

1                   BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

2                                   ON BEHALF OF

3                   TEACHER STANDARDS AND PRACTICES COMMISSION

4 In the Matter of the Teaching License of  
5 RICHARD GUNNER GURWELL

OAH Case No. 901215

6                                   FINAL ORDER BY DEFAULT

7           On July 1, 2009, the Teacher Standards and Practices Commission (Commission) issued  
8 a Notice of Opportunity for Hearing to Richard Gunner Gurwell, in which the Commission  
9 proposed to revoke Mr. Gurwell's right to apply for an Oregon Teaching License. Mr. Gurwell  
10 requested a hearing. A hearing was scheduled before Administrative Law Judge Ken Betterton  
11 at 9 a.m. on January 14, 2010. Mr. Gurwell failed to appear at the scheduled time and place of  
12 the hearing.

13           The Notice of Opportunity for Hearing informed Mr. Gurwell that if he failed to appear at  
14 the hearing the Commission would adopt an order of default and that the records contained the  
15 files of the Commission would automatically become a part of the contested case record upon  
16 default for purposes of proving a prima facie case. The Commission, therefore, finds Mr.  
17 Gurwell in default and enters the following findings of fact, conclusions of law and order, based  
18 on the files and records of the Commission concerning this matter.

19                                   **FINDINGS OF FACT**

20           1.       Richard Gunner Gurwell has been licensed with the Commission since September  
21 1986. He recently held a Basic Oregon Teaching License from March 2006 until March 26,  
22 2009, when the license expired.

1 2. Mr. Gurwell was employed as an elementary teacher with the Ashland School  
2 District. Mr. Gurwell resigned from his teaching position on April 5, 2008.

3 3. On or about April 3, 2008, Mr. Gurwell pled guilty and was convicted of one  
4 count of Assault IV in Jackson County Circuit Court, Case No. 075002DV. The circumstances  
5 leading up to Mr. Gurwell's conviction involved an incident in which he struck and injured his  
6 wife, KG, during a domestic dispute. KG was also an employee of the Ashland School District  
7 at the time of this incident.

8 4. Sometime in 2006, Superintendent Juli Di Chiro met with Mr. Gurwell to discuss  
9 that his behavior involving KG was interfering with his ability to perform his duties. Mr.  
10 Gurwell's instruction had deteriorated to the point where he was using the wrong materials, did  
11 little more than show movies, and remained at his desk throughout class. As a result,  
12 Superintendent Di Chiro transferred KG to a different school within the district. Despite  
13 Superintendent Di Chiro's transfer of KG, domestic violence continued, and K.G. would at times  
14 show up to work with physical signs of abuse. This conduct negatively impacted the Ashland  
15 School District schools.

16 **CONCLUSIONS OF LAW**

17 1. ORS 342.175 authorizes the Commission to revoke the right of any person to apply  
18 for a teaching license if the person has held a license at any time within the previous five years.

19 2. Mr. Gurwell's conviction for Assault IV, including the surrounding  
20 circumstances, constitutes gross neglect of duty under ORS 342.175(1)(b); OAR 584-020-  
21 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a); OAR 584-020-0040(4)(n) as it  
22 incorporates OAR 584-020-0010(1); and OAR 584-020-0010(5).

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1           3.       The assault of KG as alleged above constitutes gross neglect of duty under ORS  
2 342.175(1)(b) and OAR 584-020-0040(4)(d).

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**ORDER**

5           Based on the foregoing, the right of Richard Gunner Gurwell to apply for an Oregon  
6 Teaching License is revoked.

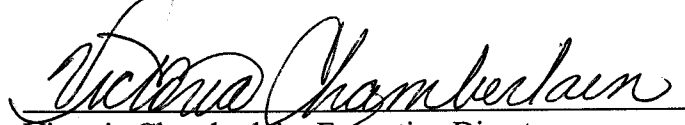
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IT IS SO ORDERED this 14<sup>th</sup> day of May 2010.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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Victoria Chamberlain, Executive Director

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APPEAL RIGHTS: You are entitled to judicial review of this order in accordance with ORS  
Chapter 183.480. You may request judicial review by filing a petition with the Court of Appeals  
in Salem, Oregon within 60 days from the date of this order. Tape recordings of Administrative  
Hearings are retained 90 days after the date of the final order.

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