

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) DEFAULT ORDER OF
6 KEATH S. ALLEN) LICENSE REVOCATION
7
8

9 On September 1, 2009, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Keath S. Allen (Allen) in which the
11 Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(3)(a), (d),
12 OAR 584-020-0040(4)(c) and OAR 584-020-0040(5). The Notice was sent via U.S. First Class
13 Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 8792 to the address on file with the
14 Commission. The U.S. Postal Service delivered the notice which Allen signed for on September
15 4, 2009. The Notice of Opportunity of Hearing, dated September 1, 2009, and signed by
16 Victoria Chamberlain, Executive Director, stated:

17 "You have 21 days from the date of this letter in which to request a hearing. If you do
18 not request a hearing, the Commission will adopt a default order imposing disciplinary
19 sanctions which may include suspending or revoking your Oregon teaching license."
20

21 Mr. Allen did not request a hearing. The Commission, therefore, finds Mr. Allen to be in default
22 and enters the following findings of fact, conclusions of law and order, based on the files and
23 records of the Commission concerning this matter.

24 **FINDINGS OF FACT**

- 25 1. On or about September 19, 1994, Mr. Allen plead guilty and was convicted of indecent
26 acts and liberties upon a child and indecent assault on a child under ART 134 UCMJ,
27 while serving in the military at the National Training Center and Fort Irwin, California.
28 Pursuant to 342.143(3)(a)(C), ORS 342.175(1)(a) and OAR 584-020-0040(1) the
29 Teacher Standards and Practices Commission may revoke the license and the right to
30 apply for a license based on convictions in another jurisdiction of a crime "substantially
31 equivalent" to any of the crimes listed in (A) and (B) of ORS 342.143(3)(a). Mr. Allen's
32 ART 134 UCMJ convictions are "substantially equivalent" to ORS 163.415 (*Sexual*

1 *abuse in the Third Degree)* and or ORS 163.427 (*Sexual abuse in the First Degree)* as
2 listed in ORS 342.143(3)(a)(A). Additionally, Mr. Allen's convictions constitute "gross
3 unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined
4 by OAR 584-020-0040 (5) ("*Gross unfitness is any conduct which renders an educator*
5 *unqualified to perform his or her professional responsibilities*").

- 6
7 2. On or about June 20, 2006, Mr. Allen signed and submitted an Application for Educator
8 License Form C-1 upon which he responded "no" to all character questions. Specifically
9 he answered "no" to character question 10, "*Have you ever entered a plea of guilty or No*
10 *Contest relative to any charge for an offense listed in question 8?*" "*Have you ever been*
11 *convicted or been granted conditional discharge by any court for; (a) any felony; (b)*
12 *misdemeanor; or (c) any major traffic violation....*". Mr. Allen's decision to answer "no"
13 to question 8, despite his convictions under Art 134 UCMJ, constitutes gross neglect of
14 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(c) ("*Knowing falsification*
15 *of any documents or knowing misrepresentation directly related to licensure,*
16 *employment, or professional duties*")

17 **CONCLUSIONS OF LAW**

18 Keath S. Allen's September 4, 1994 conviction of indecent acts and liberties upon a child
19 and indecent assault on a child constitutes gross unfitness pursuant to ORS 342.143(3)(a)(C);
20 OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5). Mr. Allen's choice not
21 to disclose his conviction on his June 20, 2006 Application for Educator License Form C-1,
22 constitute gross neglect of duty in violation of ORS 342.175(1)(b) and OAR 584-020-0040(4)(c).
23 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

24 *///*

25 *///*

26 *///*

1 **FINAL ORDER**

2 The Commission hereby revokes Keath S. Allen's educator license.

3
4 Approved by the Commission on November 6, 2009, effective November 9, 2009.

5 IT IS SO ORDERED this 30th day of March, 2010.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7
8
9 By: 
10 Victoria Chamberlain, Executive Director
11
12
13
14

15 **NOTICE OF APPEAL OR RIGHTS**

16
17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
18 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
19 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
20 ORS 183.482 TO THE OREGON COURT OF APPEALS.
21

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:

Keath S. Allen
1550 E. Thunderbird Rd. Apt. 1030
Phoenix AZ 85022-5602

Dated this 31st day of March, 2010.

By: Melody Hanson
Melody Hanson
Executive Assistant