

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) REVOCATION AND REVOCATION
6 MICHAEL EDWARD POVOSKI) OF RIGHT TO APPLY
7

8 On January 6, 2017, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Michael Edward Povoski
10 (Povoski) in which the Commission charged him with Gross Neglect of Duty and Gross
11 Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
12 7016 0750 0000 2419 0747 to the address on file with the Commission. The Notice
13 designated the Commission file as the record for purposes of proving a prima facie case.
14 The Certified Mail was returned signed to the Commission on January 21, 2017. The
15 regular first class mail was not returned to the Commission. The Notice of Opportunity
16 of Hearing, dated January 6, 2017, and signed by Monica Beane, Executive Director,
17 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
22 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN
23 ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR
24 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”
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26 Povoski did not request a hearing. The Commission, therefore, finds Povoski to be in
27 default and enters the following findings of fact, conclusions of law, and final order,
28 based on the files and records of the Commission concerning this matter.

29 **FINDINGS OF FACT**

- 30 1. Michael Edward Povoski has been licensed by the Commission since August 2, 2013.
31 Povoski's Initial I Teaching License with an endorsement in Advanced Mathematics
32 (HS), was valid from August 2, 2013, through August 5, 2016. During all relevant
33 times, Povoski was employed by the Ontario School District.
34 2. On October 19, 2015, the Commission received a report from the Ontario School
35 District indicating that Povoski was under investigation for possible misconduct,
36 including a criminal investigation involving a minor aged student.

- 1 3. On January 7, 2016, the Malheur County Grand Jury issued an indictment, charging
2 Povoski with two counts of Sexual Abuse II, ORS 163.425, a class “C” felony, and
3 Contributing to the Sexual Delinquency of a Minor, ORS 163.435 a class “A”
4 misdemeanor. On August 22, 2016, as part of a plea agreement, Povoski was
5 convicted of Sexual Abuse II, ORS 163.425, a class “C” Felony. Povoski was
6 sentenced in part, to 13 months in prison, 36 months of post-prison supervision, and
7 required to register as a sex offender
- 8 4. Povoski’s criminal charges and subsequent convictions arose from allegations that
9 on or between August 15, 2015 and September 24, 2015, Povoski on multiple
10 occasions, unlawfully and knowingly engaged in sexual intercourse with VC, a female
11 student at Ontario High School under the age of eighteen years.
- 12

13 CONCLUSIONS OF LAW

14 Michael Edward Povoski convictions constitute gross neglect of duty in violation
15 of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
16 0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission*
17 *will deny, revoke or deny the right to apply for a license or charter school registration*
18 *to any applicant or educator who, has been convicted of any of the crimes listed in ORS*
19 *342.143, or the substantial equivalent of any of those crimes if convicted in another*
20 *jurisdiction*), including OAR 584-020-0040(1) (n) (*ORS 163.425 – Sexual Abuse in the*
21 *Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
22 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
23 *local law. A conviction includes any final judgment of conviction by a court whether as*
24 *the result of guilty plea, no contest plea or any other means*); OAR 584-020-
25 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
26 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
27 *the absence of a conviction*).

28

29 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
30 and Practices Commission must revoke Povoski’s license and Povoski’s right to apply for
31 a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the

1 substantial equivalent of any of those crimes.

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3 Furthermore, the conduct underlying Povoski's indictments and convictions
4 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
5 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
6 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-
7 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-
8 0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)
9 (*Honoring appropriate adult boundaries with students in conduct and conversations*
10 *at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
11 *respecting and obeying the law, exemplifying personal integrity and honesty*).
12 Additionally, your conviction and conduct related to your conviction constitute "gross
13 unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as
14 defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an*
15 *educator unqualified to perform his or her professional responsibilities*).

16

17 The Commission's authority to impose discipline in this matter is based upon ORS
18 342.175.

19

FINAL ORDER

20 The Commission hereby revokes Michael Edward Povoski's teaching license and
21 his right to apply for licensure.

22 IT IS SO ORDERED THIS 27th day of February, 2017.

23 TEACHER STANDARDS AND PRACTICES COMMISSION

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Monica Beane

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By: _____
Dr. Monica Beane, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
4 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
5 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
6 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:

Michael Edward Povoski #21349013
Deer Ridge Correctional Institution
3920 East Ashwood Rd
Madras, OR 97741

Dated this 27th day of February, 2017.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant