

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  JAMES RALPH GADBERRY                              )    DEFAULT ORDER OF  
7  IMPOSITION OF  
  PUBLIC REPRIMAND

8                  On March 26, 2009, the Teacher Standards and Practices Commission (Commission)  
9  issued a Notice of Opportunity for Hearing to James Ralph Gadberry (Gadberry) in which the  
10  Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.  
11  First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 9157 to the address on  
12  file with the Commission. The Notice of Opportunity of Hearing, dated March 26, 2009, and  
13  signed by Victoria Chamberlain, Executive Director, stated:

14                  "You, James Ralph Gadberry, are entitled to a hearing on the proposed action of  
15  the Commission. If you want a hearing, you must file a written request for a  
16  hearing with the Commission within 21 days of the date of this notice. Attached  
17  to this notice is a copy of the procedures, right of representation and other rights  
18  of parties relating to the conduct of a hearing as required under ORS  
19  183.413(2)."  
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21  The Certified Mail receipt shows that Gadberry received the notice on March 27, 2009.  
22  Gadberry did not request a hearing. The Commission, therefore, finds Mr. Gadberry to  
23  be in default and enters the following findings of fact, conclusions of law and order,  
24  based on the files and records of the Commission concerning this matter.

25  **FINDINGS OF FACT**

26                  1. On or about February 7, 2008, Gadberry was working as a teacher with the Nestucca Valley  
27  School District. On that day, Gadberry grabbed a student on or near his neck and shoulder during a  
28  confrontation in a wrestling practice. Gadberry admitted to grabbing the student during the  
29  confrontation.

30  ///

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1 **CONCLUSIONS OF LAW**

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3 Gadberry's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b);  
4 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*);  
5 OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or*  
6 *visitors to the school, except as permitted under ORS 339.250*). The Commission's authority to  
7 impose discipline in this matter is based upon ORS 342.175.

8 **FINAL ORDER**

9 The Commission adopts and incorporates herein the above findings of facts and  
10 conclusions of law, and based thereon, hereby impose a Public Reprimand on the Standard  
11 Administrative License and Standard Teaching License issued to James Ralph Gadberry.

12 Issued and dated this 11<sup>th</sup> day of June, 2009.

13 **TEACHER STANDARDS AND PRACTICES COMMISSION**

14  
15  
16 By:   
17 Victoria Chamberlain, Executive Director

18  
19 **NOTICE OF APPEAL OR RIGHTS**

20  
21 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
22 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE  
23 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS  
24 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

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

James Ralph Gadberry  
5636 K St  
Washougal WA 98671

Dated this 15<sup>th</sup> day of June, 2009.

By: Melody Hanson  
Melody Hanson, Executive Assistant