1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS, 4 **Educator License of**) FINAL ORDER OF REVOCATION OF LICENSURE 5 JEFFREY LEE GILBERT) 6 During the time of February 2012 and March 2012, the Teacher Standards and Practices 7 Commission (Commission) received multiple reports from both patrons and the Reynolds 8 School District, indicating that Jeffrey Lee Gilbert (Gilbert) had violated professional standards. After review of the matters alleged, Gilbert and the Commission agree that their 9 10 respective interests, together with the public interest, are best served by a stipulation to certain 11 facts, and the revocation of Gilbert's Oregon Teaching License. This document sets forth the facts upon which the parties have agreed and the stipulated 12 sanction to be imposed. Gilbert stipulates that there is sufficient evidence in the Commission's 13 files and records to support the findings of fact, conclusions of law, and order set forth below. 14 By signing below, Gilbert acknowledges, understands, stipulates, and agrees to the 15 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 16 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 17 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 18 Order of Revocation of Licensure (Stipulation and Final Order); (ii) this Stipulation and Final 19 Order is a public document and disclosed to the public upon request by the Commission; (iii) 20 this Stipulation and Final Order is contingent upon and subject to approval and adoption by the 21 Commission. If the Commission does not approve and adopt this Stipulation and Final Order, 22 then neither Gilbert nor the Commission are bound by the terms herein; (iv) he has fully read 23 this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any 24 force or duress, enters into this Stipulation and Final Order and consents to issuance and entry 25 of the Stipulated Final Order below; (vi) he states that no promises or representation has been 26 made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an 27

- attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. In entering into this stipulation, Gilbert waives the right to a hearing to contest the findings of fact,
- 5 conclusions of law and order set forth below.

STIPULATION OF FACTS

- 1. The Commission has licensed Gilbert since July 6, 1993. Gilbert currently holds a Standard Teaching License issued July 31, 2007, with endorsements in Basic Integrated Science (020), Basic Language Arts (020), and Basic Social Studies (020), which was due to expire on July 30, 2012. Gilbert made timely application for renewal, and his Standard Teaching License status is currently pending renewal. Gilbert held an Emergency Administrators License that was issued on July 31, 2011, and expired on January 31, 2012, and previously held an Initial I Administrators License from November 12, 2004 through July 30, 2011. During all relevant times, Gilbert was employed by the Reynolds School District.
- 2. In July 2011, Gilbert failed to follow school district policies and regulations related to the disposal of district property when Gilbert damaged, destroyed and/or improperly disposed of school district owned property by his own hand, or by directing others to do so, without the required input and approval of the Director of Business Services as required by policy.
- 3. During the time between the years 2009 and 2012, Gilbert repeatedly failed to follow school district policies and regulations related to student activity funds, staff expense reimbursement, staff ethics, and expenditure of district funds for meals, refreshments and gifts. During this period, Gilbert performed transactions; requested transfers and/or reimbursements; and conducted, requested and approved expenditures or other financial transactions in violation of these policies and regulations.

4. A supplemental investigation, conducted on January 29, 2013, concluded that Gilbert 1 2 had fraudulently claimed reimbursement for alleged school purpose expenses, which, in fact, were expenses for Gilbert's personal items. The investigation documented that with 3 4 respect to twenty-one separate claims for reimbursement, the claims were either false, misleading, consisted of fraudulent invoices, or were misrepresentations of the actual 5 6 expense. These twenty-one fraudulent expenses totaled \$17,216.03. On June 11, 2013, 7 Gilbert agreed to a Civil Compromise Agreement with the Reynolds School District. In the agreement, Gilbert "stipulates to, or confesses, judgment". The agreement facilitates 8 the repayment of the fraudulent expenses by Gilbert, totaling \$17,216.03, and the 9 10 Multnomah District Attorney agreed not to file criminal charges against Gilbert for the 11 fraudulent transactions if the Civil Compromise Agreement is fulfilled by Gilbert. 12 IT IS SO STIPULATEDA 1/20/13 Date 16-25-13 13 14 15 16 Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission 17 18 19 **CONCLUSION OF LAW** 20 Jeffrey Lee Gilbert's conduct as described in section two (2) above constitutes Gross 21 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 22 OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(d) (Using district 23 and school business and financial procedures), OAR 584-020-0025(2)(e) (Using district lawful 24 and reasonable rules and regulations), and OAR 584-020-0025(3)(a) (Leadership skills in 25 26 managing the school, its students, staff, and programs as required by lawful and reasonable

1 district policies, rules, and regulations, state and federal laws and regulations, and other 2 programs as assigned, and assures that staff is informed of these requirements). 3 Jeffrey Lee Gilbert's conduct as described in section three (3) above constitutes Gross 4 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 5 OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(d) (Using district 6 and school business and financial procedures), OAR 584-020-0025(2)(e) (Using district lawful 7 and reasonable rules and regulations), and OAR 584-020-0025(3)(a) (Leadership skills in 8 managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other 9 10 programs as assigned, and assures that staff is informed of these requirements); OAR 584-11 020-0040(4)(0) as it incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's 12 name, property, or resources for non-educational benefit or purposes without approval of the 13 educator's supervisor or the appointing authority), OAR 584-020-0035(3)(a) (Maintain the 14 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: 15 16 school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business); and OAR 584-020-17 0040 (4)(b) (Knowing and substantial unauthorized use of employment time or school 18 19 resources for private purposes). This conduct also constitute gross unfitness in violation of ORS 20 342.175(1)(c); OAR 584-020-0040 (5)(b) (Fraud or misrepresentation). 21 Jeffrey Lee Gilbert's conduct as described in section four (4) above constitutes Gross 22 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)(d) (Using district 23 24 and school business and financial procedures), OAR 584-020-0025(2)(e) (Using district lawful 25 and reasonable rules and regulations), and OAR 584-020-0025(3)(a) (Leadership skills in managing the school, its students, staff, and programs as required by lawful and reasonable 26

1	district policies, rules, and regulations, state and federal laws and regulations, and other
2	programs as assigned, and assures that staff is informed of these requirements); OAR 584-
3	020-0040(4)(0) as it incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's
4	name, property, or resources for non-educational benefit or purposes without approval of the
5	educator's supervisor or the appointing authority), OAR 584-020-0035(3)(a) (Maintain the
6	dignity of the profession by respecting and obeying the law, exemplifying personal integrity
7	and honesty); OAR 584-020-0040 (4)(a) (Knowing and substantial unauthorized use of:
8	school name or financial credit; school materials or equipment for personal purposes; or
9	school personnel to provide personal services unrelated to school business); OAR 584-020-
10	0040 (4)(b) (Knowing and substantial unauthorized use of employment time or school
11	resources for private purposes); and OAR 584-020-0040 (4)(c) (Knowing falsification of any
12	document or knowing misrepresentation directly related to licensure, employment, or
13	professional duties). This conduct also constitute gross unfitness in violation of ORS
14	342.175(1)(c); OAR 584-020-0040 (5)(b) (Fraud or misrepresentation); and OAR 584-020-
15	0040 (5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the
16	absence of a conviction).
17	The Commission's authority to impose discipline in this matter is based upon ORS
18	342.175.
19	ORDER
20	The Commission adopts the above Stipulation of Facts, and revokes the Standard
21	Teaching License of Jeffrey Lee Gilbert.
22	IT IS SO ORDERED this day of July, 2013.
23	TEACHER STANDARDS AND PRACTICES COMMISSION
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25 26	By: Wan Juniain Victoria Chamberlain, Executive Director