

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the )  
Teaching License of ) FINAL ORDER  
RALPH FRED MEIER )  
) Case No. 700058

On April 1, 2008, Administrative Law Judge (ALJ) Alison Green Webster issued a Proposed Order in this case.

The Teacher Standards and Practices Commission adopts in its entirety the Findings of Fact, Conclusions of Law and Order contained in the attached Proposed Order.

ORDER

The Commission adopts the Proposed Order revoking the teaching license of Ralph Fred Meier.

Dated this 19<sup>th</sup> day of May 2008.

TEACHER STANDARD AND PRACTICES COMMISSION

By:   
Victoria Chamberlain, Executive Director

**NOTICE:** You are entitled to judicial review of this Final Order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this Final Order.

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. First Class Mail to the Attorney of record for Ralph Fred Meier:

Thomas K. Doyle  
Attorney at Law  
Bennett, Hartman, Morris & Kaplan, LLP  
111 SW Fifth Avenue, Suite 1650  
Portland OR 97204-3627

Dated this 25<sup>th</sup> day of June, 2008.

By: Melody Hanson  
Melody Hanson, Executive Assistant

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
TEACHER STANDARDS AND PRACTICES COMMISSION**

IN THE MATTER OF THE TEACHING	)	<b>PROPOSED ORDER</b>
LICENSE OF	)	
	)	
<b>RALPH FRED MEIER,</b>	)	OAH Case No. 700058
<b>Licensee</b>	)	

**HISTORY OF THE CASE**

On April 17, 2007 the Teacher Standards and Practices Commission (TSPC or Commission) issued a Notice of Opportunity for Hearing charging Ralph Fred Meier with misconduct, specifically gross neglect of duty in violation of OAR 584-020-0040(4). Meier timely requested a hearing.

TSPC referred the hearing request to the Office of Administrative Hearings (OAH) on May 4, 2007. Administrative Law Judge (ALJ) Alison Greene Webster was assigned to preside at hearing. On October 18, 2007, TSPC issued an Amended Notice of Opportunity for Hearing, adding two additional allegations of gross neglect of duty in violation of OAR 584-020-0040(4).

Prehearing conferences were held on July 2, 2007 and December 5, 2007. TSPC was represented by Assistant Attorney General Raul Ramirez. Meier was represented by Attorney Thomas Doyle.

The hearing was held on January 24 and February 19, 2008 in Salem, Oregon. TSPC was represented by Assistant Attorney General Raul Ramirez. Meier was represented by Attorney Thomas Doyle. The following witnesses testified at the hearing on TSPC's behalf: Leonard Geiger, Assistant Superintendent, Lincoln County School District; ZB, student; Alice Warner, teacher; and Robert Line, Superintendent, Siletz Valley School District. Respondent Meier testified on his own behalf.

The record remained open for receipt of written closing argument, and closed on March 14, 2008, upon receipt of TSPC's rebuttal brief.

**ISSUES**

1. Whether, in February 2004, Meier disrupted another educator's class by barging into the room, yelling at a student and removing the student from the room without cause, and slamming a door. If so, whether this conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(e).

2. Whether, in February 2006, Meier engaged in an unwarranted physical assault on student ZB by picking up a textbook and slamming it on a student's finger. If so, whether the conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(d).

3. Whether, during the period of November 6, 2006 through January 8, 2007, Meier spent a significant portion of his work day accessing sexually explicit materials on the internet from the school district's computer in his office. If so, whether the conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(q).

4. Whether, between January 4 and 8, 2007, 90 percent of Meier's internet use at work was for personal purposes, including accessing sexually explicit materials. If so, whether this conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(b).

5. If Meier's conduct violated OAR 584-020-0040(4), what is the appropriate sanction?

### **EVIDENTIARY RULINGS**

Exhibits A1 to A48, offered by TSPC were admitted. Exhibits A8, A11, A12, A13, A14 and A15 were admitted over Meier's objections. Exhibits R1 through R54 and R56 through R69 were admitted. Exhibits R44, R45, R50, R56, R57 and R59 were admitted over TSPC's objections. Exhibit R55 was excluded as irrelevant.

