

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the)
5 Educator License of)
6 WAYNE E. DANIELS) DEFAULT ORDER OF DENIAL OF
) APPLICATION AND REVOCATION
) OF RIGHT TO APPLY FOR LICENSURE

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8 On July 27, 2022, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Wayne E. Daniels (Daniels) in which the
10 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent
11 via U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8184 0902 to the
12 address on file with the Commission. The Notice designated the Commission file as the record
13 for purposes of proving a prima facie case. The Certified Mail and regular, First Class mail was
14 not returned to the Commission, and assumed delivered. The Notice of Opportunity of Hearing,
15 dated July 27, 2022, and signed by Dr. Anthony Rosilez, Executive Director, stated:

16
17 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-DAY PERIOD,
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL.
20 IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR
21 HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE
22 COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION
23 WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION
24 OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

25
26 On August 1, 2022, the Commission received a telephone call from Daniels. Daniels asserted he
27 did not want a hearing and he did not want to participate in the disciplinary process. The
28 Commission, therefore, finds Daniels to be in default and enters the following findings of fact,
29 conclusions of law, and final order, based on the files and records of the Commission
30 concerning this matter.

31
32 **FINDINGS OF FACT**

- 33 1. On December 17, 2021, Daniels submitted an application with the Commission for a
34 Restricted Substitute Teaching License.
- 35
- 36 2. On Daniels’ application, he answered “NO” to character questions relating to past
37 criminal activity, adverse action, and discipline taken against him.

- 1 3. In late January 2022, Commission staff conducted a routine background investigation
2 initiated by Daniels' submission of an application. Staff learned during the background
3 check that while Daniels was serving in the US Air Force (USAF), he was arrested on
4 multiple charges, one of which involved possessing and viewing child pornography.
5 Daniels' application was placed on hold pending resolution of this matter.
6
- 7 4. Investigation found Daniels was arrested by the USAF on multiple charges. In a court-
8 martial held in early 2003, Daniels plead guilty to and was convicted of misuse of a
9 government computer and possession and viewing of child pornography in early 2003.
- 10
- 11 5. Daniels failed to disclose on his application and letter of explanation the nature of the
12 charges which resulted in his arrest, conviction and separation from the USAF.
13

14 **CONCLUSIONS OF LAW**

15 Wayne E. Daniels' criminal convictions constitutes gross neglect of duty in violation of
16 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
17 *professional judgment*); and OAR 584-020-0040(1) (*The Commission will deny, revoke or*
18 *deny the right to apply for a license or charter school registration to any applicant or*
19 *educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial*
20 *equivalent of any of those crimes if convicted in another jurisdiction*), including ORS 163.686
21 *Encouraging Child Sex Abuse in the Second Degree*. This conduct also constitutes gross
22 unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating*
23 *any federal, state, or local law. A conviction includes any final judgment of conviction by a*
24 *court whether as the result of guilty plea, no contest plea or any other means*); OAR 584-020-
25 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
26 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the*
27 *absence of a conviction*).

28 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and
29 Practices Commission must deny Daniels' application and revoke his right to apply for a license
30 based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the substantial
31 equivalent of any of those crimes, or convicted of attempt to commit such crimes as defined in
32 ORS 161.405.

33 Daniels' criminal conviction constitutes gross unfitness in violation of ORS
34 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross*
35 *unfitness is any conduct which renders an educator unqualified to perform his or her*

1 *professional responsibilities).*

2 Daniels' conduct underlying his conviction, as described in section three (3) above,
3 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as
4 it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and OAR 584-020-
5 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession*
6 *by respecting and obeying the law, exemplifying personal integrity and honesty*).

7 Daniels conduct as described in section two (2) above constitutes gross neglect of duty in
8 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
9 0010(5) (*Use professional judgment*); OAR 584-020-0040(o) as it incorporates OAR 584-020-
10 0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law,*
11 *exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(c) (*Falsification of*
12 *any document or knowing misrepresentation directly related to licensure, employment, or*
13 *professional duties*)

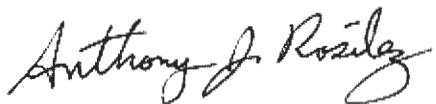
14 The Commission's authority to impose discipline in this matter is based upon ORS
15 342.175.

16
17 **FINAL ORDER**

18 The Commission hereby denies the application of Daniels and revokes Daniels' right to
19 apply for an Oregon educator licensure.

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21 IT IS SO ORDERED THIS 2nd day of September, 2022.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23
24 By: 
25 Dr. Anthony Rosilez, Executive Director
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30 **NOTICE OF APPEAL OR RIGHTS**

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32 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
33 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
34 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
35 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.