

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

4 In the Matter of the) DEFAULT ORDER
5 Educator License of) OF SUSPENSION
6 DEBRA E. FERY)
7

8 On July 24, 2024, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Debra E. Fery (Fery) in
10 which the Commission charged her with Gross Neglect of Duty and/or Gross Unfitness.
11 The Notice was sent via U.S. First-Class Mail and U.S. Certified Mail Receipt 9589 0710
12 5270 2162 7856 79 to the address on file with the Commission. The Notice designated
13 the Commission file as the record for purposes of proving a prima facie case. The
14 Certified Mail letter was return to the Commission as “Unclaimed” on August 23, 2024.
15 The regular First-Class mail was not returned to the Commission and assumed
16 delivered. The Notice of Opportunity of Hearing, dated July 24, and signed by Melissa
17 Goff, Interim Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,
22 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR
23 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT
24 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF
25 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
26 YOUR LICENSE OR OTHER DISCIPLINE.”
27

28 On August 8, 2024, Fery requested a hearing. On November 18, 2024, a hearing was
29 scheduled for January 28-30, 2025, by Oregon’s Office of Administrative Hearings
30 Administrative Law Judge Joe L. Allen. On December 4, 2024, the Commission issued
31 an Amended Notice of Opportunity for Hearing to Fery by First-Class mail and Certified
32 Mail Receipt 9589 0710 5270 2162 7870 93. The Certified Mail return receipt was
33 returned to the Commission on December 19, 2024, signed by Fery. The regular First-
34 Class mail was not returned to the Commission and assumed delivered. On January 17,
35 2025, Fery withdrew her request for a hearing. On January 21, 2024, Administrative
36 Law Judge Allen cancelled the hearing. The Commission, therefore, finds Fery to be in
37 default and enters the following findings of fact, conclusions of law, and final order,
38 based on the files and records of the Commission concerning this matter.

1 **FINDINGS OF FACT**

- 2 1. The Commission has licensed Fery since July 10, 1991. Fery holds a Substitute
3 Teaching License with endorsements in Substitute Any Specialty (PK-12) and
4 Substitute (PK-12) valid from April 12, 2022, through April 11, 2025. On April 28,
5 2023, Fery submitted an application for educator licensure, which was pended
6 until resolution of this matter. During all relevant times, Fery was either
7 employed by the Willamette Education Service District (WESD) or Edustaff K-12
8 Substitute Staffing.
- 9 2. On September 6, 2022, Commission received a misconduct report from the
10 Salem-Keizer School District (SKSD). The report alleged Fery provided false
11 information on her employment application. On September 22, 2022, the
12 Commission provided Fery a letter, sent by Certified Mail, notifying her that she
13 was under investigation. On September 26, 2022, Fery contacted Commission
14 investigative staff via phone and acknowledged the Commission’s investigation.
- 15 3. On April 10, 2011, Fery applied for and was granted a Commission Clinical
16 Practices License which expired on April 10, 2015. On October 24, 2011, Fery
17 applied for and was granted a Commission Legacy Teaching License which
18 expired on April 10, 2015.
- 19 4. Investigation determined that on July 14, 2017, Fery was placed on
20 administrative leave from her position of employment with the Oregon State
21 Police (OSP) for an investigation of her conduct. On September 20, 2018, Fery
22 was arraigned and criminally charged by the Marion County District Attorney’s
23 Office (MCDA) with one Class C Felony count of Computer Crime and one Class
24 A misdemeanor count of Official Misconduct. On March 30, 2022, Fery was
25 convicted of the Class C Felony Computer Crime and on April 18, 2022, Fery was
26 sentenced to eighteen (18) months of supervised probation.

27
28 **Responses on February 2022 Commission Application**

- 29 5. Investigation determined that on February 16, 2022, Fery electronically
30 submitted an application for a Commission educator license and answered “no”
31 to all Character Questions including questions:

- 1 • *“Are you currently the subject of an inquiry, review or investigation for*
2 *alleged misconduct or alleged violation of professional standards of conduct*
3 *by either an employer, any professional licensure agency, or any state*
4 *agency such as a Department of Education, a Department of Human*
5 *Services, or Law Enforcement?”*

6 Fery’s “no” response to the above question was false. At the time she submitted
7 her application, she was the subject of a criminal investigation involving her
8 conduct while employed with OSP.

