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2 BEFORE THE  
3 TEACHER STANDARDS AND PRACTICES COMMISSION  
4 STATE OF OREGON  
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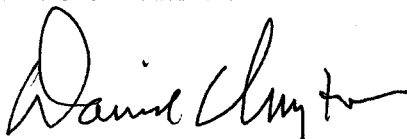
6 In the Matter of the )  
7 Teaching License of ) ORDER OF REVOCATION  
8 RICHARD ALAN MENDES )  
9 )

10  
11  
12 FINAL ORDER  
13

14 By resolution dated November 18-19, 1999, the Teacher Standards and  
15 Practices Commission adopts the attached proposed order to revoke the Oregon  
16 Teaching License of Richard Alan Mendes for gross neglect of duty.

17  
18 DATED THIS 22<sup>nd</sup> day of November, 1999.

19  
20 TEACHER STANDARDS AND PRACTICES COMMISSION

21  
22  
23 By   
24 \_\_\_\_\_  
25 David V. Myton, Executive Director  
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27 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.  
28 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW  
29 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW  
30 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON  
31 COURT OF APPEALS.  
32  
33

- 1 5. Facilities Rental and Use Agreement and Subject Judgments.
- 2 6. Letter from Dr. I. Nickolai to Mr. Richard Mendes.
- 3 7. Letter from Dr. David Myton to Mr. Richard Mendes, dated May 23, 1994.
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#### 5 **MENDES EXHIBITS**

- 6 E-1. January 22, 1999 Letter from Barbara Latteer.
- 7 E-2. 1999 Classroom Observation Guide.
- 8 E-3. Certificated Employee Information Sheet, dated May 3, 1999.
- 9 E-4. Certificated Employee Information Sheet, dated May 3, 1999.
- 10 E-5. January 27, 1998 Letter from Allison McCoy.
- 11 E-6. April 5, 1997 Memo from Dorence Cote.
- 12 E-7. Warrenton-Hammond School District Teacher Evaluation, dated December 16, 1996.
- 13 E-8. Warrenton-Hammond School District Teacher Evaluation, dated March 9, 1997.
- 14 E-9. Letter of May 28, 1993, from Jim Moyer, North Bend High School.
- 15 E-10. Teacher Evaluation from North Bend High School, dated June 2, 1993.
- 16 E-11. Evaluative Statement, from Career Development Center, Seattle Pacific University,  
17 dated May 21, 1992.
- 18 E-12. Professional Performance Report, from Vancouver School District #37, dated May 1992.
- 19 E-13. Professional Performance Report, from Vancouver School District #37, dated May 1991.
- 20 E-14. Professional Performance Report, from Vancouver School District #37, dated May 1990.
- 21 E-15. Evaluative Statement, from Career Planning and Placement, Seattle Pacific University,  
22 dated February 1990.
- 23 E-16. Professional Performance Report, from Vancouver School District #37, dated  
24 December 1989.
- 25 E-17. Evaluative Statement, from Career Planning and Placement, Seattle Pacific University,  
26 dated April 24, 1987.

- 1 E-19. Letter from Barbara Diamond, dated April 21, 1993.
- 2 E-20. Letter from Barbara Diamond, dated May 14, 1993.
- 3 E-21. Settlement Agreement, dated May 1993.
- 4 E-22. Letter from Jim Moyer, North Bend High School, dated May 28, 1993.
- 5 E-23. Warrenton Police Department Narrative, dated January 10, 1997.
- 6 E-24. Affidavit of John Ogren.
- 7 E-25. School Records of Justin Puckett.
- 8 E-26. Fact-Finding Report, dated February 25, 1998.
- 9 E-27. Affidavit of Chuck Rodgers.
- 10 E-28. Affidavit of Daryll Antisdell.
- 11 E-29. Summons/Complaint for Rental Fee, Case #230001, filed July 29, 1992.
- 12 E-30. His League Sports Page, (undated).
- 13 E-31. Testimony of Catherine Gach, Principal-Warrenton High School.

