

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2  
3 OF THE STATE OF OREGON

RECEIVED

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5 In the Matter of the  
6 Teaching License of  
7 LINDA KAY FERNALD

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STIPULATION OF FACTS, Teacher Standards  
ORDER OF REPRIMAND AND Practices Commission  
PROBATION

FEB 13 2001

10 On or about December 7, 2000, the Teacher Standards and Practices

11 Commission (Commission) received an application for renewal of a Basic Teaching  
12 License from Linda Fernald. Fernald reported on a C-1 Application for Renewal that  
13 she was convicted of Theft II in Washington County Circuit Court on July 25, 2000.

14 After review of the facts in this matter, Fernald and the Executive Director agree that  
15 their respective interests, together with the public interests, are best served by a  
16 stipulation to certain facts, a reprimand followed by a probation of two (2) years. This  
17 Order sets forth the facts upon which the parties have agreed and the sanction to be  
18 imposed. In entering into this stipulation, Fernald waives the right to a hearing to  
19 contest the findings of fact, conclusion of law and order set forth below.

20 **FINDINGS OF FACT**

- 21 1. On or about January 1, 1997, the Commission issued a Basic Teaching License to  
22 Linda Fernald. Fernald's Basic License expired on December 8, 2000.
- 23 2. Fernald is employed as an elementary school teacher for Greater Albany Public  
24 Schools.
- 25 3. On or about July 25, 2000, Linda Fernald was convicted of the misdemeanor crime  
26 of ORS 164.045, Theft II (from Nordstrom) in Washington County Circuit Court (case  
27 #D99-0675M).

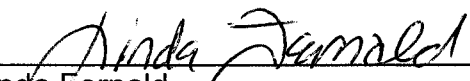
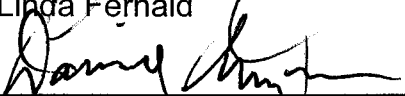
1 4. Upon sentencing the Court ordered Fernald to pay \$465 in fines and placed her on  
2 probation for one year. Fernald's criminal probation will expire on or about July 25,  
3 2001.

4 5. Fernald has no prior or subsequent criminal convictions.

5 Fernald understands that the Commission will impose a two (2) year probation  
6 with specific conditions.

7 This stipulation is contingent upon approval and adoption of the Order by the  
8 Commission. If the Commission does not adopt this Order, neither Fernald nor the  
9 Commission are bound by these Stipulations and Fernald retains all rights to a hearing  
10 on the allegations.

11 IT IS SO STIPULATED:

12  2/11/01  
13 Linda Fernald Date  
14  2/6/01  
15 David V. Myton, Executive Director Date  
16

17 **CONCLUSION OF LAW**

18 Fernald's criminal conviction for Theft II, ORS 164.045, constitutes gross  
19 unfitness as defined in OAR 580-020-0040(5)(c).

20 **ORDER**

21 The Commission adopts the above Findings of Fact and orders a public  
22 reprimand for conviction of the crime of Theft II as defined by ORS 164.045.

23 The Commission authorizes issuance of a Basic Teaching License to Fernald  
24 subject to all standard terms and conditions and subject to the following special terms of  
25 probation:

1 1. The Commission places Fernald on a two (2) year probation to commence March 1,  
2 2001.

3 2. The probation shall remain in effect subject to the following conditions:

- 4 a. Fernald shall conduct herself as a law-abiding citizen;
- 5 b. Fernald shall report in writing within ten days to the Executive Director of the  
6 Commission any arrest or citation for any felony, misdemeanor, or major  
7 traffic violation; and
- 8 c. Fernald shall comply with the Standards for Competent and Ethical  
9 Performance of Oregon Educators under OAR 584, Division 20.

10 Violation of any of the terms of probation shall constitute an independent basis  
11 for the Commission to revoke Fernald's teaching license or otherwise impose discipline,  
12 after first providing Fernald with notice and opportunity for hearing.

13 Dated this 9<sup>th</sup> day of March 2001.

14 TEACHER STANDARDS AND PRACTICES COMMISSION

15 By: David V. Myton  
16   
17 David V. Myton, Executive Director  
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