BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 **DEFAULT ORDER OF** In the Matter of the 5 **REVOCATION OF RIGHT** Teaching License of 6 TO APPLY **DOUGLAS ADAM WADE** 7 8 On February 1, 2012, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Douglas Adam Wade (Wade) in which the 9 Commission charged him with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584-10 020-0040(4)(n), as it incorporates OAR 584-020-0010(5), OAR 584-020-0025(2)(b), OAR 584-11 020-0025(2)(e), OAR 584-020-0040(4)(o), as it incorporates OAR 584-020-0035(1)(b), OAR 12 584-020-0035(1)(c)(A), OAR 584-020-0035(1)(c)(D), OAR 584-020-0035(2)(e), OAR 584-020-13 0035(3)(a), OAR 584-020-0040(4)(a), OAR 584-020-0040(4)(b), OAR 584-020-0040(4)(p) and 14 gross unfitness in violation ORS 342.175(1)(c); OAR 584-020-0040(5)(c), and OAR 584-020-15 0040(5)(e). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7009 16 1410 0002 1925 3181 to the address on file with the Commission. The Certified Mail was 17 returned "Not Deliverable" on February 17, 2012. The regular mail was not returned to the 18 Commission. The Notice of Opportunity of Hearing, dated February 1, 2012, and signed by 19 20 Victoria Chamberlain, Executive Director, stated: "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 21 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 22 23 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR 24 AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH 25 MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR 26 27 OTHER DISCIPLINE." 28 Wade did not request a hearing. The Commission, therefore, finds Wade to be in default and 29 enters the following findings of fact, conclusions of law and order, based on the files and records 30 31 of the Commission concerning this matter. 32 FINDINGS OF FACT 1. Douglas Adam Wade has been licensed as a teacher in Oregon since June 23, 1993. His 33 Basic Teaching License, issued on February 10, 2009, expired on February 9, 2012. During 34 all relevant times, Wade was employed by the North Clackamas School District. 35 2. On or about April 1, 2009, Wade was arrested by the Clackamas County Sherriff's office for 36 Theft-1 (ORS 164.055), Misapplication of Entrusted Property (ORS 165.095), 2 counts of 37 Official Misconduct (ORS 162.415), 2 counts of Unlawful Use of a Computer (ORS 38 164.377(2)) and Theft-2 (ORS 164.045). On January 27, 2010, Wade was convicted of 39

- Theft-2, Official Misconduct, and Misapplication of Entrusted Property. These charges stemmed from Wade's theft of computers from the North Clackamas School District, which Wade in turn resold.
  - 3. In 2009, the Department of Human Services and the Clackamas County Sheriff investigated Wade regarding an inappropriate relationship with a female student (ME). As part of the investigation, police discovered photos on Wade's computer of the student, and photos of Wade nude, wearing the female student's clothing. Wade spent an inordinate amount of time and attention with the female student, sent her personal, inappropriate text messages, and referred to the student by pet names while having inappropriate physical contact with her at school (walking arm in arm, playfully slapping, and after-school one on one tutoring).
  - 4. Wade refused to be interviewed by the North Clackamas School District or the Commission regarding these allegations.

13 CONCLUSIONS OF LAW

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As detailed in paragraph two (2) above, Douglas Adam Wade stole approximately \$3,500.00 of school property and was convicted of related criminal charges. This conduct 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), OAR 584-020-0025(2)(b) (Using and maintaining district property, equipment, and materials appropriately), and OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's name, property, or resources for non-educational benefit or purposes without approval of the educator's supervisor or the appointing authority), OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty); OAR 584-020-0040(4)(a) (Knowing and substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business), OAR 584-020-0040(4)(b) (Knowing and substantial unauthorized use of employment time or school resources for private purposes); This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

1	As detailed in paragraph three (3) above, Wade conducted an inappropriate relationship
2	with a female student. This conduct constitutes gross neglect of duty in violation of ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
4	professional judgment); and OAR 584-020-0040(4)(o) as is incorporates OAR 584-020-
5	0035(1)(b) (Refrain from exploiting professional relationships with any student for personal gain,
6	or in support of persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or
7	expressing professionally inappropriate interest in a student's personal life), OAR 584-020-
8	0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and
9	conversations at all times).
10	As described in paragraph four (4) above, Wade refused to cooperate with Commission
11	investigators and refused to be interviewed as required. This conduct constitutes gross neglect
12	of duty in violation of OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or
13	privilege, failure or refusal by an educator under investigation to respond to requests for
14	information, to furnish documents or to participate in interviews with a Commission
15	representative relating to a Commission investigation).
16	The Commission's authority to impose discipline in this matter is based upon ORS
17	342.175.
18	FINAL ORDER
19	The Commission hereby revokes Douglas Adam Wade's right to apply for a teaching
20	license.
21	IT IS SO ORDERED THIS/O +h day of July, 2012.
22	TEACHER STANDARDS AND PRACTICES COMMISSION
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	Tutora Kamberlain
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27 28	NOTICE OF APPEAL OR RIGHTS
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30 31	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
32	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
33 34	THE OREGON COURT OF APPEALS.

## **CERTIFICATE OF MAILING**

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

> Douglas Adam Wade 5025 SE Brookside Dr Portland, OR 97222

Dated this

/<u>0</u>th day of July, 2012.

Patty Liddell

**Investigative Assistant**