1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7	In the Matter of the ) DEFAULT ORDER Teaching License of ) OF REVOCATION OF DEBRA SUE MCGINNIS ) RIGHT TO APPLY
8	On June 19, 2008, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Debra Sue McGinnis (McGinnis) in which the
10	Commission charged her with misconduct under ORS 342.175. The Notice was sent via U.S.
11	First Class Mail and U.S. Certified Mail Receipt 7006 2760 0000 1638 6695 to the address on
12	file with the Commission. The certified mail receipt addressed to Ms. McGinnis was returned or
13	June 23, 2008 signed by Debra McGinnis. The Notice of Opportunity of Hearing, dated June
14	19, 2008, and signed by Victoria Chamberlain, Executive Director, stated:
15 16 17 18 19 20	"You, Debra Sue McGinnis, 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)."
21 22	On July 11, 2008 the Commission received a letter from Ms. McGinnis' attorney stating
23	that she did not intend to request a hearing in this matter. The Commission, therefore,
24	finds Ms. McGinnis to be in default and enters the following findings of fact, conclusions
25	of law and order, based on the files and records of the Commission concerning this
26	matter.
27	FINDINGS OF FACT
28	1. The Commission issued a Basic Teaching License to Ms. McGinnis on January 10,
29,	1989, with an endorsement in Biology. The Commission later issued a Basic Teaching License
30	to Ms. McGinnis, with a Biology and Elementary Endorsement. Said license expired on June
31	24. 2008.

1 2. On March 20, 2007, you plead guilty to and were convicted of Assault 3. This conduct constitutes gross unfitness in violation of ORS 342.175(1)(a), (c); OAR 584-020-0040(5)(c) 2 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 following: (1) You struck DHS employee Charlotte Kinney as Kinney was attempting to remove 6 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.

3. On March 20, 2007, you plead guilty to and were convicted of Failure to Perform the Duties of a Driver. This conduct constitutes gross unfitness in violation of ORS 342.175(1)(a), (c); 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). The circumstances that the Commission considered for this allegation are outlined in paragraph 2 above.

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

- 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)
- You struck Ms. Kinney in an attempt to interfere with Ms. Kinney's duties; (3) You subjected
- your 9-year child to witnessing you strike Ms. Kinney and fleeing the scene; (4) You fled the
- scene after striking Ms. Kinney and did not return until your husband drove you back to it; (5)
- You attempted to deflect responsibility for striking Ms. Kinney by claiming to police that you
- 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
- indicate that you breached your professional duties to conform your conduct to the law while in
- the presence of your 9-year old child, who was a student of yours.
- 5. On March 20, 2007 you plead guilty to and were convicted of Failure to Perform the
- 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
- 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
- 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
- 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	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.
8	Issued and dated this /// day of August 2008.
9	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
21	Byi Tuckowa Chamberlain
23	Victoria Chamberlain, Executive Director
24 25	NOTICE OF APPEAL OR RIGHTS
26 27 28 29	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.

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 to the Attorney of record for Debra Sue McGinnis:
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6	Grant R. Burton
7	Attorney at Law
8	Garland Burton McCaffery PC
9	254 N. First Avenue
10	/ Hillsboro OR 97124-3003
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12	Dated this day of December, 2008.
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16	By: / llody Hundon
17	Melody Hanson Executive Assistant
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