1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the Educator) DEFAULT ORDER OF License of) SUSPENSION AND PROBATION ADRIAN GUTIERREZ)
9	On November 5, 2021, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Adrian Gutierrez (Gutierrez) 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 7021 0350 0000 8183 7940 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 returned to
15	the Commission as "delivered" to a locked mailbox. The first-class mail was not returned to
16	the Commission and assumed delivered. The Notice of Opportunity of Hearing, dated
17	November 5, 2021, 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	Gutierrez did not request a hearing. The Commission, therefore, finds Gutierrez to be in
29	default and enters the following findings of fact, conclusions of law, and final order, based
30	on the files and records of the Commission concerning this matter.
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32	FINDINGS OF FACT
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34	1. The Commission has licensed you since June 3, 2011. Gutierrez currently holds a
35	Preliminary Teaching License, with an endorsement in English Language Arts (PK-
36	12), valid from July 31, 2019, through July 30, 2022. During all relevant times,
37	Gutierrez was employed by the Willamette Education Services District (WESD).
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1 2. On June 12, 2020, the Commission received a School District Misconduct Report 2 from the Superintendent of the WESD. The report alleges that Gutierrez made a 3 threat of violence against his supervisor at WESD. The threat came in the form of a YouTube video of a Cypress Hill song "I Ain't Goin' Out Like That." The song 4 contains lyrics about using a gun to change the outcome of a situation. 5 6 7 3. An investigation conducted by WESD determined the following: 8 9 On February 27, 2020, Gutierrez was sent a non-renewal notice regarding his 10 employment contract with WESD. Per WESD records, Gutierrez's contract was not renewed due to WESD 11 12 determining that he had demonstrated unprofessional behavior on the job. 13 On March 4, 2020, the WESD board consented to his contract non-renewal. Gutierrez opted contest the non-renewal matter at a hearing, which was set to 14 15 go before the board on June 2, 2020. Gutierrez did not show for the hearing before the board. 16 On June 9, 2020, Gutierrez sent his WESD supervisor a You Tube link to the 17 Cypress Hill music video "I Ain't Goin' Out Like That." 18 WESD referred Gutierrez's actions to the Marion County Threat Advisory 19 20 Team, and he was trespassed from WESD property. 21 22 4. On January 5, 2020, Commission investigative staff interviewed Gutierrez. During 23 the interview, he reported WESD chose not to renew his contract because they were 24 retaliating against him for raising parent concerns with some of the other ESD 25 coordinators. Gutierrez also stated that he had complained to WESD about another 26 staff getting a promotion over him, despite him being better qualified, and stated 27 that he told WESD that this was racist. Gutierrez told the Commission investigator 28 this was why he believed his contract was not renewed. Gutierrez was asked about

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the video he sent his supervisor and he stated that he takes responsibility for this.

depressed and indicated he felt like the young man being chased in the video.

Gutierrez reported that he is an artist and see things more visually and stated he was

1	Gutierrez reported that all the abuse, racism, and retaliation he experienced at
2	WESD made him feel like he was running from a mob. Gutierrez reported to the
3	Commission investigator that he should not have sent the video but stated this was
4	how he expressed his feelings.
5	CONCLUSIONS OF LAW
6	The conduct described above constitutes gross neglect of duty in violation of ORS
7	342.175(1)(b); OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-
8	0025(2)(e) (Using district lawful and reasonable rules and regulations).
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11	The Commission's authority to impose discipline in this matter is based upon ORS
12	342.175.
13	FINAL ORDER
14	The Commission hereby issues a thirty-day (30) suspension of Adrian Gutierrez's
15	Oregon educator license. Upon successful reinstatement of licensure, Gutierrez will be place
16	on probation for a period of two (2) years.
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18	IT IS SO ORDERED THIS 16th day of June, 2022.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
	By: Anthony J. Rosiles
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21	Dr. Anthony Rosilez, Executive Director
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24	NOTICE OF APPEAL OR RIGHTS
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26	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
27	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
28	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
29	PROVISIONS OF ORS 182 482 TO THE ORECON COURT OF APPEALS