#### 14 **RULINGS**

15 Counsel for Mendes made several objections to the testimony of witnesses on the  
16 grounds of relevance. The panel makes the following rulings as to those objections. The  
17 testimony of Robert Schlegel, Principal of Forest Grove High School, regarding the incident with  
18 his brother and Mendes at a basketball game was not considered by the panel. The testimony of  
19 James Cournoyer, former Dean of Academics at Mount Bachelor Academy, was not considered  
20 in any manner in the panel's decision. The testimony of Robert Bridgens, a parent and volunteer  
21 for the Warrenton High School basketball team, was not germane to the specific charges and was  
22 not included in the deliberations of the panel.

23 The panel finds Mendes' answers on Teacher Standards and Practices Commission Form  
24 C-1, dated August 24, 1993 and September 2, 1995, did not constitute misrepresentation within  
25 the meaning of OAR 584-020-0040(4)(c). It finds Mendes' answers on the Statewide Teacher  
26 Application Form, dated May 14, 1996, do constitute misrepresentation within the meaning of

1 OAR 584-020-0040(4)(c). It finds Mendes' actions as to the student at Warrenton-Hammond  
2 violate ORS 339.250 and OAR 584-020-0040(4)(d). It finds Mendes' actions as to his fellow  
3 coach at Warrenton-Hammond violate OAR 580-020-0040(4)(d). It concludes Mendes' actions  
4 pertaining to the Vancouver School District gym rental do not violate OAR 584-020-0040(5)(d).

5 **FINDINGS OF FACT**

6 1. Mendes holds a Basic Teaching License endorsed for Basic Social Studies 020  
7 and Basic Mathematics 018 and 032 and valid from January 3, 1996.

8 2. During the 1992-93 school year, Mendes was a probationary employee of North  
9 Bend High School. On April 5, 1993, Mendes was served with a Notice of Non-renewal for this  
10 position. The notification occurred after a then state mandated notification date of April 1.

11 3. A settlement agreement with North Bend School District dated May 27, 1993,  
12 allowed Mendes to resign and declared the non-renewal null and void.

13 4. On August 24, 1993, Mendes signed and submitted a Teacher Standards and  
14 Practices Commission form C-1, and answered "no" to Question D.1 which asked: "Have you  
15 ever been released or have you ever resigned from any educational position because of  
16 misconduct or unsatisfactory service?"

17 5. During the 1993-94 school year, Mendes was a probationary employee at Forest  
18 Grove High School. In mid-March 1994, Mendes was verbally notified by his principal that his  
19 contract would not be renewed. On March 30, 1994, Mendes personally received a written copy  
20 of the notice. On March 31, 1994, Mendes received a second copy in his school mailbox.  
21 Testimony from Mendes and the Principal confirmed that Mendes was given notice of non-  
22 renewal. Due to Mendes' refusal to physically accept the non-renewal, demonstrated by his  
23 throwing the notice to the floor, the school district fired him on April 4, 1994. Testimony  
24 confirmed Mendes knew that he had been given a notice of non-renewal.

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1           6.       On September 2, 1995, Mendes completed Teacher Standards and Practices  
2 Commission Application form C-1, and answered "yes" to Question D.1 which stated, "Have  
3 you ever been released or have you ever resigned from any education position or school related  
4 employment because of a claim that you engaged in misconduct or unsatisfactory service?" He  
5 provided information from the decision of the Employment Appeals Board pertaining to his  
6 departure from Forest Grove and provided no information regarding his resignation at North  
7 Bend.

8           7.       On May 14, 1996, Mendes signed and submitted an Oregon Statewide Teacher  
9 Application form to the Warrenton-Hammond School District and answered "no" to the personal  
10 history question, "Have you ever been dismissed from a teaching position?"

