1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the Teaching License of DAVID JAMES FRICKE) STIPULATION OF FACTS, SURRENDER, AND ORDER OF REVOCATION
8	On or about March 3, 2002, the Teacher Standards and Practices Commission
9	(Commission) received information indicating that David James Fricke (Fricke) may have failed
10	to respond appropriately to a character question on an Application for Educator License Form
11	C-1, signed and dated December 27, 2001, requesting a one (1) year Basic Teaching License.
12	Court records indicate that Mr. Fricke appeared in Douglas County Circuit Court On October 3,
13	2001, and was granted a Diversion for DUII which is pending until October 3, 2002.
14	After review of the matters alleged, Mr. Fricke and the Commission agree that their
15	respective interests, together with the public interest, are best served by a stipulation to certain
16	facts and surrender of his teaching license as per OAR 584-050-0027.
17	This Order sets forth the facts upon which the parties have agreed and the sanction to
18	be imposed. In entering into this stipulation, Mr. Fricke waives the right to a hearing to contest
19	the finding of fact, conclusion of law and order set forth below. Mr. Fricke understands that the
20	Commission will revoke his teaching license.
21	STIPULATION OF FACTS
22	1. On July 18, 1994, the Commission revoked Mr. Fricke's teaching certificate for gross
23	neglect of duty, based upon his inappropriate interactions with students and false statements.
24	On June 28, 2001, Mr. Fricke applied for reinstatement of his license. On November 16, 2001,
25	the Commission adopted an Order approving the reinstatement of Mr. Fricke's Oregon Teaching
26	License, issued a Substitute Teaching License and placed Mr. Fricke on probation for a period
27	of three (3) years.
28	2. Mr. Fricke sought and obtained employment as a high school teacher for the South
29	Umpqua School District on November 26, 2001.

1	3. On or about December 27, 2001, Mr. Fricke signed and submitted an Application for
2	Educator License Form C-1 requesting a one-year Basic Teaching License to serve as a
3	contract teacher for South Umpqua School District. A letter from South Umpqua School District
4	in support of a restricted license accompanied the application. Mr. Fricke responded "no" to all
5	character questions, including, "9. Have you ever been arrested or cited for any offense listed in
6	question (8) above which is still pending in the court?" The Commission issued a Basic
7	Teaching License to Mr. Fricke valid until January 23, 2003, restricted to South Umpqua School
8	District.
9	4. Mr. Fricke was arrested for DUII on September 1, 2001, in Roseburg, Oregon. On
10	October 3, 2001, Mr. Fricke appeared in Douglas County Circuit Court and was granted
11	Diversion for DUII to be completed on October 3, 2002. Until Mr. Fricke successfully completes
12	the terms of the Diversion agreement , his case will remain pending in Douglas County Circuit
13	Court.
14	This stipulation is contingent upon approval and adoption of the Order by the
15	Commission. If the Commission does not adopt this Order, neither Mr. Fricke nor the
16	Commission are bound by these Stipulations and Mr. Fricke retains all rights to a hearing on the
17	allegations.
18	IT IS SO STIPULATED:
19 20	David Sames Fricke Date
21	David Sames Fricke Date 4/17/02
22 23	David V. Myton, Executive Director Teacher Standards and Practices Commission
24	CONCLUSION OF LAW
25	Mr. Fricke violated OAR 584-020-0040(4)(c) by failing to divulge the DUII arrest and
26	pending diversion agreement on his application for licensure dated December 27, 2001. This
27	misconduct constitutes Gross Neglect of Duty. The Commission's authority to impose discipline
28	in this matter is based upon OPS 242 175(1)(b)

1 **ORDER** 2 The Commission accepts the surrender of Mr. Fricke's Substitute Teaching License, certificate number 1014690; and the One-year Basic Teaching License, certificate number 3 4 273282. The Commission hereby revokes the Oregon Substitute Teaching license and Basic 5 Teaching License of David James Fricke effective June 12, 2002. Dated this 17 day of May, 2002 6 7 TEACHER STANDARDS AND PRACTICES COMMISSION 8 9 10 11 Approved as to form: 12 13(14 15 Øan W. Clark, OSB #81187 Attorney for David James Fricke [041701]