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2 BEFORE THE
3 TEACHER STANDARDS AND PRACTICES COMMISSION
4 STATE OF OREGON
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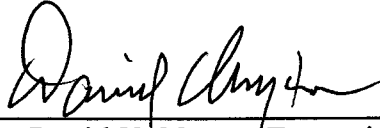
6 In the Matter of the)
7 Administrative License of) ORDER OF REINSTATEMENT
8 RICHARD JAMES HANSON)
9)

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12 FINAL ORDER
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14 By resolution dated November 18-19, 1999, the Teacher Standards and
15 Practices Commission adopts the attached proposed order to reinstate the
16 Standard Administrative License of Richard James Hanson under the terms of
17 the attached order.

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19 DATED THIS 22nd day of November, 1999.

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21 TEACHER STANDARDS AND PRACTICES COMMISSION

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24 By 
25 _____
26 David V. Myton, Executive Director
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28 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.
29 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW
30 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW
31 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON
32 COURT OF APPEALS.
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1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the
4 Administrative License of

5 RICHARD JAMES HANSON

PROPOSED ORDER

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7 On October 29, 1999, the Teachers Standards and Practices Commission (Commission)
8 held a hearing concerning the application for reinstatement of the Oregon Administrative
9 License of Richard James Hanson (Hanson). The hearing was held before a panel of the
10 Commission consisting of Jonathan Hill, Carolyn Ortman and Linda Samek. Dr. Hill served
11 as Chair of the panel. The hearing was conducted as a public contested case matter and was
12 tape-recorded. Mr. Hanson was represented by James Brown, Attorney at Law, and the
13 Commission was represented by Gary M. Cordy, Assistant Attorney General.

14 Mr. Hanson testified on his own behalf and called the following witnesses:

- 15 1. Carl Byers.
- 16 2. George Dyer.
- 17 3. Georgia Fish.
- 18 4. Dave Johnson.
- 19 5. Jeff Kelly.
- 20 8. Kraig Kelly
- 21 9. Skip Liebertz.
- 22 10. John Mistakawi.
- 23 11. Jan Morgan.

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1 Mr. Hanson offered the following exhibits which were received into evidence without
2 objection:

- 3 Exhibit 101 John Taylor letter undated.
- 4 Exhibit 102 Victoria Berger letter October 16, 1999.
- 5 Exhibit 103 Robert James Ph.D. letter October 25, 1999.
- 6 Exhibit 104 Transcript of Judicial Proceedings, February 23, 1996.

7 The Commission offered the following exhibits which were received into evidence
8 without objection:

- 9 Exhibit 201 10/21/1999 letter from Larry E. McMurray to Gary Cordy.
- 10 Exhibit 202 10/19/1999 letter from Walt Beglau to Gary Cordy.
- 11 Exhibit 203 9/27/1999 letter from David V. Myton to Richard Hanson.
- 12 Exhibit 204 9/13/1999 letter from David V. Myton to Richard Hanson.
- 13 Exhibit 205 Richard James Hanson's application for Educator License Form C-1.
- 14 Exhibit 206 5/23/1996 letter from David V. Myton to Richard Hanson with enclosure
15 Default Order Revoking Licenses.
- 16 Exhibit 207 Secret Indictment, No. 95C22357.
- 17 Exhibit 208 Judgment dated February 23, 1996.
- 18 Exhibit 209 Newspaper articles.
- 19 Exhibit 210 The Oregonian newspaper articles.
- 20 Exhibit 211 Investigative supplementals.

21 Findings of Fact 1 through 5 are taken from a May 24, 1996, Commission Default
22 Order regarding Hanson and the related March 1996 Investigation Report and
23 Recommendation and May 1996 Commission Action Item.

