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**BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON**

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In the Matter of the Educator License of     )     **DEFAULT ORDER OF  
ROBERT EDWARD KRATZ                     )     SUSPENSION OF RIGHT TO APPLY  
                                                           )     FOR LICENSURE**

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On January 3, 2017, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Robert Edward Kratz (Kratz) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 0679 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was signed and returned to the Commission on January 21, 2017. The regular, first class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of Opportunity for Hearing, dated January 3, 2017, and signed by Monica Beane, Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

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

**FINDINGS OF FACT**

1. Robert Edward Kratz has been licensed by the Commission since September 22, 2010. Kratz held an Initial I Teaching License, with endorsements in Multiple Subjects Self-Contained (ECE/ELE) and Multiple Subjects (MIDLVL), valid from January 4, 2014, through January 3, 2017. Kratz did not make a complete application for renewal. During all relevant times, Kratz was employed by the Neah-Kah-Nie School District.
2. On April 20, 2015, the Commission received information from the Neah-Kah-Nie School District indicating Kratz may have committed acts which constitute gross neglect of duty. The district reported they suspected Kratz had been under the influence of alcohol on school grounds. When a school administrator found Kratz in his assigned classroom on April 17, 2015, Kratz appeared to be asleep. Once contacted and observed, the administrator believed Kratz to be under the influence of intoxicants as Kratz displayed slurred speech, slow

1 reaction times, and Kratz were unable to track normally with his eyes. Administrators  
2 contacted local law enforcement who made observations and conducted a presumptive  
3 breath test for alcohol. The breathalyzer test displayed a red light, indicating the highest  
4 possible indicator of alcohol present. The officer indicated that in his experience, a red test  
5 result indicated a blood alcohol content (BAC) of .08 percent or above. Kratz told those  
6 present that he had consumed alcohol the night before, stopping at approximately 9 p.m. and  
7 had taken the prescribed dose of his codeine medication earlier that morning. Contrary to  
8 test results and multiple first hand observations, Kratz denied consuming any alcohol that  
9 morning. While waiting for a taxi to arrive to drive Kratz home, those present observed Kratz  
10 to move clumsily, pass in and out of consciousness, and described smelling alcohol on Kratz's  
11 breath and person from as far away as seven feet. Kratz has denied any alcohol abuse issues  
12 and informed Commission staff that he has sought no related treatment. Kratz was removed  
13 from the substitute teacher list by the Neah-Kah-Nie School District due to this conduct and  
14 policy violations.

#### 15 CONCLUSIONS OF LAW

16 Kratz's conduct described in above, constitutes gross neglect of duty in violation of ORS  
17 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*  
18 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*);  
19 and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while*  
20 *under the influence of alcohol or any controlled substance*).

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

#### 23 FINAL ORDER

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26 The Commission hereby suspends Robert Edward Kratz's right to apply for an Oregon  
27 educator's license for a period of thirty (30) days.

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29 IT IS SO ORDERED THIS 27<sup>th</sup> day of February, 2017.

30 TEACHER STANDARDS AND PRACTICES COMMISSION

31 By: Monica Beane  
32 Monica Beane, Executive Director

NOTICE OF APPEAL OR RIGHTS

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

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Default Order of Suspension of Right to Apply for Licensure, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Robert Edward Kratz  
PO Box 275  
Forest Grove, OR 97116

Dated this 27<sup>th</sup> day of February, 2017.

By: Patty Sheldon  
Patty Sheldon  
Investigative Assistant