

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 OF
6 LARRY RANDELL SMITH) LICENSURE
7
8

9 On June 14, 2019, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Larry R. Smith (Smith) in
11 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 3802 to the
13 address 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
15 returned to the Commission signed, on June 20, 2019. The regular first class mail was
16 not returned to the Commission, and assumed delivered. The Notice of Opportunity of
17 Hearing, dated June 14, 2019, and signed by Anthony Rosilez, Executive Director,
18 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, IF YOU FAIL TO APPEAR AT A
24 HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR
25 AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT
26 WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR
27 LICENSE OR OTHER DISCIPLINE.”
28

29 Smith did not request a hearing. The Commission, therefore, finds Smith to be in default
30 and enters the following findings of fact, conclusions of law, and final order, based on
31 the files and records of the Commission concerning this matter.
32

33 **FINDINGS OF FACT**

- 34 1. Larry Smith has been licensed by the Commission since July 15, 1986. Smith’s
35 Standard Teaching License, with endorsements in Elementary – Multiple Subjects
36 (PK-12); English to Speakers of Other Languages (PK-12); and Social Studies (PK-
37 12), is valid from July 22, 2015 through October 16 2020. During all relevant times,
38 Smith was employed by the Hermiston School District (HSD).

1 **CONCLUSIONS OF LAW**

2 Larry Smith’s conduct described in sections two (2) and three (3) above,
3 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-
4 020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth*
5 *and dignity of all persons and respect for each individual*), OAR 584-020-
6 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district*
7 *lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill*
8 *in communicating with administrators, students, staff, parents, and other*
9 *patrons*); and OAR 584-020-0040(4)(l) (*Sexual harassment*).

10 Larry Smith’s conduct described in section four (4) above constitutes gross
11 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
12 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-
13 020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*),
14 OAR 584-020-0040(4)(b) (*Substantial unauthorized use of employment time or*
15 *school resources for private purposes*); and OAR 584-020-0040(o) as it
16 incorporates OAR 584-020-0035(2)(e) (*Not use the district's or school's name,*
17 *property, or resources for non-educational benefit or purposes without*
18 *approval of the educator's supervisor or the appointing authority*).

19 Larry Smith’s conduct described in section five (5) above constitutes gross
20 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p)
21 (*Subject to the exercise of any legal right or privilege, failure or refusal by an*
22 *educator under investigation to respond to requests for information, to furnish*
23 *documents or to participate in interviews with a Commission representative*
24 *relating to a Commission investigation*).

