BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON In the Matter of the DEFAULT ORDER REVOKING Teaching License of RIGHT TO APPLY FOR LICENSURE DANIEL PERRY O'HEARN 6 7 8 On March 11, 2004, the Teacher Standards and Practices Commission (Commission) 9 issued a Notice of Opportunity for Hearing to Daniel Perry O'Hearn (O'Hearn) 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 7002 3150 0004 3437 3468 to the address 12 obtained by the Commission. On April 2, 2004, the U.S. Certified Mail was returned to the Commission as "unclaimed". The First Class Mail envelope was not returned and is assumed 13 14 delivered. The Notice of Opportunity of Hearing, dated March 11, 2004, and signed by Victoria 15 Chamberlain, Executive Director, stated: "You, Daniel Perry O'Hearn, 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 19 to this notice is a copy of the procedures, right of representation and other rights 20 of parties relating to the conduct of a hearing as required under ORS 183.413(2)." 21 22 23 Mr. O'Hearn did not request a hearing. The Commission, therefore, finds 24 Mr. O'Hearn to be in default and enters the following findings of fact, conclusions of law 25 and order, based on the files and records of the Commission concerning this matter. 26 FINDINGS OF FACT 27 1. Mr. O'Hearn held a Transitional Teaching License with endorsements in Multiple 28 Subjects Self-Contained and Special Education, issued February 8, 2000, expired 29 February 8, 2003. 30 2. On December 7, 2002, at Chemawa Indian School, Mr. O'Hearn grabbed a student 31 by the arm, pushed him and kicked him in the leg.

	3. On February 11, 2003, Mr. O'Hearn engaged in acts constituting criminal conduct
2	(Disorderly Conduct and Harassment). Mr. O'Hearn struck a man with his fist while the man
3	was seated in a vehicle in the parking lot of an apartment complex in Corvallis.
4	3. On February 28, 2003, Mr. O'Hearn was convicted of Disorderly Conduct in the
5	Circuit Court of the State of Oregon for Benton County.
6	CONCLUSIONS OF LAW
7	Mr. O'Hearn's criminal conviction and behavior engaging in acts constituting criminal
8	conduct constitute Gross Unfitness in violation of OAR 584-020-0040(5)(c) and OAR 584-020-
9	0040(5)(e). Mr. O'Hearn's unreasonable physical force against a student constitutes Gross
10	Neglect of Duty in violation of OAR 584-020-0040(4)(d). The Commission's authority to impose
11	discipline in this matter is based upon ORS 342.175.
12	ORDER
13	The Commission hereby revokes Daniel Perry O'Hearn's right to apply for licensure.
14	IT IS SO ORDERED thisday of May, 2004.
15	TEACHER STANDARDS AND PRACTICES COMMISSION
16	
17 18 19	By: Walla Mandel Value Victoria Chamberlain, Executive Director
20 21	NOTICE OF APPEAL OR RIGHTS
22	
232425	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.

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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 5 to: 6 7 Daniel Perry O'Hearn 8 PO Box 812 Philomath, OR 97370-0812 9 10 day of May, 2004. 11 12 13 14 15 Melody Hanson, Executive Assistant 16