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BEFORE THE  
TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON

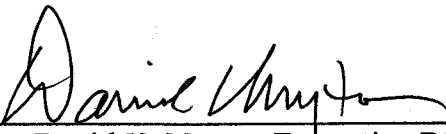
In the Matter of the )  
Administrative & Teaching Licenses of ) ORDER OF SUSPENSION  
JAMES SAVARD )  
)

FINAL ORDER

By resolution dated September 16-17, 1999, the Teacher Standards and Practices Commission adopts the attached proposed order to suspend the Oregon Administrative and Teaching Licenses of James Savard for one year for serious and material breach of professional responsibilities.

DATED THIS 17<sup>th</sup> day of September, 1999.

TEACHER STANDARDS AND PRACTICES COMMISSION

By   
David V. Myton, Executive Director

NOTICE: YOU ARE ENTITLED TO A 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                   BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2   OF THE STATE OF OREGON

3   In the Matter of the Teaching  
4   and Administrative Licenses of  
5   JAMES SAVARD

PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
OPINION AND ORDER

6           On May 20, 1998, the Teacher Standards and Practices Commission (the "Commission")  
7   issued a Notice of Opportunity to James Savard (Savard) proposing to suspend, revoke or impose  
8   other discipline under ORS 342.177. Savard requested a hearing and a hearing was held on  
9   June 22-24, 1999, at the offices of the Oregon State Bar in Lake Oswego. The hearing was before a  
10   panel of three Commissioners: Karen Famous, Chair, Manuel Mateo and Charles Sharps. Savard  
11   was represented by Walter Cauble attorney and the Commission was represented by Assistant  
12   Attorney General Elizabeth T. Denecke. The panel was advised by Assistant Attorney General  
13   Gary M. Cordy. The hearing was conducted as a contested case hearing and was tape-recorded.

14           The panel heard testimony from numerous witnesses and received into evidence the  
15   following exhibits:

16   **COMMISSION EXHIBITS**

- 17           1.     Paul Throne statement to Kerm Bennett, dated July 19, 1993 - 3 pages.
- 18           2.     Facsimile from HBO, regarding airtimes of "Where the Buffalo Roam," dated  
              December 21, 1998 - 2 pages.
- 19           3.     Diagram of James Savard's House.
- 20           4.     Letter from Ed Weiseth attaching memorandum decision of Regional Review  
              Committee - Boy Scouts of America, dated November 11, 1987.
- 21           5.     Letter from Paul Ernst to Jim Savard revoking Boy Scouts of America  
              Registration, dated November 19, 1987.
- 22           6.     Letter from Bernard S. Moore to Barbara McCarthy regarding Jim Savard, dated  
              December 7, 1987.
- 23           7.     No exhibit offered.
8.     Grants Pass School District Performance Goal Planning Form for Jim Savard,  
              dated May 20, 1977 - 2 pages.

- 1 9. Letter of Reprimand from Robert G. Modde, Assistant Superintendent of Grants  
2 Pass School District to James Savard regarding violation of GPEA – District  
3 Contract.
- 4 10. Jim Savard Assistant Principal (Grants Pass High School), Performance Review  
5 dated June 30, 1995.
- 6 11. Evaluation of Jim Savard, Assistant Principal (Grants Pass High School), dated  
7 June 30, 1995.
- 8 12. Facsimile from Capitol Investigation, Dated June 22, 1999, verifying substitute  
9 service of subpoena to wife of Ken LeGros.

#### 6 **SAVARD EXHIBITS**

- 7 1. Videotape of MDA Telethon on September 6, 1981 in Medford.
- 8 2. Calendar for the year of 1981.
- 9 3. Memo dated April 23, 1999, from A. W. Holt, MD, regarding Savard's medical  
10 condition related to kidney stones.
- 11 4. Cover and two pages from the University of Oregon Bulletin, dated October 1981.
- 12 5. Notarized statement by Ken Drury, dated November 4, 1987 (8 pages).
- 13 6. Written statement of Ken LeGros, undated.
- 14 7. Written statement of Mike Orr, dated April 22, 1998.

#### 11 **RULINGS**

12 Counsel for Savard made a motion to dismiss the proceedings on or about June 16, 1999.

13 Pursuant to OAR 584-019-0005 the matter was heard by the Executive Director and  
14 Commissioner Karen Famous on June 18 and a written decision denying the motion was issued  
15 that date. Counsel for Savard renewed the motion to dismiss and requested the panel reconsider  
16 the prehearing ruling of the Executive Director. Reconsideration is granted.

#### 17 **THE MOTION TO DISMISS**

18 Savard moved the Commission to dismiss the charges against him on the following  
19 grounds: (1) doctrine of laches; (2) lack of due process and constitutional right to a fair hearing;  
20 and (3) failure of revocation process to advance Commission objectives.

21 The panel has had the opportunity to consider the arguments and counterarguments  
22 contained in the Motion to Dismiss; Reply to Motion to Dismiss; and Answer to Reply to Motion  
23 to Dismiss and has determined to deny the motion.

1 **LACHES**

2 The elements of laches are: (1) delay by a plaintiff, (2) with knowledge of relevant facts  
3 under which the plaintiff could have acted earlier, and (3) substantial prejudice to the defendant.

4 It is undisputed that in January 1998 Paul Throne (Throne) submitted a complaint to the  
5 Commission alleging misconduct by Savard approximately 18 years prior. The Commission had  
6 an investigation undertaken and on May 20, 1998 the Commission charged Savard with  
7 misconduct as set out in the Notice of Opportunity for Hearing. The matter was subject to  
8 ordinary delays in scheduling the hearing, including the taking of depositions, and was also  
9 delayed at Savard's request.

