

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

4   In the Matter of the                   )    DEFAULT ORDER OF  
5   Teaching License of                 )    REVOCATION OF RIGHT TO  
6   ROBERT ROY SMITH                   )    APPLY FOR A LICENSE  
7

8                   On November 12, 2003, the Teacher Standards and Practices Commission  
9   (Commission) issued a Notice of Opportunity for Hearing to Robert Roy Smith (Smith) in which  
10   the Commission charged him with conviction of a crime listed in ORS 342.143(3). The Notice  
11   was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7002 2410 0001 9754 7429 to  
12   the address obtained by the Commission. The certified mail receipt was signed by Manuel  
13   Rodriguez, agent for the Coffee Creek Correctional Facility. The Notice of Opportunity of  
14   Hearing, dated November 12, 2003, and signed by Victoria Chamberlain, Executive Director,  
15   stated:

16                   "You, Robert Roy Smith, are entitled to a hearing on the proposed action of the  
17   Commission. If you want a hearing, you must file a written request for a hearing  
18   with the Commission within 21 days of the date of this notice. Attached to this  
19   notice is a copy of the procedures, right of representation and other rights of  
20   parties relating to the conduct of a hearing as required under ORS 183.413(2)."  
21

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

25                   **FINDINGS OF FACT**

- 26                   1. Mr. Smith held a Basic Teaching License issued on April 20, 2000. Said license  
27   expired on June 26, 2003.
- 28                   2. Mr. Smith was employed by the Beaverton School District as a teacher from 1979,  
29   until resignation on December 16, 2002.
- 30                   3. On November 3, 2003, Robert Roy Smith was convicted of two counts of Unlawful  
31   Sexual Penetration II, ORS 163.408; two counts of Sexual Abuse I, ORS 163.427; and two

1 counts of Rape III, ORS 163.355, in the Circuit Court of the State of Oregon for Washington  
2 County.

3 **CONCLUSIONS OF LAW**

4 The crimes of Unlawful Sexual Penetration II as defined in ORS 163.408; Sexual  
5 Abuse I as defined in ORS 163.427; and Rape III as defined in ORS 163.355, are listed in ORS  
6 342.143(3). The Commission is required to revoke Robert Roy Smith's right to apply for a  
7 license pursuant to ORS 342.175(2).

8 **ORDER**

9 The Commission hereby revokes Robert Roy Smith's right to apply for a teaching  
10 license.

11 IT IS SO ORDERED this 15<sup>th</sup> day of January 2004.

12 TEACHER STANDARDS AND PRACTICES COMMISSION

13  
14  
15 By: Victoria Chamberlain  
16 Victoria Chamberlain, Executive Director  
17

18 **NOTICE OF APPEAL OR RIGHTS**

19  
20 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
21 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE  
22 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS  
23 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. Certified Mail—Return Receipt Requested, addressed to:

Robert Roy Smith SID/14934388  
Coffee Creek Correctional Facility  
24499 SW Grahams Ferry Road  
PO Box 9000  
Wilsonville, OR 97070

Dated this 6<sup>th</sup> day of February 2004.

By: Melody Hanson  
Melody Hanson, Executive Assistant