### **FINDINGS OF FACT**

1. At all times pertinent to this case, Respondent Ralph Fred Meier was licensed as an educator by TSPC. Meier began his teaching career in Oregon in 1983. At the times pertinent to this action, Meier was employed by the Lincoln County School District. In the 2003-2004 school year, Meier was a math teacher at Newport High School. In the 2005-2006 school year, Meier taught math and art at Toledo Middle/High School. In the 2006-2007 school year, prior to his resignation, Meier was not teaching classes. Instead, his assignment was to facilitate on-line learning for students who had been expelled from school. (Test. of Meier.)

#### **February 2004 incident**

2. In February 2004, Meier found out that a state mandated ("CIM") math test booklet of one of his math students, ZH, had not been returned. Meier knew that the student, a 10<sup>th</sup> grader on an individualized education program (IEP), had sat for the test the day before in the learning center room, in the presence of an adult education aide. The next day, when Meier learned that the test booklet was missing, he contacted the aide. The aide could not locate the test in the learning center and suggested that ZH may have walked off with it. (Test. of Meier.)

3. Meier was very concerned about the missing test, because all state mandated test booklets were required to be returned and accounted for. Meier then checked ZH's class schedule, and saw that he was scheduled to be in Ms. Warner's English class. Meier went to the classroom, looked in the window, and saw ZH seated in the near row, towards the back. Meier

also saw that the students appeared to be taking a test in class. The room was quiet and the students were focused on their work. (Test. of Meier.)

4. Meier entered the room, and started towards ZH's desk. Based on the aide's comment, Meier believed that ZH had walked off with the test the previous day. (Test. of Meier.) Warner approached Meier, and asked what he wanted. Meier said he needed to speak with ZH. Warner walked to ZH's desk. Warner bent down at ZH's desk, and quietly advised him that Meier wanted to talk to him. As she did so, Meier walked up to ZH's desk behind Warner. In a raised voice that was clearly audible to everyone in the room, Meier accused ZH of stealing the "CIM test." ZH denied stealing the test. Meier was angry and upset. His face was red, and he pointed at ZH as he made the accusation. Meier ordered ZH to come with him. He then took ZH by the arm and escorted him out of the room, continuing to assert in a raised voice that ZH had walked off with the test. (Test. of Warner; Ex. A25.)

5. Meier's entry into Warner's classroom was very disruptive to the entire class. Warner was taken aback by how angry and enraged Meier appeared. Later that day, she submitted a written complaint to the school's principal and vice principal about Meier's conduct. (Test. of Warner; Ex. A25.)

6. The vice principal, Robert Line, contacted Meier a few days later and asked for a meeting. Line explained that he had received a complaint from Warner about how Meier had entered her room to talk to a student. Line then showed Meier Warner's written complaint letter. As Meier read the letter, he became agitated. He asserted, in a raised voice, that he did not yell at ZH. Meier also accused Warner of lying about the incident. Meier expressed his anger by slamming the paper (a copy of the complaint letter) down on the desk with his right hand. (Test. of Line; Ex. A25.)

7. In following up with Warner's complaint about Meier's conduct, Line interviewed several students who were in the room at the time about the incident. All students reported that Meier seemed angry, that he yelled at ZH and accused him of stealing the test. Based on his investigation, Line determined that the accusations Warner had made against Meier were substantiated, and that Meier had acted improperly. Despite Meier's protestations, Line also placed a copy of the complaint letter and his determination that Meier acted improperly in Meier's personnel file. (Test. of Line; Ex. A25.)

### **February 2006 incident**

8. In the late morning of February 27, 2006, during Meier's 4<sup>th</sup> period Algebra I class at Toledo Middle School, student ZB was off task. At one point, ZB either dropped or threw his pen to the ground, and it landed under the desk of another student seated behind him to his left. ZB turned around to ask the student, MN, for help retrieving the pen. As he did so, Meier walked to ZB's desk and directed him to turn around in his seat. ZB said he was getting his pen. Meier was frustrated with ZB, because ZB had a history of being off task and disruptive in class. A verbal exchange ensued between Meier and ZB, in which Meier accused ZB of intentionally throwing the pen, and ZB denied having done so. (Test. of Meier; Exs. A6 and R2.)

