

1 STATE OF OREGON
2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the)
4 Administrative License of:) FINDINGS OF FACT, CONCLUSIONS OF
5 PAUL A. LINDQUIST) LAW, OPINION AND PROPOSED ORDER
6)

7 On April 12, 1996, the Teacher Standards and Practices
8 Commission (Commission) issued a Notice of Opportunity for
9 Hearing, proposing to suspend or revoke the administrative
10 license of Paul A. Lindquist (Lindquist) or otherwise impose
11 discipline under ORS 342.177. On May 6, 1996, Lindquist
12 requested a hearing, and the Commission scheduled a hearing for
13 September 25, 1996. The hearing took place as scheduled with a
14 hearing panel consisting of Jennifer Heiss, Sue Wetzel and Chuck
15 Bugge as chair. Kelly M. Gabliks, Assistant Attorney General,
16 represented the Commission. Lindquist appeared personally and
17 was represented by his attorney, Jim Brown. The hearing was
18 conducted as a contested case matter and was mechanically tape
19 recorded.

20 The panel heard testimony from the following witnesses
21 called by the Commission: Charles Barker, Director of Human
22 Resources for Three Rivers School District and Kathy Krouse,
23 Business Manager for Three Rivers School District. The panel
24 also heard testimony from Lindquist.

25 The following exhibits were received into evidence without
26 objection:

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1 TSPC Exhibits:

- 2 1. Notice of Opportunity for Hearing dated April 12, 1996.
- 3 2. Request for Hearing dated May 6, 1996.
- 4 3. Three Rivers/Josephine County School District Steps to
- 5 Follow to Attend Workshops.
- 6 4. August 10, 1995 ad in the Grants Pass DAILY COURIER.
- 7 5. Accounting and copy of check dated June 26, 1995 for
- 8 \$9,894.97 from Lindquist to the School District.
- 9 6. Letter from Ms. Hungerford to Mr. Brown dated November
- 10 19, 1995.
- 11 7. Exhibit IV of the Talbot, Korvola and Warwick Audit
- 12 Report - Airline Expenses.
- 13 8. Copy of check dated December 3, 1995 for \$1,943 from
- 14 Lindquist to the School District.
- 15 9. Oregon Department of Education Review of School
- 16 District Audit Report for 1994-95.
- 17 10. Request for Repayment of Questioned Costs dated June 4,
- 18 1996 from the Oregon Department of Education to School
- 19 District.
- 20 11. District Repayment of Questioned Costs dated June 24,
- 21 1996 to Oregon Department of Education.
- 22 12. Memo from Mr. Barker to Mr. Lindquist dated June 22,
- 23 1995.
- 24 13. Memo from Mr. Lindquist to Mr. Barker dated June 22,
- 25 1995 with attachments.
- 26 14. November 11, 1993 itinerary and refund forms.
15. Selected provisions of the United States Office of
Management and Budget Circular No. A-87 Principles for
Determining Costs Applicable to Grants and Contracts
with State, Local and Federally Recognized Indian
Tribal Governments.

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1 Lindquist Exhibits:

2 101. Letter, Ben Prins, M.D.

3 102. Letter, Leonard W. Holzinger, Jr.

4 103. Letter, Lee E. Baldwin

5 104. Letter, Jeanette Howlett

6 105. Letter, Robert A. Strode

7 106. Letter Teri Houghton

8 107. Letter, Cliff Kuhlman

9 108. Letter, Larry L. Beard

10 109. Letter, Carl Johnson

11 110. Letter, Charles Hellman

12 111. Letter, Sharon Ann Smith

13 112. Letter, Rick Epstein

14 113. Letter, David Hegdahl

15 114. Letter, Shelby L. Price

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FINDINGS OF FACT

17 1. Lindquist holds an Oregon administrative license. He
18 was employed by the Three Rivers/Josephine County School District
19 for 30 years in a variety of positions culminating in the
20 position of Director of Curriculum.

