

1 STATE OF OREGON

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the ~~Basic~~ Teaching License of | HOP FILE NO. 20010731  
4 THOMAS GEORGE LEES | FINAL ORDER

5  
6 On April 24, 2001, Hearing Officer Catherine P. Coburn issued a proposed order to  
7 revoke the Oregon ~~initial~~ <sup>Standard</sup> Teaching License of Thomas George Lees. The proposed order  
8 contained a notice permitting Mr. Lees to file written exceptions to the proposed order with the  
9 Teacher Standards and Practices Commission within 30 days following service of the proposed  
10 order. Mr. Lees has not filed written exceptions.

11 The Commission has reviewed the proposed order, and is now fully advised.

12 NOW, THEREFORE, IT IS HEREBY ORDERED that the findings of fact, conclusions  
13 of law and proposed sanction in the proposed order are adopted and incorporated into this final  
14 order by reference, and the Oregon Teaching License of Thomas George Lees is hereby revoked.

15 DATED this 11<sup>th</sup> day of July, 2001.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17  
18 By: David V. Myton  
19 David V. Myton, Executive Director

20 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by  
21 filing a petition for review within 60 days of the service of this order. Judicial review is pursuant  
22 to the provision of ORS 183.482 to the Oregon Court of Appeals.

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**STATE OF OREGON**  
**BEFORE THE HEARING OFFICER PANEL**

**for**  
**THE TEACHER STANDARDS AND PRACTICES COMMISSION**

5 In the Matter of the Teaching License of ) DOJ File No.: 584-001-GEO12  
6 Thomas George Lees ) HOP Case No.: 20010731

7 TEACHER STANDARDS ) **PROPOSED ORDER**  
8 AND PRACTICES COMMISSION )

9 v. )

10 THOMAS GEORGE LEES )

11 On January 26, 2001, the Teacher Standards and Practices Commission (Commission)  
12 filed a Notice of Opportunity for Hearing (Notice) alleging that Thomas George Lees  
13 (respondent) was convicted of three criminal statutes. On February 9, 2001, respondent,  
14 representing himself *pro se* timely appealed the Notice. On March 5, 2001, the Commission,  
15 represented by Assistant Attorney General Joe Gordon McKeever filed a Motion for Ruling on a  
16 Legal issue pursuant to OAR 137-003-0580.  
17

18  
19 **NOTICE**

20 On January 26, 2001, the Commission issued a Notice which proposed to revoke  
21 respondent's Oregon Teaching License pursuant to ORS 342.175 through 342.190 and the  
22 Standards for Competent and Ethical Performance of Oregon Educator, OAR 584, Division 020.

23 The Commission alleged the following misconduct:  
24

- 25
- 26 1. On or about December 11, 2000, respondent was convicted of Sexual Abuse in the First Degree (two counts), ORS 163.427.
  2. On or about December 11, 2000, respondent was convicted of Sexual Abuse in the Third Degree, ORS 163.415.
  3. On or about December 11, 2000, respondent was convicted of Furnishing Liquor to a Minor (two counts), ORS 471.410.

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**ISSUE**

The issue is whether revocation of respondent's Oregon Teaching License is warranted where he was convicted of ORS 163.427, ORS 163.415 and ORS 471.410.

**EVIDENTIARY RULINGS**

The Commission attached Exhibits 1 through 6 to the Motion for Ruling on a Legal Issue dated March 5, 2001. Having received no objection to these exhibits, I now consider them.

**FINDINGS OF FACT**

Respondent holds an Oregon Teaching License. The effective date is May 21, 1997 and the expiration date is May 9, 2002. (Ex. 1). On December 11, 2000, respondent was convicted of two counts of Sexual Abuse 1. (Exs. 2 and 3). On December 11, 2000, respondent was convicted of Sexual Abuse 3. (Ex. 4). On December 11, 2000, respondent was convicted of two counts of Furnishing Liquor to a Minor. (Exs. 5 and 6).

**OPINION AND CONCLUSIONS OF LAW**

ORS 342.175(2) provides:

“Notwithstanding ORS 670.280, the Commission shall revoke any license or registration \*\*\* when the holder or person has been convicted of any crime described in ORS 342.143(3).”

The crimes listed under ORS 342.143(3) include Sexual Abuse in the First Degree (ORS 163.427) and Sexual Abuse in the Third Degree (ORS 163.415). The statute establishes a *per se* rule. Without exception, revocation of the Oregon Teaching License of a person who is convicted of crimes listed under ORS 342.143(3) is mandatory. Furthermore, the statute does not provide for revocation postponement pending appeal of the criminal convictions.

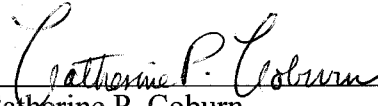
1 Based on the evidence, I find that there is no genuine issue as to any material fact that is  
2 relevant to the issue whether revocation is warranted. Pursuant to OAR 137-003-0580(4), I  
3 conclude that the Commission is entitled to a favorable ruling as a matter of law.  
4

5 **ORDER**

6 The Oregon <sup>Standard</sup>~~Initial~~ Teaching License of Thomas George Lees shall be revoked.  
7

8 IT IS SO ORDERED.

9 Dated this 27<sup>th</sup> day of April, 2001 at Salem, Oregon.

10   
11 Catherine P. Coburn  
12 Administrative Law Judge  
13 Hearing Officer Panel  
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15 **NOTICE OF OPPORTUNITY FOR ADMINISTRATIVE REVIEW**

16 NOTICE: Pursuant to OAR 137-003-0650, you are entitled to file written exceptions to this  
17 Proposed Order. Written exceptions must be received by the Teacher Standards and Practices  
18 Commission within 30 days following the date of service of this Proposed Order. Mail  
19 exceptions to:  
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21 Teacher Standards and Practices Commission  
22 Public Service Building  
23 255 Capitol Street NE  
24 Salem, OR 97310-1332  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served copies of the foregoing Proposed Contested Case Hearing Order for Thomas George Lees, Case No. 584-001-GE0122-01, upon the following parties by causing to be mailed on the 24th day of April, 2001, a true, exact and full copy thereof, enclosed in an envelope with postage prepaid, addressed to:

Thomas George Lees  
SID 13534232  
PO Box 1470  
Umatilla OR 97882

Joe G. McKeever  
Assistant Attorney General  
1162 Court Street NE  
Salem OR 97301-4096

  
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Jo Ellen Odle, Hearings Technician  
Hearing Officer Panel