

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, CONCLUSIONS OF
5	DAVID RICHARD CROY				

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7 On April 2, 1997, the Teacher Standards and Practices Commission (the
8 "Commission") issued a Notice of Opportunity for Hearing to David Richard Croy,
9 proposing to deny his Substitute Teaching License or otherwise impose discipline
10 under ORS 342.177. On April 18, 1997, Mr. Croy requested a hearing, and a
11 hearing was held on July 16, 1997, before a panel of three commissioners, Toby
12 Clauson, Chairperson, Meredith Brodsky, and Patrick Pullam. Mr. Croy appeared
13 personally and represented himself. The Commission was represented by Assistant
14 Attorney General Kelly Gabliks. The hearing was conducted as a contested case
15 hearing and was mechanically tape recorded.

16 The panel heard testimony from Mr. Croy and Detective Frank Jolly. The
17 following exhibits were received into evidence without objection:

18 TSPC Exhibits:

- 19 1. Notice of Opportunity for Hearing dated April 3, 1997.
- 20 2. Letter from Mr. Croy dated April 18, 1997 requesting a hearing.
- 21 3. Mr. Croy's Application for License Authorizing Public School Service
22 Form C-1 dated December 12, 1996.
- 23 4. Statement from Mr. Croy dated 2/21/97.
- 24 5. Mr. Croy's Judgment of Conviction and Sentence for Attempted Theft in
25 the First Degree.
- 26 6. Portland State University/Portland Police Bureau Incident Report for
theft of computers and equipment dated 8/1/95 and attached list of the
stolen equipment and estimated value.

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2 7. Portland Police Bureau Special Report by Detective Frank Jolly on the
3 8/1/95 incident.

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FINDINGS OF FACT

1. David Croy completed a teacher education program at Concordia University in Portland, Oregon in December 1996.
2. On or about December 30, 1996, Mr. Croy made application for an Oregon Basic Teaching License endorsed for elementary education. On the application, Mr. Croy indicated "yes" on Character Questions 8, 9 and 10 regarding conviction for a felony or misdemeanor.
3. On or about August 27, 1995, several Apple computers were offered for sale in *the Oregonian*, listing Mr. Croy's home phone number. These computers were stolen from Portland State University on or about August 1, 1995 and were valued at over \$3,000.
4. Mr. Croy was convicted of Attempted Theft in the First Degree on November 22, 1995.
5. Mr. Croy was placed on probation for two years, ordered to perform 160 hours of community service and provide restitution to Portland State University.
6. When asked by TSPC to explain his conviction, Mr. Croy asserted that he was arrested in the process of helping a friend move. He never offered this explanation to the police officers conducting the investigation into the computer thefts, nor to his family when they asked how he came into possession of the computers. Instead, he offered several other versions of this story, including that he had purchased the computers in an auction and from a stranger named "John." Mr. Croy admitted during the hearing that all of these stories were untrue.

PAGE 2 - FINDINGS OF FACT/OPINION AND ORDER

1 **ULTIMATE FINDINGS OF FACT**

2 1. Mr. Croy failed to accurately and fully disclose his actions which led to
3 the conviction for Attempted Theft in the First Degree when making application for an
4 Oregon Teaching License.

5 **CONCLUSIONS OF LAW**

6 Mr. Croy's failure to accurately and fully disclose his actions which led to his
7 conviction bear a demonstrable relationship to his fitness to serve as an educator:

8 1. Mr. Croy's extensive involvement in the concealment of the theft of
9 computers and subsequent cover-up of his involvement constitutes gross unfitness to
10 be an ethical educator under OAR 584-20-040(5).

11 2. Mr. Croy's failure to disclose the actions that led to his conviction
12 constitutes a false statement related to licensure, and is a basis for a finding of gross
13 neglect of duty under OAR 584-20-040(4)(c).

14 **OPINION**

15 Mr. Croy had many opportunities to be truthful to police and an opportunity to
16 give an adequate and truthful explanation to TSPC on his application for licensure.
17 The panel is deeply concerned that Mr. Croy involved family members in the
18 concealment.

19 Mr. Croy will be eligible to reapply for an Oregon Substitute Teaching License
20 after a period of one year from the date of this Order. If Mr. Croy reapplies, he
21 shall:

22 1. Read the application carefully, answer all questions truthfully, and
23 provide all necessary documents to support and clarify answers on the application.

24 2. Document that he has completed counseling/class dealing with honesty.

25 (3). Document that Mr. Croy has complied with and completed all terms of
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1 his probation and has been a productive, law-abiding citizen.

2 At the time of reapplication, Mr. Croy shall have the burden of proof to present
3 evidence of fitness to serve as an educator


4 **ORDER**

5 The Commission upholds the denial of the application of David Richard Croy
6 for an Oregon Substitute Teaching License for failing to accurately and fully disclose
7 his actions that led to his conviction for Attempted Theft in the First Degree.

8 DATED this 22nd day of Sept, 1997.

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10 TEACHER STANDARDS AND PRACTICES COMMISSION

11 By:


12 David M. Myton, Executive Secretary

13 **NOTICE: YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER.**
14 **JUDICIAL REVIEW MAY BE OBTAINED BY FILING FOR**
15 **JUDICIAL REVIEW WITHIN 60 DAYS OF THE SERVICE OF**
16 **THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE**
17 **PROVISIONS OF ORS 183.482 THROUGH THE OREGON**
18 **COURT OF APPEALS.**

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26 PAGE 4 - FINDINGS OF FACT/OPINION AND ORDER