- 9 • *“Have you ever been investigated by an employer or any state agency for*
10 *alleged physical or sexual abuse? Have you ever been placed on leave by*
11 *your employer for alleged misconduct of any type?”*

12 Fery’s “no” response to the above question was false. Fery had previously been
13 placed on leave by OSP in 2017 (her employer at the time) due to a personnel
14 investigation.

- 15 • *“Have you ever been arrested or cited for any offense listed in section (8)*
16 *above which is still pending in the courts? This includes any diversion,*
17 *conditional discharge or postponed adjudication that has not been dismissed*
18 *by the courts at the time this application is signed?”*

19 Fery’s “no” response to the above question was false. Fery was criminally
20 charged with one felony count of Computer Crime and one misdemeanor count of
21 Official Misconduct in September 2018. The Official Misconduct charge was
22 dismissed in 2019, but there was a pending criminal trial for the charge of a
23 Computer Crime.

24
25 **Responses on April 2023 Commission Application**

- 26 6. Investigation determined that on April 28, 2023, following Fery’s conviction of
27 one felony Computer Crime on March 30, 2022, she electronically submitted an
28 application for an Emergency Teaching License and answered “no” to all
29 Character Questions, including questions:

- 1 • *“Have you ever been investigated by an employer or any state agency for*
2 *alleged physical or sexual abuse? Have you ever been placed on leave by*
3 *your employer for alleged misconduct of any type?”*

4 Fery’s “no” response to the above question was false. Fery had previously been
5 placed on leave by OSP in 2017 (her employer at the time) due to a personnel
6 investigation.

- 7 • *“Have you ever been convicted or been granted diversion or conditional*
8 *discharge by any court for any: (a) Felony; (b) Misdemeanor; or (c) Major*
9 *traffic violation including but not limited to; driving under the influence of*
10 *intoxicants or drugs; reckless driving; fleeing from or attempting to elude a*
11 *police officer; driving while your license was suspended, revoked or used in*
12 *violation of any license restriction; or failure to perform the duties of a*
13 *driver or witness at an accident?”*

14 Fery’s “no” response to the above question was false. Fery was convicted on
15 March 30, 2022, of one felony count of Computer Crime following a jury trial.

16
17 During Fery’s Commission interview, she admitted to investigative staff that she
18 was *“probably just in a hurry and answered ‘no’ to everything”* for Character
19 Questions on the April 28, 2023, application.
20

21 **Responses on SKSD Application**

- 22 7. Investigation determined that on August 28, 2022, Fery submitted an application
23 for employment with the SKSD. As a part of her employment application she
24 answered “no” on all character questions including the question: *“Have you ever*
25 *been convicted, pled guilty, or pled nolo contendere (no contest) to any felony or*
26 *misdemeanor in any municipal, justice, state, or federal court?”* Fery’s “no”
27 response to the above question was false. Fery was convicted on March 30, 2022,
28 on one felony count Computer Crime following a jury trial. Fery admitted during
29 her Commission interview that she intentionally gave SKSD a false middle name
30 during the application screening process.

1 **CONCLUSION OF LAW**

2 Debra E. Fery responding “no” to the questions described in sections five (5), six
3 (6), and seven (7) above constitutes gross neglect of duty in violation of ORS
4 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
5 *professional judgment*); and OAR 584-020-040(4)(c) (*Falsification of any document*
6 *or knowing misrepresentation directly related to licensure, employment, or*
7 *professional duties*).

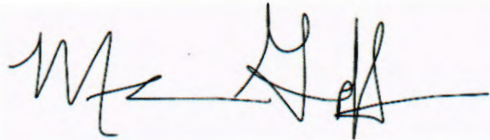
8 The Commission’s authority to impose discipline in this matter is based upon
9 ORS 342.175. Each of the sections referenced above provide an independent and
10 sufficient basis to impose the sanction in this final order.

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12 **FINAL ORDER**

13 The Commission adopts and incorporates herein the above findings of fact and
14 conclusions of law, and based thereon, imposes a thirty (30) day Suspension upon
15 Debra E. Fery’s Oregon educator license.

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17 IT IS SO ORDERED THIS 27 day of January, 2025.

18
19 **TEACHER STANDARDS AND PRACTICES COMMISSION**

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23 By: _____
24 Melissa Goff, Interim Executive Director

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27 **NOTICE OF APPEAL OR RIGHTS**

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