

1 subsequently convicted in the Washington County Circuit Court of one count of Sex
2 Abuse in the Second Degree, ORS 163.425(1)(a), a class C felony, and one count of
3 Sexual Abuse in the Second Degree by a coach, ORS 163.425(1)(b)(C), a class C
4 felony. Osborne was sentenced to 72 months of incarceration in State Prison,
5 undergo sex offender evaluation and treatment, and register as a sex offender. Both
6 of these crimes are listed in ORS 342.143 and OAR 584-020-0040(1) for mandatory
7 revocation of licensure or right to apply for licensure.

- 8 3. Osborne's convictions arose from allegations that included: Osborne engaged in
9 sexual relations with a female student that he coached; gave the student money;
10 communicated inappropriately with the student via text messages and voice mail;
11 transported the student in his personal vehicle; cohabitated with the student in a
12 hotel room; and attended a coaching clinic with the student.

13 CONCLUSIONS OF LAW

14 Osborne's convictions constitutes gross neglect of duty in violation of ORS
15 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
16 *professional judgment*); OAR 584-020-0040(1)(n) (*ORS 163.425 – Sex Abuse in the*
17 *Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
18 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
19 *local law. A conviction includes any final judgment of conviction by a court whether as*
20 *the result of guilty plea, no contest plea or any other means*), OAR 584-020-
21 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
22 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
23 *the absence of a conviction*). Pursuant to ORS 342.175(3) and OAR 584-020-0040(1)
24 the Teacher Standards and Practices Commission must revoke Osborne's license and
25 Osborne's right to apply for a license based on his conviction of any of the crimes listed
26 in ORS 342.143(3)(a), or the substantial equivalent of any of those crimes.

27
28 Furthermore, the conduct underlying Osborne's indictments and conviction
29 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
30 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
31 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-

1 020-0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-
2 0005(5); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
3 0035(3)(a)(*Maintain the dignity of the profession by respecting and obeying the law,*
4 *exemplifying personal integrity and honesty*). Additionally, Osborne’s convictions and
5 conduct related to his convictions constitute “gross unfitness” in violation of ORS
6 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5)
7 (“*Gross unfitness is any conduct which renders an educator unqualified to perform his*
8 *or her professional responsibilities*”).
9

10 The Commission’s authority to impose discipline in this matter is based upon ORS
11 342.175.

12 **FINAL ORDER**

13 The Commission hereby revokes Michael Ray Osborne’s educator license and
14 revokes his right to apply for an educator license.

15 IT IS SO ORDERED THIS 26th day of January, 2015.

16 TEACHER STANDARDS AND PRACTICES COMMISSION
17
18



19 By: _____
20 Victoria Chamberlain, Executive Director
21
22
23

24 **NOTICE OF APPEAL OR RIGHTS**
25

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

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:

Michael Ray Osborne #20410008
c/o Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699

Dated this 26th day of January, 2015.

By: Patty Liddell
Patty Liddell
Investigative Assistant