1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6	In the Matter of the) DEFAULT ORDER OF Teaching License of) REVOCATION OF RIGHT TO EMILY KENYON LEWIS) APPLY
7 8	On February 10, 2011, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Emily Kenyon Lewis (Lewis) in which the
10	Commission charged her with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n),
11	OAR 584-020-0010(5), OAR 584-020-0040(4)(0), OAR 584-020-0035(3)(a), OAR 584-020-
12	0040(5)(c), OAR 584-020-0040(5)(e), OAR 584-020-0040(4)(n), and OAR 584-020-
13	0040(4)(p). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010
14	0290 0001 6831 2097 to the address on file with the Commission. The Certified Mail was
15	returned as unclaimed or unable to forward. The regular mail was not returned to the
16	Commission. The Notice of Opportunity of Hearing, dated February 10, 2011, and signed by
17	Victoria 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	Lewis did not request a hearing. The Commission, therefore, finds Lewis to be in default and
27	enters the following findings of fact, conclusions of law and order, based on the files and records
28 29	of the Commission concerning this matter.
30	EINDINGS OF FACE
31	FINDINGS OF FACT
	1. Emily Kenyon Lewis has been licensed as a teacher in Oregon since August 18, 2004. Lewis'
32	Initial School Psychologist License issued on August 25, 2005, expired on June 6, 2009.
33 34	During all relevant times Lewis was employed by the Winston-Dillard School District.
35	2. On January 12, 2008, Lewis was arrested and charged in Wisconsin with one count of
36	Obtaining a Controlled Substance by Fraud (Wisconsin 961.43(1)(a)) a felony, and one count

of Obtaining a Prescription Drug with Fraud (Wisconsin 450.11(7)(a)) a misdemeanor. On April 1, 2008, Lewis pled guilty and was convicted of both offenses.

3. On June 28, 2010, Lewis was charged with five counts of Tampering With Drug Records (ORS 167.212), one count of Theft of Identity (ORS 165.800), and two counts of Possession of Controlled Substance 2 (ORS 475.840(3)(B)). These charges stemmed from Lewis' arrest for altering prescriptions and attempting to obtain prescription pain killers from various Roseburg area pharmacies to support her drug addiction. Lewis related to police that she probably altered 8-10 prescriptions. Lewis subsequently entered and completed drug treatment and the criminal charges were dropped.

4. The Commission informed Lewis of its investigation into these matters by certified mail. On September 10, 2010, Lewis signed for the letter from a Commission investigator informing her of her requirement to participate with the investigation process and requesting that she contact the Commission to schedule an interview. Lewis did not contact the Commission or participate in the investigation process.

CONCLUSIONS OF LAW

Emily Kenyon Lewis' conduct as described in #2 above, constitutes gross 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 584-020-0040(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

Lewis' conduct as described in #3 above, constitutes gross 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 584-020-0040(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

1	Lewis's conduct as described in #4 above, constitutes gross neglect of duty in violation of
2	ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
3	professional judgment); OAR 584-020-0040(p) (Subject to the exercise of any legal right or
4	privilege, failure or refusal by an educator under investigation to respond to requests for
5	information, to furnish documents or to participate in interviews with a Commission
6	representative relating to a Commission investigation).
7	The Commission's authority to impose discipline in this matter is based upon ORS
8	342.175.
9	FINAL ORDER
10	The Commission hereby revokes Emily Kenyon Lewis' the right to apply for licensure.
11	IT IS SO ORDERED THIS day of May, 2011.
12	TEACHER STANDARDS AND PRACTICES COMMISSION
13 14 15 16 17	By: Manualain Victoria Chamberlain, Executive Director
18 19 20	
21 22	NOTICE OF APPEAL OR RIGHTS
23 24 25 26 27	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 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:

Emily Kenyon Lewis 991 Larson Rd. Roseburg, OR 97471-4859

Dated this <u>A</u>

day of June, 2011.

By: _____

Melody Hanson

Executive Assistant