BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 $\overline{2}$ OF THE STATE OF OREGON 3 4 5 6 7) DEFAULT ORDER OF In the Matter of the) LICENSE REVOCATION AND **Teaching License of** REVOCATION OF RIGHT TO APPLY MICHAEL JOSEPH MORRELL) 8 On July 19, 2012, the Teacher Standards and Practices Commission (Commission) issued 9 a Notice of Opportunity for Hearing to Michael Joseph Morrell (Morrell) in which the 10 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 1490 to the 11 address on file with the Commission. The Notice designated the Commission file as the record 12 13 for purposes of proving a prima facie case. The Certified Mail was signed for on July 24, 2012, and the return receipt was received by TSPC on July 25, 2012. The regular mail was not returned 14 to the Commission. The Notice of Opportunity of Hearing, dated July 19, 2012, and signed by 15 16 Victoria Chamberlain, Executive Director, stated: 17 "IF A REOUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. 20 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 21 22 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." 23 24 25 Morrell did not request a hearing. The Commission, therefore, finds Morrell to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and 26 27 records of the Commission concerning this matter. 28 29 FINDINGS OF FACT 1. Michael Joseph Morrell has been licensed by the Commission since April 6, 2007. Morrell's 30 31 Initial II Teaching License with an endorsement in General Business (HS) was issued September 9, 2010, and expires on September 8, 2013. During all relevant times, Morrell 32 33 was employed by the Sweet Home School District. 34 35 2. On February 22, 2012, Morrell pled guilty and was subsequently convicted of two counts of Sexual Abuse in the Third Degree (ORS 163.415), a class A misdemeanor. Morrell was 36 sentenced to 30 days incarceration, 36 months of supervised probation and required to 37 register as a sex offender upon his release. This conviction arose from allegations that during 38 July and August, 2011, Morrell subjected a student, under the age of 18, to sexual contact. 39

2	Morrell's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
3	OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
4	judgment); and OAR 584-020-0040(1)(m) (ORS 163.415 –Sexual Abuse in the Third Degree).
5	This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-
6	0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the
7	absence of a conviction). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1) the
8	Commission will deny, revoke or deny the right to apply for a license or charter school
9	registration to any applicant or educator who, has been convicted of any of the crimes listed in
10	ORS 342.143.
11	Furthermore, the conduct underlying Morrell's convictions constitutes gross neglect of
12	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
13	020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(k) (knowing violation of
14	any rule or order of the Commission); OAR 584-020-0040(4)(f)(Any sexual conduct with a
15	student); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)(Maintain the
16	dignity of the profession by respecting and obeying the law, exemplifying personal integrity
17	and honesty). The conduct underlying Morrell's convictions also constitutes gross unfitness in
18	violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-
19	0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to perform his
20	or her professional responsibilities).
21	The Commission's authority to impose discipline in this matter is based upon ORS
22	342.175.
23	FINAL ORDER
24	The Commission hereby revokes the licensure of Michael Joseph Morrell and revokes
25	Morrell's right to apply for licensure.
26 .	IT IS SO ORDERED THIS 23rd day of October, 2012.
27	TEACHER STANDARDS AND PRACTICES COMMISSION
28 29	By: Victoria Chamberlain, Executive Director
30	victoria Chamberiain, Executive Director
31 32	NOTICE OF APPEAL OR RIGHTS
33 34 35 36	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.

CONCLUSIONS OF LAW

1

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:

Michael Joseph Morrell 2237 Ironwood St Sweet Home, OR 97386

Dated this <u>33</u> day of October, 2012.

Cristina Edgar Investigator