9. During this verbal exchange, Meier picked up ZB's algebra textbook from the desk and slammed it shut. He then slammed it onto the desk. Unbeknownst to Meier, ZB's right hand was on the desk. The book struck ZB's fingers as it landed on the desk. Meier also told ZB, "You're outta here," and made a gesture with his thumb to indicate that he was ejecting ZB from the class. ZB responded with something to the effect of, "Dude, you're nuts," and left the room. (Test. of ZB; Exs. A6 and R2.)

10. At approximately 11:15 a.m., shortly after being ejected from Meier's class, ZB went to the school's administrative offices and advised acting Vice Principal Bob Shindelman that Meier had removed him from the class. ZB also reported that Meier had hit his hand with a book, and he asked for some ice. ZB was provided with some ice. When the lunch bell rang, ZB indicated that he wanted to get something to eat. He left Shindelman's office, saying that he would return shortly. (Test. of ZB; Ex. A5.)

11. While ZB was eating lunch, Meier came to the office to advise Shindelman that ZB had been a problem in class. Shindelman advised Meier that ZB had been to his office, and had complained that Meier had hit him with a book. Meier then went to the cafeteria, and came back to Shindelman's office with several students from his 4<sup>th</sup> period class who had witnessed the incident with ZB. Shindelman interviewed these seven students with Meier present in the room. In essence, the students said that they heard the exchange between Meier and ZB, and saw Meier slam ZB's book closed, but did not know if ZB's hand had been hit by the book. (Ex. A5.)

12. Later in the day, Shindelman interviewed ZB. ZB reported that Meier had hit his hand with the math book when Meier slammed the book on ZB's desk. ZB also asserted that he had accidentally thrown the pen. He admitted telling Meier that he was "nuts" when Meier kicked him out of the class. (Ex. A5.)

13. When he got home from school that day, ZB told his mother and step father what had happened in Meier's class. ZB's mother filed a complaint with the school, asserting that Meier had assaulted her son. (Ex. A4.)

14. A day or two after the incident, ZB's step father also contacted the Toledo Police Department regarding the alleged assault on ZB by Meier. Officer S. Delamore investigated the incident. He interviewed ZB and seven other students in the class. Six of the seven students said they saw Meier slam the book on the desk. One said he heard the book slam, but did not see who slammed it. None of the students saw the book hit ZB's hand, but several saw after the incident that ZB's finger was red and swollen. (Ex. A6.) Delamore also spoke with Shindelman and Meier. Meier called the incident "ridiculous," and asserted that he never touched the book. He then refused to be interviewed further without an attorney present. (*Id.*)

15. On March 1, 2006, in response to ZB's parents' complaint, the District directed Assistant Principal Clint Raever to conduct an investigation. Over the next few days, Raever interviewed several witnesses, including 13 students who were in Meier's classroom at the time of the incident. All of the students reported seeing Meier slam or drop the book on ZB's desk. Several students saw ZB's hand on the desk when Meier slammed the book, but did not specifically see the book hit ZB's hand. Several students noted that later, after the incident, ZB's

finger was red and swollen. They therefore believed that the book had struck ZB's hand. (Ex. R2.)

16. On March 7, 2006, Meier met with Raever, in the presence of Joe Jordan, LCEA President; Steve Kenney, OEA Representative; and Len Geiger, Assistant Superintendent. Meier denied yelling or screaming at ZB. He also denied touching the book, or slamming the book down on the desk. He asserted that he went to his podium, clapped his hands, and then put his thumb in the air and said, "That's it, you are outta here." Meier said that ZB called him crazy and angrily left the room. Meier suggested that ZB could have banged his hand when he left the room, because he was angry. (Ex. R2.)

### **Inappropriate Internet Use During the 2006-2007 School Year**

17. During the period of November 6, 2006 through January 8, 2007, Meier worked 24 days. The District was able to monitor Meier's internet activity at work for 18 of those days. Of the 18 days monitored, Meier spent a significant portion of his work day accessing sexually explicit materials on line. (Stipulation.)

