

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

In the Matter of the	)	STIPULATION OF FACTS AND
Teaching License of	)	FINAL ORDER OF PUBLIC
BARBARA JEAN MURPHY	)	REPRIMAND

On or about August 26, 2005, the Teacher Standards and Practices Commission (Commission) received an Application for Educator License Form C-1 from Barbara Jean Murphy (Murphy) in which she responded "no" to all character questions. A subsequent investigation by the Commission revealed that Murphy had previously entered a plea of guilty to the misdemeanor crime of Driving Under the Influence of Intoxicants and that she had entered into a one-year diversion program that would expire on September 15, 2005. The Commission subsequently issued a Notice of Denial of Teaching License and Opportunity for Hearing to Murphy and she timely requested a hearing. A contested case hearing was held in this matter and an Administrative Law Judge from the Office of Administrative Hearings issued a proposed order. Murphy filed exceptions to the proposed order. The Commission adopts this Stipulation and Final Order in lieu of this proposed order.

After review of the matters alleged, Murphy and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and a public reprimand.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Murphy stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Murphy acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Public Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Murphy nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promises or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her 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.

#### **STIPULATION OF FACTS**

1. The Commission has licensed Barbara Jean Murphy since June 6, 2002.
2. On September 16, 2004, Murphy pleaded guilty to the misdemeanor crime of Driving Under the Influence of Intoxicants. At that time, she elected to go through a one-year diversion program that was scheduled to end on September 15, 2005.

3. Murphy completed the treatment requirements of her diversion program prior to August 26, 2006.

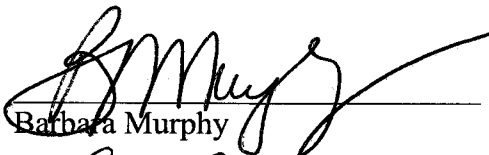
4. On or about August 26, 2005, Murphy submitted an Application for Educator License Form C-1 to apply for her Initial Teaching License. In this application, she answered "no" to all character questions, including questions 9 and 10.

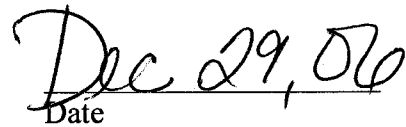
5. When Murphy answered "no" to character question 9, she was aware that her diversion period did not end until September 15, 2005.

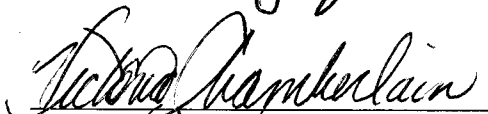
6. When Murphy answered "no" to character question 10, she was aware that she had previously entered a plea of guilty to the misdemeanor crime of Driving Under the Influence of Intoxicants.

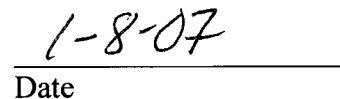
7. Murphy has no prior record of discipline with the Commission.

**IT IS SO STIPULATED AND AGREED TO:**

  
Barbara Murphy

  
Date

  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

  
Date

**CONCLUSIONS OF LAW**

Barbara Jean Murphy's conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(c). The Commission has the authority to impose discipline in this matter under ORS 342.143, ORS 342.175 through 342.190, and OAR Chapter 584.

**STIPULATED FINAL ORDER**

The Commission adopts and incorporates herein the above stipulations of facts and conclusions of law, and based thereon, hereby ORDERS that a Public Reprimand be

imposed upon the license of Barbara Jean Murphy. This Order shall serve as a Public Reprimand.

Issued and dated this 11 day of ~~December~~, 2006. <sup>January, 2007</sup>

**TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON**

By *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director

Approved as to form:

*Elizabeth McKanna*  
Elizabeth McKanna, OSB #89306  
Attorney for Barbara Jean Murphy