

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

In the Matter of the Teaching License of: ) FINAL ORDER  
WILLIAM DEAN TAYLOR ) Hearing Officer Panel Case  
No. 100493

On October 28, 2002, Administrative Law Judge William D. Young issued a Proposed Order in this case.

The Teacher Standards and Practices Commission adopts the Findings of Fact, Conclusions of Law and sanction contained in the attached Proposed Order.

ORDER

The Commission adopts the Proposed Order, upholds the denial of Mr. Taylor's application for renewal of his Standard Teaching License and for renewal of his Transitional Administrative License, and orders that the right of William Dean Taylor to apply for an Oregon Teaching or Administrative License shall be suspended for 120 days, effective January 10, 2003.

Dated this 10 day of January 2003.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:   
Victoria Chamberlain, Executive Director

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days of service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

**BEFORE THE HEARING OFFICER PANEL  
STATE OF OREGON  
for the  
TEACHER STANDARDS AND PRACTICES COMMISSION**

In the Matter of the  
Standard Teaching License and the  
Administrative License of

**PROPOSED ORDER**

**WILLIAM DEAN TAYLOR**  
DOB: 01/30/52

Hearing Officer Panel Case No. 100493

**HISTORY OF THE CASE**

On August 23, 2001, William Dean Taylor applied for a Transitional Administrator License. On March 27, 2002, the Teacher Standards and Practices Commission (TSPC or Commission) issued a Notice of Opportunity for Hearing denying application his pursuant to its authority under ORS 342.175(1)(b). The TSPC denied Mr. Mr. Taylor's application on the grounds of Gross Neglect of Duty under OAR 584-020-0040(4)(c) and (5). On April 2, 2002 Mr. Taylor requested a hearing.

The TSPC referred the request for hearing to the Hearing Officer Panel on May 23, 2002. A prehearing conference was held on July 11, 2002. On August 8, 2002 the TSPC served an Amended Notice of Hearing that also denied renewal of Mr. Taylor's Standard Teaching License.

A contested case hearing was held on September 24, 2002 in Salem, Oregon. Administrative Law Judge William D. Young of the Hearing Officer Panel presided. Mr. Taylor appeared in person and was represented by his attorney, James M. Brown. Harry Hedrick, John McDonough, Manual Alverado, and Casey Pratt testified on behalf of Mr. Taylor. The TSPC was represented Assistant Attorney General, Joe Gordon McKeever. Victoria Chamberlain, Susan Nisbet, and Dennis Carter testified on behalf of the TSPC. The record closed on the day of the hearing.

**ISSUES**

(1) On or about December 29 or 30, 2000, did William D. Taylor engage in stalking behavior by making unwanted contact with Michelle Leavitt by waiting outside Ms. Leavitt's home in Vale, Oregon, and preventing Ms. Leavitt from entering her home, thereby causing Ms. Leavitt to be reasonably apprehensive regarding her personal safety? On January 2, 2000, did Mr. Taylor call Ms. Leavitt on the telephone and threaten to kill himself because he could not live without her? If this conduct occurred, did it constitute gross unfitness as that term is defined under OAR 584-020-0040(5)? If this conduct occurred, did it also violate the prohibition against stalking under ORS 30.866 and constitute a violation of OAR 584-020-0035(3)(a)?

(2) On or about January 12, 2001, did William D. Taylor engage in stalking behavior by making unwanted contact with Michelle Leavitt when he followed her to three separate locations in Ontario, Oregon, thereby causing Ms. Leavitt to be reasonably apprehensive regarding her personal safety. If this conduct occurred, did it constitute gross unfitness as that term is defined under OAR 584-020-0040(5). If this conduct, occurred did it also violate the prohibition against stalking under ORS 30.866 and constitute a violation of OAR 584-020-0035(3)(a)?

