

1 3. Humphrey's convictions arose from allegations that included Humphrey having
2 possession of over 300 child pornography movie files and over 90 child pornography
3 photos. The content of the child pornography included both male and female
4 children, including toddlers.

5 CONCLUSIONS OF LAW

6 Humphrey's convictions constitutes gross neglect of duty in violation of ORS
7 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
8 *professional judgment*); OAR 584-020-0040(1)(bb) (*ORS 163.684 – Encouraging*
9 *Child Sex Abuse in the First Degree*); and OAR 584-020-0040(1)(cc) (*ORS 163.686 –*
10 *Encouraging Child Sex Abuse in the Second Degree*). This conduct also constitutes
11 gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(d)
12 (*Commission of an act listed in OAR 584-020-0040(1)*), and OAR 584-020-0040(5)(e)
13 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of*
14 *a conviction*). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1) the
15 Commission will deny, revoke or deny the right to apply for a license or charter school
16 registration to any applicant or educator who, has been convicted of any of the crimes
17 listed in ORS 342.143.

18 Furthermore, the conduct underlying Humphrey's convictions constitutes gross
19 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
20 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-
21 0040(4)(k) (*knowing violation of any rule or order of the Commission*); and OAR 584-
22 020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of*
23 *the profession by respecting and obeying the law, exemplifying personal integrity and*
24 *honesty*). Additionally, your convictions and conduct related to your convictions
25 constitute "gross unfitness" in violation of ORS 342.175(1)(c), OAR 584-020-0040(3)(a)
26 and (d) as defined by OAR 584-020-0040 (5) (*"Gross unfitness is any conduct which*
27 *renders an educator unqualified to perform his or her professional responsibilities"*).
28

29 The Commission's authority to impose discipline in this matter is based upon ORS
30 342.175.
31

1 **FINAL ORDER**

2 The Commission hereby revokes David L. Humphrey's right to apply for
3 licensure.

4 IT IS SO ORDERED THIS 1st day of July, 2014.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

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8 By: _____
9 Victoria Chamberlain, Executive Director

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12 **NOTICE OF APPEAL OR RIGHTS**

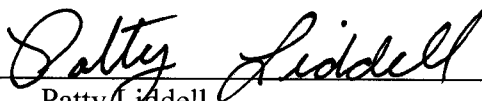
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15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
16 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
17 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
18 ORS 183.482 TO THE OREGON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

David L Humphrey – 19848899
c/o Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699

Dated this 1st day of July, 2014.

By: 
Patty Liddell
Investigative Assistant