

1 2. On July 27, 2018, the Commission became aware that Lulay had been arrested for
2 criminal conduct that could constitute a violation of Commission rules. The news
3 article reported that Lulay was accused of multiple counts of sexual abuse that had
4 occurred during the spring and summer of 2013.

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6 Law enforcement investigations determined that during the summer of 2013, Lulay
7 inappropriately touched a 9-year-old female's genitals over her clothing. Additional
8 investigation determined that during the spring of 2013, Lulay was providing
9 tutoring services to an 11-year-old male and touched his genitals on multiple
10 occasions. On November 12, 2014, Lulay was indicted on three counts of Sexual
11 Abuse in the First Degree and one count of attempted Sexual Abuse in the First
12 Degree.

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14 3. On April 10, 2019, as a result of a plea agreement, Lulay was convicted of two counts
15 of Sexual Abuse in the First Degree, ORS 163.427, a Class B Felony. Lulay was
16 sentenced to a total of 85 months incarceration, 45 months of supervised probation
17 and required to register as a sex offender.
18

19 **CONCLUSIONS OF LAW**

20 John D. Lulay's criminal convictions as described in section three (3) above,
21 constitute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
22 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and
23 OAR 584-020-0040(1) (*The Commission will deny, revoke or deny the right to apply*
24 *for a license or charter school registration to any applicant or educator who, has been*
25 *convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of*
26 *any of those crimes if convicted in another jurisdiction, or convicted of attempt to*
27 *commit such crimes as defined in ORS 161.405*), including ORS 163.427 –*Sexual Abuse*
28 *in the First Degree*. This conduct also constitutes gross unfitness in violation of ORS
29 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
30 *local law. A conviction includes any final judgment of conviction by a court whether as*
31 *the result of guilty plea, no contest plea or any other means*); OAR 584-020-
32 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-

1 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
2 *the absence of a conviction*).

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4 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
5 and Practices Commission must revoke Lulay's license and / or Lulay's right to apply for
6 a license based on Lulay's conviction of any of the crimes listed in ORS 342.143(3)(a), or
7 the substantial equivalent of any of those crimes, or convicted of attempt to commit
8 such crimes as defined in ORS 161.405.

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10 Furthermore, the conduct underlying Lulay's convictions as described in section
11 two (2) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
12 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
13 *judgment*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by
14 OAR 584-020-0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
15 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
16 *conversations at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
17 *profession by respecting and obeying the law, exemplifying personal integrity and*
18 *honesty*).

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20 Additionally, Lulay's criminal convictions and conduct related to his convictions
21 constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c)
22 and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which*
23 *renders an educator unqualified to perform his or her professional responsibilities*).

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

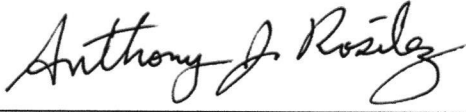
27 **FINAL ORDER**

28 The Commission hereby revokes John Lulay's Oregon educator license and his
29 right to apply for an Oregon educator license.

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31 IT IS SO ORDERED THIS 14th day of May, 2020.

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TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Dr. Anthony Rosilez, Executive Director

NOTICE OF APPEAL OR RIGHTS

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