(3) On February 1, 2001, did the Malheur County Circuit Court enter a Limited Stalking Order against William D. Taylor, prohibiting Mr. Taylor from having contact with Michelle Leavitt. On about August 23, 2001, did William D. Taylor sign and submit an application for an Oregon Teaching License falsely answering "no" to question 11 on the application, which asks: "Have you ever had a civil judgment or other court order entered against you resulting from abuse, assault, battery, harassment, neglect, stalking or other threatening behavior toward another person?" If this conduct occurred, did it constitute gross neglect of duty in violation of OAR 584-020-0040(4)(c)?

### EVIDENTIARY RULINGS

TSPC's Exhibits A3-A8 were admitted without objection. Mr. Taylor's Exhibits R1 and R2 were also admitted without objection.

Mr. Taylor objected to TSPC's Exhibits A1 and claiming an insufficient foundation for those exhibits, and further basing his objection on multiple levels of hearsay and the unreliability of those exhibits. The objection was overruled and the exhibits were admitted as evidence, the exhibits being sufficiently reliable and relevant to the proceeding as to be admissible under ORS 183.450(1).<sup>1</sup>

Mr. Taylor also objected to TSPC's Exhibits 9-11, claiming that the exhibits were irrelevant. That objection was overruled and the exhibits were admitted as evidence, the exhibits being relevant to the appropriateness of any sanction to be imposed if the existence of a violation were to be established.

### FINDINGS OF FACT

(1) William Dean Taylor holds a Standard Teaching License and has been working as an associate principal at Ontario High School for the past three years. His present duties include assigning and evaluating school staff, evaluating coaches, and school discipline and activities. (McDonough and Taylor testimony).

(2) In the fall of 2000, Mr. Taylor and Michelle Leavitt became involved in an intimate relationship. They lived together for a short time but the relationship soon soured and Mr. Taylor moved out of their residence in late December 2000. On January 2, 2001 Ms. Leavitt contacted

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<sup>1</sup> See *Glide School Dist. v. Carrell*, 39 Or App 727, rev den 287 Or 215 (1979) (recognizing that hearsay evidence need not be excluded in a contested case proceeding under the APA).

the Vale City Police Department and complained that Mr. Taylor had made several unwanted contacts and engaged in other behaviors that frightened her. The investigating officer contacted Mr. Taylor by telephone on that date, informed him of the complaint, and advised him that Ms. Leavitt had left Mr. Taylor's personal property with the officer and that he could pick it up at the police station. Mr. Taylor picked up his personal items at the police station on January 2, 2001 and the officer again advised him to have no further contact with Ms. Leavitt. (Taylor testimony; Exhibits A1 and A2).

(3) After Ms. Leavitt complained of additional unwanted contact by Mr. Taylor, she signed an Oregon Uniform Stalking Citation against Mr. Taylor on January 12, 2001. She described the conduct that Mr. Taylor engaged in as "repeated, unwanted alarming behavior" and described his contacts as:

1/12/01 [Mr. Taylor] followed petitioner to three separate locations in Ontario; [Mr. Taylor] called petitioner's friends in Boise threatening harm to self and petitioner; 12/30/00 [afternoon] waited outside petitioner's home; prevented her from entering.

(Exhibit A3).

(4) An officer from the Ontario Police Department served the Stalking Citation on Mr. Taylor on January 15, 2001. The citation informed Mr. Taylor of the acts he allegedly engaged in and directed him to appear in court on January 18, 2001. (Exhibits A3 and A4).

(5) Mr. Taylor obtained an attorney to represent him regarding the Stalking Citation. On February 1, 2001 the Circuit Court of the State of Oregon for Malheur County entered a Stipulation and Order for Limited Stalking Order. The court's Findings of Fact by Stipulation read as follows:

This matter was continued to February 2, 2001, at 9:00 A.M. for a full adjudicatory hearing on a stalking citation. The Petitioner [Michelle Leavitt] is represented by attorney Tom Okai, and the Respondent [William Dean Taylor] is represented by attorney William E. Van Atta, both of Ontario, Oregon. In the interim, the parties negotiated a Limited Stalking Order.

