

1  
2 BEFORE THE  
3 TEACHER STANDARDS AND PRACTICES COMMISSION  
4 STATE OF OREGON  
5


6 In the Matter of the )  
7 Teaching License of ) STIPULATION OF FACTS  
8 EUGENE HERIGSTAD ) AND ORDER OF PROBATION  
9 )  
10

11  
12 FINAL ORDER  
13

14 By resolution dated May 13-14, 1999, the Teacher Standards and Practices  
15 Commission adopts the attached proposed order to place Eugene Herigstad on  
16 Probation for a period of one year from the date of order. Terms of probation as  
17 indicated in the attached order.

18  
19 DATED THIS 19<sup>th</sup> day of May, 1999.  
20

21 TEACHER STANDARDS AND PRACTICES COMMISSION  
22

23  
24 By   
25 \_\_\_\_\_  
26 David V. Myton, Executive Director  
27

28 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.  
29 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW  
30 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW  
31 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON  
32 COURT OF APPEALS.  
33  
34

1 BEFORE THE TEACHERS AND STANDARDS AND PRACTICES COMMISSION  
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3

4 In the Matter of the ) STIPULATION OF FACTS  
5 Teaching License of ) AND ORDER OF PROBATION  
6 EUGENE HERIGSTAD )  
7 )  
8

9 On March 17, 1999, the Teacher Standards and Practices Commission informed Eugene  
10 Herigstad that the Commission found sufficient evidence of violation of Standards for  
11 Competent and Ethical Performance of Oregon Educators to warrant a hearing regarding  
12 multiple convictions for DUII and Driving While Suspended. Herigstad requested a hearing on  
13 the allegations, but before a hearing date was set, the parties have agreed that their respective  
14 interest and the interests of the State are best served by a Stipulation of Facts and Order of  
15 [REDACTED] Probation as set forth below.

WS

16  
17 STIPULATION OF FACTS  
18

- 19 1. Eugene Herigstad holds a Basic Teaching License endorsed for elementary and valid  
20 from July 6, 1998 to November 30, 2001.  
21  
22 2. On or about February 15, 1994, Marion County District Court granted Herigstad  
23 Diversion for DUII, on June 23, 1997, Herigstad was convicted of a second DUII; and on  
24 March 6, 1998, Herigstad was convicted of Driving While Suspended--violation.  
25  
26 3. On November 4, 1997, Herigstad failed to maintain the dignity of the profession by  
27 respecting and obeying the law. On June 18, 1996, Herigstad's driving privileges were  
28 suspended for three years. Herigstad drove from his residence to work at Cummings  
29 Elementary School each day beginning in September 1997 until November 4, 1997,  
30 when he was arrested for Driving While Suspended in front of the school.  
31

32 Eugene Herigstad enters into this Stipulation of Facts with knowledge that the Teacher  
33 Standards and Practices Commission will place him on Probation for one year from the date of  
34 this Order. This Stipulation is contingent upon approval and adoption of the Order by the  
35 Commission. If the Commission does not adopt this Order, neither Eugene Herigstad nor the  
36 Commission is bound by these stipulations, and Eugene Herigstad retains all rights to a  
37 hearing on the allegations.  
38

39 IT IS SO STIPULATED:  
40  
41

42 Eugene Herigstad  
43 Eugene Herigstad

5-2-99  
Date

44 David V. Myton  
45  
46  
47 David V. Myton, Executive Director  
48 Teacher Standards and Practices Commission  
49  
50

5/6/99  
Date

1  
2 ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW  
3

4 Eugene Herigstad violated Standards of Competent and Ethical Performance for Oregon  
5 Educators by multiple convictions for DUII and Driving While Suspended in violation of OAR  
6 584-020-0040(5).  
7

8 ORDER  
9

10 The Commission places Eugene Herigstad on Probation for a period of one year from the date of  
11 this Order. During the period of probation Herigstad shall:  
12

13 1) Conduct himself as a law-abiding citizen;

14 2) Comply with Standards of Competent and Ethical Performance for Oregon Educators;

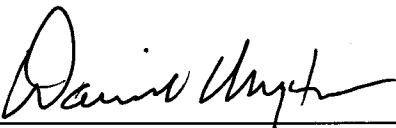
15 3) Provide to the Commission such information as requested to verify that he has  
16 complied with the conditions of probation, including a statement from his employing district  
17 that he has complied with the Standards for Competent and Ethical Performance; and  
18

19 4) Notify the Commission's Executive Director of any discipline or investigation  
20 occurring during the period of probation.  
21

22 Violation of any terms of probation shall constitute a basis for the Commission to revoke  
23 Herigstad's license, after first providing to Herigstad notice and opportunity for hearing.  
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25  
26  
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28  
29

30 Dated this 19<sup>th</sup> day of May, 1999.  
31

32 TEACHER STANDARDS AND PRACTICES COMMISSION  
33

34 By   
35  
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37 David V. Myton, Executive Director  
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40

DVM/cs

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. Certified Mail with Return Receipt Requested to attorney for Eugene Herigstad:

Monica Smith  
Smith Gamson Diamond & Olney  
2110 SW Jefferson, Suite 200  
Portland, OR 97201-7712

Dated this 20<sup>th</sup> day of May, 1999.

By Charlene A. Smith  
Charlene A. Smith  
Executive Assistant to the Commission