24 1. In June 1995, the Teacher Standards and Practices Commission received
25 information, indicating that Richard James Hanson was under investigation for alleged theft
26 and fraud of Salem-Keizer School District funds and equipment. The Executive Secretary took

1 action to notify Mr. Hanson of intent to suspend or revoke his Oregon Teaching and
2 Administrative licenses, and to inform him of his opportunity for hearing. The notice, dated
3 April 11, 1996, and signed by David V. Myton, Executive Secretary, stated:

4 You, Richard James Hanson, are entitled to a hearing on the proposed
5 suspension or revocation of your Oregon Administrative and Teaching license.
6 If you desire a hearing, you must notify the Executive Secretary of the
Commission, in writing, within 21 days of the date of this notice.

7 The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt
8 Requested. The Return Receipt #P 196 850 994 was signed by Hanson on April 15, 1996 and
9 received by TSPC on April 17, 1996. Mr. Hanson did not request a hearing.

10 2. On May 24, 1996, a Default Order was made regarding Hanson. It contained
11 Findings of Fact:

12 a. Richard James Hanson failed to follow district policies, rules and
13 regulations in expenditure of school district funds.

14 b. Mr. Hanson knowingly used the district's financial resources,
15 materials and equipment for personal purposes.

16 c. Mr. Hanson pled guilty to one count of felony theft in Marion
17 County Circuit Court on February 23, 1996, for misappropriation of
Salem-Keizer School District funds.

18 3. The default order contained Ultimate Findings of Fact:

19 Richard James Hanson violated TSPC Standards for Competent and Ethical
20 Performance of Oregon Educators under 584-20-040(4)(a) by knowing and
substantial unauthorized use of school district resources for personal purposes.

21 4. The Default Order contained Conclusions of Law:

22 Under ORS 342.175(5) a violation of Standards for Competent and Ethical
23 Performance of Oregon Educators is admissible as evidence of gross neglect of
duty.

24 5. The default order contained the following Order:

25 The Commission revokes the Standard Administrative License #912931 and
26 revokes the right to reinstate the Standard Teaching License #200361, issued to
Richard James Hanson, DOB 8-31-53, SSN [deleted].

1 6. On February 23, 1996, Hanson was sentenced to pay \$6,000 in
2 restitution/compensatory fine to the Salem-Keizer School District, ordered to perform 120
3 hours community service, required to forfeit all computer equipment and software seized by
4 the police, and ordered to ten days in jail.

5 7. Hanson complied with the terms of his sentence and probation.

6 8. Hanson obtained an Order to set aside the Felony conviction and seal the
7 records of arrest. Hanson did not assert that the order was binding on the Commission.

8 9. Robert Jones, a clinical psychologist treated Hanson from June 1995 to March
9 1996. In Exhibit 103 he stated:

10 To conclude, when Mr. Hanson completed treatment, he had undergone a
11 careful, comprehensive self-examination in order to better understand himself,
12 the direction of his life and the choices he makes. In my opinion, there was
13 nothing to indicate that he is lacking in the personal responsibility or character
14 required for a position of public trust.

15 10. Each of the numerous witnesses who testified or provided a written statement on
16 behalf of Hanson supported his license reinstatement. Those supporting Hanson's
17 reinstatement generally knew of the reasons for his resignation and criminal conviction
18 although none knew the specific facts.

19 11. In substance, most witnesses, expressed trust in Hanson, believed that he had
20 taken responsibility for his actions, felt he would never engage in similar misdeeds in the
21 future, and concluded that Hanson has the fitness required to be an educator.

22 12. The Marion county District Attorney's office opposed Hanson's license
23 reinstatement. Exhibit 202.

24 13. The Salem-Keizer Public Schools Superintendent, Larry McMurray opposed
25 Hanson's license reinstatement. In a letter, McMurray noted:

26 Mr. Hanson's conduct showed a pattern of criminal conduct and concealment of
that criminal conduct over a lengthy period of time. Given the position of trust
that Mr. Hanson held as the principal of Leslie Middle School, the indictments
handed down by the Marion County Grand Jury were devastating to the
students, staff and the community.

1 * * *

2 I am opposed to the reinstatement of Mr. Hanson's license reinstatement. OAR
3 584-020-0035 provides that the "ethical educator is a person who accepts the
4 requirements of membership in the teaching profession and acts at all times in
5 ethical ways." An educator also agrees to "maintain the dignity of the
6 profession by respecting and obeying the law, exemplifying personal integrity
7 and honesty." OAR 584-020-0035(3)(a).