The parties have stipulated and agreed that the Respondent engaged in repeated unwanted contact of the Petitioner, and in so doing created in her the reasonable belief that the Petitioner would be physically harmed; and further, the parties have stipulated and agreed that for reasons related to improvements in the Respondent's emotional health, and further based upon his willingness to agree to have a Stalking Order placed against him of record for a limited period of time;

IT IS SO STIPULATED AND AGREED

This stipulation was signed by Ms. Leavitt, Mr. Taylor, and the attorneys for both before the

judge entered the order resulting from the stipulation. (Exhibit A5).

(6) On June 19, 2001 the TSPC received Mr. Taylor's Application for Educator License Form C-1, along with letters from the district superintendent and the principal of Ontario High School. The application form clearly states that "This application must be signed and dated within the 90-day period prior to submission to TSPC" but the signature line on the form showed a June 8, 2000 date. The TSPC returned the form to Mr. Taylor. He returned the form, crossing out the June 2000 date and writing in an August 23, 2001 date. (Nisbitt testimony, Exhibit A6).

(7) The form includes 11 questions the TSPC relates to the applicant's character. Mr. Taylor answered "No" to question 11, which asks:

Have you ever had any civil judgment or other court order entered against you resulting from abuse, assault, battery, harassment, intimidation, neglect, stalking, or other threatening behavior toward other persons?

Immediately below question 11, the form provides the following information:

NOTES: 1. Any false statement knowingly made in this application is grounds for revocation or suspension of your license. If in doubt, disclose and explain rather than conceal. If you answer "no" to questions 8 through 11 based upon an "expungement," order "setting aside" or "sealing" of a record of a conviction or conditional discharge you must personally verify with the court directly involved that the expungement, setting aside or sealing actually has taken place. An erroneous belief that a conviction has been expunged, set aside or sealed, when in fact it has not, will be deemed a false statement.

2. If you answer "yes", a certified true copy of the court record must accompany this application (if not previously submitted to TSPC).

(Exhibit A6).

(8) Mr. Taylor should have answered "yes" to question 11. His failure to answer correctly was accomplished with full knowledge of the contents of the question and was intentionally false.

### CONCLUSIONS OF LAW

(1) On or about December 29 or 30, 2000, William D. Taylor engaged in stalking behavior by making unwanted contact with Michelle Leavitt by waiting outside Ms. Leavitt's home in Vale, Oregon, and preventing Ms. Leavitt from entering her home, thereby causing Ms. Leavitt to be reasonably apprehensive regarding her personal safety. That conduct constituted gross unfitness as that term is defined under OAR 584-020-0040(5), violated the prohibition against stalking under ORS 30.866, and constituted a violation of OAR 584-020-0035(3)(a).

(2) On or about January 12, 2001, William D. Taylor engaged in stalking behavior by

making unwanted contact with Michelle Leavitt when he followed her to three separate locations in Ontario, Oregon, thereby causing Ms. Leavitt to be reasonably apprehensive regarding her personal safety. This conduct constituted gross unfitness as that term is defined under OAR 584-020-0040(5), violated the prohibition against stalking under ORS 30.866, and constituted a violation of OAR 584-020-0035(3)(a).

(3) On February 1, 2001, the Malheur County Circuit Court entered a Limited Stalking Order against William D. Taylor, prohibiting Mr. Taylor from having contact with Michelle Leavitt. On about August 23, 2001, William D. Taylor signed and submitted an application for an Oregon Teaching License falsely answering "No" to question 11 on the application, which states: "Have you ever had a civil judgment or other court order entered against you resulting from abuse, assault, battery, harassment, neglect, stalking or other threatening behavior toward another person." This behavior constituted gross neglect of duty in violation of OAR 584-020-0040(4)(c).

### OPINION

The issues to be resolved in this case are whether Mr. Taylor's conduct violated the provisions set forth in the Commission's Amended Notice of Opportunity for Hearing. The Commission has the burden of proving its allegations by a preponderance of the evidence. See ORS 183.450(2) and (5); *Harris v. SAIF*, 292 Or 683, 690 (1982); *Cook v. Employment Div.*, 47 Or App 437 (1980). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than false. *Riley Hill General Contractors v. Tandy Corp.*, 303 Or 390 (1989).

