

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

3
4 In the Matter of the Educator) DEFAULT ORDER OF REVOCATION
5 License of JOSEPH SATO) OF RIGHT TO APPLY
6

7
8 On December 13, 2013, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Joseph Sato (Sato) in which the
10 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
11 Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 2391 to the address on file
12 with the Commission. The Notice designated the Commission file as the record for purposes
13 of proving a prima facie case. The Certified Mail receipt was returned, “unclaimed” to the
14 Commission on January 13, 2013. The regular mail was not returned to the Commission.
15 The Notice of Opportunity of Hearing, dated December 13, 2013, and signed by Victoria
16 Chamberlain, Executive Director, stated:

17
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 On December 26, 2013, the Commission received Sato’s request for a hearing. On October,
27 3, 2014, Sato withdrew his request for a hearing and elected to default. The Commission,
28 therefore, finds Sato to be in default and enters the following findings of fact, conclusions of
29 law, and final order, based on the files and records of the Commission concerning this
30 matter.
31

32 **FINDINGS OF FACT**

- 33 1. Sato has been licensed by the Commission since August 8, 2000. Sato previously held a
34 Continuing Teaching License, issued June 28, 2009, with an endorsement in Social
35 Studies (HS), which expired on June 27, 2014. During all relevant times, Sato was
36 employed by the Portland Public School District.
37

- 1 2. On September 6, 2012, the Commission received a complaint from the
2 administration of the Portland Public School District indicating Sato may have
3 committed acts which constitute gross neglect of duty. An investigation determined
4 that during Sato's employment at Portland Public Schools, including the school years
5 of 2010, 2011, and 2012; Sato engaged in activities with female students that violate
6 professional standards regarding student teacher boundaries. These activities
7 include the following:
- 8 a) Sato told student EG, during her freshman year, "Don't let guys touch the
9 honey hole" referring to her vagina. Over the course of this year, Sato would
10 whisper in EG's ear, "Remember what I said"; referring to Sato's original
11 comment.
 - 12 b) Multiple female students reported to investigators that Sato had made them
13 feel uncomfortable and "creepy" when Sato touched them unprofessionally.
14 The students described these incidents as Sato touching their upper and inner
15 thigh area, rubbing or touching their lower back near their buttocks, grabbing
16 them or putting his arm around their waist, touching them on the stomach
17 area, hugging them, and holding their hands.
 - 18 c) Students complained that Sato would whisper in their ear both
19 inappropriately and unnecessarily. Either whispering something Sato could
20 have said out loud in order to be in their personal space, or whispering
21 something inappropriate. For example, whispering to a female student, "all
22 the boys are staring at your butt". Students reported that Sato did not whisper
23 in the ears of male students.
 - 24 d) During the 2011-2012 school year, Sato pulled female student TC in closer to
25 himself and then kissed her on the side of her head near her hairline.
- 26 3. On February 1, 2013, the Portland Public School District informed Sato that they had
27 sustained a finding of "sexual conduct" against Sato and were seeking dismissal of Sato's
28 employment. Effective March 29, 2013, Sato resigned his employment from Portland
29 Public Schools.
30
31

1 **CONCLUSIONS OF LAW**

2 Sato's conduct described in section two (2) above, constitutes gross neglect of duty in
3 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
4 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR
5 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate*
6 *interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving*
7 *or exchanging romantic or overly personal gifts or notes with a student*), OAR 584-020-
8 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
9 *conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a*
10 *student*). The Commission may rely on the definitions of sexual conduct in OAR 584-020-
11 0005(5).

12
13 The Commission's authority to impose discipline in this matter is based upon ORS
14 342.175.

15 **FINAL ORDER**

16 The Commission hereby revokes Joseph Sato's Right to Apply for an Educator
17 license.

18 IT IS SO ORDERED THIS 6th day of October, 2014.

19 TEACHER STANDARDS AND PRACTICES COMMISSION



20 By: _____
21 Victoria Chamberlain, Executive Director

22 **NOTICE OF APPEAL OR RIGHTS**

23
24
25 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
26 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
27 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
28 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:

Joseph Sato
1325 SE Haig Street
Portland, OR 97202-2834

Dated this 6th day of October, 2014.

By: Patty Liddell
Patty Liddell
Investigative Assistant