



1 **CONCLUSIONS OF LAW**

2 Montgomery's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b);  
3 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*);  
4 and OAR 584-020-0040(1)(n) (*ORS 163.425 – Sexual Abuse in the Second Degree*). This conduct  
5 also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e)  
6 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a*  
7 *conviction*). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1) the Commission will deny,  
8 revoke or deny the right to apply for a license or charter school registration to any applicant or  
9 educator who, has been convicted of any of the crimes listed in ORS 342.143.

10 Furthermore, the conduct underlying Montgomery's convictions constitutes gross neglect of  
11 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
12 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(k) (*knowing violation of any rule or*  
13 *order of the Commission*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*), and OAR  
14 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*  
15 *profession by respecting and obeying the law, exemplifying personal integrity and honesty*).  
16 Montgomery's conduct underlying his convictions also constitutes "gross unfitness" in violation of  
17 ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("*Gross*  
18 *unfitness is any conduct which renders an educator unqualified to perform his or her professional*  
19 *responsibilities*").


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

21 **FINAL ORDER**

22 The Commission hereby revokes Michael Ralph Montgomery's educator license and his right  
23 to apply for an educator license.

24 IT IS SO ORDERED THIS 19<sup>th</sup> day of June, 2013.

25 TEACHER STANDARDS AND PRACTICES COMMISSION

26 By:   
27 Victoria Chamberlain, Executive Director  
28

29 NOTICE OF APPEAL OR RIGHTS

30  
31 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
32 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
33 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
34 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 Ralph Montgomery #19446563  
C/O Warner Creek Correctional Facility  
PO Box 1500  
20654 Rabbit Hill Rd  
Lakeview, OR 97630

Dated this 19<sup>th</sup> day of June, 2013.

By: *Patty Liddell*  
Patty Liddell  
Investigative Assistant