8 Mr. Hanson's criminal conduct is more than just a momentary lapse of
9 judgment. It shows repeated fraud, criminal behavior and deceit. His behavior
10 clearly reflects his failure to maintain the dignity of the profession and shows a
11 lack of personal integrity and honesty.

12 As superintendent of the Salem-Keizer School district, it is my belief that the
13 criminal activity that Mr. Hanson engaged in cannot be overlooked, forgotten or
14 otherwise dismissed as a mistake in the past. Mr. Hanson's criminal activity is
15 of such a serious nature that his license should not be reinstated.

16 14. Hanson has been employed since December 1995 at Kelly's Home Center. He
17 started as a salesperson and has been promoted to a management position. As a manager he
18 has generally unrestricted access to the premises and has financial responsibilities for the
19 company.

20 15. Liebertz testified that he has spent considerable effort in evaluating Hanson's
21 fitness as an administrator in light of his past transgressions. He has evaluated the matter both
22 with respect to Hanson's character and the potential repercussions of employing Hanson given
23 the close relationship Willamette ESD has with Salem-Keizer School District. Liebertz
24 believes Hanson has turned his life around and deserves a second chance.

25 CONCLUSION OF LAW

26 Hanson has the burden to show that he has good moral character and is fit to hold an
Oregon Teaching License. ORS 342.143, 342.195(3) and OAR 584-050-00069. Hanson has
made a sufficient showing of fitness to have his administrative license reinstated on a
conditional basis.

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1 DISCUSSION

2 Any educator who has surrendered a teaching license or whose license has been
3 revoked for other than crimes listed in ORS 342.143(3) may apply for reinstatement of the
4 license after one year. In this event, the commission will require the applicant to furnish
5 satisfactory evidence of good moral character, mental and physical health and any other
6 evidence relevant to the applicant's fitness. ORS 342.175(3).

7 In a recent case the Commission established parameters for review of reinstatement
8 requests:

9 The commission has considered relatively few applications for reinstatement,
10 especially where the teacher has engaged in inappropriate conduct towards a
11 student. Counsel for Mr. Carwithen cited some court cases concerning
12 reinstatement of attorneys who had been disbarred. These cases provide some
13 guidance to the Commission in applying its statutes, rules and professional
14 standards. The Supreme Court has held that an attorney applicant for
15 reinstatement should show "the sense of ethical responsibility and the maturity
16 of character to withstand the many temptations with [he] will confront in the
17 practice of law." *In re Taylor*, 293 Or 285, 296 (1982). If there is doubt as to
18 this issue, it should be resolved in favor of protection of the public. *Id.* The
19 Supreme Court has also held that an attorney applicant must demonstrate not
20 only an ability to conform his or her current conduct but reasonable assurance
21 that misconduct will not reoccur. *In re Nash*, 317 Or 354, 363 (1993).

22 In approaching this case, the panel makes the following general conclusions.
23 The educator has the burden of demonstrating to the Commission that he or she
24 possess good moral character and has under gone sufficient rehabilitation to
25 assure there will be no reoccurrence of unprofessional conduct. In cases, such
26 as this one, where the educator has violated his or her trust to students, the
educator has a substantial burden; where there is doubt about the educator's
ability to conform his or her future conduct, the issue should be resolved in
favor of protection of students and the school community.

Here, the commission is not concerned with overt behavior toward students, but rather
with Hansons honesty and integrity. Nonetheless, the same general analytical approach
described above is pertinent here. Hanson has the burden of showing he possesses fitness to
serve as an Oregon educator and that the behaviors that caused his revocation in 1996 have
been addressed and will not recur. Doubts about fitness should be resolved against the

1 educator in order to protect the integrity of the profession and to protect the school community.

