

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

4 In the Matter of the Educator                    )       DEFAULT ORDER OF  
5 License of    )       DENIAL OF APPLICATION AND  
6 CHELSEA M. CHERRY                            )       SUSPENSION OF RIGHT TO APPLY  
7    )  
8  
9

10                On December 6, 2023, the Teacher Standards and Practices Commission  
11 (Commission) issued a Notice of Opportunity for Hearing to Chelsea M. Cherry (Cherry) in  
12 which the Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S.  
13 First Class Mail and U.S. Certified Mail Receipt 9589 0710 5570 0844 8664 70 to the  
14 address on file with the Commission. The Notice designated the Commission file as the  
15 record for purposes of proving a prima facie case. The Certified Mail receipt was returned to  
16 the Commission as unclaimed on/about January 4, 2024. The first-class mail was not  
17 returned to the Commission and assumed delivered. Additionally, TSPC staff confirmed via  
18 phone call with Cherry on December 5, 2023 that she intended to let the case lapse into  
19 default. The Notice of Opportunity of Hearing, dated December 6, 2023 and signed by  
20 Anthony Rosilez, Executive Director, stated:

21                “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-DAY  
22 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
23 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
24 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW  
25 YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR  
26 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE  
27 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE  
28 THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
29 DISCIPLINE.”  
30

31 Cherry did not request a hearing and told TSPC that she intends to let the case default. The  
32 Commission, therefore, finds Cherry to be in default and enters the following findings of  
33 fact, conclusions of law, and final order, based on the files and records of the Commission  
34 concerning this matter.  
35

36    **FINDINGS OF FACT**

- 37 1. On May 8, 2023 Cherry applied for a Charter School Registration with TSPC. As part  
38 of the standard TSPC licensure/background procedure, TSPC staff ran a

1 comprehensive criminal background check on Cherry. The background check came  
2 back with more criminal history than Cherry had documented on her application to  
3 TSPC. Based on this, TSPC opened an internal investigation to review the matter. At  
4 the time Cherry made application to TSPC, she was an applicant for a teaching  
5 position with the Lane County ESD.

6  
7 2. The internal TSPC investigation determined the following:

- 8  
9 • On May 8, 2023, Cherry applied for a Charter School Registration with TSPC.  
10 On the application Cherry answered “yes” to character question 8 which reads  
11 as follows:

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

19  
20 In response to this “yes” answer, Cherry indicated the following reason - *“DUI*  
21 *(sic) 2011-diversion completed”*

- 22  
23 • Upon running the background check on Cherry, TSPC staff discovered more  
24 criminal history than the DUI that she had reported on the application. A  
25 review of court records from the Oregon Judicial Case Information Network  
26 (OJIN) revealed the following arrests and court dispositions:
- 27
- 28 a. Possession of methamphetamine and theft 3<sup>rd</sup> degree (Offense date  
29 11/24/2012) – Convicted on 12/04/2012 for drug offense; theft charge was  
30 dismissed.
- 31 b. Possession of methamphetamine (offense date 01/25/2014) – Convicted  
32 on 02/12/2014

- 1 c. Possession of heroin and methamphetamine, driving while suspended or  
2 revoked (Offense date 09/17/2016). Charges were dismissed 12/27/2016.
- 3 d. Possession of methamphetamine and driving while suspended or revoked  
4 [4 counts] (Offense dates 06/20/2016; 07/26/2016 and 09/06/2016).  
5 Case transferred to drug court 07/10/2017. Case transferred to drug court  
6 07/20/2017 – Successful completion 11/02/2018
- 7 e. Possession of heroin and methamphetamine (Offense date 11/28/2016).  
8 Case transferred to drug court 07/10/2017. Case transferred to drug court  
9 07/20/2017. Successful completion 11/02/2018
- 10 f. Delivery of heroin; possession of heroin; delivery of methamphetamine  
11 and possession of methamphetamine (Offense date 01/11/2016). Case  
12 transferred to drug court 07/20/2017. Successful completion 11/02/2018.

- 13
- 14 • On May 15, 2023, TSPC sent the following email to Cherry regarding her  
15 background check:

16

17 *“During a routine background check, we discovered far more criminal*  
18 *history than you reported on your recent application for licensure*  
19 *beginning in 2011. You are required to submit an explanation for your*  
20 *failure to disclose, and explanation for each conviction from 2011 to*  
21 *present.”*

- 22
- 23 • On May 17, 2023, Cherry responded (via email) to the above email and stated  
24 that she never meant to hide any of the arrests/convictions, but at the time of  
25 her application she was unsure of dates and the amount of things she had  
26 been convicted of. Cherry provided the following explanation:

27

28 *“I would prefer to just explain in a general way. I was lost in drug*  
29 *addiction for almost a decade. I sold drugs and stole things to support*  
30 *my habit and in doing so I was convicted of many crimes. Since then, I*  
31 *have completed a drug court that I graduated from in November of 2019*



1 *or her professional responsibilities).*


2  
3 The Commission's authority to impose discipline in this matter is based upon ORS  
4 342.175.

5 **FINAL ORDER**

6 The Commission hereby issues a denial of Cherry's application for licensure and  
7 suspension of her right to apply for licensure for one (1) year.

8  
9  
10 IT IS SO ORDERED THIS 9 day of February, 2024.

11 **TEACHER STANDARDS AND PRACTICES COMMISSION**

12 By:  \_\_\_\_\_  
13 Melissa Goff, Executive Director  
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15  
16  
17

18 **NOTICE OF APPEAL OR RIGHTS**

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