The TSCP requires applicants for a teaching or administrative licenses to furnish satisfactory evidence of good moral character, mental and physical health, and other evidence it may deem necessary to establish the applicant's fitness to serve as an educator. ORS 342.143(2). The Commission has established standards for competent and ethical teachers and administrators. See OAR Ch. 582 Div. 020. The TSPC denied Mr. Taylor's application for renewal of a Standard Teaching License and his application for a Transitional Administrative License, alleging that Mr. Taylor violated those standards by harassing Ms. Leavitt, and by failing to report the existence of a Stalking Order entered against him when he applied for a Transitional Administrator's License. The greater weight of the credible evidence supported the TSPC's allegations.

Mr. Taylor objected to the admission of the TSPC's Exhibits A1 and A2, police reports of the Vale City Police Department and the Malheur County Sheriff's Department, citing *Reguero v. Teacher Standards and Practices*, 312 Or 402 (1991). The *Reguero* court specifically found that "hearsay evidence alone, even if inadmissible in a civil or criminal trial, is not incapable of being 'substantial evidence' under ORS 183.482(8)(c)." 312 Or at 417.

Neither the alleged victim of the alleged harassment nor the police officers were present at the hearing. The TSPC made some effort to obtain Ms. Leavitt's attendance, but was unsuccessful. No effort was made to obtain the testimony of the officers whose records were objected to. The police reports, though admissible, are not entitled to significant weight standing alone. Additionally, Mr. Taylor and his witnesses testified that all the police officers involved in

those exhibits and Ms. Leavitt had reason to be biased against him and to falsify or exaggerate statements attributed to him, further diminishing the weight to be accorded the reports.

As if to counter the unreliability of the police reports, Mr. Taylor's testimony was entirely self-serving and unworthy of belief on any matter at issue in this hearing. He consistently minimized his behavior during the period at issue, maintaining throughout his testimony that he had not committed any of the specific allegations stated in the Notice. He did, however, agree that he had stalked Ms. Leavitt "to a degree," conceding that he left a couple of letters for her and talked with her a couple of times at her residence after their relationship had ended. In no instance, however, did his testimony agree with any of the allegations set out in the Stalking Complaint and he denied making statements attributed to him by the officers in their official reports.

It was not necessary to rely upon the contents of the police reports to establish that conduct alleged in the TSPC's Notice had occurred.<sup>2</sup> Mr. Taylor admitted to the essential truth of the allegations when he entered into the Stipulation with Ms. Leavitt that resulted in the Stalking Order at issue in this contested case. The Findings of Fact in this case are consistent with the allegations in the complaint, the gist of which was admitted to in the stipulation. The police reports merely supply detail to Mr. Taylor's judicial admission filed in Malheur County Circuit Court.

Despite his present denials, Mr. Taylor gave up his right to a hearing on the factual issues alleged in the Complaint and agreed that a Stalking Order would be in effect for two years. His testimony that he entered into the stipulation because he could not afford to litigate the allegations and that he relied upon what he now considers poor advice of counsel is no more worthy of belief than the rest of his testimony. As was consistent in his testimony, Mr. Taylor sought to place blame for his actions on another, in this instance his attorney.

Mr. Taylor's testimony is no more worthy of belief regarding the submission of the application than with regard to the incidents in December 2000 and January 2001. According to him, he filled out character questions hurriedly, read them incompletely and did not intend to deceive the TSPC by answering falsely. As evidence of his forthrightness he testified, and other evidence corroborates, that he told his supervisor about the difficulties he had with Ms. Leavitt (though it is not clear that any of the individuals who know about his romantic difficulties were informed that a Stalking Order had been issued against him - only that a Stalking Complaint may have been filed). Mr. Taylor testified that he had the application form for some time and that he might have filled out the application a couple of times, perhaps before the date he signed it, and that he might have resubmitted it without reading it again.

