

1 him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney
2 regarding this Stipulation and Final Order and has been fully advised with regard to his rights
3 thereto, or waives any and all rights to consult with an attorney prior to entering into this
4 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

5 **STIPULATION OF FACTS**

6 1. Mr. Lyons was licensed by the Commission on September 15, 1976. His Standard
7 Teaching License expired on January 27, 1985.

8 2. On September 12, 2005, Mr. Lyons submitted an Application For Educator License
9 Form C-1 to the Commission requesting reinstatement of an expired Standard Teaching
10 License. He responded affirmatively to character questions 8 and 10, provided an explanation
11 and court documents.

12 3. On January 29, 2001, Mr. Lyons was charged with Falsely Reporting an Emergency
13 in Superior Court for Santa Barbara County. On December 12, 2002, the misdemeanor charge
14 was dismissed by the court based upon Mr. Lyon's graduation from an alcohol program.

15 4. On February 22, 2001, Mr. Lyons was charged with Falsely Reporting an Emergency
16 and Public Intoxication (Liquor) in Superior Court for Santa Barbara County. On December 12,
17 2002, the misdemeanor charges were dismissed by the court based upon Mr. Lyon's graduation
18 from an alcohol program.

19 5. On July 29, 2003, Mr. Lyons was arrested in Santa Barbara, California for Driving
20 Under Influence Alcohol; Battery of a Police Officer/Emergency Personnel; Resist, Obstruct,
21 Delay of Peace Officer; and Hit and Run Property. On October 24, 2003, Mr. Lyons pled guilty
22 and the Superior Court, State of California for the County of Santa Barbara convicted Mr. Lyons
23 for Driving Under the Influence of Alcohol, Battery Upon an Officer and Hit and Run Property, all
24 other charges were dismissed. The court sentenced Mr. Lyons to 40 days in jail (commuted to
25 community service) and placed Mr. Lyon on three years probation.

1 6. On December 15, 2003, Mr. Lyons was charged with Annoying Telephone Calls in
2 Superior Court for Santa Barbara County. During a settlement conference on January 21, 2004,
3 the charge was dismissed and Mr. Lyons pled "no contest" to an infraction.

4 7. On December 9, 2003, Mr. Lyons successfully completed a DUI program at Zona
5 Seca DUI Department in Santa Barbara, California.

6 8. Mr. Lyons recognizes that he has an alcohol abuse problem and has agreed to
7 continue treatment.

8 **IT IS SO STIPULATED AND AGREED TO:**

9 Kendall U. Lyons
10 Kendall Uther Lyons

9-14-06
Date

11 Victoria Chamberlain
12 Victoria Chamberlain, Executive Director
13 Teacher Standards and Practices Commission
14

10-31-06
Date

15 **CONCLUSIONS OF LAW**

16 Kendall Uther Lyons' alcohol related criminal convictions and criminal conduct constitute
17 Gross Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). Criminal
18 convictions and criminal conduct, even in the absence of conviction, may be used as evidence
19 to establish an applicant's lack of fitness to serve as an educator pursuant to OAR 584-050-
20 0006. The Commission has the authority to impose discipline in this matter under ORS 342.120
21 through 342.430 and OAR Chapter 584.

22 **STIPULATED FINAL ORDER**

23 The Commission adopts and incorporates herein the above findings of facts and
24 conclusions of law, and based thereon, hereby adopts the above stipulation of facts and
25 authorizes the issuance of a Standard Teaching License to Mr. Lyons subject to all standard
26 terms and conditions.

27 Furthermore, the Commission imposes a four (4) year probation upon Mr. Lyons to
28 commence the date of issuance of said license and subject to the following special terms and
29 conditions of probation:

1 1. Mr. Lyons shall within the first six months of probation, on or before
2 February 4, 2007, provide a copy of the treatment plan and aftercare plan as prescribed by the
3 treatment provider;

4 2. Mr. Lyons shall, at his own initiative and expense, continue to obtain treatment for his
5 alcohol dependency as recommended by his alcohol treatment provider and abstain from the
6 consumption of alcohol;

7 3. During the period of his probation, Mr. Lyons shall submit to the Executive Director of
8 the Commission reports of his compliance with the aftercare treatment plan. Mr. Lyons shall
9 provide these reports every six (6) months during his probation, on or before: May 4, 2007,
10 November 4, 2007, May 4, 2008, November 4, 2008, May 4, 2009, November 4, 2009,
11 May 4, 2010, November 4, 2010, May 4, 2011, and November 4, 2011;

12 4. Mr. Lyons shall conduct himself as a law-abiding citizen;

13 5. Mr. Lyons shall report in writing within ten days to the Executive Director of the
14 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or
15 violation of criminal probation; and

16 6. Mr. Lyons shall comply with the Standards for Competent and Ethical Performance of
17 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

18 Violation of any term or condition of probation shall constitute an independent basis for
19 the Commission to revoke Mr. Lyons' teaching license or otherwise impose discipline, after first
20 providing Mr. Lyons with notice and opportunity for hearing.

21 Issued and dated this 3 day of November, 2006.

22 **TEACHER STANDARDS AND PRACTICES COMMISSION**
23 **STATE OF OREGON**

24
25 By 
26 Victoria Chamberlain, Executive Director

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