BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 3 4 5 6 7 OF THE STATE OF OREGON In the Matter of the Educator License of DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY FOR AN KIMBERLY DAWN DURHAM)) **EDUCATOR LICENSE** 8 9 On December 20, 2012, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Kimberly Dawn Durham (Durham) in which the 10 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail 11 12 and U.S. Certified Mail Receipt 7011 2000 0001 1292 0042 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a 13 prima facie case. The Certified Mail receipt was returned, signed to the Commission on December 14 24, 2012. The regular mail was not returned to the Commission. The Notice of Opportunity of 15 Hearing, dated December 20, 2012, and signed by Victoria Chamberlain, Executive Director, stated: 16 "IF A REOUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 17 18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF 19 20 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 21 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." 22 23 Durham did not request a hearing. The Commission, therefore, finds Durham to be in default and 24 enters the following findings of fact, conclusions of law, and final order, based on the files and 25 26 records of the Commission concerning this matter. 27 FINDINGS OF FACT Kimberly Dawn Durham has never been licensed by the Commission. On June 16, 2012, the 28 Commission received Durham's application for her Student Teaching / Practicum. Durham's 29 application was referred to investigations based on information disclosed during the application 30 31 process. 2. The investigation determined that on August 17, 2011, Durham was convicted of "Maintenance of 32 Location for Unlawful Activities" in the Superior Court of Riverside California. Durham 33 explained, as part of her application, that this conviction was due to Durham's husband 34 operating a meth lab out of their home. Durham stated she was not involved, but due to living in 35 the house, Durham was convicted of a lesser crime. As a result of Durham's conviction, she was 36 37 sentenced to 360 hours of community service and formal probation for 36 months. Durham's statements to the Commission investigator were determined to be inconsistent with statements 38

Durham had previously provided police, and official police reports regarding the incident.

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1	CONCLUSIONS OF LAW
2	Durham's conduct and convictions constitutes gross neglect of duty in violation of ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
4	judgment); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the
5	dignity of the profession by respecting and obeying the law, exemplifying personal integrity and
6	honesty); and OAR 584-020-0040(3)(a) (The Commission may initiate proceedings to suspend or
7	revoke the license or registration of an educator under ORS 342.175 or deny a license or
8	registration to an applicant under 342.143 who: Has been convicted of a crime not listed in section
9	(1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for
10	which the educator was convicted render the educator unfit to hold a license). This conduct also
11	establishes that you do not possess good moral character required to hold a license under ORS
12	342.143(2).
13	
14	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
15	FINAL ORDER
16	The Commission hereby revokes Kimberly Dawn Durham's Right to Apply for an Educator
17	license.
18	IT IS SO ORDERED THIS day of June, 2013.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20 21 22	By: Victoria Chamberlain, Executive Director
22 23 24 25 26 27 28	NOTICE OF APPEAL OR RIGHTS
	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.

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:

Kimberly Dawn Durham 4306 NE 41st Ave Portland, Oregon 97211-8246

Dated this _____Q/\ldots day of June, 2013.

Patty viddell

Investigative Assistant