1	BEFORE THE
2	TEACHER STANDARDS AND PRACTICES COMMISSION
3	STATE OF OREGON
4	
5	
6	In the Matter of the Application for)
7	Teaching License of)
8	LAURENCE LENNY FAROVITCH)
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12	FINAL ORDER
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14	By resolution dated March 28-29, 1996, the Teacher Standards and Practices
15	Commission adopts the attached proposed order to grant an Oregon Teaching
16	License if Mr. Farovitch meets all requirements.
17	DATED THISday of April, 1996.
18	DATED THISday of April, 1996.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20	TEACHER STANDARDS AND TRACTICES COMMISSION
21 22	
23	Et 101/h.
24	By David V. Myton, Executive Director
25	David V. Myton, Executive Director
26	Davia V. Myton, Phogram District
27	NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.
28	JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW
29	WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW
30	IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON
31	COURT OF APPEALS.
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                                 BEFORE THE
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                 TEACHER STANDARDS AND PRACTICES COMMISSION
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                               STATE OF OREGON
 4
    In the Matter of the Application)
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     for Teaching License of
 6
    LAURENCE LENNY FAROVITCH
                                             PROPOSED ORDER
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         On March 13, 1996, a panel of the Teacher Standards and
    Practices Commission (Commission) held a hearing in the Public
 9
    Service Building, 255 Capitol Street, NE, Salem, Oregon, based on
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    the denial of the application by Laurence Lenny Farovitch
11
    (Mr. Farovitch) for an Oregon teaching license. The hearing panel
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    consisted of Martin Morris, Chairperson, Patrick Pullen and Toby
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              Commission Secretary Charlene Smith assisted the
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    Commission.
                 Joe Gordon McKeever, Assistant Attorney General,
    represented the Commission staff. Mr. Farovitch appeared
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    personally and represented himself. Jim McNight and Darlene
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    Miller acted as sign language interpreters for Mr. Farovitch.
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    hearing was conducted as a contested case matter and was
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20
    mechanically tape recorded.
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         The panel heard testimony from Mr. Farovitch and from William
22
    Brelje, instructor at Lewis and Clark College.
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         The following exhibits were received into evidence without
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    objection:
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PAGE 1 - PROPOSED ORDER (LAURENCE LENNY FAROVITCH)

1 2		TSPC	NO.	1	01/04/94		Portland Police Bureau Special Report (2 pages)
3		TSPC	No.	2	01/04/93	(94)	Portland Police Bureau Custody Report (3 pages)
4 5		TSPC	No.	3	06/09/94		Multnomah County District Court Judgment and Sentencing Order (2 page)
6		TSPC	No.	4	09/21/94		Letter from David V. Myton to Laurence Farovitch (1 page)
7		TSPC	No.	5	04/03/95		Letter from Laurence Farovitch to David V. Myton (2 pages)
9		TSPC	No.	6	11/30/95		Application for an Oregon teaching license (2 pages)
11 12		TSPC	No.	7	01/08/96		Letter from David V. Myton to Laurence Farovitch with copy of the postal certified mail return receipt card (2 pages)
13		TSPC	No.	8	02/23/96		Letter from Charlene Smith to Laurence Farovitch with attached outline of procedures for contested cases (3 pages)
15 16 17		TSPC	No.	9	12/08/95		Letter from David Born, Washington School for the Deaf to To Whom It May Concern (1 page)
18 19 20		TSPC	No.	10	01/23/96		Letter from Teresa M. Stotler, Washington School for the Deaf to Oregon Teachers Standard Certification (1 page)
21 22		TSPC	No.	11	01/01/94		Letter from Terry Ryther, "The Community Ear" to District Attorney Michael D. Schrunk (2 pages)
23 24		TSPC	No.	12	01/18/95		State of Washington Substitute Teacher license (1 page)
25		TSPC	No.	.13	01/18/95		State of Washington Initial Teacher license (1 page)
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TSPC No. 14 02/23/96 Letter from Grace Jewitt-Baranski, Washington School for the Deaf

TSPC No. 15 03/12/96 Letter from Laurence Farovitch to the Commission.

5 FINDINGS OF FACT

- 6 1. Mr. Farovitch was arrested in Portland, Oregon, on
- 7 January 4, 1994, charged with the crime of Prostitution.
- 8 2. On June 9, 1994, Mr. Farovitch was found guilty of the
- 9 crime of Prostitution after a jury trial in the Multnomah County
- 10 District Court. Mr. Farovitch was sentenced to one year of
- 11 probation, a fine of \$350, court costs of \$54, and a requirement
- 12 that he avoid high vice areas of Portland except for legal
- 13 purposes.
- 14 3. Mr. Farovitch has successfully completed the terms of
- 15 his criminal probation.
- 4. Mr. Farovitch is hearing impaired. His primary language
- 17 is American Sign Language, and English is his second language.
- 18 Mr. Farovitch has a significantly limited ability to read lips or
- 19 communicate by speech. There was no interpreter available when
- 20 Mr. Farovitch was interviewed by the police on the date of his
- 21 arrest.
- Despite his conviction, Mr. Farovitch testified that he
- 23 believed he was not guilty of soliciting a prostitute. He testified
- 24 that there were misunderstandings and miscommunications surrounding
- 25 his conversations with an undercover policewoman who was posing as a
- 26 prostitute.

