

1 STATE OF OREGON

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the
4 Teaching License of
5 SARA HELEN GORTHY

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FINDINGS OF FACT, ULTIMATE
FINDINGS OF FACT, CONCLUSIONS OF
LAW, OPINION AND PROPOSED ORDER

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7 On September 30, 1996,, the Teacher Standards and Practices Commission (the
8 "Commission") issued a Notice of Opportunity for Hearing to Sara Helen Gorthy,
9 proposing to deny her Substitute Teaching License or otherwise impose discipline
10 under ORS 342.177. On October 12, 1996, Ms. Gorthy requested a hearing, and a
11 hearing was held on July 30, 1997, before a panel of three commissioners, Jennifer
12 Heiss, Chairperson, Karen Famous and Bob Goerke. Ms. Gorthy appeared
13 personally and represented herself. The Commission was represented by Assistant
14 Attorney General Kelly Gabliks. The hearing was conducted as a contested case
15 hearing and was mechanically tape recorded.

16 The panel heard testimony from William Moore, Dr. George Middlekauff and
17 Ms. Gorthy. The following exhibits were received into evidence without objection:

18 TSPC Exhibits:

- 19 1. Notice of Opportunity for Hearing dated September 30, 1996.
- 20 2. Letter from Ms. Gorthy dated October 12, 1996 requesting a hearing.
- 21 3. Ms. Gorthy's Application for License Authorizing Public School Service
Form C-1 dated February 2, 1996.
- 22 4. Letter from TSPC to Ms. Gorthy regarding her arrests.
- 23 5. Ms. Gorthy's October 2, 1989 conviction for harassment.
- 24 6. September 14, 1992 Roseburg City Attorney Report for harassment
25 charge that was not prosecuted because Ms. Gorthy was mentally unable
to stand trial.

- 1 7. September 24, 1994 Roseburg City Attorney Report for disorderly
2 conduct charge that was not prosecuted because Ms. Gorthy was
mentally unable to stand trial.
- 3 8. February 13, 1986 Order of Commitment committing Ms. Gorthy to
4 state custody instead of prosecuting her for harassment because she was
mentally unfit to stand trial.
- 5 9. Dr. George Middlekauff's professional Curriculum Vitae.
- 6 10. Copies of Discharge Summaries for Gorthy admissions to Mercy Medical
7 Center, Inc. from 1982 to 1995 for treatment of mental condition and
inappropriate conduct.

8 FINDINGS OF FACT

- 9 1. Sara Gorthy completed her college education by obtaining a Bachelor of Arts
10 degree from the University of Oregon.
- 11 2. On or about February 6, 1996, Ms. Gorthy made application to reinstate an
12 expired Oregon Substitute Teaching License endorsed for secondary education.
13 On the application, Ms. Gorthy indicated a "no" answer on Character Question
14 8 relating to felony, misdemeanor or major traffic violation convictions.
- 15 3. The Criminal History Report from the Oregon State Police indicated eight (8)
16 arrests from 1985 to 1995. Although four of the arrests were dismissed
17 because Ms. Gorthy was mentally unable to stand trial, she was convicted on
18 two occasions. In 1986, she was convicted of violating a restraining order. In
19 1989, she was convicted of Harassment. Both crimes are classified as
20 misdemeanors.
- 21 4. On her application, Ms. Gorthy also indicated "no" on Character Question 9
22 relating to pending arrests or citations for criminal offenses. However, she had
23 been arrested on October 18, 1995 on another harassment charge, which charge
24 was outstanding at the time she completed her application.
- 25 5. After several of her arrests, Ms. Gorthy was confined to the state hospital,
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1 Dammash and other psychiatric institutions for treatment. She has also
2 received extensive outpatient treatment, which continues to this day.

3 6. Ms. Gorthy has suffered from several psychotic episodes requiring
4 hospitalization. Several of these episodes resulted from Ms. Gorthy's decision
5 to discontinue taking prescribed medication. During these psychotic episodes,
6 Ms. Gorthy has acted out in a violent manner, and has attacked hospital staff,
7 her ex-husband's current wife and a police officer.

8 7. Ms. Gorthy offered no evidence of her mental fitness to teach.

9 ULTIMATE FINDINGS OF FACT

10 1. Ms. Gorthy made numerous misrepresentations when making application
11 for an Oregon Teaching License. She failed to acknowledge her prior convictions and
12 failed to acknowledge her arrest, pending at the time of her application, for
13 harassment.

14 2. Ms. Gorthy's repeated hospitalizations for psychotic episodes, her
15 decisions to discontinue her prescribed medications on several occasions despite
16 instructions to the contrary, and her psychiatrist's concerns about her inability to
17 withstand the stresses of teaching indicate that Ms. Gorthy lacks the mental
18 competence to serve as an educator.

19 CONCLUSIONS OF LAW

20 1. Ms. Gorthy violated OAR 584-20-040(4) when she submitted an
21 application to the Commission containing a knowing misrepresentation.

22 2. Ms. Gorthy's past and present actions and history indicate that she is
23 grossly unfit to serve as an educator under OAR 584-20-040(5).

24 OPINION

25 Ms. Gorthy's misrepresentations were substantial and concerned matters
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1 directly related to her fitness as a teacher. Additionally, when asked directly what
2 information she could provide to convince the Commission children would not be in
3 danger in her care, Ms. Gorthy was unable to articulate any response.

4 Ms. Gorthy will be eligible to reapply for an Oregon Substitute Teaching
5 License after a period of one year from the date of this Order. If Ms. Gorthy
6 reapplies, she shall:

7 1. Read the application carefully, answer all questions truthfully, and
8 provide all necessary documents to support and clarify answers on the application.

9 2. Provide documentation from her treating psychiatrist that she does not
10 pose a potential harm to children when serving as an educator.

11 3. Document that Ms. Gorthy has been a productive, law-abiding citizen.

12 At the time of reapplication, Ms. Gorthy shall have the burden of proof to
13 present evidence of fitness to serve as an educator.

14 **ORDER**

15 The Commission upholds the denial of the reinstatement of Ms. Gorthy's
16 Oregon Substitute Teaching License.

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18 TEACHER STANDARDS AND PRACTICES COMMISSION

19 By: David M. Myton
20 David M. Myton, Executive Secretary

21 Date: Sept 22, 1997

22 **NOTICE: YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER.**
23 **JUDICIAL REVIEW MAY BE OBTAINED BY FILING FOR**
24 **JUDICIAL REVIEW WITHIN 60 DAYS OF THE SERVICE OF**
25 **THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE**
26 **PROVISIONS OF ORS 183.482 THROUGH THE OREGON**
COURT OF APPEALS.

KMG/lah/JGG105A5.W51