18. Between Thursday, January 4, 2006 and Monday, January 8, 2006, ninety percent of Meier's internet use at work was for personal purposes, including accessing sexually explicit material. (Stipulation.) On January 4, 5, and 8, 2006, Meier spent 466 minutes browsing websites with sexual content, and 370 minutes browsing websites for other personal use. The internet log of Meier's office computer for these three days contains more than 2000 URLs (web addresses) of inappropriate sexual material. The inappropriate sexual materials included numerous "videos on demand" showing various sex acts, websites for female escort services and websites advertising Nevada brothels. (Ex. A26.)

19. The District has a written policy regarding acceptable use of the internet. District approved internet access is limited to educational purposes, *i.e.*, use of the system for classroom activities, professional or career development and limited high quality personal research. The District's policy specifically prohibits use of the internet to access obscene, profane, lewd or vulgar language or graphics. It also prohibits users from attempting to send, intentionally access or download any material which may be considered harmful to minors, obscene, or a product or service not permitted to minors by law. (Ex. A28.)

20. Meier's unauthorized use of the internet at work to access sexually explicit materials on line during the period of November 6, 2006 through January 8, 2007 constituted gross neglect of duty in violation of OAR 584-020-0040(4), subsections (b) and (q). (Stipulation.)

### **CONCLUSIONS OF LAW**

1. In February 2004, Meier disrupted another educator's class by barging into the room, yelling at a student and removing the student from the room without cause. This conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(e).

2. In February 2006, Meier picked up student ZB's textbook, slammed it on the desk and the student's finger. This conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(d).

3. During the period of November 6, 2006 through January 8, 2007, Meier spent a significant portion of his work day accessing sexually explicit materials on the internet from a District computer in his office. Such conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(q).

4. Between January 4 and 8, 2007, 90 percent of Meier's internet use at work was for personal purposes, including accessing sexually explicit materials. Such conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(b).

5. The appropriate sanction for Meier's violations of OAR 584-020-0040(4) is revocation of his teaching license.

### OPINION

Under ORS 342.175(1)(b), TSPC is authorized to discipline educators licensed in the State of Oregon for "gross neglect of duty." OAR 584-020-0040(4) describes "gross neglect of duty" as "any serious and material inattention to or breach of professional responsibilities." More specifically, under this rule, evidence of neglect of duty may include the following:

(b) Knowing and substantial unauthorized use of employment time or school resources for private purposes;

\* \* \*

(d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;

(e) Violent or destructive behavior on school premises or at a school-sponsored activity;

\* \* \*

(q) Knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials.

In this case, TSPC alleges that the following acts by Meier constitute gross neglect of duty, as defined by OAR 584-020-0040(4): (1) barging into another teacher's classroom in February 2004, yelling at a student and removing the student from the room without cause; (2) engaging in an unwanted physical attack on a student in February 2006 by picking up a textbook and slamming it on the student's finger; (3) over the course of 24 work days during the 2006-07 school year, spending a significant portion of 18 days accessing sexually explicit materials on the internet; and (4) over the course of three days in January 2007, having 90 percent of his internet use be for personal purposes, including accessing sexually explicit materials.

TSPC bears the burden of proving the allegations by a preponderance of the evidence. ORS 183.450(2) and (5); *Reguero v. Teachers Standards and Practices Commission*, 312 Or



402, 418 (1991) (burden is on Commission in disciplinary action); *Cook v. Employment Div.*, 47 Or App 437 (1980) (in the absence of legislation adopting a different standard, the standard in administrative hearings is preponderance of the evidence). Proof by a preponderance of evidence means that the fact finder is convinced that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390 (1987). Each allegation will be addressed in turn.

#### **A. February 2004 Incident**

As noted above, TSPC alleges that on or about February 12, 2004, Meier barged into another teacher's classroom, yelled at a student and removed the student from the room without cause. TSPC asserts that this conduct constitutes gross neglect of duty as defined by OAR 584-020-0040(4)(e) (violent or destructive behavior on school premises).

At hearing, Meier denied that his conduct was violent or destructive. He admitted that he entered Warner's classroom with the intention of speaking to student ZH about the missing CIM test. Meier asserted, however, that his demeanor was calm. He testified that he entered Warner's classroom, and motioned to her that he wanted to talk to ZH. He testified that he knelt down on one knee next to ZH's desk, and quietly asked ZH about the missing test. Meier denied being angry, and denied disrupting the class.

