1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the ) Teaching License of ) DEFAULT ORDER OF CAROLYN SUE BARNES ) LICENSE REVOCATION
8	On December 24, 2007, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Carolyn Sue Barnes (Barnes) in
10	which the Commission charged her with misconduct under ORS 342.175. The Notice was sent
11	via U.S. First Class Mail and U.S. Certified Mail Receipt 7005 0810 0001 4602 4191 to the
12	address Ms. Barnes provided to the Commission. The certified mail receipt was signed by
13	Eleanor Barnes and returned to the Commission on December 28, 2007. The Notice of
14	Opportunity of Hearing, dated December 24, 2007, and signed by Victoria Chamberlain,
15	Executive Director, stated:
16 17 18 19 20 21	"You, Carolyn Sue Barnes, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."
22	Ms. Barnes did not request a hearing. The Commission, therefore, finds
23	Ms. Barnes to be in default and enters the following findings of fact, conclusions of law
24	and order, based on the files and records of the Commission concerning this matter.
25	FINDINGS OF FACT
26	1. The Commission issued a Basic Teaching License to Ms. Barnes on February 7,
27	2007, valid until March 15, 2010, with Administrative Services and Standard General Business
28	Endorsements and a Substitute Teaching License on March 15, 2006, valid until March 15,
29	2009, with a Substitute Any Specialty Endorsement.
30	2. On or about February 6, 2007, Ms. Barnes reported for substitute teaching duty at
31	Foster Elementary School at approximately 10:45 a.m. While there, Ms. Barnes became
32	agitated when she learned the substitution assignment was for a cafeteria worker. Ms. Barnes

- appeared to be incapacitated, unsteady on her feet, and slurred her speech. School staff smelled alcohol on Ms. Barnes breath while she was at the school. As Ms. Barnes went to leave the school, she bumped into a side mirror of a pick up in the parking lot and appeared unsteady. The school principal reported Ms. Barnes conduct to the Sweet Home Police department. By Ms. Barnes conduct described above, she appeared for duty while under the influence of alcohol or a controlled substance, in violation of OAR 584-020-0040(4)(g).
  - 3. On or about March 15, 2007, Ms. Barnes was convicted for Driving Under the Influence of Intoxicants in the Municipal Court of Sweet Home. The conviction resulted from Ms. Barnes conduct immediately after leaving Foster Elementary as described in paragraph 1. A police officer responding to the school principal's call witnessed Ms. Barnes driving erratically from the Foster Elementary School parking lot for several blocks. After being arrested and cited, Ms. Barnes registered a 0.12% blood alcohol content at approximately 12:20 p.m. Ms. Barnes conviction under the specific circumstances constitutes gross unfitness in violation of OAR 584-020-0040(5)(c). (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means).
  - 4. During the course of the investigation Ms. Barnes was untruthful to TSPC investigators in her responses to questions concerning these events. Ms. Barnes responses to questions regarding the above incidents were contrary to what was contained in the police reports and reports from school personnel. By misrepresenting the nature and extent of the incidents above, Ms. Barnes engaged in gross neglect of duty in violation of OAR 584-020-0040(4)(c).

**CONCLUSIONS OF LAW** 

Carolyn Sue Barnes' appearance for duty under the influence of alcohol constitutes

Gross Neglect of Duty in violation of OAR 584-020-0040(4)(g). Ms. Barnes' conviction for DUII

1 constitutes Gross Unfitness in violation of OAR 584-020-0040(5)(c). Ms. Barnes' 2 misrepresentation of the nature and extent of the incidents above constitutes Gross Neglect of 3 Duty in violation of OAR 584-020-0040(4)(c). The Commission's authority to impose discipline 4 in this matter is based on ORS 342.177. **FINAL ORDER** 5 The Commission adopts and incorporates herein the above findings of facts and 6 7 conclusions of law, and based thereon, hereby revokes the Basic Teaching License and 8 Substitute Teaching License issued to Carolyn Sue Barnes. Issued and dated this // day of February, 2008. 9 10 TEACHER STANDARDS AND PRACTICES COMMISSION 11 12 13 14 15 NOTICE OF APPEAL OR RIGHTS 16 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE 17 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE 18 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 19 183.482 TO THE OREGON COURT OF APPEALS. 20

1	CERTIFICATE OF MAILING
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3	I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4	as such by U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed
5	to:
6	
7	Carolyn Sue Barnes
8	810 Elm Street
9	Sweet Home OR 97386-3424
10	5 Uth
11	Dated thisday of March, 2008.
12	
13	A = A = A = A = A = A = A = A = A = A =
14	
15	By: / leboll Transon
16	Melody Hanson, Executive Assistant