

1                   BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2                   OF THE STATE OF OREGON  
3

4 In the Matter of the Educator License of )           DEFAULT ORDER OF  
5   )           DENIAL OF APPLICATION, AND  
6 RICHARD JAMES DAVIS   )           REVOCATION OF RIGHT TO  
7   )           APPLY FOR AN EDUCATOR LICENSE  
8

9           On May 3, 2013, the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Richard James Davis (Davis) in which the  
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  
12 Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3398 to the address on file  
13 with the Commission. The Notice designated the Commission file as the record for purposes  
14 of proving a prima facie case. The Certified Mail receipt was returned, signed to the  
15 Commission on June 13, 2013. The regular mail was not returned to the Commission. The  
16 Notice of Opportunity of Hearing, dated May 3, 2013, and signed by Victoria Chamberlain,  
17 Executive Director, stated:

18           "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU  
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER  
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
24 YOUR LICENSE OR OTHER DISCIPLINE."  
25

26 Davis did not request a hearing. The Commission, therefore, finds Davis to be in default and  
27 enters the following findings of fact, conclusions of law, and final order, based on the files  
28 and records of the Commission concerning this matter.

29   **FINDINGS OF FACT**

- 30 1. Richard James Davis has been licensed by the Commission since July 1, 1975. Davis's  
31 Basic Teaching License, with an endorsement in Basic Elementary (014), was issued  
32 January 5, 2010, and expired on December 30, 2012. Davis made application for  
33 reinstatement of his expired license on January 3, 2013. Davis' license remained expired  
34 and his application was pended until his investigation was completed. During all  
35 relevant times, Davis was employed by the Gervais School District.
- 36 2. On or about May 11, 2012, the Commission received a report from the Gervais School  
37 District advising that Davis had violated Professional Standards by crossing

1 inappropriate teacher / student boundaries. District and Commission investigations  
2 indicate that several female students had complained to school administrators regarding  
3 Davis' conduct. This conduct included Davis referring to the student(s) as "Gorgeous",  
4 "beautiful" and telling them they should be in a beauty contest. These students advised  
5 that in class Davis would "look down their shirts", touch their shoulders and their faces,  
6 and generally make them feel uncomfortable.

- 7 3. Investigation into the allegations detailed in section two above, determined that similar  
8 complaints about Davis' behavior were received by school staff during the spring of 2011,  
9 from four separate, female, middle school students. Davis was counseled about student /  
10 teacher boundaries and directed not to touch or otherwise make the students feel  
11 uncomfortable. In the fall of 2011, administrators received another, similar list of  
12 complaints by two different, female students. Davis was again counseled about his  
13 alleged behaviors and told if it happened again, Davis would be excluded from substitute  
14 teaching in the district.

#### 15 **CONCLUSIONS OF LAW**

16 Davis's conduct described in section two (2) above constitutes gross neglect of duty in  
17 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
18 0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*),  
19 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the*  
20 *selection and use of teaching techniques conducive to student learning*), OAR 584-020-  
21 0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and*  
22 *other patrons*); OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*  
23 *regulations*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)  
24 (*Honoring appropriate adult boundaries with students in conduct and conversations at all*  
25 *times*).

26 Davis's conduct described in section three (3) above constitutes gross neglect of duty  
27 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-  
28 020-0010(5) (*Use professional judgment*), and OAR 584-020-0030(2)(b) (*Skill in*  
29 *communicating with administrators, students, staff, parents, and other patrons*).

30 The Commission's authority to impose discipline in this matter is based upon ORS  
31 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Richard James Davis' Right to Apply for an  
3 Educator licensure.

4 IT IS SO ORDERED THIS 22<sup>nd</sup> day of October, 2013.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: \_\_\_\_\_  
7 Victoria Chamberlain, Executive Director

8 **NOTICE OF APPEAL OR RIGHTS**

9  
10  
11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
12 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
13 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
14 PROVISIONS OF 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:

Richard James Davis  
1585 Barnes Ave SE  
Salem, OR 97306-1055

Dated this 22<sup>nd</sup> day of October, 2013.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant