, Executive Director  
8  
9

10 **NOTICE OF APPEAL OR RIGHTS**

11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
12 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
13 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
14 THE OREGON COURT OF APPEALS.  
15  
16

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Kendall Uther Lyons  
1615 NW 23rd St  
Corvallis, OR 97330

Dated this 17<sup>th</sup> day of May, 2013.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant