



1647411

Gary Fischer (66237)
Discipline Order

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
5 License of) REVOCATION OF
6 GARY LEE FISCHER) LICENSURE
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9 On March 18, 2015, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Gary Lee Fischer (Fischer) in which the
11 Commission charged Fischer with Gross Neglect of Duty and Gross Unfitness. The Notice
12 was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5611
13 to the address on file with the Commission. The Notice designated the Commission file as
14 the record for purposes of proving a prima facie case. The Certified Mail receipt was signed
15 and returned to the Commission, and the first class mail was not returned and assumed
16 delivered. The Notice of Opportunity for Hearing, dated March 18, 2015, and signed by
17 Victoria Chamberlain, Executive Director, stated:

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 Fischer did not request a hearing. The Commission, therefore, finds Fischer to be in default
27 and enters the following findings of fact, conclusions of law, and final order, based on the
28 files and records of the Commission concerning this matter.

29 **FINDINGS OF FACT**

- 30 1. Fischer has been licensed as a teacher in Oregon since December 31, 1979. Fischer’s
31 Standard Teaching License, with endorsements in Basic Health Education (018), Basic
32 Physical Education (018), and Standard Exceptional Learner I (018), is valid from
33 October 23, 2012, through October 22, 2017. During all relevant times, Fischer was
34 employed by the Molalla River School District.
- 35 2. On September 12, 2013, the Commission received a report from the Molalla River
36 School District alleging Fischer had violated professional standards. Specifically, it
37 was reported that on or about February 2013, Fischer stole cash money from a

1 student's wallet that was left in the student's pants pocket in the boys' locker room.
2 Investigation determined that students had been experiencing the theft of money
3 from the boys' locker room area. Student AS reported the thefts to Fischer in hopes
4 an adult would help and be able to determine who was committing the thefts. The
5 thefts continued to occur and after several weeks, AS attempted to catch the thief. AS
6 and another student used a cell phone to record the locker room area after leaving
7 their clothing and property in the locker room area. Upon their return, AS
8 discovered that another theft had occurred. AS reviewed the recording at home later
9 that evening. Upon viewing the recording, AS discovered it was Fischer who had
10 removed the money from a student's wallet on that date. AS copied the video to a
11 compact disc and gave Fischer a copy, telling Fischer that he had caught the thief.
12 The following day, Fischer contacted AS and thanked him for the recording and
13 offered him approximately \$60-80 dollars in cash. This was eventually reported to
14 school administrators who notified law enforcement. On August 22, 2013, Fischer
15 resigned his employment with the school district. Student AS estimated he had lost a
16 total of approximately \$80 over the time of the thefts. Student AS and his family told
17 law enforcement they did not wish to press criminal charges against Fischer because
18 they believed Fischer had already been punished enough by the loss of his
19 employment. Fischer advised Commission investigators that he was declining to be
20 interviewed, and on June 4, 2012, Fischer provided the Commission a letter
21 surrendering his teaching license effective May 28, 2014.

22 CONCLUSIONS OF LAW

23 Fischer's conduct described above, constitutes gross neglect of duty in violation of
24 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
25 (*Use professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
26 0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law,*
27 *exemplifying personal integrity and honesty*). This conduct also constitutes gross unfitness
28 in violation of ORS 342.175(1)(c); and OAR 584-020-0040(5)(e) (*Admission of or engaging*
29 *in acts constituting criminal conduct, even in the absence of a conviction*).

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

1 **FINAL ORDER**

2 The Commission hereby revokes Gary Lee Fischer's Educator license.

3 IT IS SO ORDERED THIS 20th day of May, 2015.

4 TEACHER STANDARDS AND PRACTICES COMMISSION



5 By: _____
6 Victoria Chamberlain, Executive Director

7 **NOTICE OF APPEAL OR RIGHTS**

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10 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
11 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
12 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
13 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:

Gary Lee Fischer
31602 S Wright Road
Molalla, OR 97038-9678

Dated this 20th day of May, 2015.

By: Patty Liddell
Patty Liddell
Investigative Assistant