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STIPULATION OF FACTS

1. Mr. Murphy has been licensed by the Commission since January 20, 1987. Mr. Murphy currently holds a Standard Teaching License valid August 21, 2003, through August 20, 2008, with endorsements in Basic Health Education, Basic Reading and Standard Physical Education.

2. Mr. Murphy began his employment with the Salem-Keizer Public Schools on September 25, 1987. The District placed Mr. Murphy on paid administrative leave May 27, 2005. Mr. Murphy resigned, in lieu of termination, by agreement effective September 30, 2005.

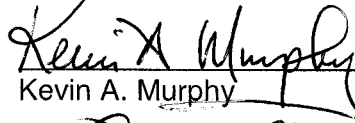
3. On February 3, 1997, Mr. Murphy wrote to Mike Kolb, Principal, North Salem High School, requesting that Mr. Murphy be allowed to seek "coverage" from other teachers in the building so that he could participate in the OSAA State Basketball Tournament as a paid referee. On February 6, 1997, Principal Kolb responded by memorandum directing Mr. Murphy to use personal or emergency leave time to serve as a referee for the state basketball tournament.

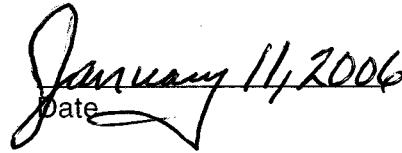
4. By email dated March 7, 2000, Principal Kolb denied a similar request from Mr. Murphy to be allowed to seek "coverage" from other staff to officiate at an OSAA Tournament. Principal Kolb wrote, "...there may be an ethical violation in this practice. You are being paid with tax dollars to teach (fulfill the contract) and while receiving pay for that responsibility you are being paid for officiating games."


5. Mr. Murphy left school during student contact hours on nine different occasions during March, April and May of 2005, to officiate OSAA sports events. Mr. Murphy left a student teacher or other staff member in charge of students. Mr. Murphy did not request personal leave, emergency leave or leave without pay for any of this time. Mr. Murphy was paid by OSAA for officiating at these events.

1 6. Mr. Murphy claimed Bereavement Leave or Family Illness on eight occasions during
2 February, April and May of 2005, to umpire for PAC-10 women's fast pitch softball games in
3 California, Arizona, and Oregon. Mr. Murphy was paid by PAC-10 for officiating at these events.

4 IT IS SO STIPULATED:

5 
6 Kevin A. Murphy


Date

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8 
9 Victoria Chamberlain, Executive Director
10 Teacher Standards and Practices Commission

1-11-06
Date

11 **CONCLUSIONS OF LAW**

12 Mr. Murphy's knowing and substantial unauthorized used of employment time for private
13 purposes violates OAR 584-020-0040(4)(b). By claiming Bereavement Leave and Family
14 Illness Leave to Umpire Women's Fast Pitch Softball games Mr. Murphy made knowing
15 misrepresentation directly related to professional duties in violation of OAR 584-020-0040(4)(c)
16 and failed to maintain the dignity of the professional by exemplifying personal integrity and
17 honesty in violation of OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a).
18 On every occasion in which Mr. Murphy received payment of salary on contract and collected or
19 accepted payment for services as a sports official Mr. Murphy violated OAR 584-020-0040(4)(o)
20 as it incorporates OAR 584-020-0035(3)(a) by failing to maintain the dignity of the profession by
21 respecting and obeying the law, exemplifying personal integrity and honesty. In failing to
22 adhere to the terms of a contract Mr. Murphy violated OAR 584-020-0040(4)(o) as it
23 incorporates OAR 584-020-0035(2)(d) when Mr. Murphy accepted gift or gratuity (pay) that
24 influenced his judgment in the performance of professional duties. This behavior constitutes
25 Gross Neglect of Duty. The Commission's authority to impose discipline in this matter is based
26 upon ORS 342.175.

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ORDER

The Commission adopts the above findings of fact and suspends the Standard Teaching license of Kevin A. Murphy for a period of six (6) months effective on the date of the adoption of this order. At the end of the suspension period Mr. Murphy may apply for reinstatement of licensure by submitting a complete application pursuant to OAR 584-050-0015(3) together with supporting documentation and fees.

IT IS SO ORDERED this 30 day of January, 2006.

TEACHER STANDARDS AND PRACTICES COMMISSION

By 
Victoria Chamberlain, Executive Director

Approved as to form:

Margaret S. Olney, OSB # 88135
Attorney for Kevin A. Murphy

[010306]