11          8.       On May 14, 1996, Mendes signed and submitted an Oregon Statewide Teacher  
12 Application form to the Warrenton-Hammond School District and answered "no" to the personal  
13 history question, "Have you ever been refused continuing employment as a teacher?"

14          9.       At the time of his May 14, 1996 application to Warrenton-Hammond, Mendes  
15 knew that he had been refused continuing employment and subsequently dismissed by the Forest  
16 Grove School District.

17          10.      On Friday, January 10, 1997, Mendes confronted a male high school student in  
18 the gym or locker room at a Warrenton High School basketball game. In the course of the  
19 confrontation, Mr. Mendes made aggressive physical contact with the student by either shoving  
20 him or pinning him against a brick wall. Under the circumstances taken as a whole, the physical  
21 force used was unreasonable and not necessary. Mendes demonstrated no remorse for the  
22 unreasonable physical contact with the student in question either at the time, in a letter of  
23 purported apology or at the hearing.

24          11.      On January 23, 1998, Mendes assaulted the Warrenton High School girl's head  
25 basketball coach on the bus in the parking lot of the Oregon Episcopal School in the presence of  
26 students and staff by grabbing the coach by the shirt collar and pulling him over the front rail in

1 front of the front seat of the bus and shoving him back, causing him to lose his glasses and fall to  
2 the floor. It was necessary for other school employees to physically restrain Mendes from  
3 continuing the altercation. Mendes demonstrated no remorse for the incident at the time or at the  
4 hearing.

5 12. On April 13, 1992, Mendes signed two school facility rental and use agreements  
6 for the use of Hudson Bay and Fort Vancouver high school's gymnasiums for basketball games.  
7 He received a discounted rate based on church affiliation. The church affiliation, while not  
8 correctly stated on the forms, was authentic.

### 9 CONCLUSION OF LAW

10 Mendes' response to Teacher Standards and Practices Commission application C-1 of  
11 August 24, 1993, does not violate OAR 584-020-0040(4)(c). Likewise, Mendes' answering  
12 "yes" to character question D.1 on TSPC application C-1 dated September 2, 1995, does not  
13 violate OAR 584-020-0040(4)(c).

14 Mendes' response to the personal history question, "Have you ever been dismissed from  
15 a teaching position?" on an Oregon Statewide Teacher application form on May 14, 1996, to the  
16 Warrenton-Hammond School District constituted a misrepresentation in violation of OAR 584-  
17 020-0040(4)(c).

18 Mendes' response to the personal history question, "Have you ever been refused  
19 continuing employment as a teacher?" on an Oregon Statewide Teacher application form to the  
20 Warrenton-Hammond School District on May 14, 1996, constituted a misrepresentation in  
21 violation of OAR 584-020-0040(4)(c).

22 In the Friday, January 10, 1997 incident between Mendes and the male high school  
23 student, Mendes used unreasonable physical force against the student within the meaning of and  
24 in violation of ORS 339.250 and OAR 584-020-0040(4)(d).

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1 In the January 23, 1998 incident between Mendes and the Head Girl's Varsity Basketball  
2 coach, Mendes used unreasonable physical force against a fellow employee within the meaning  
3 of and in violation of OAR 584-020-0040(4)(d).

4 Mendes' actions pertaining to the school facilities rental and use agreements do not  
5 violate OAR 584-020-0040(5)(b).

6 **OPINION**

7 It is plausible to accept Mendes' answer of "no" to Question D.1 on his TSPC application  
8 form C-1 of August 24, 1993, as his understanding, based on the circumstances of his leaving  
9 North Bend School District and the form of the question.

10 Mendes used the Employment Appeals Board decision to explain his departure from  
11 Forest Grove High School on his September 2, 1995 TSPC Application Form C-1. It was the  
12 opinion of the panel that he used the EAB opinion to obscure the circumstances of his  
13 termination but did not make an outright misrepresentation as to the question as asked.