While it is possible that Mr. Taylor signed the form a year before he sent it off, that possibility is not supported by the evidence. A more reasonable inference is that Mr. Taylor signed the application on June 8, 2001, misdating it. From that, it seems likely that he delayed

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<sup>2</sup> No finding was made regarding the allegations regarding events that allegedly occurred on January 2, 2000, because those incidents were not alleged in the Stalking Complaint filed by Ms. Leavitt.

mailing it for a few days while he obtained the written statements from his principal and superintendent, and that he mailed the application so that it was received in June 19, 2001, only a few weeks after his initial signature.

The application form carries a specific warning that it has to be filled out accurately and that any "knowing" falsification may result in revocation or suspension of the license for which application is made. The form advises applicants that if they have any doubt about any of the questions they should disclose the incident and explain it rather than conceal it. Mr. Taylor denied, minimized, and refused to accept responsibility for his actions throughout the hearing, testifying that he read the form but didn't read all the questions completely; that he hurriedly completed the form and didn't notice that the question applied to stalking. Given Mr. Taylor's general lack of credibility, his contention that his failure to report the Stalking Order was unintentional and resulted from inadvertence, oversight, or mistake is rejected.

TSPC met its burden of proving the factual basis of all the allegations set out in the Notice by a preponderance of the evidence. ORS 183.450(2). The Commission contended that these acts were an adequate basis for sanction. OAR 584-050-0007 permits the Executive Director to deny renewal of a license when any of the conditions stated in OAR 584-050-0006 exists. That rule states, in pertinent part:

The Executive Director may deny issuance of licenses or reinstatement of licenses as follows: Immediate notices of denial shall be issued when any of the following conditions exist:

- (1) The applicant submits a falsified application.  
\* \* \*
- (5) The Executive Director has evidence that the applicant may lack fitness to serve as an educator. See also ORS 342.143 regarding qualifications to serve as an educator.

Mr. Taylor's submission of a false application is, alone, sufficient for denial of his application for a Transitional Administrator License and for denial of renewal of his Standard Teaching License.

OAR 584-020-0040(4) states, in relevant part:

Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:

\* \* \*

- (c) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;

The TSPC also contended that Mr. Taylor's behavior toward Ms. Leavitt constituted sufficient grounds to sanction him. Specifically, it alleges that Mr. Taylor's conduct "violated the



prohibition against stalking under ORS 30.866 and constituted a violation of OAR 584-020-0035(3)(a)."

ORS 30.866 states, in relevant part:

(1) A person may bring a civil action in a circuit court for a court's stalking protective order or for damages, or both, against a person if:

(a) The person intentionally, knowingly or recklessly engages in repeated and unwanted contact with the other person or a member of that person's immediate family or household thereby alarming or coercing the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

Mr. Taylor, with the advice of counsel, "stipulated and agreed" that his behavior toward Ms. Leavitt fell within the behavior described by the statute and that it created in her the reasonable belief that she would be physically harmed. OAR 584-020-0035 states, in relevant part:

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district, and the profession.

\* \* \*

(3) The ethical educator, in fulfilling obligations to the profession, will:

(a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;

By engaging in behavior that resulted in entry of a Stalking Order Mr. Taylor failed to maintain the dignity of the profession and failed to respect and obey the law, violating the requirements of OAR 584-020-0035(3).<sup>3</sup> His behavior was not an isolated incident and occurred over a period of at least two weeks.

OAR 584-020-0045 identifies factors the TSPC may consider when determining the appropriate sanction after finding that an educator has violated standards set forth in OAR 584-020-0040. OAR 584-020-045 states:

The Commission may consider one or more of the following factors, as it deems appropriate, in its determination of what sanction or sanctions, if any, should be imposed upon a finding that an educator has violated any standard set forth in

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<sup>3</sup> Although Ms. Leavitt processed her complaints regarding Mr. Taylor's behavior in the civil court, stalking can be processed in the criminal courts as a Class A misdemeanor or, under certain circumstances, as a Class C felony. ORS 163.732.

