1 2 3		BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	Educa	Matter of the ) DEFAULT ORDER OF ator License of ) REVOCATION AND REVOCATION OF RIGHT TO APPLY
8		On September 17, 2015, the Teacher Standards and Practices Commission
9	(Com	mission) issued a Notice of Opportunity for Hearing to Timothy Walter Frey (Frey)
10	in wh	ich the Commission charged him with Gross Neglect of Duty and Gross Unfitness.
11	The N	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640
12	0004	7539 9794 to the address on file with the Commission. The Notice designated the
13	Comn	mission file as the record for purposes of proving a prima facie case. The Certified
14	Mail v	was not returned signed to the Commission, and the regular first class mail was not
15	returi	ned to the Commission. The Notice of Opportunity of Hearing, dated September 17,
16	2015,	and signed by Victoria Chamberlain, Executive Director, stated:
17 18 19 20 21 22 23 24 25		"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."
26	Frey	did not request a hearing. The Commission, therefore, finds Frey to be in default
27	and e	enters the following findings of fact, conclusions of law, and final order, based on
28	the fil	les and records of the Commission concerning this matter.
29		FINDINGS OF FACT
30	1. Ti	mothy Walter Frey has been licensed by the Commission since August 3, 2011.
31	Fr	rey's Initial I Teaching License, with an endorsement in Health Education (HS) and
32	Ph	nysical Education (ML/HS, ECE/ELE L), was valid from August 3, 2011, through July
33	16	5, 2015. On August 17, 2015, Frey surrendered his teaching license in writing and
34	di	d not make timely application for renewal. During all relevant times, Frey was
35	en	nployed as a substitute teacher for the Pendleton School District.
36	<b>2.</b> O	n or about April 9, 2015, Frey was charged on eight counts of Sexual Abuse in the
37	Se	econd Degree. On July 23, 2015, Frey pled guilty to and was subsequently convicted

1	in the Umatilla County Circuit Court of three counts of Sex Abuse in the Second
2	Degree, ORS 163.425, a class C felony. Frey was sentenced to 60 months of
3	probation. Frey was further required to undergo sex offender evaluation and
4	treatment and to register as a sex offender. Frey was also required to surrender his
5	teaching license. Frey surrendered his teaching license to the Commission by written
6	letter dated August 17, 2015, and it was received on August 26, 2015.
7	3. Frey's convictions arose from allegations that included Frey had engaged in sexual
8	relations with a minor aged, female student. Frey's conduct included that on or about
9	March 13, 2015, Frey engaged in oral sex, and sexual intercourse, five times over a
10	period of three weeks, with a 17 year old student.
11	CONCLUSIONS OF LAW
12	Frey's convictions constitutes gross neglect of duty in violation of ORS
13	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
14	professional judgment); OAR 584-020-0040(1)(n) (ORS 163.425 – Sex Abuse in the
15	Second Degree). This conduct also constitutes gross unfitness in violation of ORS
16	342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or
17	local law. A conviction includes any final judgment of conviction by a court whether as
18	the result of guilty plea, no contest plea or any other means); OAR 584-020-
19	0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1); and OAR 584-020-
20	0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in
21	the absence of a conviction).
22	Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
23	and Practices Commission must revoke your license and your right to apply for a license
24	based on your conviction of any of the crimes listed in ORS 342.143(3)(a), or the
25	substantial equivalent of any of those crimes.
26	Furthermore, the conduct underlying Frey's convictions constitutes gross neglect
27	of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
28	OAR 584-020-0010(5) ( <i>Use professional judgment</i> ); OAR 584-020-0040(4)(k)(
29	Violation of any rule or order of the Commission); OAR 584-020-0040(4)(f) (Any
30	sexual conduct with a student) as defined by OAR 584-020-0005(5); OAR 584-020-

0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(A) (Not demonstrating or

31

1	expressing professionally inappropriate interest in a student's personal life), OAR 584-	
2	020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct	
3	and conversations at all times); and OAR 584-020-0035(3)(a)(Maintain the dignity of	
4	the profession by respecting and obeying the law, exemplifying personal integrity and	
5	honesty). Additionally, your conviction and conduct related to your conviction	
6	constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)	
7	and (d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which	
8	renders an educator unqualified to perform his or her professional responsibilities").	
9		
10	The Commission's authority to impose discipline in this matter is based upon ORS	
11	342.175.	
12	FINAL ORDER	
13	The Commission hereby revokes Timothy Walter Frey's teaching license and his	
14	right to apply for licensure.	
15	IT IS SO ORDERED THIS day of November, 2015.	
16	TEACHER STANDARDS AND PRACTICES COMMISSION	
17		
18		
	By: Tutoria Kamberlain	
19	By: Victoria Chamberlain, Executive Director	
20 21	Victoria Chamberlain, Executive Director	
22		
23		
24	NOTICE OF APPEAL OR RIGHTS	
25 26	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY	
27	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE	
28	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF	
29	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:

Timothy Walter Frey 12054 Brick Rd SE Turner, OR 97392-9215

Dated this \_\_\_\_\_\_day of November, 2015.

Patty Liddell

Investigative Assistant