1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON			
4 5 6 7 8		the Matter of the Educator License of ) DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE		
9		On December 21, 2012, the Teacher Standards and Practices Commission (Commission)		
10	iss	ued a Notice of Opportunity for Hearing to Angelo Victor Mercure (Mercure) in which the		
11	Co	mmission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail		
12	an	d U.S. Certified Mail Receipt 7011 2000 0001 1292 0066 to the address on file with the		
13	Co	mmission. The Notice designated the Commission file as the record for purposes of proving a		
14	pri	ma facie case. The Certified Mail receipt was returned, marked "undeliverable unable to forward'		
15	on	December 26, 2012. The regular mail was also returned to the Commission. Extensive checks for		
16	ne	w or alternate addresses revealed no known alternate address. The Notice of Opportunity of		
17	He	aring, dated December 21, 2012, and signed by Victoria Chamberlain, Executive Director, stated:		
18 19 20 21 22 23 24 25	Me	"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		ters the following findings of fact, conclusions of law, and final order, based on the files and		
27		ords of the Commission concerning this matter.		
28		FINDINGS OF FACT		
29	1.	Angelo Victor Mercure has been licensed by the Commission since April 18, 2011. Mercure's		
30		Initial Teaching License, with an endorsement in Language Arts (HS), was issued April 18, 2011,		
31		and expired on October 18, 2012. On October 21, 2011, Mercure contacted Commission		
32		investigators advising he wished to voluntarily surrender his teaching license prior to the		
33		completion of the Commission's investigation. During all relevant times, Mercure was on the		
34		substitute teacher list for the Sweet Home School District, but according to district record, was		
35		never employed to teach any classes, and Mercure were removed from the substitute teacher list		
36		on or about September 22, 2011.		
37	2.	On September 22, 2011, the Commission was notified by the Sweet Home School District that		
38		Mercure hosted an explicit, pornographic website. Commission Investigators conducted an		
39		investigation and verified the website in question. The Commission found Mercure's website		

1	"IronBamboo.com" to contain sexually explicit photographs. Mercure's website was open to the
2	public and contained numerous references to his name and related copyrights. A "Google"
3	internet search of Mercure's name quickly provided a direct link to Mercure's Iron Bamboo site,
4	making potential student access and exposure virtually inevitable. During the course of the
5	investigation, Mercure informed the Commission Investigator that he elected to waive any
6	interviews and expressed the desire to surrender his teaching license. On October 21, 2011, the
7	Commission received a letter from Mercure with his surrendered teaching license attached.
8	CONCLUSIONS OF LAW
9	Mercure's conduct described above establishes that Mercure does not possess good moral
10	character or mental and physical fitness as required to hold a license under ORS 342.143(2). This
11	conduct also constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
12	0040(2) (An applicant fails to meet the requirement of ORS 342.143 "good moral character" if the
13	applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or
14	other acts which are in violation of sections (1) and (3) of this rule); OAR 584-020-0040(4)(n) as it
15	incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0010(1)
16	(Recognize the worth and dignity of all persons and respect for each individual).
17	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
18	FINAL ORDER
19	The Commission hereby revokes Angelo Victor Mercure's right to apply for an Educator
20	licensure.
21	IT IS SO ORDERED THIS 2/ st day of June, 2013.
22	TEACHER STANDARDS AND PRACTICES COMMISSION
	Tatorta Chamberlain
23	By: Victoria Chamberlain, Executive Director
24 25	Victoria Chamberiam, Executive Director
26 27	NOTICE OF APPEAL OR RIGHTS
28 29	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
30	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
31	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:

Angelo Victor Mercure PO Box 792 Sweet Home, OR 97386-0792

Dated this  $\frac{2l^{M}}{}$  day of June, 2013.

Patty Liddell

**Investigative Assistant** 

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Dated this  $\frac{2l^{M}}{}$  day of June, 2013.

Patty Liddell

**Investigative Assistant**