As set forth in the findings above, however, I am persuaded by other evidence in the record that Meier was angry when he entered the room. I am persuaded that Meier yelled at ZH in front of Warner and a classroom full of students, and that he accused ZH of stealing the test. Warner's description of Meier's conduct was written shortly after the incident. All of the students that Line interviewed who were present in the room reported that Meier appeared angry, and that he accused ZH of stealing the test in a loud voice. The students agreed that the interruption was disruptive, and memorable. Based on Line's investigation and the testimony of Warner, I find that Meier walked up to ZH's desk during Warner's class and, in a raised voice that was clearly audible to all in the room, accused ZH of stealing the test. I am persuaded that Meier demanded that ZH leave the room with him. I further find that Meier took ZH by the arm and escorted him out of the room, continuing to assert in a raised voice that ZH had walked off with the test.

The plain and ordinary meaning of the word "violent" includes conduct that is "ferocious or vehement to the point of being improper, unjust or illegal," and "extremely or intensely vivid or loud." *Webster's Third New Int'l Dictionary* (2002 ed.). The word "destructive" means ruinous or tending to destroy. *Id.* Considering that Meier was admittedly and noticeably agitated when he came into the classroom, that he appeared angry and vehemently accused ZH of stealing the test, and that he took ZH by the arm and escorted him from the room, Meier's behavior falls within the concept of violent. And, because his conduct disrupted the class and destroyed the students' concentration for the remainder of the period and intimidated ZH, it is reasonable to conclude the behavior was destructive as well. A violation of OAR 584-020-0040(4)(e) has been established.

## **B. February 2006 Incident**

TSPC also alleges that in February 2006, Meier engaged in an unwanted physical attack on a student when he picked a textbook up off a student's desk, and then slammed it down on the student's finger. At hearing, Meier testified that it was the student, ZB, who slammed the book closed. Meier asserted that he remembered clapping his hands, saying "You're outta here," and using his thumb to gesture that he was kicking ZB out of class. Meier claimed to have no memory of touching the books on ZB's desk.

As set forth in the findings above, however, I am persuaded by other evidence in the record that it was Meier, and not the student, who slammed the book down on the desk. Nearly every student who was present for, and later questioned about, this incident reported that Meier slammed the book down on ZB's desk. And, while Meier vigorously disputes that the book struck ZB's hand, I am persuaded by ZB's testimony and the written reports of other eyewitnesses that the book landed on ZB's finger and caused him some temporary discomfort.<sup>1</sup>

Meier asserts that, even if the book he slammed down made contact with ZB's hand, he did not engage in unreasonable physical force against a student because the contact was unintentional. But, nothing in OAR 584-020-0040(4)(d) requires that the conduct be intentional. The rule simply requires physical force that is unreasonable. Meier engaged in physical force when he slammed the textbook onto ZB's desk. And considering the context in which that conduct occurred, *i.e.*, while admonishing a student during a middle school math class, it was unreasonable and a serious breach of Meier's professional responsibilities. This violation has also been proven.

## **C. Internet Use Between November 6, 2006 and January 8, 2007**

At hearing, Meier stipulated to the allegations of inappropriate use of the District's computer equipment. He admitted that, during the period of November 6, 2006 through January 8, 2007, he spent a significant portion of his work day accessing sexually explicit materials on the internet. He acknowledged that this conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(q). Meier further admitted that between Thursday, January 4, 2006 and Monday, January 8, 2006, ninety percent of his internet use at work was for personal purposes, including accessing sexually explicit materials. He acknowledged that this conduct constituted gross neglect of duty in violation of OAR 584-020-0040(4)(b).

## **D. Sanction**

As discussed above, ORS 342.175 and 342.177(3) give TSPC the authority to suspend, revoke or otherwise discipline a teacher for conduct constituting gross neglect of duty. Having found that Meier engaged in conduct constituting gross neglect of duty in violation of OAR 584-020-0040, the final issue to be addressed is the appropriate discipline for this misconduct.

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<sup>1</sup> As set out in the findings of fact above, most of the students reported seeing Meier slam the textbook on ZB's desk. And, while none of the students specifically reported seeing the book strike ZB's hand, several saw ZB's hand on the desk when the book came down. Several students confirmed that, after the incident, ZB's finger was red and swollen. Based on these facts, it is reasonable to conclude that the textbook struck ZB's fingers as it landed on the desk.

