



1           2. On March 20, 2007, you plead guilty to and were convicted of Assault 3. This conduct  
2 constitutes gross unfitness in violation of ORS 342.175(1)(a), (c); OAR 584-020-0040(5)(c)  
3 (Conviction of violating any federal, state, or local law. A conviction includes any final judgment  
4 of conviction by a court whether as the result of guilty plea, no contest plea or any other means).  
5 The circumstances surrounding your conviction that the Commission considered included the  
6 following: (1) You struck DHS employee Charlotte Kinney as Kinney was attempting to remove  
7 two foster children in your sister's home for failing to abide by visitation restrictions; (2) You  
8 struck Ms. Kinney in an attempt to interfere with Ms. Kinney's duties; (3) You subjected your 9-  
9 year child to witnessing you strike Ms. Kinney and fleeing the scene; (4) You fled the scene after  
10 striking Ms. Kinney and did not return until your husband drove you back to it; (5) You attempted  
11 to deflect responsibility for striking Ms. Kinney by claiming to police that you struck Ms. Kinney  
12 accidentally as you tried to back up your vehicle despite evidence to the contrary; and (6) you  
13 were responsible for home-schooling your 9-year old child who was present with you when you  
14 struck Ms. Kinney. The circumstances surrounding your conviction indicate that you lack the  
15 necessary judgment and mental fitness to be an educator. Educators are role models to  
16 students, and acknowledge responsibility for all conduct. In addition, educators conform their  
17 conduct, in order to avoid improperly influencing students and other children.

18           3. On March 20, 2007, you plead guilty to and were convicted of Failure to Perform the  
19 Duties of a Driver. This conduct constitutes gross unfitness in violation of ORS 342.175(1)(a),  
20 (c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A  
21 conviction includes any final judgment of conviction by a court whether as the result of guilty  
22 plea, no contest plea or any other means). The circumstances that the Commission considered  
23 for this allegation are outlined in paragraph 2 above.

24           4. On March 20, 2007 you plead guilty to and were convicted of Assault 3. This conduct  
25 constitutes gross neglect of duty in violation of ORS 342.175(1)(a), (b); OAR 584-020-  
26 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by

1 respecting and obeying the law, exemplifying personal integrity and honesty); and OAR 584-  
2 020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Professional Judgment). The  
3 circumstances surrounding your conviction that the Commission considered included the  
4 following: (1) You struck a DHS employee Charlotte Kinney as Kinney was attempting to  
5 remove two foster children in your sister's home for failing to abide by visitation restrictions; (2)  
6 You struck Ms. Kinney in an attempt to interfere with Ms. Kinney's duties; (3) You subjected  
7 your 9-year child to witnessing you strike Ms. Kinney and fleeing the scene; (4) You fled the  
8 scene after striking Ms. Kinney and did not return until your husband drove you back to it; (5)  
9 You attempted to deflect responsibility for striking Ms. Kinney by claiming to police that you  
10 struck Ms. Kinney accidentally as you tried to back up your vehicle despite evidence to the  
11 contrary; and (6) you were responsible for home-schooling your 9-year old child who was  
12 present with you when you struck Ms. Kinney. The circumstances surrounding your conviction  
13 indicate that you breached your professional duties to conform your conduct to the law while in  
14 the presence of your 9-year old child, who was a student of yours.

15 5. On March 20, 2007 you plead guilty to and were convicted of Failure to Perform the  
16 Duties of a Driver. This conduct constitutes gross neglect of duty in violation of ORS  
17 342.175(1)(a), (b); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)  
18 (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal  
19 integrity and honesty); and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)  
20 (Professional Judgment). The circumstances that the Commission considered for this allegation  
21 are outlined in paragraph 4 above.

22 6. When questioned about the events leading to the conviction, you were untruthful with  
23 TSPC investigators. The false statements made to investigators included that: (1) you  
24 accidentally struck Ms. Kinney; (2) Ms. Kinney did not fall and was uninjured after you struck  
25 her; you did not approach the apartment at excessive speed; you did not make eye contact with  
26 Ms. Kinney while she was on the ground. Any of your false statements constitutes gross

1 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(c) (Knowing  
2 falsification of any document or knowing misrepresentation directly related to licensure,  
3 employment, or professional duties).

4 **CONCLUSIONS OF LAW**  
5

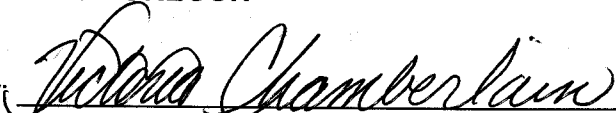
6 Debra Sue McGinnis' convictions of Assault 3 and Failure to Perform Duties of a Driver  
7 constitute Gross Neglect of Duty in violation of ORS 342.175(1)(a), OAR 584-020-0040(4)(o) as  
8 it incorporates OAR 584-020-0035(3)(a) and OAR 584-020-0040(4)(n) as it incorporates OAR  
9 584-020-0010(5) and Gross Unfitness in violation of OAR 584-020-0040(5)(c). McGinnis' false  
10 statements to Commission investigators concerning the facts of this investigation constitutes  
11 Gross Neglect of Duty in violation of ORS 342.175(1)(b) and OAR 584-020-0040(4)(c). The  
12 Commission has the authority to impose discipline in this matter under ORS 342.175 through  
13 342.190 and OAR Chapter 584, Division 020.

14 **DEFAULT ORDER**

15 The Commission adopts and incorporates herein the above findings of facts and  
16 conclusions of law, and based thereon, hereby revokes Debra Sue McGinnis' right to apply for a  
17 license.

18 Issued and dated this 11<sup>th</sup> day of August 2008.

19 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
20 **STATE OF OREGON**  
21

22 By:   
23 Victoria Chamberlain, Executive Director

24 **NOTICE OF APPEAL OR RIGHTS**  
25

26 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
27 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE  
28 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS  
29 183.482 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 U.S. First Class Mail to the Attorney of record for Debra Sue McGinnis:

Grant R. Burton  
Attorney at Law  
Garland Burton McCaffery PC  
254 N. First Avenue  
Hillsboro OR 97124-3003

Dated this 23<sup>rd</sup> day of December, 2008.

By: Melody Hanson  
Melody Hanson, Executive Assistant