14 Mendes' response to questions on the Oregon Statewide Teacher Application Form he  
15 submitted to Warrenton-Hammond regarding dismissal from a teaching position and refusal of  
16 continuing employment are clear misrepresentations. The rule requires truthfulness on all  
17 documents related to employment. Much was made at the hearing of the fact that the Warrenton-  
18 Hammond School District was aware of the misrepresentation before hiring Mendes.<sup>1</sup> Such  
19 awareness does not ameliorate the misrepresentation of facts on the application form nor excuse  
20 in any way his choice to lie on those forms.

21 Although there was conflicting testimony as to exactly what happened between Mendes  
22 and the male high school student, the panel was persuaded by the evidence that more force was  
23 used than was necessary in the totality of the circumstances. It is the panel's opinion that  
24 Mendes' purported letter of apology to the student, (TSPC Exhibit 4) conveyed instead a callous  
25 disregard for the student involved.

26 \_\_\_\_\_  
<sup>1</sup> The District initially became aware of the misrepresentation through the process of checking references, not through any action of Mendes.



1 As to Mendes' conduct in relation to the physical violence with the Warrenton High  
2 School girl's basketball head coach, Mendes did not deny that he had grabbed the coach by the  
3 shirt collar. Nor did he demonstrate any convincing remorse. Although Mendes testified that it  
4 was wrong to physically grab the coach, he also testified that it was permissible to raise his fists  
5 in a threatening manner. The panel is convinced Mendes does not understand or accept  
6 responsibility for the impact of his aggressive behavior on others.

7 In summary, Mendes has demonstrated gross neglect of duty, both by material inattention  
8 to and breach of his professional responsibilities in two acts of knowing falsification of  
9 documents, one act of using unreasonable physical force against a student and one act of using  
10 unreasonable physical force against a fellow employee.

#### 11 **SANCTIONS**

12 Factors for imposing disciplinary sanctions are set out in OAR 584-020-0045.

13 The panel finds that Mendes' behavior is part of a continuing pattern. OAR 584-020-  
14 0045(1). Although Mendes' statement on his TSPC Form C-1 does not rise to the level of  
15 misrepresentation, it shows his tendency to manipulate the Employment Department findings to  
16 obscure his contract non-renewals and termination. He testified that his strategy was to  
17 misrepresent information on his employment application when seeking positions so he could get  
18 his second interview. Mendes even submitted evidence of treatment in anger management to the  
19 panel which he subsequently testified that he did not complete because he lost his job and moved  
20 away. Mendes continually misrepresents facts and then attempts to justify or rationalize those  
21 misrepresentations to others.

22 The panel finds Mendes' behavior indicates a likelihood of recurrence. OAR 584-020-  
23 0045(2). Mendes testified that the threat of physical force is a suitable way to communicate. His  
24 failure to complete anger management treatment and his demeanor at the hearing suggest  
25 aggressive behavior will continue.

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1 The panel finds Mendes' behavior is consistent in its demonstration of a fundamental  
2 lack of or unwillingness to use communication skills as evidenced by past performance. OAR  
3 584-020-0045(3). He testified that during his assault on the coach he repeated to himself that he  
4 should not hit the coach, but that it was acceptable to frighten or scare him. This thinking is not  
5 consistent with the use of normal communication skills.

6 The panel finds Mendes' behavior poses a very real threat of danger to students and other  
7 educators. The first demonstration of his violence was at Forest Grove High School when he  
8 threw his notice of non-renewal to the ground. It escalated to physical violence against the  
9 student at Warrenton-Hammond in 1997. The degree and quality of his physical violence  
10 escalated further in his actions against his fellow coach in 1998. OAR 584-020-0045(4). The  
11 panel finds Mendes' behavior demonstrates volatility with progressive severity of behavior,  
12 which is exacerbated by his coaching but not caused by it and which is unpredictable at best.

