

1                           BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2   OF THE STATE OF OREGON  
3

4    In the Matter of the  
5    Teaching License of  
6    DAVID ALAN DAUGHERTY

                                  |  
                                  |  
                                  |  
                                  |  
                                  |  
                                  |  
                                  |  
                                  |  
                                  |  
                                  |

                  DEFAULT ORDER  
                  REVOKING LICENSE

7  
8  
9  
10   On March 15, 2001, the Teacher Standards and Practices Commission issued a Notice of  
11   Opportunity for Hearing to David Alan Daugherty, in which the Commission proposed to  
12   suspend or revoke the teaching license of David Daugherty or otherwise impose discipline under  
13   ORS 342.177. The notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt  
14   #7000 0600 0023 8497 0071. The certified mail receipt was signed and dated by David  
15   Daugherty on March 27, 2001, and returned to the Commission on March 30<sup>th</sup>. David Daugherty  
16   did not request a hearing.

17  
18   The Notice of Opportunity for Hearing, signed by David V. Myton, Executive Director, stated:  
19     You, David Alan Daugherty, are entitled to a hearing on the proposed action of the  
20     Commission. If you want a hearing, you must file a written request for a hearing with  
21     the Commission within 21 days of the date of this notice. Attached to this notice is a  
22     copy of the procedures, right of representation and other rights of parties relating to the  
23     conduct of a hearing as required under ORS 342.413(2).

24  
25   Based on the foregoing, the Commission finds David Daugherty in default and such default is  
26   hereby entered. Based on the records and files of the Commission, the Commission enters the  
27   following findings of fact and order.  
28

29   FINDINGS OF FACT

- 30  
31   1) In September and October 1998 and December 1999, Daugherty violated OAR 584-020-  
32   0040(4)(n) as defined in OAR 584-020-0025(2)(e) by failing to obey the Medford School  
33   District's policy on tobacco (chewing tobacco) use in school.  
34  
35   2) In May 1999, Daugherty violated OAR 584-020-0040(4)(n) when he stood next to his car  
36   and changed his clothes in the parking lot of South Medford High School. A female staff  
37   member and female student observed this. On or about February 14, 2000, Daugherty  
38   changed his clothes in his office while conversing with female student, AC.  
39  
40   3) During the 1999-2000 school year, Daugherty violated OAR 584-020-0040(4)(f) when a  
41   female student, TB, told Medford Police that she heard Daugherty tell a group of male  
42   students in class about the advantages of a woman humming while providing oral sex. TB,  
43   stated that Daugherty referred to this as a "hummer", he said that it felt better.  
44

- 1 4) Daugherty violated OAR 584-020-0040(4)(n) as defined in OAR 584-020-0030(2)(b) when  
2 he told students to sit their "ass" down, get their "fat asses out of the chair" and used the  
3 words "bitchy" and "fuck" in the classroom when communicating with students.  
4  
5 5) During the 1999-2000 school year, Daugherty violated OAR 584-020-0040(4)(f) by  
6 engaging in sexual conduct with AC, a female student at South Medford High School on  
7 various occasions by hugging her; placing his arm around her; approaching her from behind  
8 and "poking her in the ribs" and touching her breasts with his thumbs.  
9  
10 6) On or about December 17, 1999, Daugherty violated OAR 584-020-0040(4)(o) as defined in  
11 OAR 584-020-0035(3)(a) when he failed to be honest with the Assistant Principal about  
12 chewing tobacco in his classroom; On or about March 2, 2000, when he failed to be honest  
13 with Principal Rickert about changing his clothing in the classroom in front of AC and  
14 hugging AC; On or about March 25, 2000, when he failed to be honest with Medford Police  
15 Detectives about his conduct involving AC; In May 2000, when he failed to be honest with  
16 Brian Strickland, a Medford Police Department Polygraph examiner about touching AC.  
17  
18

19 CONCLUSIONS OF LAW

20  
21 David Daugherty's actions constitute gross neglect of duty in violation of OAR 584-020-  
22 0040(4)(f), (n) and (o).  
23

24 ORDER

25  
26 The Commission revokes the Oregon Basic Teaching License #303326, issued to David  
27 Daugherty, DOB 03-11-68, SSN 544-94-4976, for gross neglect of duty.  
28

29  
30 Dated this 11<sup>th</sup> day of May 2001.  
31

32 TEACHER STANDARDS AND PRACTICES COMMISSION

33  
34  
35 By   
36 David V. Myton, Executive Director  
37  
38

39 NOTICE OF APPEAL OR RIGHTS

40  
41  
42 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
43 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
44 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
45 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.  
46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by regular U.S. First Class Mail and by U.S. Certified Mail—Return Receipt Requested to:

David Daugherty  
7318 Cupio Street  
Bakersfield CA 93313

Dated this 18<sup>th</sup> day of May 2001.

By: Melody Hanson  
Melody Hanson  
Executive Assistant to the Commission