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BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the Teaching License of)
JAMES RAYMOND EVANS)
_____)
STIPULATION, SURRENDER
OF TEACHING LICENSE and
ORDER OF REVOCATION

On August 5, 1996, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to James Raymond Evans (Evans) in which the Commission proposed to revoke Evans' teaching license or impose other discipline based on Evans' conviction of the crime Distribution of a Controlled Substance in Multnomah County Circuit Court. On August 16, 1996, Evans requested a hearing, through his attorney Mark Toledo, to contest the allegations in the notice. After a review of the matters alleged, the parties have agreed that their respective interests, together with the public interest, are best served by the surrender of Evans' license and a stipulation to certain facts. This agreement sets out the facts on which the parties have agreed, the sanction to be imposed and the basis for the Commission's order. In entering into this stipulation, Evans waives his right to a hearing to contest any of the findings set forth below and understands that the Commission will revoke Evans' Oregon teaching license.

STIPULATED FACTS

Evans and the Commission agree that the following facts are true:

1 1. Evans holds a basic Oregon teaching license with a
2 special education endorsement in hearing impaired.

3 2. On September 13, 1995, Portland police officers
4 contacted Evans at his home in Portland, Oregon, based on a
5 complaint that marijuana was being grown at that location.

6 3. Evans gave his consent to the police officers searching
7 his home. The officers observed and seized five adult marijuana
8 plants growing in Evans' basement. Evans admitted to the police
9 officers that the marijuana plants belonged to him. Evans told
10 the police that he grew the marijuana for personal use and to
11 share with friends.

12 4. As a result of the facts described above, Evans was
13 indicted on October 26, 1995, for the crimes of Manufacture of a
14 Controlled Substance and Delivery of a Controlled Substance.

15 5. On February 28, 1996, Evans entered a plea of no contest
16 to the crime of Delivery of a Controlled Substance, Marijuana, a
17 Class A felony. Pursuant to plea negotiations, the indictment for
18 Manufacture of Controlled Substance was dismissed.

19 6. On February 28, 1996, the court imposed sentence,
20 placing Evans on probation for a period of 24 months, subject to
21 the conditions that Evans pay fines and assessments of \$694, that
22 he undergo drug evaluation and successfully complete a drug
23 treatment program if deemed necessary by his probation officer,
24 and that he serve 20 days in a correctional facility.

25 7. This stipulation and the proposed order are contingent
26 upon approval by the full Commission at the Commission's next

1 meeting. If the Commission does not approve this stipulation, the
2 matter will be returned to the Commission for a hearing, and
3 neither Evans nor the Commission shall be bound by any matters set
4 forth in this stipulation.

5 IT IS SO STIPULATED:

6 James Raymond Evans M.Ed.
James Raymond Evans

Oct, 16, 1996
Date

7 David V. Myton
8 David V. Myton, Executive Secretary
Teacher Standards and Practices Commission

11/18/96
Date

9
10 **CONCLUSION OF LAW**

11 Evans was convicted on February 28, 1996, of the crime of
12 Delivery of a Controlled Substance, Marijuana, a Class A felony.
13 This conduct constitutes a violation of OAR 584-20-040(3)(a) and
14 (5)(c).

15 **DISCUSSION**

16 Alcohol and drug abuse remains a very serious problem in
17 public schools. Teachers must set an appropriate example, and
18 unlawful drug use by teachers cannot be tolerated. Based on this,
19 Mr. Evans's teaching license must be revoked.

20 ORS 342.175(3) permits a person whose license has been
21 revoked to apply for reinstatement of the license after one year
22 from the date of revocation. If Mr. Evans should apply for
23 reinstatement at a future date, the Commission would expect Mr.
24 Evans to demonstrate at a minimum that he has successfully
25 completed his criminal probation; that he is no longer under
26 probation to the court; that he has not been charged with or

1 convicted of any new offense; that he has satisfactorily completed
2 drug counseling or treatment if so ordered by the court; and that
3 he has complied with all Standards for Competent and Ethical
4 Performance of Oregon Educators under OAR 584 Division 20. If Mr.
5 Evans meets these conditions and otherwise shows good moral
6 character under ORS 342.143, the Commission may issue a new
7 teaching license to him.

8 **ORDER**

9 The Commission accepts the surrender of the teaching license
10 of James Raymond Evans, and the teaching license of James Raymond
11 Evans is hereby REVOKED.

12 DATED this 12th day of December, 1996.

13 TEACHER STANDARDS AND PRACTICES COMMISSION

14 By: *David V. Myton*

15 David V. Myton, Executive Secretary

16 APPROVED AS TO FORM:

17 *Mark S. Toledo*

18 Mark Toledo, OSB #84364

19 Of Attorneys for James Raymond Evans

October 15, 1996
Date

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Order by mailing a true copy thereof, certified by me as such, and U. S. Certified Mail, with Return Receipt Requested addressed to:

MARK TOLEDO
BENNETT, HARTMAN, REYNOLDS & WISER
851 SW 6TH, SUITE 1600
PORTLAND OR 97204-1376

Dated this 13th day of December, 1996.

By: 
Charlene A. Smith
Secretary to the Commission