13 The panel finds that the misconduct was open and notorious. OAR 584-020-0045(5).  
14 The acts of violence against both the student and the coach took place in public settings with  
15 many witnesses. The conduct on the school bus in the presence of a busload of children was  
16 particularly egregious.

17 The panel also believes the evidence demonstrated that as to the incidents involving the  
18 student and the coach, Mendes' state of mind at the time of the misconduct and afterwards  
19 demonstrated his unwillingness to accept responsibility for his behavior. OAR 584-020-0045(6).  
20 Although Mendes expressed some type of remorse for both incidents, the panel feels that  
21 Mendes is not only unaware of the effect of his aggressive actions on other people but  
22 consistently rationalizes his behavior in such a way to excuse his conduct. Specifically, his letter  
23 to the high school student and his testimony before the panel reveal an inability to control his  
24 anger and a lack of concern for learning to control it in the future.

25 The panel finds that there is a very real danger that students will imitate this educator's  
26 behavior. OAR 584-020-0045(7). There was testimony that Mendes was a well-liked teacher,

1 which lends particular weight to his obligation to be an exemplary model. Student witnesses for  
2 Mendes gave excuses for his behavior rather than condemning it.

3 There is evidence that Mendes is currently teaching middle schoolers in California.  
4 OAR 584-020-0045(8). Such students could not recognize the character of his behavior because  
5 of their age. There was evidence that Mendes bonds particularly well with children who are at  
6 risk and students who are developing adult attitudes. Even though the panel recognizes that the  
7 coaching environment at Warrenton was politically charged with the previous coach being  
8 released from his position, Mendes' behavior was reprehensible. As a secondary level teacher  
9 and coach there is a danger that the students will imitate Mendes' behavior or use it as a model.  
10 Specifically, his attitude could be readily adopted by students, creating a violent school setting.

11 Mendes' unwillingness or inability to acknowledge his culpability in situations of conflict  
12 also weighed in the panel's evaluation of appropriate sanctions. OAR 584-020-0045(9). This  
13 was demonstrated in his behavior and his testimony in the matters involving the student and the  
14 coach, as outlined above. Another example is his ignoring an outstanding judgment against him  
15 in Washington State. The confusion arising out of Mendes' interactions with the school district  
16 might have been unintentional. However, his failure to square their disagreement with him  
17 demonstrates an unwillingness to accept responsibility for the basketball league for which he was  
18 accountable.

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1 **ORDER**

2 The Commission revokes the Oregon Teaching License of Richard Alan Mendes from  
3 the date of this order as provided under OAR 584-50-0025.

4 Under ORS 342.175(3), any person whose license has been revoked may apply to the  
5 Commission for reinstatement after one year from the date of revocation. If Mendes should  
6 apply for reinstatement at some future date, the decision would lie within the discretion of the  
7 Commissioners who consider the matter at that time. Without limiting the discretion of future  
8 Commissioners, it is expected that Mendes would demonstrate, at a minimum, the following:

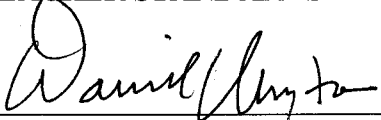
9 1. Documentation of successful long-term treatment for anger management under a  
10 licensed psychologist or psychiatrist. The treating psychologist or psychiatrist must be willing to  
11 sign and attest that the treatment has been successful as reflected by measurable results in  
12 psychological testing, e.g. an MMPI;

13 2. Compliance with OAR 584-020-0035(3)(a) and (b). In particular, Mendes  
14 must demonstrate that he accepts responsibility for his behavior, cease his lies by omission  
15 and conduct himself as a law abiding citizen throughout the period of revocation; and

16 3. An ability to manage his anger and accept responsibility for his behavior. In  
17 particular, Mendes must demonstrate that he recognizes the impact of his behavior on his  
18 victim and others.

19 DATED this 22<sup>nd</sup> day of November 1999.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

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22 \_\_\_\_\_  
23 David V. Myton, Executive Director