1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	In the Matter of the)DEFAULT ORDER OFEducator License of)REVOCATION OFRODNEY ROCHEA FLUCAS)LICENSURE
9	On July 24, 2019, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Rodney Rochea Flucas
11	(Flucas) in which the Commission charged him with Gross Neglect of Duty and /or
12	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
13	Receipt 7018 1830 0001 6178 6124 to the address on file with the Commission. The
14	Notice designated the Commission file as the record for purposes of proving a prima
15	facie case. The Certified Mail was returned to the Commission "delivered" on July 29,
16	2019. The regular first class mail was not returned to the Commission, and assumed
17	delivered. The Notice of Opportunity of Hearing, dated July 24, 2019, and signed by
18	Anthony Rosilez, Executive Director, stated:
19 20 21 22 23 24 25 26 27 28 29	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFYT THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
30	Flucas did not request a hearing. The Commission, therefore, finds Flucas to be in
31	default and enters the following findings of fact, conclusions of law, and final order,
32	based on the files and records of the Commission concerning this matter.
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34	FINDINGS OF FACT
35	1. Rodney Rochea Flucas has been licensed by the Commission since September 29,
36	2014. Flucas' Preliminary Teaching License, with endorsements in Special
37	Education: Deaf and Hard of Hearing (PK-12), and Special Education: Generalist
38	(PK-12); is valid from March 30, 2016, through October 22, 2019.

1	2.	On J	une 9, 2017, the Commission learned from a National Association of State
2		Dire	ctors of Teacher Education and Certification clearinghouse report that Flucas'
3		Calif	ornia teaching credential was suspended. TSPC obtained a copy of Flucas'
4		Noti	ce of Suspension from California which noted Flucas was being charged with
5		three	e counts of unlawful sexual intercourse with a minor and two counts of incest.
6			
7	3.	Subs	sequent investigation determined the following:
8			
9		a.	On February 8, 2017, the Stockton Police Department (PD), Stockton,
10			California, began an investigation into allegations Flucas sexually abused a
11			minor-aged family member and then arrested Flucas for Rape by Force or Fear,
12			and Incest. On April 3, 2017, Flucas was charged with ten counts of Unlawful
13			Intercourse with a Minor 3 Years Younger; four counts of Incest; one count of
14			Oral Copulation of a Person Under 18; and two counts of Dissuading a Witness
15			from Reporting a Crime. The Federal Bureau of Investigation also conducted
16			an investigation into these allegations which resulted in Flucas being charged in
17			federal court with violating federal code by transporting a minor with the intent
18			to engage in criminal sexual activity.
19			
20		b.	Investigation by law enforcement determined Flucas sexually abused multiple
21			minors who were family members or who resided in Flucas' household. DNA
22			testing of family members and other females, who were at one time, residents of
23			Flucas' household, found Flucas fathered three children with one of his
24			daughters, one child with his daughter's teenage friend, and six children with
25			his stepdaughter.
26			
27		c.	On June 26, 2018, Flucas was found guilty in federal court of witness tampering
28			related to the criminal charges. On September 20, 2018, Flucas was found
29			guilty of two felony counts of transporting minors with the intent to engage in
30			criminal activity. On February 12, 2019, Flucas was sentenced to life in federal
31			prison for these convictions
32			

1	CONCLUSIONS OF LAW
2	Rodney Rochea Flucas' conduct described in each of the sections of paragraph
3	three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
4	584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
5	<i>judgment</i>); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-
6	0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law,
7	exemplifying personal integrity and honesty); and OAR 584-020-0040(3)(a) (Has
8	been convicted of a crime not listed in section (1) of this rule, if the Commission finds
9	that the nature of the act or acts constituting the crime for which the educator was
10	convicted render the educator unfit to hold a license). This conduct also constitutes
11	gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction
12	of violating any federal, state, or local law. A conviction includes any final judgment
13	of conviction by a court whether as the result of guilty plea, no contest plea or any
14	other means); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts
15	constituting criminal conduct, even in the absence of a conviction).
16	The Commission's authority to impose discipline in this matter is based
17	upon ORS 342.175.
18	FINAL ORDER
19	The Commission hereby revokes Rodney Rochea Flucas' Educator license.
20	IT IS SO ORDERED THIS <u>/O</u> day of September, 2019.
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22	TEACHER STANDARDS AND PRACTICES COMMISSION
23 24	By:

1	NOTICE OF APPEAL OR RIGHTS
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3	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
4	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
5	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
6	ORS 183.482 TO THE OREGON COURT OF APPEALS.