



1 he voluntarily, without any force or duress, enters into this Stipulation and Final Order and  
2 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no  
3 promises or representation has been made to induce him to sign this Stipulation and Final  
4 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order  
5 and has been fully advised with regard to his rights thereto, or waives any and all rights to  
6 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and  
7 entry of the Stipulated Final Order below. In entering into this stipulation, Prom waives the  
8 right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

### 9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Prom since August 21, 1986. Prom currently holds a  
11 Standard Teaching License with an endorsement in Standard General Business, issued  
12 October 19, 2008, and expires on October 18, 2013.
- 13 2. On December 24, 2012, the Commission received information from the Gladstone School  
14 District indicating Prom had committed acts of unprofessional conduct.
- 15 3. Investigations by TSPC, the school district, and local law enforcement identified the  
16 following unprofessional conduct on the part of Prom:
- 17 a. Prom engaged in physical contact objected to by two different students: in  
18 November of 2011 while in the presence of several students, he touched TI's back and  
19 she claimed that his hand made contact with her buttocks. The District investigated  
20 the issue and in December 3, 2011 letter found that while Prom placed his hand  
21 around the student's waist and made brief contact with her buttocks there appeared  
22 to be no intent to place his hands on the students buttocks or that there was sexual  
23 intent in his actions. In October of 2012, Prom touched ND on the leg and the back  
24 of the neck in the presence of two other students.
- 25 b. During the course of the complaint investigation, female students told investigators  
26 that during the 2011-12 and 2012-13 school years, Prom had made them feel  
27 uncomfortable by being overly familiar and playing favorites with certain students,

1 being touchy, giving students' pet names, and watching their butts as they walked  
2 away.

3 4. Prom was charged by local authorities with Harassment ORS 166.065(4), a class A  
4 misdemeanor, as it related to the "offensive physical contact by touching the sexual or  
5 intimate parts of her body" between Prom and student ND. Prom was also charged with  
6 Sex Abuse in the Third Degree ORS 163.415, a class A misdemeanor, as it related to  
7 Prom's inappropriate touching of student ND. On May 28, 2013, in a deferred sentencing  
8 agreement, the City dismissed the charge of Sexual Abuse III in exchange for Prom's plea  
9 of guilty to one count of Harassment ORS 166.065(3), without the sexual or intimate  
10 parts element, a class B Misdemeanor. No conviction was entered and his sentencing  
11 was deferred. On May 28, 2014, Mr. Prom will be eligible to seek dismissal of the  
12 deferred charge.

13 5. Prom, as part of his sentencing agreement, agreed to resign his employment with the  
14 Gladstone School District and surrender his educator's license with TSPC.

15 IT IS SO STIPULATED:

16 David Prom  
17 David Prom

7/9/2013  
Date

18 Victoria Chamberlain  
19 Victoria Chamberlain, Executive Director  
20 Teacher Standards and Practices Commission

7-17-13  
Date

21  
22 **CONCLUSION OF LAW**

23 David Prom engaged in unprofessional conduct as described in section three (3) above.  
24 This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-  
25 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-  
26 020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult*  
27 *boundaries with students in conduct and conversation at all times*); and OAR 584-020-  
28 040(4)(f) (*Any sexual conduct with a student*).

1 David Prom engaged in unprofessional conduct as described in section four (4) above.  
2 This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-  
3 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*). This conduct  
4 also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)  
5 (*Conviction of violating any federal, state, or local law. A conviction includes any final*  
6 *judgment of conviction by a court whether as the result of guilty plea, no contest plea or any*  
7 *other means*), specifically ORS 166.065(4)(a) (*Harassment*). Prom's conduct that resulted in the  
8 criminal conviction also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-  
9 020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the*  
10 *absence of a conviction*), specifically ORS 166.065(4)(a)(*Harassment*).

11 The Commission's authority to impose discipline in this matter is based upon ORS  
12 342.175.

13 **ORDER**

14 The Commission adopts the above Stipulation of Facts, accepts the licensure surrender  
15 and permanently revokes the educator License of David Prom.

16 IT IS SO ORDERED this 26<sup>th</sup> day of July, 2013.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

18  
19 By: Victoria Chamberlain  
20 Victoria Chamberlain, Executive Director