21 2. As Director of Curriculum, Lindquist's responsibilities
22 included the expenditure of federal funds for staff development,
23 including travel. Lindquist's duties included ensuring that such
24 funds were used in compliance with federal and state laws dealing
25 with the expenditure of federal funds.

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1 3. On four separate occasions during 1993 to 1995,
2 Lindquist used public funds for personal travel for himself, and
3 on two occasions, his wife. These trips included: round trip
4 airfare to Boston, Massachusetts in November, 1993 (with his
5 wife); round trip airfare to Denver, Colorado in August, 1994;
6 round trip airfare to Helena, Montana in late August, 1994 and
7 round trip airfare to Phoenix, Arizona in March, 1995 (with his
8 wife).

9 4. During 1994-1995, Lindquist used public funds on four
10 separate occasions to purchase first-class airline tickets for
11 himself and others in violation of a long-standing written
12 federal policy against the expenditure of federal funds in such a
13 manner. These occasions included: First-class round trip
14 airfare for himself and Dr. Carol Ricotta to Atlanta, Georgia in
15 February, 1994; first-class airfare for Lindquist and Sharon
16 Smith to Los Angeles, California in March, 1994; first-class
17 airfare to Phoenix, Arizona for Lindquist and Carl Johnson in
18 January, 1995; first-class round trip airfare to Philadelphia,
19 Pennsylvania in February, 1995 for Lindquist, Sharon Smith and
20 Phyllis Rock.

21 5. In its 1994-95 audit, the Oregon Department of
22 Education, as the actual grantee of the federal funds, questioned
23 the School District's use (as the subgrantee) of the federal
24 funds for these trips. Given Lindquist's use of the funds for
25 prohibited first-class and personal travel, the School District
26 ///

1 was required to reimburse the federal government for these
2 questioned expenditures.

3 6. Lindquist acknowledges the improprieties of his actions
4 and has repaid the School District the sum of \$11,833.97.

5 **ULTIMATE FINDINGS OF FACT**

6 1. Lindquist used public funds for personal use on four
7 occasions during 1993 to 1995.

8 2. Lindquist used public funds to purchase first-class
9 round trip airfare for himself and other School District
10 employees on four occasions during 1994-1995.

11 **CONCLUSIONS OF LAW**

12 The conduct described in paragraphs one and two of the
13 Ultimate Findings of Fact constitute gross neglect of duty as
14 that term is defined under ORS 342.175(1) and OAR 584-20-
15 040(4)(b).

16 **OPINION**

17 Mr. Lindquist's misuse of public funds was a violation of
18 his duties as an educator, were very serious, and had a negative
19 impact on the effectiveness and credibility of the School
20 District and all School District employees. Mr. Lindquist was
21 aware or should have been aware of the grant policies against the
22 use of the funds for personal or first-class travel. However,
23 Mr. Lindquist is aware of his duty as a professional educator and
24 the violation of that duty by this conduct. Although revocation
25 of Mr. Lindquist's license for these violations was an option,
26 His acknowledgment of his misdeeds, repayment of the funds and 30

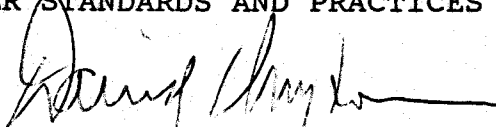
1 years of service support the imposition of the lesser suspension
2 sanction.

3 **ORDER**

4 The administrative license of Paul A. Lindquist is hereby
5 suspended for a period of one year for using public funds for
6 personal use, with such suspension to commence on the date of the
7 signing of the Final Order.

8
9 DATED this 10th day of December
10 1996.

11 **TEACHER STANDARDS AND PRACTICES COMMISSION**

12
13 By: 
14 David M. Myton, Executive Secretary

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

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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. Certified Mail, with Return Receipt Requested addressed to attorney for Paul A. Lindquist:

JAMES BROWN
ENFIELD, BROWN & COLLINS
214 PIONEER TRUST BUILDING
117 COMMERCIAL STREET NE
SALEM OR 97301-3498

Dated this 10th day of December 1996.

By: 
Charlene A. Smith
Secretary to the Commission