

1647419

Benjamin Patterson (6323) Discipline Order

1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the ) DEFAULT ORDER OF Educator License of ) REVOCATION OF RIGHT BENJAMIN CARL PATTERSON ) TO APPLY FOR LICENSURE
8	On March 18, 2015, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Benjamin Carl Patterson
10	(Patterson) in which the Commission charged him with Gross Neglect of Duty and Gross
11	Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
12	7014 0150 0000 1046 5642 to the address on file with the Commission. The Notice
13	designated the Commission file as the record for purposes of proving a prima facie case.
14	The Certified Mail receipt was signed and returned to the Commission. The first class
15	mail was not returned and is assumed delivered. The Notice of Opportunity for Hearing,
16	dated January 28, 2015, and signed by Victoria Chamberlain, 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	Patterson did not request a hearing. The Commission, therefore, finds Patterson to be in
26	default and enters the following findings of fact, conclusions of law, and final order,
27	based on the files and records of the Commission concerning this matter.
28	FINDINGS OF FACT
29	1. Patterson has been licensed by the Commission since July 17, 1980. Patterson's
30	Standard Personnel Service License, with an endorsement in Standard Counselor
31	(050), was valid from July 21, 2008, through July 24, 2013. Commission records
32	indicate that during all relevant times, Patterson was not employed by any Oregon
33	School District. As part of a routine background check pending the renewal of
34	Patterson's licensure, a criminal conviction was located and investigated.
35	2. On or about September 20, 2012, Patterson was arrested on charges stemming from
36	a law enforcement investigation regarding Patterson's actions as a food service
37	coordinator at the Oregon State Prison in Coffee Creek. The original criminal charges

1	included Custodial Sexual Misconduct in the First Degree (ORS 163.452), a class C
2	felony; Custodial Sexual Misconduct in the second degree (ORS 163.454), a class A
3	misdemeanor; Official Misconduct in the First Degree (ORS 162.415), a class A
4	misdemeanor; and Supplying Contraband (ORS 162.185), a class C felony. On March
5	15, 2013, Patterson pled guilty to and was convicted of Custodial Sexual Misconduct
6	in the second degree (ORS 163.454), a class A misdemeanor. Patterson was
7	sentenced to a 30 days in jail, two years' probation, and required to register as a sex
8	offender.
9	3. Patterson's conviction arose from allegations that on or about November 2008,
10	Patterson engaged in sexual contact with an inmate of the facility where Patterson
11	was employed as a food services coordinator. As the food services coordinator,
12	Patterson had supervisory responsibility, including some direction and control over
13	prison inmates.
14	CONCLUSIONS OF LAW
15	Patterson's conviction detailed above, and the conduct underlying Patterson's
16	charges and conviction constitutes gross neglect of duty in violation of ORS
17	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
18	professional judgment); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-
19	020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the
20	law, exemplifying personal integrity and honesty). This conduct also constitutes gross
21	unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of
22	violating any federal, state, or local law. A conviction includes any final judgment of

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

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).

28 ORS 342.175.

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1	FINAL ORDER
2	The Commission hereby revokes Benjamin Carl Patterson's right to apply for
3	licensure.
4	IT IS SO ORDERED THIS 2016 day of May, 2015.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
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	By:
8	By:
9	Victoria Chamberlain, Executive Director
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.2 .3 .4	NOTICE OF APPEAL OR RIGHTS
.5	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
.6	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
.7	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
8	ORS 182-482 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:

Benjamin Carl Patterson 3718 Hawthorne Avenue NE Salem, OR 97301-7738

Dated this \_

\_day of May, 2015.

By:

Patty Liddell

Investigative Assistant