

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 ) SURRENDER OF LICENSURE AND  
6 DE SOUSA COSTA, RICARDO ) REVOCATION OF RIGHT TO APPLY  
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9 On May 15, 2020, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to De Sousa Costa in which  
11 the Commission charged him with Gross Neglect of Duty and /or Gross Unfitness. The  
12 Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7019 0700  
13 0002 0914 4468 to the address on file with the Commission. The Notice designated the  
14 Commission file as the record for purposes of proving a prima facie case. The Certified  
15 Mail receipt was returned to the Commission signed. The regular first class mail was not  
16 returned to the Commission, and assumed delivered. The Notice of Opportunity of  
17 Hearing, dated May 15, 2020, and signed by Anthony Rosilez, Executive Director,  
18 stated:  
19

20 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
21 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
22 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
23 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,  
24 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR  
25 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT  
26 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF  
27 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
28 YOUR LICENSE OR OTHER DISCIPLINE."  
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31 On March 4, 2021, De Sousa Costa, through his attorney, advised TSPC that he wished  
32 to surrender his Oregon Teaching License as well as forfeit his right to apply for  
33 licensure via a default order. The Commission, therefore, finds De Sousa Costa to be in  
34 default and enters the following findings of fact, conclusions of law, and final order,  
35 based on the files and records of the Commission concerning this matter.  
36

37 **FINDING OF FACT**

- 38 1. The Commission has licensed De Sousa Costa since December 4, 2017. De Sousa

1 Costa held a Restricted Substitute Teaching License, with an endorsement in  
2 Substitute Teaching (PK-12) valid from December 4, 2017, through June 30,  
3 2018. During all relevant times, De Sousa Costa was employed by the Lincoln  
4 County School District (LCSD).

5  
6 2. On March 13, 2019, the Commission received a report from the LCSD indicating  
7 De Sousa Costa was involved in a sexual relationship with a student/minor (AF)  
8 while De Sousa Costa was employed as an assistant soccer coach at Newport High  
9 School.

10  
11 3. Investigation by the district and the Lincoln County Sheriff's Department indicate  
12 De Sousa Costa met, then 17 year old AF, when he was a coach for the Oregon  
13 Outdoor Surf class AF attended. Several months later, De Sousa Costa made a  
14 friend request to AF on Facebook and then began communicating with her via  
15 Instagram messages. AF was still 17 years old when the communication began.

16  
17 Investigation determined that on August 23, 2018, while AF was still 17 years of  
18 age, De Sousa Costa met AF at his residence and engaged in sexual intercourse  
19 with her. De Sousa Costa confirmed this with police investigators, explaining  
20 that AF had informed him she was 18 years old at the time. This was later  
21 corroborated by AF, and the local District Attorney declined to prosecute the  
22 case. LCSD terminated De Sousa Costa's employment as an assistant coach. De  
23 Sousa Costa was not providing teaching services to LCSD.

### 24 25 **CONCLUSIONS OF LAW**

26 The conduct described in sections two (2), and three (3) above constitutes gross  
27 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
28 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-  
29 020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring  
30 appropriate adult boundaries with students in conduct and conversations at all  
31 times*); OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by  
32 respecting and obeying the law, exemplifying personal integrity and honesty*);  
33 and OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by

1 OAR 584-020-0005(5). The conduct described in sections two (2) and three (3)  
2 above also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR  
3 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal*  
4 *conduct, even in the absence of a conviction*).  
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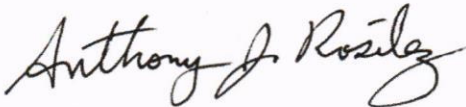
6 The Commission's authority to impose discipline in this matter is based  
7 upon ORS 342.175.

8 **FINAL ORDER**

9 The Commission accepts De Sousa Costa's license surrender and hereby  
10 permanently revokes De Sousa Costa's right to apply for an educator license.

11 IT IS SO ORDERED THIS 23<sup>rd</sup> day of March, 2021.

12  
13 **TEACHER STANDARDS AND PRACTICES COMMISSION**

14 By:   
15 Dr. Anthony Rosilez, Executive Director  
16

17 **NOTICE OF APPEAL OR RIGHTS**

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