1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the **DEFAULT ORDER OF** 5 **Educator License of**) REVOCATION 6 JOSEPH A. JAMES 7 8 9 On January 29, 2021, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Joseph A. James, (James) 10 11 in which the Commission charged him with Gross Neglect of Duty and /or Gross 12 Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 2970 0000 4903 8515 to the address on file with the Commission. The Notice 13 14 designated the Commission file as the record for purposes of proving a prima facie case. 15 The Certified Mail receipt was returned to the Commission signed. The regular firstclass mail was not returned to the Commission and assumed delivered. The Notice of 16 17 Opportunity of Hearing, dated January 29, 2020, and signed by Anthony Rosilez, 18 Executive Director, stated: 19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY 20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, 23 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR 24 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT 25 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF 26 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF 27 YOUR LICENSE OR OTHER DISCIPLINE." 28 29 On or about February 16, 2021, James through his attorney, requested a hearing. 30 Later, in February 2020, James indicated that he was changing attorneys. Several 31 attempts were made by TSPC to contact both of the attorneys James was believed to 32 have retained, (Nathan Reitmann and Richard Alway) however neither attorney could 33 confirm that they had been retained James, nor were they aware of James' current whereabouts. In May 2021, TSPC again reached out to Reitmann and Alway, and they 34 35 confirmed that they did not represent James. James' current whereabouts are unknown and no new contact information for James was found. 36 37

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FINDING OF FACT

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 The Commission has licensed James since November 1, 1984. James currently holds a Professional Administrator License, with an endorsement in Administrator (PK-12), valid from January 16, 2018, through August 30, 2023. During all relevant times, James was employed by the Woodburn School District (WSD).

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2. On February 6, 2018, TSPC received a Department of Human Services – Child Welfare (DHS) cross-report alleging misconduct by James, the acting Principal of the Alternative "Success" High School at the time of the report. The report alleged that James photographed a male student in his underwear, and sexually assaulted or subjected at least one other male student to taking similar inappropriate photos in approximately 2001.

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15 3. Law enforcement was notified of the allegations, and the Woodburn Police Department (WPD) conducted an investigation but was not able to pursue criminal 16 17 charges due to the statute of limitations having lapsed. WPD's investigation 18 documented that James was interviewed by WPD, and had been previously interviewed by WPD in 2013 for similar allegations against him. During James' 19 20 interview with WPD Officer DeVoe, he admitted to taking sexually suggestive and 21 inappropriate photos of a former male student, JM, in his underwear in 2000-2001. 22 James confirmed that JM was a former student of his, was 18 years of age, and had 23 graduated when the photos were taken at his residence. James additionally admitted 24 to talking to another male student, CM, about taking photos, and discussed in detail 25 the photos he had taken of JM. James reportedly told CM "you should try it."

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4. The WSD had reportedly been made aware of the allegations against James in 2013, and Superintendent Ransom asked him if there was any validity to the complaints.

James denied the allegations, and no additional follow up was done by the district in 2013. WSD revisited this complaint in 2018, when the DHS complaint was filed. It was discovered that James "willingly and knowingly lied to his direct supervisor (Superintendent Ransom)" about the incident in 2013. WSD notified James of their

1	intentions to dismiss him from employment with the district on February 27, 2018.
2	James entered into a Resignation Agreement with the WSD on March 27, 2018.
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4	5. TSPC attempted to contact James to arrange for an interview regarding this incident
5	multiple times. Below are the listed contacts and attempted contacts by TSPC staff:
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7	 On February 27, 2018, TSPC provided James with an official Notice of
8	Investigation document via mail, and James provided confirmation of
9	receiving such document.
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11	 On July 17, 2018, TSPC investigative staff contacted James via telephone.
12	James confirmed that he knew he was under investigation by TSPC and
13	would have to disclose that he was currently under investigation on future
14	employment applications. James advised TSPC staff at this time that he
15	had also retained an attorney for this matter and TSPC would need to
16	direct all future correspondence to his attorney.
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18	 On March 30, 2020, TSPC attempted to contact James via telephone to
19	request to interview you regarding this matter. James did not respond to
20	this request and TSPC staff was unable to leave a voicemail.
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22	 On May 11, 2020, TSPC contacted current Woodburn School District
23	Human Resources Director, Betty Wall, and asked her to provide TSPC
24	with up-to-date contact information for James.
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26	 On May 14, 2020, TSPC received the same contact information for James
27	TSPC had already possessed.
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29	 On June 5, 2020, TSPC provided James with approximately three copies
30	of an official Request to Interview document via mail sent to two separate

1 addresses including a P.O. Box and mailing address for James located in 2 Mount Angel, Oregon. 3 4 On June 17, 2020, TSPC received a certified tracking receipt via mail confirming that James had received at least one of the three documents 5 6 and had provided his signature to sign for the document. Included within 7 the document was a request by TSPC for James to contact staff within fourteen days to schedule an interview. To date, TSPC has received no 8 9 response from James. 10 11 On July 27, 2020, TSPC determined James' attorney to be Nathan 12 Reitmann, part of Rietmann Law P.C. located in Salem, Oregon. TSPC contacted Rietmann via email on July 27, 2020, and asked him if he was 13 representing James and if he could notify James that TSPC was requesting 14 15 an immediate response to conduct an interview. 16 17 On July 30, 2020, TSPC received a response email from Reitmann advising TSPC that he was in fact still representing James but said he had 18 not been able to contact James after attempting to call and email him 19 20 several times between July 27, 2020, and July 30, 2020. 21 On August 3, 2020, TSPC staff conducted an Accurint records search for 22 23 updated contact information for James but determined that all active 24 mailing addresses, emails, and telephone numbers listed as current for 25 James via Accurint had already been provided to TSPC and were on file within all databases. 26 27 28 As of the writing of this Default Order, TSPC staff has yet to receive a response from 29 James or his attorneys. 30 31

1	CONCLUSIONS OF LAW
2	The conduct described above constitutes gross neglect of duty in violation of ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)
4	(Recognize the worth and dignity of all persons and respect for each individual), OAR
5	584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using
6 7	district lawful and reasonable rules and regulations); OAR 584-020-0040(4)(0) as it
8	incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues),
9	OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally
10	inappropriate interest in a student's personal life), and OAR 584-020-0035(1)(c)(D)
11	(Honoring appropriate adult boundaries with students in conduct and conversations
12	at all times); and OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right
13	or privilege, failure or refusal by an educator under investigation to respond to
14	requests for information, to furnish documents or to participate in interviews with a
15	Commission representative relating to a Commission investigation)
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17 18	The Commission's authority to invest the limit of the control of t
10	The Commission's authority to impose discipline in this matter is based
19	upon ORS 342.175.
20	FINAL ORDER
21	The Commission will proceed with a Default Order and hereby revokes James'
	The commission was proceed with a belaute order and hereby revokes barnes
22	teaching licensure for one (1) year.
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24	IT IS SO ORDERED THIS 16th day of June, 2022.
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26	TEACHER STANDARDS AND PRACTICES COMMISSION
20	TEACHER STAINDARDS AND FRACTICES COMMISSION
	14 12-1
	By: Anthony J. Kosiles
27	By:
28	Dr. Anthony Rosilez, Executive Director
29	MOREO OF ARREST OF PLOTING
30	NOTICE OF APPEAL OR RIGHTS
31 32	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
32 33	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
34	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
35	ORS 183.482 TO THE OREGON COURT OF APPEALS.