

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

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| In the Matter of the |) | STIPULATION OF FACTS AND |
| Educator License of |) | FINAL ORDER OF DENY APPLICATION |
| DAVID R. MCKENZIE |) | FOR LICENSE AND SUSPEND |
| |) | RIGHT TO APPLY FOR LICENSE |

On April 21, 2020, the Teacher Standards and Practices Commission (Commission) opened an investigation on an internal referral that David R. McKenzie (McKenzie) may have committed an act of gross neglect of duty and/or gross unfitness. The referral alleged McKenzie declined to participate in a Commission interview as part of an investigation into an allegation that McKenzie had been arrested in August 2019, for a misdemeanor crime in Springfield, Oregon.

After review of the matters alleged, McKenzie and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, to deny McKenzie's pending application for renewal of his Oregon educator license, and the imposition of a thirty (30) day suspension on McKenzie's right to apply for an Oregon educator license.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. McKenzie stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, McKenzie waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, McKenzie acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Deny Application for License and Suspension of Right to Apply for License (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither McKenzie nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this

Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

FINDINGS OF FACT

1. David R. McKenzie has been licensed by the Commission since March 29, 2016. McKenzie held a Preliminary Teaching License, with endorsements in Elementary-Multiple Subjects (PK-12), valid from August 15, 2018, through January 22, 2021. On January 18, 2021, McKenzie submitted an application for renewal of his Oregon educator license. The expiration of McKenzie's Preliminary Teaching License was stayed pending the outcome of two Commission investigations. McKenzie was employed by the Roseburg Public School District (District) when the initial allegations were made.
2. On January 31, 2020, the Commission received a report from multiple sources that McKenzie may have committed an act of gross neglect of duty and/or gross unfitness. Specifically, the reports alleged that in August 2019, McKenzie had been arrested for a misdemeanor crime in Springfield, Oregon.
3. Investigation found that on February 4, 2020, McKenzie provided the District a letter of resignation effective the same day. On February 11, 2020, a Commission investigator sent a letter requesting an interview with McKenzie to McKenzie's address of record on file with the Commission. The letter stated that failing to respond to requests for information or participate in interviews could result in McKenzie being charged. On February 25, 2020, McKenzie and a Commission investigator arranged an interview for April 2, 2020, regarding the criminal matter. On March 16, 2020, McKenzie contacted the investigator by phone to inquire about surrendering his license. McKenzie relayed to the investigator that he wanted to provide medical records and a written account of the matter. The investigator informed McKenzie that he could provide any material McKenzie thought was relevant, but it would not substitute for an interview. On March 31, 2020, the Commission received medical records and a written statement provided by McKenzie.

On April 2, 2020, the Commission investigator contacted McKenzie by phone for the scheduled interview. McKenzie informed the investigator that he did not intend to interview

because he no longer had a desire to teach. The investigator informed McKenzie that failing to cooperate in a Commission investigation, specifically not providing an interview, could result in discipline separate from the allegation the Commission was originally investigating. The investigator sent McKenzie an email summarizing the phone call later that day. On April 3, 2020, McKenzie sent an email affirming that he received the investigator's email.

On April 10, 2020, the Commission decided to take no disciplinary action on the criminal matter. The Commission then made a referral because of McKenzie's failure to cooperate in a Commission investigation by refusing to interview with a Commission investigator.

IT IS SO STIPULATED: David R. McKenzie 23 May 2022
David R. McKenzie Date
Trent Danowski 05/26/2022
Trent Danowski, Deputy Director Date
Teacher Standards and Practices Commission

CONCLUSIONS OF LAW

David R. McKenzie's 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*); and OAR 584-020-0040(4)(p) (*Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to request for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation*).

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

FINAL ORDER

The Commission hereby denies the application for David R. McKenzie's license and suspends David R. McKenzie's right to apply for a license for a period of 30 days.

IT IS SO ORDERED THIS 22 day of June, 2022.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: [Signature]
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.