1 2 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON		
3 4 5 6 7	In the Matter of the Educator License of FRANK HOWARD SUMMERS ) DEFAULT ORDER OF PUBLIC REPRIMAND AND PROBATION		
8	On December 2, 2013, the Teacher Standards and Practices Commission (Commission)		
9	issued a Notice of Opportunity for Hearing to Frank Howard Summers (Summers) in which the		
10	Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class		
11	Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 2261 to the address on file with the		
12	Commission. The Notice designated the Commission file as the record for purposes of proving a		
13	prima facie case. The Certified Mail was returned to the Commission signed as received, on		
14	December 6, 2013. The regular mail was not returned to the Commission. The Notice of		
15	Opportunity of Hearing, dated December 2, 2013, and signed by Victoria Chamberlain,		
16	Executive Director, stated:		
17 18 19 20 21 22 23 24	"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."		
25	Summers did not request a hearing. The Commission, therefore, finds Summers to be in default		
26	and enters the following findings of fact, conclusions of law, and final order, based on the files		
27	and records of the Commission concerning this matter.		
28	FINDINGS OF FACT		
29	1. Frank Howard Summers has been licensed by the Commission since June 15, 2007.		
30	Summers' Initial I Teaching License, with endorsements in Multiple Subjects (MIDLVL) and		
31	Social Studies (HS, ML), was issued March 4, 2010 and expired on December 5, 2013.		
32	2. On February 12, 2010, the Commission adopted a Stipulation of Facts and Final Order of		
33	Probation upon Summers' licensure. The facts supporting the probation upon Summers'		
34	license in 2010 included:		
35	a. Multiple convictions for DUII, three between 1993 and 2008.		
86	3. Summers' license was placed on probation. As part of Summers' probation, he agreed to several		
37	conditions, including attending regular (monthly) meetings of Alcoholics Anonymous, being subject		
88	to random UA testing, submitting status reports every six months with the Commission, report to		

- the Commission any arrests, comply with Commission Rules and Regulations, and abstaining from consuming alcohol. Summers' probation period was set for a period of four years.
- On February 9, 2012, the Commission received information from both Klamath County School
   District and Summers himself, indicating Summers had been arrested for DUII, Criminal Mischief
   and Assault Four on February 4, 2012. On July 9, 2012, Summers plead guilty to the DUII. The
   Assault Four and the Criminal Mischief charges were dismissed.
  - 5. Review of Summers' probation status indicated Summers failed to present the Commission with the six month status reports required by his probation. Summers did provide proof that he had been attending ongoing treatment for alcohol abuse/addiction. Summers' also consumed alcohol on one or more occasions during his probationary period.

## CONCLUSIONS OF LAW

Summers's conduct described 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(4)(k) (*Knowing violation of of any order or rule of the Commission*); and OAR 584-020-0040(4)(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*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); 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) (<i>Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

FINAL ORDER

The Commission hereby issues a Public Reprimand upon Frank Howard Summers' educator licensure, and places Summers on probation for a period of four (4) years from the date of renewal of his licensure. This probation period is subject to the following terms and conditions:

 Summers shall continue to attend regular meetings (at least monthly) at a local Alcoholics Anonymous program.

1	2.	Summers shall, at his own initiative and expense, continue to obtain treatment for	
2		his alcohol dependency as recommended by his alcohol treatment provider and	
3		abstain from the consumption of alcohol.	
4	3⋅	Summers shall be subject to random urinalysis (UA), at his own expense. The	
5		Commission shall determine when these UA's shall be conducted and may inform	
6		Summers with limited advance notice.	
7	4.	Summers shall submit reports to the Executive Director of the Commission every six	
8		(6) months describing his compliance with the terms and conditions of this	
9		agreement.	
10	5.	Summers shall report in writing to the Executive Director of the Commission, within	
11		ten days of any arrest or citation for any felony, misdemeanor, major traffic violation	
12		or violation of criminal probation; and	
13	6.	Summers shall comply with the Standards for Competent and Ethical Performance of	
14		Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.	
15	Violation of any term or condition of probation shall constitute an independent basis for		
16	the Commission to revoke Summers' teaching license or otherwise impose discipline, after first		
17	providing	Summers with notice and opportunity for hearing.	
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19	IT IS SO ORDERED THIS 20th day of February, 2014.		
20		TEACHER STANDARDS AND PRACTICES COMMISSION	
21		By: Victoria Chamberlain, Executive Director	
21 22 23 24		By: Victoria Chamberlain, Executive Director	
25 26		NOTICE OF APPEAL OR RIGHTS	
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 1
- 2 3 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:

Frank Howard Summers PO Box 96 Chiloquin, OR 97624-0096

Dated this \_\_\_\_\_25th\_\_day of February, 2014.

Patty Liddell

Investigative Assistant