1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the Educator License of SANDRA KAY SMIGGS DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE
9	On August 1, 2013, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Sandra Kay Smiggs (Smiggs) in which the
11	Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3848 to the address on file
13	with the Commission. The Notice designated the Commission file as the record for purposes
14	of proving a prima facie case. The Certified Mail receipt was returned, signed to the
15	Commission on August 5, 2013. The regular mail was not returned to the Commission. The
16	Notice of Opportunity of Hearing, dated August 1, 2013, and signed by Victoria
17	Chamberlain, Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	Smiggs did not request a hearing. The Commission, therefore, finds Smiggs to be in default
27	and enters the following findings of fact, conclusions of law, and final order, based on the
28	files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Sandy Smiggs has been licensed since September 6, 1996. Smiggs held a Substitute
31	Teaching License issued December 9, 2008, with an endorsement in Substitute Any
32	Specialty (PP-12), which expired on June 15, 2012. Smiggs has not made application for
33	renewal.
34	2. On April 4, 2012, the Commission learned that on January 4, 2010, Smiggs had been
35	arrested for Criminal Mistreatment in the First Degree – Class C Felony; Child Neglect in
36	the Second Degree – Class A Misdemeanor; and Failure to Report Child Abuse –
37	violation. The Commission further learned that on January 11, 2012, Smiggs was

1	convicted of Child Neglect in the Second Degree, a Class A Misdemeanor. A copy of the
2	Wasco County Circuit Court Judgment indicates that as part of Smiggs' sentencing,
3	Smiggs is not to have any contact with children under the age of ten years for a period of
4	one year, in addition to other requirements.
5	CONCLUSIONS OF LAW
6	Smiggs' conduct as described above constitutes gross neglect of duty in violation of
7	ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
8	(Use professional judgment). This conduct also constitutes gross unfitness in violation of
9	ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or
10	local law. A conviction includes any final judgment of conviction by a court whether as the
11	result of guilty plea, no contest plea or any other means), and OAR 584-020-0040(5)(e)
12	(Admission of or engaging in acts constituting criminal conduct, even in the absence of a
13	conviction).
14	The Commission's authority to impose discipline in this matter is based upon
15	ORS 342.175.
16	FINAL ORDER
17	The Commission hereby revokes Sandy Kay Smiggs' Right to Apply for an Educator
18	license.
19	IT IS SO ORDERED THIS 22 nc/day of October, 2013.
20	TEACHER STANDARDS AND PRACTICES COMMISSION
	Two da Chamberlain
21	By:
22 23	Victoria Chamberlain, Executive Director
24	NOTICE OF APPEAL OR RIGHTS
25 26	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
27	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
28	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
20	PROVISIONS OF ORS 182 482 TO 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:

Sandra Kay Smiggs 4537 Garden Ct SE Salem, OR 97317-6034

Dated this 22 ncl day of October, 2013.

Dy. <u>O wwy 3 2</u> Patry I iddell

Investigative Assistant