OAR 584-020-0040:

- (1) If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents.
- (2) The likelihood of a recurrence of the misconduct or violation.
- (3) The educator's past performance.
- (4) The extent, severity, and imminence of any danger to students, other educators, or the public.
- (5) If the misconduct was open and notorious or had negative effects on the public image of the school.
- (6) The educator's state of mind at the time of the misconduct and afterwards.
- (7) The danger that students will imitate the educator's behavior or use it as a model.
- (8) The age and level of maturity of the students served by the educator.
- (9) Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction.

Mr. Taylor presented persuasive evidence that he was a skilled teacher and administrator; that there was little likelihood of a recurrence of the misconduct; that his past performance as an educator had been without exemplary; and that the misconduct had not been notorious. He also claimed that it would be difficult for the District to replace him mid-year if his license were suspended, although testimony from the District Superintendent did not support his position.

The hearing record included testimony of Ms. Chamberlin, the Executive Director of the TSPC regarding the appropriate penalty in this case and Final Orders by Stipulation in which various individuals chose to forgo their right to a contested case hearing on the issue of false statements in their applications. In those cases, the TSPC and the individuals agreed to sanctions ranging from a sixty-day suspension for a mistaken belief that an offense had been expunged, to revocation of the educator's license.

Ms. Chamberlain, testified that the appropriate sanction in this case would be a suspension for a period of ninety days. Although some of those factors in OAR 584-020-0045 weigh in Mr. Taylor's favor, others weigh against him, including the recurring nature of the unwanted interactions with Ms. Leavitt. Of particular concern are factors not specifically identified in the rule but which may be considered under subsection (9), including Mr. Taylor's apparent lack of remorse regarding his actions (except for getting romantically involved with Ms. Leavitt in the

first place) and his continued denial and minimization of his behavior. Also, although Mr. Taylor was under the influence of considerable emotional upset when he harassed Ms. Leavitt, many months had passed when he failed to inform the TSPC of the Stalking Order on his application.

Under these circumstances, the appropriate sanction for Mr. Taylor's knowing falsification of information directly related to his application for a Transitional Administrator License in violation of OAR 584-020-0040(4)(c) is a one hundred twenty day suspension of his right to apply for an educator's license. The appropriate sanction for the underlying behavior that resulted in the issuance of the Stalking Order and which violated OAR 584-020-0035(3)(a) should be for the ninety day period suggested by Ms. Chamberlain. That sanction will run concurrent with the sanction for falsification of information related to his application so that the total sanction for Mr. Taylor's behavior should be a one hundred twenty day suspension of the right to apply for an educator's license.

### **ORDER**

I propose that the Teacher Standards and Practices Commission enter the following Final Order:

1. Suspend the right of William Dean Taylor to apply for an Oregon Teaching License for a period of one hundred twenty (120) days effective the date of the Commission's entry of a Final Order in this case.
2. Suspend the right of William Dean Taylor to apply for a Transitional Administrative License for a period of one hundred twenty (120) days effective the date of the Commission's entry of a Final Order in this case.

  
~~William D. Young, Administrative Law Judge~~  
Hearing Officer Panel

### **NOTICE OF REVIEW**

This is the Proposed Order issued by the administrative law judge. The Teacher Standards and Practices Commission will enter the Final Order. If you object to the Proposed Order, you may file written exceptions and argument to the Commission and may file a request for oral argument to the Commission. The Commission need not allow oral argument on the Proposed Order. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination. Your written exceptions and argument must be received within fourteen (14) days

after the service date of this Proposed Order. Exceptions must be sent to:

Executive Director  
Teacher Standards and Practices Commission  
465 Commercial St. NE  
Salem, OR 97301

## CERTIFICATE OF SERVICE

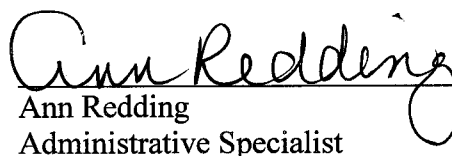
I certify that on October 28, 2002, I served the attached Proposed Order by mailing in a sealed envelope, with first class certified postage prepaid, a copy thereof addressed as follows:

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