

BEFORE THE  
TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON

In the Matter of the )  
Teaching License of )  
JAMES CARL HUDSON )  
)

FINAL ORDER

By resolution dated March 12-13, 1998, the Teacher Standards and Practices Commission adopts the attached proposed order to suspend the Oregon Teaching License of James Carl Hudson for a period of six months and upon reinstatement of the license place Mr. Hudson on Probation for a period of three years.

DATED THIS 18<sup>th</sup> day of March, 1998.

TEACHER STANDARDS AND PRACTICES COMMISSION

By David V. Myton  
David V. Myton, Executive Director

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

1 STATE OF OREGON  
2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the ) FINDINGS OF FACT, ULTIMATE  
4 Teaching License of: ) FINDINGS OF FACT,  
5 JAMES HUDSON ) CONCLUSIONS OF LAW, OPINION  
6 ) AND PROPOSED ORDER

7 On July 18, 1997, the Teacher Standards and Practices  
8 Commission (Commission) issued a Notice of Opportunity for  
9 Hearing, proposing to suspend or revoke the teaching license of  
10 James C. Hudson (Hudson) or otherwise impose discipline under  
11 ORS 342.177. On July 24, 1997, Hudson requested a hearing, and  
12 the Commission scheduled a hearing for January 23, 1998. The  
13 hearing took place as scheduled with a hearing panel consisting  
14 of John Miner, Martin Morris, and Toby Clauson as chair.  
15 Kelly M. Gabliks, Assistant Attorney General, represented the  
16 Commission. Mr. Hudson appeared personally and was represented  
17 by Sean Lyell. The hearing was conducted as a contested case  
18 matter and was mechanically tape recorded.

19 The panel heard testimony from the following witnesses  
20 called by Ms. Gabliks: Bill Bagley and Janet Bagley. The panel  
21 also heard testimony from Mr. Hudson on his own behalf.

22 The following exhibits offered by Ms. Gabliks were received  
23 into evidence:

- 24 1. Notice of Opportunity for hearing dated July 18, 1997.
- 25 2. Letter from Mr. Hudson dated July 24, 1997 requesting a  
26 hearing.
3. Jackson County Judgment of Conviction and Sentence  
dated May 1, 1992 for Mr. Hudson's conviction of  
Driving Under the Influence of Intoxicants ("DUII").

- 1 4. Medford Police Department Incident Report, Narrative  
2 Report, Probably Cause Affidavit, Summons and  
3 Complaint, Continuation Report and Arrest Report  
4 relating to Mr. Hudson's arrest for Assault in the  
5 Fourth Degree and Harassment on November 5, 1995.
- 6 5. Deferred Sentencing Agreement for Mr. Hudson's arrest  
7 for Harassment and Assault dated October 11, 1996.
- 8 6. Letter from William Bagley to Judge William P.  
9 Haberlack dated November 15, 1995.
- 10 7. Pictures of William Bagley illustrating damage  
11 committed by Mr. Hudson during the assault.
- 12 8. Notice of Concern Memorandum to Mr. Hudson from  
13 Mr. Zaklan, Director of Personnel for the Medford  
14 School District, dated November 29, 1995.
- 15 9. Medford Police Department DUII and Narrative Report for  
16 arrest of Mr. Hudson on September 28, 1996.
- 17 10. Mr. Hudson's Judgment of Conviction and Sentence for  
18 another DUII dated February 6, 1997.
- 19 11. Letter from Ronald L. Doyle to TSPC summarizing the  
20 final disposition of Mr. Hudson's conviction for  
21 assault and harassment and supporting documents,  
22 including the Order to Show Cause dated August 20, 1997  
23 and Medford Municipal Court docket materials.
- 24 12. Letter from Mr. Hudson to TSPC dated June 17, 1997.

25 The following exhibits offered by Mr. Lyell were received  
26 into evidence:

- 27 A. Letter from Steven R. Wisely to Mr. Lyell dated  
28 January 5, 1998.
- 29 B. Letter from Steven R. Wisely dated February 20, 1997.  
30 (This exhibit was admitted contingent on the Panel's  
31 access to Mr. Hudson's personnel records.)

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FINDINGS OF FACT

1. Mr. Hudson began his teaching career as a substitute teacher in Physical Education in 1978. He held various teaching and coaching positions until 1984, when he began teaching and coaching at North Medford High School. He left North Medford at the end of Spring 1997. Mr. Hudson holds a standard secondary teaching license with a standard physical education endorsement. This license was issued May 25, 1995 and is valid until June 4, 2000.

2. On May 1, 1992, Mr. Hudson was convicted of Driving Under the Influence of Intoxicants ("DUII"). His sentence was suspended for two years with the conditions that he:

(1) successfully participate in an alcohol program; (2) perform 80 hours of community service; (3) not drive without a valid license or insurance; (4) pay a fine of \$600; and (5) not drive for a period of one year. Mr. Hudson ultimately completed the terms of his probation.

