

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

In the Matter of the)	DEFAULT ORDER OF
Educator License of)	REVOCATION AND REVOCATION
)	OF RIGHT
JAMES W. MYRICK)	TO APPLY FOR LICENSURE

On August 16, 2017, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to James W. Myrick (Myrick) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 1370 0000 0901 7514 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was returned to the Commission as “Unclaimed”. The regular first class mail was not returned to the Commission and assumed delivered. The Notice of Opportunity for Hearing, dated August 16, 2017, and signed by Trent Danowski, Co-Interim Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

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

FINDINGS OF FACT

1. James W. Myrick has been licensed by the Commission since August 7, 2015. Myrick’s Initial I Teaching License, with an endorsement in Social Studies (PK-12), is valid from August 7, 2015, through February 19, 2019. During all relevant times, Myrick was employed by the Greater Albany Public School District.
2. On June 30, 2016, the Commission received a report from the Greater Albany Public School District advising that Myrick was under investigation by local law enforcement in connection to inappropriate communications with students.

1 Investigation determined Myrick was arrest by the Albany Police Department on
2 July 8, 2016, for one count of luring a minor, one count of coercion, one count of
3 tampering with a witness, one count of official misconduct and one count of
4 attempting to commit a crime. As the investigation continued, it was learned that
5 Myrick’s charges were changed to one count of coercion, one count of tampering
6 with a witness, two counts of official misconduct, one count of attempted sexual
7 abuse and two counts of sexual abuse.

- 8
- 9 3. According to court records, on February 24, 2017, the Linn County Circuit Court
10 accepted Myrick’s guilty plea and subsequently convicted Myrick of the following
11 offenses: ORS 162.415, Official Misconduct in the First Degree, a class A
12 misdemeanor, ORS 161.405(2)(e) Attempt to Commit a Class A Misdemeanor -
13 Sexual Abuse in the Third Degree, and two counts of ORS 163.415 Sexual Abuse in
14 the Third Degree, a Class A misdemeanor. Myrick was sentenced in part, to 100 days
15 in jail, 3 years of probation supervision, and required to register as a sex offender.
- 16
- 17 4. Myrick’s criminal charges and subsequent conviction arose from allegations that
18 between April 1, 2016 and June 30, 2016, Myrick attempted to engage SK, a
19 seventeen year-old student, in a sexual relationship by befriending her, messaging
20 with her and grooming her in other ways. Myrick showed SK photos of his genitals
21 and asked SK to show Myrick her breasts. Myrick told SK he would give her a good
22 grade if she did. Myrick engaged student BC in a sexual relationship by befriending
23 BC. Myrick groomed BC by texting and/or communicating via Snapchat with BC.
24 The relationship became sexual when Myrick and BC had sexual intercourse on two
25 occasions in a room at West Albany High School. Myrick gave BC good grades even
26 though BC was not earning them.

27 **CONCLUSIONS OF LAW**

28 James Walter Myrick’s criminal convictions constitute gross neglect of duty in
29 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
30 020-0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The*
31 *Commission will deny, revoke or deny the right to apply for a license or charter school*

1 registration to any applicant or educator who, has been convicted of any of the crimes
2 listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted
3 in another jurisdiction), including OAR 584-020-0040(1) (m) (*ORS 163.415 –Sex Abuse*
4 *in the Third Degree*). This conduct also constitutes gross unfitness in ORS 342.175(1)(c);
5 OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A*
6 *conviction includes any final judgment of conviction by a court whether as the result of*
7 *guilty plea, no contest plea or any other means*); OAR 584-020-0040(5)(d)
8 (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-0040(5)(e)
9 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of*
10 *a conviction*).

11
12 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
13 and Practices Commission must revoke Myrick’s license and Myrick’s right to apply for a
14 license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
15 substantial equivalent of any of those crimes.

16
17 Furthermore, the conduct underlying Myrick’s indictments and convictions
18 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
19 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
20 584-020-0040(4)(k) (*Violation of any order or rule of the Commission*); OAR 584-
21 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-
22 0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)
23 (*Honoring appropriate adult boundaries with students in conduct and conversations*
24 *at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
25 *respecting and obeying the law, exemplifying personal integrity and honesty*).
26 Additionally, Myrick’s conviction and conduct related to his conviction constitute “gross
27 unfitness” in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as
28 defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an*
29 *educator unqualified to perform his or her professional responsibilities*).

30
31 The Commission’s authority to impose discipline in this matter is based upon ORS
32 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes James W. Myrick’s teaching license and his right
3 to apply for licensure.

4 IT IS SO ORDERED THIS 25th day of October, 2017.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6 

7 By: _____
8 Trent Danowski, Co-Interim Executive Director
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10 **NOTICE OF APPEAL OR RIGHTS**

11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
12 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
13 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
14 ORS 183.482 TO THE OREGON COURT OF APPEALS.
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