1 2 3 4 5 6 7 8	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON			
	License	Matter of the Educator ) DEFAULT ORDER OF e of ) PUBLIC REPRIMAND )		
9		On September 12, 2019, the Teacher Standards and Practices Commission		
10	(Comm	mission) issued a Notice of Opportunity for Hearing to Daniel S. Oswald (Oswald) in		
11	which t	the Commission charged him with Gross Neglect of Duty. The Notice was sent via		
12	U.S. Fi	rst Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 6544 to the		
13	addres	s on file with the Commission. The Notice designated the Commission file as the		
14	record	for purposes of proving a prima facie case. The Certified Mail receipt was returned to	0	
15	the Co	mmission signed on September 25, 2019. The first class mail was not returned to the	<u>)</u>	
16	Comm	nmission and assumed delivered. The Notice of Opportunity of Hearing, dated		
17	Septen	nber 12, 2019, and signed by Anthony Rosilez, Executive Director, stated:		
18 19 20 21 22 23 24 25 26 27		"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, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY 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."		
28	Oswalo	d did not request a hearing. The Commission, therefore, finds Oswald to be in defaul	t	
29	and en	ters the following findings of fact, conclusions of law, and final order, based on the		
30	files ar	nd records of the Commission concerning this matter.		
31		FINDINGS OF FACT		
32	1.	Oswald has been licensed by the Commission since August 29, 2016. Oswald		
33		holds a Preliminary Teaching License, with an endorsement in Social Studies		
34		(PK-12), valid from January 30, 2019 through March 31, 2022. During all		
35		relevant times, Oswald was employed by the Willamina School District (WSD).		
36	2.	On or about January 29, 2019, Commission licensure staff referred Oswald to		
37		Professional Practices after determining Oswald may have inappropriately		
38		performed the duties of a teacher without an appropriate, valid license or		

registration. Investigation determined that on August 29, 2016, Oswald was issued a Reciprocal Teaching License, valid for one year. Oswald was informed of the requirements for renewal including, making application, paying appropriate fees, and passing the civil rights exam. On March 31, 2017, Oswald was sent a reminder about his upcoming renewal. On April 26, 2017, Oswald was sent another reminder advising him that his license would expire on August 29, 2017 and the requirements for renewal. On January 25, 2019, Oswald contacted commission staff asking if his most recent transcripts had been received. During this conversation, it was discovered that Oswald's license had expired on August 29, 2017; however, Oswald continued to provide teaching services to WSD. Oswald promptly made proper application, WSD expedited Oswald's application, and Oswald's license was issued on January 30, 2019. Oswald advised that after he passed the civil rights exam Oswald errantly believed he had meet all his renewal requirements but forgot he also needed to make application and pay his fees. WSD did not have Oswald on their renewal tracking list and was unaware of Oswald's licensure lapse.

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## CONCLUSIONS OF LAW

Daniel Oswald's unprofessional conduct, as described above, constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0040(4)(r) (Working without a license); and OAR 584-050-0035 (1) (Any person employed in a position in a school district, education service district, or charter school for which a license or registration is required pursuant to ORS Chapter 342, must hold a valid license or registration appropriate for the assignment while working as a public school, education service district or charter school employee).

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The Commission's authority to impose discipline in this matter is based upon ORS

30 342.175.

FINAL ORDER The Commission hereby issues a Public Reprimand upon Daniel Oswald's Educator licensure. IT IS SO ORDERED THIS 31 day of October, 2019. TEACHER STANDARDS AND PRACTICES COMMISSION 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. 

## CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Daniel S. Oswald 3304 Keswick Court Land O'Lakes, FL 34638

Dated this \_\_\_\_\_\_day of October, 2019.

Patty Sheldon

Investigative Assistant