

BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the)	
Teaching License of)	
MARCIA JEANNE MEYERS)	STIPULATION, PUBLIC REPRIMAND
)	AND ORDER OF PROBATION
_____)	

On September 13, 1996, the Teacher Standards and Practices Commission (Commission) issued an investigation report and recommendation that there is sufficient evidence to charge Ms. Meyers with a violation of standards for competent and ethical performance and to warrant a hearing in the circumstances related to the conviction for DUII. Ms. Meyers cooperated with the Commission in its investigation and responded to all questions by the Commission's investigator without legal counsel. Following notice of the Commission's investigation report and recommendation, Meyers requested an opportunity to enter a stipulation and order. After a review of the matters alleged, the parties have agreed that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a reprimand and a period of probation. This agreement sets forth the facts upon which the parties have agreed, the sanction to be imposed, and the basis for the Commission's order.

STIPULATED FACTS

Meyers and the Commission agree that the following facts are true:

1. Meyers holds a basic Oregon teaching license with endorsement in elementary education.

2. On July 22, 1994, Meyers was charged with a DUII and scheduled for an arraignment date of August 16, 1994. At the time of her arrest Meyers drivers' license was confiscated and she was provided with an "implied consent" form advising her that her driving privileges would be suspended for 90 days effective 30 days after receipt of the form. Meyers was advised that the form was to be used as a temporary license for the next 30 days.

3. On August 14, 1994, two days prior to Meyers' scheduled arraignment, Meyers went to a DMV office and obtained a duplicate drivers' license. Multnomah County records indicate Meyers did not appear for her arraignment which resulted in the court issuing a "failure to appear warrant." No action was taken on the failure to appear warrant until March 1996. Meyers obtained the duplicate drivers' license by contacting and paying \$50 to a person who was previously unknown to her to allow her to use his address in her application for a duplicate drivers' license. Meyers obtained the duplicate drivers license because she feared publicity in her local community over the DUII conviction.

4. In March 1996 Meyers went to the DMV office to obtain another duplicate drivers' license and was told that her driving privileges had been suspended due to the failure to appear warrant. Meyers contacted the court on April 12, 1996, and entered a plea of "no contest" and was found guilty as charged. Meyers was sentenced to an alcohol evaluation, 80 hours of community service, and required to participate in a victim's panel and payment of fines and fees.

5. On October 31, 1994, Meyers completed an application for renewal of her teaching license and answered no to the character question no. 9 which asked: "Have you ever been arrested or cited for any offense (other than a minor traffic violation) which is still pending in the courts?" Meyers stated that she answered "no" to this question because she completed the form on October 31, 1994, after appearing at court on the day specified on her ticket at which time she stated a court clerk could not locate documentation associated with the ticket and told her that the ticket must have been dismissed. There is no record of the ticket being dismissed by Multnomah County Courts.

6. Meyers ultimately requested and received a modification concerning her sentence for 80 hours of community service. Meyers served one day of jail time and one day of work release time in lieu of 80 hours of community service.

7. Meyers has been teaching for 23 years and has no prior incidents or disciplinary actions concerning her teaching record.

The parties acknowledge that upon execution of the stipulation the Commission will enter an order of public reprimand and a period of probation with respect to Meyers' teaching license.

This Stipulation and Order is subject to review and approval by the full Commission. Should the Commission fail to approve the Stipulation and proposed Order as written, it is understood that any waiver of rights by Meyers is therefore revoked. It is further understood that those statements contained in the Stipulation may not be used by

either party for any reason should the Commission fail to approve the Stipulation and proposed Order.

IT IS SO STIPULATED:

Marcia J. Meyers
Marcia Jeanne Meyers

Sept. 22, 1996
Date

David V. Myton
David V. Myton, Executive Secretary of
Teacher Standards and Practices Commission

9/27/96
Date

CONCLUSION OF LAW

Meyers conduct constitutes a violation of the Standards for Competent and Ethical Performance of Oregon Educators under OAR 584-20-035(3).

DISCUSSION

The misconduct in this case involves Meyers deception after she was charged with DUII. The reason for her deception appears to be fear of embarrassment and humiliation associated with publicity concerning her DUII. The Commission believes that her conduct was an error in judgment, but not an indication of a more serious violation concerning her professional responsibilities and obligations. For this reason, the Commission elects to impose a relatively mild sanction of a reprimand and a period of probation as to Meyers' teaching license.

ORDER

1. The Commission imposes a reprimand on Marcia Jeanne Meyers, and this Order shall serve as the reprimand.

2. The Commission places Meyers on probation for a period of 18 months commencing on the date the Commission approves this Order and ending 18 months thereafter and subject to the following conditions:

- (a) That she shall violate no law;
- (b) That she shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under OAR 584, Division 20; and
- (c) That she shall comply with all requirements of her criminal probation to the court.

Violation of any terms of Meyers' probation shall constitute a basis for the Commission to charge Meyers with further violations of the Standards for Competent and Ethical Performance of Oregon Educators, after first providing Meyers notice and opportunity for hearing on the issue of whether she has violated her probation.

DATED this 22 day of September, 1996.

TEACHER STANDARDS AND PRACTICES COMMISSION

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

Approved as to form:

Mark S. Toledo

Mark S. Toledo
Attorney for Marcia Jeanne Meyers

25-mt\meyers\stipulation