1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the Educator License of JEFFREY R. ZUNDEL  DEFAULT ORDER OF REVOCATION AND REVOCATION OF RIGHT TO APPLY
9	On December 19, 2017, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Jeffrey R. Zundel (Zundel) in
11	which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The
12	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 3010 0000
13	5718 9060 to the address on file with the Commission. The Notice designated the
14	Commission file as the record for purposes of proving a prima facie case. The Certified Mail
15	receipt was not returned to the Commission. The first class mail was not returned to the
16	Commission and presumed delivered. The Notice of Opportunity of Hearing, dated
17	December 19, 2017, and signed by Trent Danowski, Co-Interim Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	On January 11, 2018, Zundel's attorney sent an email to Commission staff indicating that
27	Zundel would not be requesting a hearing. The Commission, therefore, finds Zundel to be in
28	default and enters the following findings of fact, conclusions of law, and final order, based
29	on the files and records of the Commission concerning this matter.
30	FINDINGS OF FACT
31	1. Zundel has been licensed by the Commission since June 26, 1986. Zundel holds a
32	Standard Teaching License, with endorsements in Social Studies (PK-12) and
33	English Language Arts (PK-12), valid from September 21, 2015, through October
34	6, 2020. During all relevant times, Zundel was employed by the Central Point
35	School District.
36	2. On October 27, 2015, the Commission became aware that Zundel had been
37	arrested on October 26, 2015, and was being charged with criminal conduct, and

a Commission investigation was immediately opened. On December 7, 2015, the
Commission received a report from the Central Point School District indicating
Zundel was the subject of an investigation related to the earlier reported criminal
activity, including sexual conduct with a student. On December 7, 2015, the
Commission also received a patron complaint from the student victim's parent
alleging professional misconduct on Zundel's part related to the criminal charges
of October 26, 2015.

- 3. Subsequent investigations by the school district, law enforcement, and the Commission determined that between February 2015 and May 2015, Zundel engaged in a romantic relationship with a minor aged female student. Zundel's conduct included the following: romantic phone calls and texting with the student; purchasing the student gifts, meeting the student off campus on multiple occasions; kissing and hugging the student on and off school property, and engaging in sexual activities to include sexual intercourse on multiple occasions. Zundel's sexual conduct with the student occurred in multiple locations, including in Zundel's vehicle, at Zundel's residence, and at least one time in Zundel's classroom closet.
- 4. On November 5, 2015, Zundel was charged by the Jackson County Grand Jury with eleven felony counts of Sexual Abuse in the Second Degree (ORS 163.425) for having sexual intercourse or deviant sexual intercourse with a person under the age of eighteen and one misdemeanor count of Sexual Abuse in the Third Degree for sexual contact with a person under the age of eighteen (ORS163.415). On August 25, 2017, as part of a plea agreement, Zundel was convicted of two counts of Sexual Abuse in the Second Degree (ORS163.425). Zundel was sentenced in part, to 5 years of supervised probation, 180/90 jail custody units held in reserve, required to register as a sex offender, and required to surrender his teaching license.

## **CONCLUSIONS OF LAW**

Jeffrey Zundel's criminal convictions constitute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission will deny*,

revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction), including ORS 163.425 - Sexual Abuse in the Second Degree. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(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); OAR 584-020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and Practices Commission must revoke Zundel's license and / or Zundel's right to apply for a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the substantial equivalent of any of those crimes.

Furthermore, the conduct underlying Zundel's indictments and convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(k)( *Violation of any rule or order of the Commission*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-0005(5); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*); and OAR 584-020-0035(3)(a)(*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*). Additionally, your criminal convictions and conduct related to your convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities*).

1	The Commission's authority to impose discipline in this matter is based upon ORS
2	342.175.
3	FINAL ORDER
4	The Commission hereby revokes Jeffrey R. Zundel's Oregon educator license and
5	revokes Zundel's right to apply for an Oregon educator license.
6 7	IT IS SO ORDERED THIS day of January, 2018.
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9	TEACHER STANDARDS AND PRACTICES COMMISSION
10	
	By:
11	By:
12	Dr. Anthony Rosilez, Executive Director
13 14	NOTICE OF ADDEAL OF BLOWER
15	NOTICE OF APPEAL OR RIGHTS
16	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
17	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
18	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
19	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.