PAGE 3 - PROPOSED ORDER (LAURENCE LENNY FAROVITCH)

- 1 6. Mr. Farovitch was born in Canada and lived in various
- 2 areas of Canada until July 1993 when he moved to Vancouver,
- 3 Washington. In 1994, Mr. Farovitch applied for an Oregon basic
- 4 teaching license. His application was denied by the Commission in
- 5 September 1994 based on ORS 342.143 which requires the Commission
- 6 not to issue a teaching license to any person who has been convicted
- 7 of certain listed crimes, including the crime of prostitution.
- 8 7. On November 30, 1995, Mr. Farovitch reapplied for an
- 9 Oregon teaching license, and this application was denied by
- 10 Executive Secretary David V. Myton.
- 11 8. On January 18,1995, Mr. Farovitch was granted a substitute
- 12 teaching certificate and an initial teaching certificate in the
- 13 State of Washington.
- 9. Mr. Farovitch obtained a Masters Degree in Special
- 15 Education from Lewis and Clark College in 1994.
- 16 10. Mr. Farovitch has worked as a teacher at the Washington
- 17 School for the Deaf. He submitted documents and evaluations
- 18 indicating satisfactory performance in these jobs.
- 19 11. Aside from the crime of Prostitution, Mr. Farovitch has no
- 20 other criminal record, and the panel is not aware of any other
- 21 misconduct to indicate that he does not possess good moral
- 22 character, mental and physical health to serve as a teacher.
- 23 ULTIMATE FINDINGS OF FACT
- 1. Mr. Farovitch was convicted of the crime of Prostitution
- 25 on June 9, 1994.
- 26 ///

PAGE 4 - PROPOSED ORDER (LAURENCE LENNY FAROVITCH)

- 1 2. Mr. Farovitch was denied his application for an Oregon 2 teaching license on September 21, 1994.
- 3 3. Mr. Farovitch reapplied for a teaching license after more
- 4 than one year had elapsed from the date of the first denial and he
- 5 has successfully completed the terms of his criminal probation.
- 6 4. Mr. Farovitch has presented sufficient evidence of good
- 7 moral character and fitness to serve as a teacher.
- 8 CONCLUSION OF LAW
- 9 ORS 342.143 mandates that the Commission deny an application
- 10 for a teaching license by an individual who has been convicted of
- 11 the crime of prostitution. This case presents the issue of whether
- 12 the Commission may ever issue a license to an applicant who has been
- 13 convicted of the crime of prostitution. Under ORS 342.175, any
- 14 individual whose teaching license has been revoked has the right to
- 15 apply for reinstatement of that license after one year from the date
- 16 of revocation and expiration of any parole or probationary sentence.
- 17 Although this same right to reapply is not expressly stated under
- 18 the statutes concerning an initial applicant for a license, we do
- 19 not believe from the text of these statutes that the legislature
- 20 intended to apply differential treatment to applicants who have
- 21 never held a teaching license and applicants whose teaching license
- 22 has been revoked. For that reason, the panel concludes that it has
- 23 discretion under ORS 342.143 to consider the application for an
- 24 initial teaching license if more than one year has elapsed since the
- 25 date of the initial denial and if the applicant has successfully
- 26 ///

- 1 completed all terms of parole and probation for a crime listed under
- 2 ORS 342.143.
- For the above reasons, the panel will give consideration to Mr.
- 4 Farovitch's application.
- 5 DISCUSSION
- 6 Although Mr. Farovitch testified and argued that he was
- 7 innocent of the crime of prostitution, the Commission must recognize
- 8 that Mr. Farovitch was found guilty of this offense by a jury in a
- 9 criminal case. The Commission cannot and should not re-examine Mr.
- 10 Farovitch's guilt or innocence in this proceeding.
- The panel does note that Mr. Farovitch did not have an
- 12 interpreter present when he was arrested, and it appears that
- 13 miscommunications may have occurred during the criminal process
- 14 which could have affected the fairness of that process. On the
- 15 other hand, there is information in the police reports and in Mr.
- 16 Farovitch's explanation of events that supports the jury's
- 17 conclusion.
- Although there is concern that Mr. Farovitch continues to deny
- 19 responsibility in this incident, the panel concludes that Mr.
- 20 Farovitch now should be issued a teaching license. Based on Mr.
- 21 Farovitch's satisfactory performance as a substitute teacher in
- 22 Washington, the absence of any misconduct before or after the
- 23 criminal offense occurred and the fact that more than one year has
- 24 elapsed since the initial denial of his application, his application
- 25 should be allowed if he otherwise meets all other licensing
- 26 requirements.

PAGE 6 - PROPOSED ORDER (LAURENCE LENNY FAROVITCH)

PROPOSED ORDER The application for an Oregon teaching license of Laurence Lenny Farovitch shall be granted by the Executive Secretary if Mr. Farovitch otherwise meets all requirements for an Oregon basic teaching license under OAR 584, Division 38. DATED this /6 day of March, 1996. TEACHER STANDARDS AND PRACTICES COMMISSION Myton, Executive Secretary JGM:ros\JGM0623.PLE