

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

In the Matter of the)
Educator License of)
JACOB VIZCARRA)

DEFAULT ORDER OF
REVOCATION AND REVOCATION
OF RIGHT
TO APPLY FOR LICENSURE

On August 16, 2017, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Jacob Vizcarra (Vizcarra) 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 8887 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 signed on August 21, 2017. The regular first class mail was not returned to the Commission and is 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."

Vizcarra did not request a hearing. The Commission, therefore, finds Vizcarra 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. Jacob Vizcarra has been licensed by the Commission since August 18, 2015. Vizcarra held an Initial I Teaching License, with an endorsement in Music (PK-12), which was valid from August 18, 2015, through February 18, 2017. During all relevant times, Vizcarra was employed by the Rouge River School District.

- 1 2. On June 20, 2016, the Commission received documents from the Jackson County
2 Sheriff's Office related to their investigation of Vizcarra. On July 19, 2016, the
3 Commission received a report from the Rouge River School District reporting
4 professional misconduct on the part of Vizcarra. Both reports indicated Vizcarra had
5 engaged in a sexual relationship with a student. Investigation determined that on
6 July 7, 2016, the Jackson County Grand Jury charged Vizcarra with three felony
7 counts of Sexual Abuse in the Second Degree for having sexual intercourse with a
8 person under the age of eighteen and one misdemeanor count of Official Misconduct
9 in the First Degree.
- 10
- 11 3. According to court records, on May 11, 2017, the Jackson County Circuit Court
12 accepted Vizcarra's guilty plea and subsequently convicted Vizcarra of the following
13 offenses: ORS 162.415, Official Misconduct in the First Degree, a class A
14 misdemeanor, and one count of ORS 163.425 Sexual Abuse in the Second Degree, a
15 Class C Felony. Vizcarra was sentenced in part, to 30 days in jail, 2 years of
16 probation supervision, submit to a sex offender evaluation, and surrender his
17 Teacher's License.
- 18
- 19 4. Vizcarra's criminal charges and subsequent conviction arose from allegations that
20 between March 5, 2016 and April 21, 2016, Vizcarra engaged in a sexual relationship
21 with SM, a seventeen year-old student.

22 CONCLUSIONS OF LAW

23 Jacob Vizcarra's criminal convictions constitute gross neglect of duty in violation
24 of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
25 0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission
26 will deny, revoke or deny the right to apply for a license or charter school registration
27 to any applicant or educator who, has been convicted of any of the crimes listed in ORS
28 342.143, or the substantial equivalent of any of those crimes if convicted in another
29 jurisdiction*), including OAR 584-020-0040(1)(n) (*ORS 163.425 –Sex Abuse in the
30 Second Degree*). This conduct also constitutes gross unfitness in ORS 342.175(1)(c);
31 OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A*

1 conviction includes any final judgment of conviction by a court whether as the result of
2 guilty plea, no contest plea or any other means); OAR 584-020-0040(5)(d)
3 (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e)
4 (Admission of or engaging in acts constituting criminal conduct, even in the absence of
5 a conviction).

6
7 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
8 and Practices Commission must revoke Vizcarra’s license and Vizcarra’s right to apply
9 for a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
10 substantial equivalent of any of those crimes.

11
12 Furthermore, the conduct underlying Vizcarra’s indictments and convictions
13 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
14 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
15 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-
16 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-
17 0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)
18 (*Honoring appropriate adult boundaries with students in conduct and conversations*
19 *at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
20 *respecting and obeying the law, exemplifying personal integrity and honesty*).

21 Additionally, your conviction and conduct related to your conviction constitute “gross
22 unfitness” in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as
23 defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an*
24 *educator unqualified to perform his or her professional responsibilities*).

25
26 The Commission’s authority to impose discipline in this matter is based upon ORS
27 342.175.

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1 **FINAL ORDER**

2 The Commission hereby revokes Jacob Vizcarra’s teaching license and his right to
3 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
9

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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