BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 5 6 7 **DEFAULT ORDER** In the Matter of the 90 DAY SUSPENSION OF RIGHT **Charter School**) TO APPLY FOR LICENSE / Registry of CHARTER SCHOOL REGISTRY TROUT, GARY ALAN 8 On April 25, 2012, the Teacher Standards and Practices Commission (Commission) 9 issued a Notice of Opportunity for Hearing to Gary Alan Trout (Trout) in which the Commission 10 charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. 11 Certified Mail Receipt 7011 2000 0001 1292 2183 to the address on file with the Commission. 12 The Notice designated the Commission file as the record for purposes of proving a prima facie 13 case. The Certified Mail was signed for on April 27, 2012. The regular mail was not returned to 14 the Commission. The Notice of Opportunity of Hearing, dated April 25, 2012, and signed by 15 16 Victoria Chamberlain, Executive Director, stated: "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 17 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 18 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. 19 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A 20 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY 21 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER 22 23 DISCIPLINE." 24 25 Trout did not request a hearing. The Commission, therefore, finds Trout to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records 26 27 of the Commission concerning this matter. FINDINGS OF FACT 28 1. Trout has never been licensed as a teacher in Oregon. On June 2, 2010, the Commission 29 received a letter from Elkton Charter School seeking assistance in registering Trout as a 30 31 registered Charter School teacher. The Commission received Trout's application for Charter 32 School Registry on June 4, 2010. 2. On June 20, 2010, and July 15, 2010, the Commission sent Trout letters informing him that 33 his application was incomplete for lack of information from the school district and lack of 34 required fingerprints. On July 15, 2010, the Commission sent Elkton Charter School a letter 35 indicating that TSPC had not received Trout's fingerprints. On September 3, 2010, Trout's 36 application was closed for failure to respond to requests for information from the 37 Commission (phone, email, or mail), and Trout's failure to provide required fingerprints. 38

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3. On February 1, 2011, the Elkton Charter School contacted the Commission again regarding Trout's

application. At this time, the Commission ascertained that Trout was employed with the Charter

1	School as a Physical Education teacher and boys coach. On or about August 2, 2011, the Elkton
2	Charter School informed the Commission Investigator that Trout was no longer employed at the
3	Charter School. Elkton officials explained that they had incorrectly believed the ODE fingerprint
4	clearance they had provided was adequate to fulfill the fingerprint requirements of the Commission.
5	CONCLUSIONS OF LAW
6	Trout's conduct described above, constitutes gross neglect of duty in violation of ORS
7	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
8	professional judgment); OAR 584-020-0040(4)(r) (Knowingly working without a license);
9	OAR 584-050-0006(3)(e) (The applicant refuses to consent to criminal records checks or
10	refuses to be fingerprinted upon request); and OAR 584-050-0006(3)(f) (The applicant has
11	served in violation of OAR 584-050-0035 Must be Licensed, Registered or Certified at All
12	Times While Employed).
13	The Commission's authority to impose discipline in this matter is based upon ORS
14	342.175.
15	FINAL ORDER
16	The Commission hereby suspends Gary Alan Trout's right to apply for a Charter School
17	Registration or other licensure for a period of ninety (90) days, to begin upon the date this order
8	is signed and in effect.
19	IT IS SO ORDERED THIS 25 day of October, 2012.
20	TEACHER STANDARDS AND PRACTICES COMMISSION
21 22 23 24	By: Wanderlain Victoria Chamberlain, Executive Director
24 25 26 27 28 29	
27	NOTICE OF ARREAL OF RIGHTS
28 29	NOTICE OF APPEAL OR RIGHTS
30 31 32 33	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.
ככ	THE OREGON COURT OF ALLEALS.

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:

Gary Alan Trout PO Box 702 Elkton OR 97436-0702

Dated this 26th day of October, 2012.

Cristina Edgar