TSPC proposes to revoke Meier's teaching license. Meier, on the other hand, contends that he has taken responsibility for his misuse of the internet at work. He notes that he has had a long teaching career without prior disciplinary action, and therefore a reprimand is the appropriate sanction.

As set out in OAR 584-020-0045, the following factors may be considered in disciplining a teacher:

- (1) If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents.
- (2) The likelihood of a recurrence of the misconduct or violation.
- (3) The educator's past performance.
- (4) The extent, severity and imminence of any danger to student, other educators, or the public.
- (5) If the misconduct was open and notorious or had negative effects on the public image of the school.
- (6) The educator's state of mind at the time of the misconduct and afterwards.
- (7) The danger that students will imitate the educator's behavior or use it as a model.
- (8) The age and level of maturity of the students served by the educator.

Meier's misconduct in this case falls into two general categories: angry interactions with students and misuse of the District's computer equipment. In considering the first category, I note that there were at least two occurrences, so it cannot be said his misconduct in this regard was an isolated event. Meier's angry outbursts were also open and notorious, because they were witnessed by others in the classroom at the time. Meier taught middle school students, and it is likely that the students could imitate his behavior, or use it as a model. It is also significant that Meier has not admitted to, or acknowledged, this record of inappropriate and unprofessional conduct in the classroom. In describing the 2004 incident, Meier asserted that he was quiet and courteous when he went into Warner's classroom to speak with ZH, despite all the other witness reports to the contrary. And, in describing the 2006 incident, Meier asserted that ZB slammed the textbook closed, notwithstanding the compelling evidence indicating Meier was the one who slammed the book onto the desk.

Second, in considering Meier's misuse of the District's computer equipment, the record establishes that over the course of two months, Meier spent a significant amount of his work day accessing sexually explicit materials on line from his office computer. Over the course of three work days in January 2007, he spent nearly eight hours browsing sexually explicit websites. Even though this misconduct was done in the privacy of his office, it demonstrates extremely poor judgment on his part and a lack of respect for his employer's policies and his profession.

In short, the nature and extent of Meier's breach of professional responsibilities in this case, the repeated instances of knowing and unauthorized internet use to receive and view sexually explicitly materials and his record of angry outbursts with students, justifies the most serious sanction TSPC is authorized to impose under ORS Chapter 342: revocation of this educator's teaching license.

**ORDER**

I propose the Teacher Standards and Practices Commission issue the following order:

The teaching license of Ralph Fred Meier is revoked.

Alison Green Webster  
Administrative Law Judge  
Office of Administrative Hearings

MAILING AND ISSUE DATE: April 1, 2008

## EXCEPTIONS

The proposed order is the Administrative Law Judge's recommendation to the Teacher Standards and Practices Commission. If you disagree with any part of this proposed order, you may file written objections, called "exceptions," to the proposed order and present written argument in support of your exceptions. Written argument and exceptions must be filed **within fourteen (14) days after mailing of the proposed order** with the:

Teacher Standards and Practices Commission  
465 Commercial Street, NE  
Salem, Oregon 97301

The Commission need not allow oral argument. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination. If oral argument is allowed, the Commission will inform you of the time and place for presenting oral argument.

**APPENDIX A**  
**LIST OF EXHIBITS CITED**

- Ex. A4: Complaint letter from parents of student ZB, dated 2/28/06
- Ex. A5: Memo to JD McMahan from Bob Shindelman, dated 2/28/06
- Ex. A6: Toledo Police Report, Detailed Incident Report, dated 3/1/06
- Ex. A25: Records from Newport High School, 3/30/04
- Ex. A26: Lincoln County School Dist. Investigative Report, 1/12/07
- Ex. A28: Lincoln County School Dist. Internet Policy
- Ex. R2: Lincoln County School Dist. Investigative Report by Clint Raever, dated 3/9/06

**CERTIFICATE OF MAILING**

On April 1, 2008, I mailed the foregoing Proposed Order in OAH Case No. 700058.

By: First Class and Certified Mail

Certified Mail Receipt #7006 0100 0002 2811 0293

Thomas Doyle  
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