

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)	FINAL ORDER
Teaching License of:)	DENYING APPLICATION
)	
TOBY ALLEN WILLITS.)	
)	

On August 31, 2004, the Commission issued its Notice of Denial of Teaching License and Opportunity for Hearing to Mr. Willits alleging that Mr. Willits falsified his application. On September 7, 2004, Mr. Willits requested a hearing, and on January 24, 2005, Mr. Willits withdrew his request for a hearing.

Based on Mr. Willits' withdrawal of his request for hearing, the Commission finds him to be in default and enters the following order based on the records and files of the Commission in this matter.

I. STATEMENT OF ISSUE

The issue is whether the Commission has correctly denied the Educator License Form C-1 of Toby Allen Willits pursuant to OAR 584-020-0006(1), (3) & (5), OAR 584-020-0040(4)(c), OAR 584-020-0040(4)(o) and OAR 584-020-0040(5)(c).

II. FINDINGS OF FACT

1. On May 23, 2004, Toby Allen Willits submitted an application for an Educator License Form C-1 to the Commission. In this application Mr. Willits answered "no" to question (1): "Have you ever left any educational or school-related employment, voluntarily or involuntarily, while the subject of an inquiry, review or investigation of alleged misconduct or alleged violation of professional standards of conduct or when you had reason to believe such investigation was immanent?" (Educator License Form C-1 of Toby Allen Willits, dated May 23, 2004.)

2. On May 23, 2004, Toby Allen Willits submitted an application for an Educator License Form C-1 to the Commission. In this application Mr. Willits answered "no" to question (3): "Have you ever failed to complete a contract for educational services in any educational or school-related position, or for any alleged misconduct or alleged violation of professional standards of conduct been place on leave by your employer or left such employment prior to the end of the contract term?" (Educator License Form C-1 of Toby Allen Willits, dated May 23, 2004.)

3. On May 23, 2004, Toby Allen Willits submitted an application for an Educator License Form C-1 to the Commission. In this application Mr. Willits answered "no" to question (4): "Have you ever had a professional certificate, credential or license (of any kind) revoked or suspended or have you been placed on probationary status for any alleged misconduct or alleged violation of professional standards of conduct." (Educator License Form C-1 of Toby Allen Willits, dated May 23, 2004.)

4. On May 23, 2004, Toby Allen Willits submitted an application for an Educator License Form C-1 to the Commission. In this application Mr. Willits answered "no" to question (7): "Have you ever been disciplined by any public agency responsible for licensure of any kind, including but not limited to educational licensure?" (Educator License Form C-1 of Toby Allen Willits, dated May 23, 2004.)

5. On May 23, 2004, Toby Allen Willits submitted an application for an Educator License Form C-1 to the Commission. In this application Mr. Willits answered "no" to question (8): "Have you ever been convicted or been granted conditional discharge by any court for: (a) any felony; (b) misdemeanor; or (c) any major traffic violation, such as: driving under the influence of intoxicants or drugs; reckless driving; fleeing from or attempting to elude a police officer; driving while your license was suspended, revoked or used in violation of any license restriction; or failure to perform the duties of a driver or witness at an accident?" (Educator License Form C-1 of Toby Allen Willits, dated May 23, 2004.)

6. Toby Willits was employed by Apollo High School from August 1999 until May, 2002. On May 5, 2002, Toby Allen Willits resigned his employment with the Glendale Union High School District, Glendale, Arizona, as a result of an inappropriate student-teacher relationship. (Letter Jennifer Johnson, Administrator, Glendale Union High School District to Commission, dated June 30, 2004; Professional Practices Advisory Committee Findings of Fact Conclusions of Law and Recommendation, March 23, 2004; Letter Lauren Bushrow, Arizona State Board of Education to Susan Nisbet, dated August 25, 2004 (indicating that the State Board of Education accepted the recommendations of the Professional Practices Advisory Committee).)

7. On March 23, 2004, the Arizona State Board of Education revoked the teaching license of Toby Allen Willits because of an inappropriate student-teacher relationship. (Professional Practices Advisory Committee Findings of Fact Conclusions of Law and Recommendation, March 23, 2004; Arizona State Board of Education to Susan Nisbet, dated August 25, 2004 (indicating that the State Board of Education accepted the recommendations of the Professional Practices Advisory Committee).)

8. On January 23, 2002, Toby Allen Willits was convicted of the misdemeanor offense of "28--326B1 Fictitious plates" in Northwest Phoenix Justice Court, Maricopa County, State of Arizona. (Judgment in the Justice Court, Maricopa County, State of Arizona, January 23, 2002.)

9. On January 28, 1995, Toby Allen Willits was convicted of a misdemeanor offense involving a watercraft violation in Peoria Justice Court, State of Arizona. (Certified true copy of Peoria Justice Court record, August 26, 2004.)

10. Mr. Willits received the Notice of Denial of Teaching License and Opportunity for Hearing issued by the Commission on August 31, 2004, and the Notice of Contested Case Rights and Procedures. (Notice of Denial of Teaching License and Opportunity for Hearing issued by the Commission on August 31, 2004, and the Notice of Contested Case Rights and Procedures; Letter from Josephine H. Mooney to Victoria Chamberlain, dated September 7, 2004.)

III. CONCLUSIONS OF LAW

1. Toby A. Willits falsified his Educator License Form C-1 when he answered "no" to question (1) and denied having left school-related employment while the subject of an inquiry. This act constitutes gross neglect of duty in violation of OAR 584-050-0006(1) and OAR 584-020-0040(4) (c).

2. Toby A. Willits falsified his Educator License Form C-1 when he answered "no" to question (3) and denied leaving employment prior to the end of the contract term because of his inappropriate relationship with a student. This act constitutes gross neglect of duty in violation of OAR 584-050-0006(1) and OAR 584-020-0040(4) (c).

3. Toby A. Willits falsified his Educator License Form C-1 when he answered "no" to question (4) and denied that he had ever had a teaching license revoked. This act constitutes gross neglect of duty in violation of OAR 584-050-0006(1) and OAR 584-020-0040(4) (c).

4. Toby A. Willits falsified his Educator License Form C-1 when he answered "no" to question (7) and denied having been disciplined (license revocation) by the Arizona State Board of Education. This act constitutes gross neglect of duty in violation of OAR 584-050-0006(1) and OAR 584-020-0040(4) (c).

5. Mr. Willits engaged in an inappropriate student-teacher relationship with a female student at Apollo High School, Glendale Union High School District during the 2001-2002 school year. This act constitutes gross neglect of duty in violation of OAR 584-050-0006(5) and OAR 584-020-0040(4)(o).

6. Toby A. Willits falsified his application when he denied being convicted of the misdemeanor offense of "28—326B1 fictitious plates" in Northwest Phoenix Justice Court, Maricopa County, State of Arizona. This act constitutes gross neglect of duty and gross unfitness in violation of OAR 584-050-0006(1), OAR 584-020-0040(4) (c) and OAR 584-020-0040(5)(c).

7. Toby A. Willits falsified his application when he denied being convicted of a misdemeanor watercraft offense in Peoria Justice Court, State of Arizona. This act

constitutes gross neglect of duty and gross unfitness in violation of OAR 584-050-0006(1), OAR 584-020-0040(4)(c) and OAR 584-020-0040(5)(c).

IV. ORDER

The Educator License application for Toby Allen Willits dated May 23, 2004 is hereby DENIED.

DATED this 9 day of August, 2005.



Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

Notice: 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.