

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

3
4 In the Matter of the Educator)
5 License of)
6 ANTHONY WORLEY GARZA)

DEFAULT ORDER OF
PUBLIC REPRIMAND

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9 On November 28, 2016, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Anthony Worley Garza (Garza)
11 in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 0495 to the
13 address on file with the Commission. The Notice designated the Commission file as the
14 record for purposes of proving a prima facie case. The Certified Mail receipt was returned to
15 the Commission as unable to forward. The first class mail was not returned to the
16 Commission and presumed delivered. The Notice of Opportunity of Hearing, dated
17 November 28, 2016, and signed by Monica Beane, Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE.”
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26 Garza did not request a hearing. The Commission, therefore, finds Garza to be in default
27 and enters the following findings of fact, conclusions of law, and final order, based on the
28 files and records of the Commission concerning this matter.

29 **FINDINGS OF FACT**

- 30 1. Garza has been licensed by the Commission since August 8, 2014. Garza holds a
31 Preliminary Teaching License, with an endorsement in Art (PK-12), valid from
32 February 9, 2016, through December 26, 2019. During all relevant times, Garza
33 was employed by the Portland Public School District.
34 2. On January 29, 2016, the Commission was notified by the Portland Public School
35 District that Garza may have violated professional standards by failing to provide
36 60 days’ notice of resignation as required by contract and state law ORS
37 342.553(1).

1 3. Subsequent investigation determined the following:
2

3 a. On December 2, 2015, Garza, while under contract with the Portland
4 Public School District as a .50 FTE Art Teacher, submitted his resignation
5 to be effective December 18, 2015. The district advised Garza of the
6 following, "This letter is to notify you that we are processing your
7 resignation from your .50 FTE Art Teacher position at Sabin PK-8,
8 effective on December 18, 2015. Please be advised that because you did not
9 comply with the requirement to provide 60 day notice to Portland Public
10 Schools, per Oregon Rules and Statutes (ORS 342.553), the District will
11 report to TSPC, and your Oregon Teaching License could be negatively
12 affected".

13
14 b. On August 22, 2016, Garza told commission investigators that he had been
15 informed by the district and was aware of the 60 day notice requirement.
16 Garza explained that he was unable to provide the required notice because
17 Garza's new employment in Texas did not allow for such a long delay. In
18 addition, Garza stated that returning to Texas provided full time
19 employment and would allow Garza to care for his mother. Garza
20 explained that under the circumstances, he felt he had no choice but to
21 resign without giving the required notice.
22

23 CONCLUSIONS OF LAW

24 Anthony Worley Garza engaged in unprofessional conduct as described above. This
25 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
26 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR
27 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and
28 OAR 584-020-0040(4)(j) (*Resignation from a contract in violation of ORS 342.553*).
29

30 The Commission's authority to impose discipline in this matter is based upon ORS
31 342.175.

1 **FINAL ORDER**

2 The Commission hereby issues a Public Reprimand upon Anthony Worley Garza's
3 Educator licensure.

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6 IT IS SO ORDERED THIS 27th day of February, 2017.

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8 **TEACHER STANDARDS AND PRACTICES COMMISSION**

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10 By: Monica Beane
11 Dr. Monica Beane, Executive Director

12 **NOTICE OF APPEAL OR RIGHTS**

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15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
16 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
17 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
18 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Default Order of Public Reprimand, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Anthony Worley Garza
12721 Marimba Trail
Austin, TX 78729

Dated this 27th day of February, 2017.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant