

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

3
4 In the Matter of the) DEFAULT ORDER REVOKING
5 Teaching License of) RIGHT TO APPLY FOR LICENSURE
6 ORVAL RAY MIKESELL)
7

8 On March 18, 2005, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Orval Ray Mikesell (Mikesell) in which the
10 Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.
11 First Class Mail and U.S. Certified Mail Receipt 7004 2510 0002 6790 9857 to the address that
12 Mr. Mikesell provided to the Commission. The U.S. Certified Mail Receipt was signed by Ryan
13 Brophy and returned to the Commission on March 24, 2005. The Notice of Opportunity of
14 Hearing, dated March 18, 2005, and signed by Victoria Chamberlain, Executive Director, stated:

15 "You, Orval Ray Mikesell, are entitled to a hearing on the proposed action of the
16 Commission. If you want a hearing, you must file a written request for a hearing
17 with the Commission within 21 days of the date of this notice. Attached to this
18 notice is a copy of the procedures, right of representation and other rights of
19 parties relating to the conduct of a hearing as required under ORS 183.413(2)."
20

21 Mr. Mikesell did not request a hearing. The Commission, therefore, finds
22 Mr. Mikesell to be in default and enters the following findings of fact, conclusions of law
23 and order, based on the files and records of the Commission concerning this matter.

24 **FINDINGS OF FACT**

25 1. Mr. Mikesell held a Transitional School Psychologist License restricted to Northwest
26 Regional ESD with an endorsement in School Psychologist, issued October 8, 2003. Said
27 license expired on August 30, 2004.

28 2. Mr. Mikesell was employed by Northwest Regional ESD from January 18, 2000,
29 through November 22, 2004.

30 3. During the months of September and October 2004, Mr. Mikesell made repeated
31 unwelcome sexual advances toward Lisa Bates, a co-worker at Northwest Regional ESD.

1 4. From January 18, 2000, until May 18, 2000, Mr. Mikesell served on contract as a
2 School Psychologist at Northwest Regional ESD without a license.

3 5. From August 18, 2003, until October 8, 2003, Mr. Mikesell served on contract as a
4 School Psychologist at Northwest Regional ESD without a license.

5 6. From October 8, 2004 through November 22, 2004, Mr. Mikesell served on contract
6 as a School Psychologist at Northwest Regional ESD without a license.

7 **CONCLUSIONS OF LAW**

8 Orval Ray Mikesell's repeated unwelcome sexual advances toward a co-worker
9 constitutes Sexual Harassment in violation of OAR 584-020-0040(4)(l). Mr. Mikesell served on
10 contract without proper licensure in violation of OAR 584-020-0040(4)(c) and OAR 584-020-
11 0035(2)(a). This misconduct constitutes Gross Neglect of Duty. The Commission's authority to
12 impose discipline in this matter is based upon ORS 342.175.

13 **ORDER**

14 The Commission hereby revokes Orval Ray Mikesell's right to apply for licensure.
15 IT IS SO ORDERED this 28th day of April, 2005.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17 By: *Victoria Chamberlain*
18 Victoria Chamberlain, Executive Director
19

20
21 **NOTICE OF APPEAL OR RIGHTS**

22
23 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
24 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
25 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
26 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed to:

Orval Ray Mikesell
6306 SW 179th Avenue
Aloha, Oregon 97007

Dated this 12th day of May 2005.

By: Melody Hanson
Melody Hanson, Executive Assistant