2 In this case a number of considerations need to be evaluated in order to reach a
3 conclusion regarding Hanson's fitness. First, the 1996 grounds for revocation represented a
4 serious and highly damaging pattern of behavior that would have likely continued had Hanson
5 not been caught. Second, the Commission does not consider the plea bargained conviction as
6 the sum total of Hanson's fault worthy behavior. Rather, as set out in the default order,
7 Hanson engaged in misconduct over a period of October 1993 to June 1995 that resulted in a
8 loss to the district of \$5,000 to \$10,000. Under the concept of issue preclusion, Hanson
9 cannot dispute this determination of the Commission as set out in the default order and
10 supporting materials considered by the commission in 1996. Third, Hanson was in a position
11 of trust and responsibility. He was able to continue his pattern of fraud precisely because no
12 one suspected he would commit theft of school property. Hanson was respected and trusted
13 during the time he engaged in theft because no one knew of his misdeeds and because there
14 was no change in his outward behavior or his personality. This level of deceit, played out over
15 a long period of time is evidence of a very serious moral failure. Fourth, rather than resign or
16 take an unpaid leave of absence, Hanson continued to portray himself as innocent and thereby
17 permitted the matter to fester for approximately eight months. Fifth, conduct measured over
18 the passage of time is often the best gauge of whether a person has reformed. In this instance
19 3 ½ years is too short of period to know that a person has truly changed. These factors all
20 weight against reinstatement of Hanson's administrative license.

21 On the other hand, Hanson was able to marshal tremendous support from reputable
22 individuals who vouch for his character. A mental health expert concluded that Hanson has
23 addressed his psychological deficiencies. Hanson has engaged in behaviors that demonstrate
24 he is trusted by others including at his work where he has been promoted to a position having
25 financial and administrative responsibilities. Likewise, a current, respected administrator is
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1 willing to consider Hanson for employment as an administrator if he is able to obtain his
2 license.

3 Most importantly, by a bare preponderance of the evidence the Commission concludes
4 that Hanson understands the seriousness of his acts, has owed up to them, has learned from his
5 mistakes and likely will not repeat them. However, this determination is not without
6 substantial doubt and, as noted above doubts are to be resolved against the educator when
7 considering reinstatement. The Commission believes that insufficient time has elapsed to fully
8 establish Hanson's fitness to administer financial resources and therefore a clear license valid
9 for employment in any district is not warranted. In order to resolve this doubt and to protect
10 the school community and the integrity of the profession, the Commission has determined to
11 impose conditions on the reinstatement of Hanson's license. Pursuant to ORS 342.175(3) the
12 Commission is permitted to impose such conditions as it considers necessary when approving
13 an application for reinstatement.

14 **PROPOSED ORDER**

15 The Oregon administrative license of Hanson shall be conditionally reinstated.
16 Reinstatement will occur only if all standard terms and conditions are met along with the
17 following special conditions:

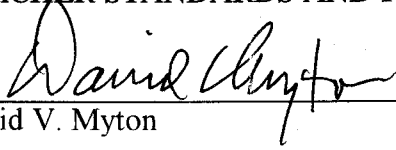
- 18 1. Willamette ESD must co-apply with Hanson for reinstatement of an
19 administrative license.
- 20 2. If condition one is met, the administrative license shall be made valid only for
21 so long as Hanson is employed by Willamette ESD. The license will not be transferable to
22 other employment. License renewal, should such occur while Hanson is employed by
23 Willamette ESD will be subject to these continuing terms unless and until Hanson convinces
24 the commission to lift these restricitons.
- 25 3. Should Hanson leave the employment of Willamette ESD, the administrative
26 license will lapse. If Hanson desires an administrative license thereafter, he will be required to

1 reapply for reinstatement subject to the provisions of ORS 342.143, 342.175 and related
2 statutes and rules.

3 4. Hanson shall provide any information as requested by the Executive Director to
4 verify he is compliant with these special conditions or any other conditions pertaining to
5 licensure.

6 DATED this 22nd day of November 1999.

7 TEACHER STANDARDS AND PRACTICES COMMISSION

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10 David V. Myton
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