3. On November 5, 1995, Mr. Hudson was arrested for Harassment and Assault 4, both misdemeanors, based on his unprovoked attack on William Bagley, his ex-wife's friend. Mr. Bagley suffered various injuries, including damage to his face and eyes.

4. On October 11, 1996, Mr. Hudson entered into a Deferred Sentencing Agreement for the Harassment and Assault 4 charges. In this Agreement, Mr. Hudson's sentence relating to these charges would be dismissed if he satisfied certain conditions for

1 six months. These conditions included, but were not limited to,  
2 no further law violations.

3 5. On September 28, 1996, Mr. Hudson was arrested for a  
4 second DUII. Mr. Hudson submitted to a breathalyzer test, and  
5 his Blood Alcohol Content was .13 percent.

6 6. On February 6, 1997, Mr. Hudson was convicted of the  
7 second DUII. He was sentenced to: (1) 30 days in jail; (2)  
8 license suspension for 3 years; (3) alcohol treatment; (4) attend  
9 the Victims Impact Panel; and (5) payment of fines totaling \$700.

10 7. Mr. Hudson violated the terms of his probation for the  
11 Assault and Harassment charges. As a result of the conviction  
12 for the second DUII, on August 20, 1997, he was summoned to  
13 appear in court to show cause why the original sentence for the  
14 Assault & Harassment charges should not be imposed. Mr. Hudson  
15 elected not to appear, and the court imposed the original  
16 sentence. The convictions for Harassment and Assault 4 were  
17 entered in the court records.

18 8. Mr. Hudson pled guilty to all three arrests and does  
19 not dispute the DUIIs' or assault/harassment convictions and the  
20 violation of the deferred sentencing agreement.

21 9. Mr. Hudson is currently teaching in South Carolina.

22 ULTIMATE FINDINGS OF FACT

23 1. Mr. Hudson was convicted of Harassment and Assault 4 on  
24 October 11, 1996, and was placed on probation by the court.

25 2. Mr. Hudson was convicted of DUII on February 6, 1997.

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1 3. Mr. Hudson's 1997 DUII conviction was a violation of  
2 the terms of his probation for his Harassment and Assault 4  
3 convictions.

4 CONCLUSIONS OF LAW

5 1. Mr. Hudson's conviction for assault and harassment  
6 constitute gross unfitness under OAR 584-20-040(5).

7 2. Mr. Hudson's conviction for DUII constitutes gross  
8 unfitness under OAR 584-20-404(5).

9 3. Mr. Hudson's probation violation constitutes gross  
10 unfitness under OAR 584-20-040(5).

11 OPINION

12 Mr. Hudson's convictions bear a demonstrable relationship to  
13 his fitness to serve as an educator:

14 1. Mr. Hudson's convictions for DUII sets a poor example  
15 for impressionable students. Schools and police agencies are  
16 expending substantial energy and resources to educate children  
17 and youth on the dangers of abuse of alcohol and controlled  
18 substances. The public expects educators to exhibit responsible  
19 use of alcohol.

20 2. Mr. Hudson's conviction for assault and harassment also  
21 sets a poor example for students by suggesting that one viable  
22 way to settle conflict is by physical violence. Mr. Hudson's  
23 original explanation of how he happened to be at the home of his  
24 ex-wife during the early morning hours was not credible.

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1 3. Mr. Hudson's probation violation constitutes gross  
2 unfitness under OAR 584-20-040(5) and gross neglect of duty under  
3 OAR 584-40-040(5) (C).

4 The Commission also finds that Mr. Hudson's multiple  
5 convictions in a relatively short period of time demonstrates a  
6 disregard for the law, the health and safety of the community,  
7 and a lack of professional judgment. Mr. Hudson's ability to be  
8 a role model to his students and his athletes is seriously  
9 damaged by his unlawful actions, especially his convictions for  
10 DUII. Clearly, his credibility in serving students on the  
11 dangers of abusing alcohol is undermined with these multiple  
12 convictions. Mr. Hudson's DUII convictions also indicate a lack  
13 of concern for those who were traveling at the same time he was  
14 driving impaired.

15 ORDER

- 16 1. Mr. Hudson's teaching license is suspended for a period  
17 of six (6) months.
- 18 2. He must then serve three (3) years probation. While on  
19 probation, Mr. Hudson must:
- 20 (a) Remain a law abiding citizen;
  - 21 (b) Submit to fingerprinting when reapplying for  
22 licensure in Oregon to assure no further  
23 violations of the law;
  - 24 (c) Abide by all TSPC requirements; and

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1 (d) Comply with all remaining terms of his  
2 convictions, and provide documentation to TSPC of  
3 compliance with all terms.

4 Violation of any terms of the probation shall constitute a  
5 basis for the Commission to revoke Mr. Hudson's probationary  
6 license, after first providing to Mr. Hudson notice and  
7 opportunity for hearing.

8 DATED this 18<sup>th</sup> day of March 1998.

9 TEACHER STANDARDS AND PRACTICES COMMISSION

10  
11 By: David M. Myton  
12 David M. Myton, Executive Director

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LAW, OPINION AND PROPOSED ORDER