10 Savard does not assert the delay by the Commission in investigating the complaint and  
11 scheduling the hearing constitutes laches. Rather he asserts the 18-year delay by Throne in  
12 bringing the complaint to the Commission constitutes laches. The panel is convinced that the  
13 doctrine of laches is not a legally appropriate defense to the charges. First, the Commission has  
14 considered imposing a time limitation on complaints but has not adopted such a limitation.  
15 Second, laches is a doctrine that is intended to deter deleterious actions by a plaintiff or entity  
16 having control over the pursuit of a claim. A delay that results solely from the inaction of a  
17 complainant is not attributable to the Commission and is therefore not a legal defense. Third,  
18 perhaps the Commission could exercise its discretion not to proceed on a given case due to the  
19 delay by a complainant bringing it forward, but this is not a case where such action is warranted.  
20 The nature of the complaint \* \* \* inappropriate touching of a sexual nature \* \* \* is a very serious  
21 matter that demands inquiry regardless of delay. Therefore, the Commission concludes that the  
22 first element of the laches doctrine is not present in this case.

23 ///

1           The second element of laches, knowledge and ability to pursue a claim is likewise not  
2 met under the facts of this case. Two experts testified regarding their learned opinions on the  
3 delay by male youth in reporting inappropriate sexual contact. One expert testified that a  
4 significant delay in reporting is common and is based upon consistent male psychological  
5 characteristics. The other expert testified there is no generally accepted time line for victims to  
6 report and that the delay in reporting is not a predictor of the credibility of the complainant. The  
7 panel is convinced by Throne's testimony that the delay in reporting to the Commission was  
8 reasonable given the concerns Throne had for his parents that still lived and worked in the area  
9 and his own privacy. Throne's testimony regarding his personal reasons for delay were credible  
10 and those reasons constitute an adequate explanation of why he did not come forward at an  
11 earlier time. The second element of laches attempts to evaluate the extent to which a complaint  
12 could have been reasonably pursued earlier. Here the panel finds Throne was unable to come  
13 forward to the Commission until he had reached a level of maturity and had personally realized  
14 the importance of mandatory reporting of sex offenses by those in the counseling profession.  
15 Given the expert opinions regarding the common delay in male victim reporting and the personal  
16 reasons expressed by Throne, the panel finds the complaint was brought forward within an  
17 objectively reasonable timeframe.

18           The third element of laches, substantial prejudice to Savard is also not present. In effect  
19 Savard asserts that the delay has resulted in faulty memories, absent witnesses and missing  
20 documents. During the course of the hearing it was evident that the passage of time operated to  
21 the detriment of both the Commission and Savard. However, the detriment to Savard was not so  
22 substantial to constitute prejudice because he was able to present witnesses with first hand  
23 knowledge regarding the important issues and the relevant circumstances of the time. In

1 addition, Savard was able to produce exhibits that were relevant to the charges. Those witnesses  
2 who were not available were not alleged by Savard to have first hand knowledge of the specific  
3 matters alleged in the Commission complaint. After hearing all the evidence, the panel is  
4 convinced that Savard was able to present a defense to the charges that was not so prejudiced by  
5 the delay as to constitute laches.

#### 6 LACK OF DUE PROCESS

7 Savard alleges that Commission action on 18-year-old allegations offends the Federal  
8 Due Process Clause of the U. S. Constitution. Whereas the laches doctrine is dependent on an  
9 inappropriate delay by a plaintiff and substantial prejudice to the defendant, a due process claim  
10 requires a different analysis.

11 Under the common law there was no fixed time frame for bringing civil or criminal  
12 charges. See *US v Thompson*, 98 US 486, 489 (1878). Fixed periods of limitation have come  
13 through statutes. However the Due Process Clause does have a limited role in protecting against  
14 oppressive delay. *US v. Lovasco*, 431 US 783, (1977).

15 For due process consideration to apply there must be a constitutionally protected interest.  
16 For example, regular status public employees have a constitutionally recognized property interest  
17 in continued employment. Similarly, all citizens have liberty interests that must be protected  
18 through constitutionally adequate criminal proceedings.

19 Once licensed, Oregon educators have statutory protections in a continued credential so  
20 long as qualifying conditions are met. Here Savard has a license and but for these charges he  
21 would remain qualified for continued licensure. Assuming, without deciding, that such an  
22 interest is constitutionally significant, the question remains as to whether an 18-year delay  
23 violates due process consideration.

1 When faced with a 24-year delay and a due process challenge in the dismissal of a  
2 teacher, a reviewing court noted:

3 The more substantial question is the as-applied challenge to this  
4 proceeding, the contention that the charges against DeMichele were  
5 brought so long after the events in issue that the values of fairness that  
6 underlie the Due Process Clause are offended. And while we have found  
7 no authority directly on point, the analogous issue of pre-indictment delay  
8 in criminal prosecutions is both illuminating and persuasive.

9 In *United States v. Lovasco*, 431 U.S. 783, 97 S.Ct. 2044, 52 L.Ed. 2<sup>nd</sup>  
10 752, the Supreme Court dealt with the question whether a delay of 18  
11 months between the commission of a crime and the return of an  
12 indictment, in circumstances in which the government developed virtually  
13 all of its information within the first month following the events, violated  
14 the Due Process Clause. In rejecting the defendant's contention, the Court  
15 held that "proof of prejudice is generally a necessary but not sufficient  
16 element of a due process claim, and that the due process inquiry must  
17 consider the reasons for the delay as well as the prejudice to the accused."  
18 *Id.* At 790, 97 S.Ct 2044. See also *United States v. Lane*, 561 F2d 1075,  
19 1077 (2d Cr.1977).

20 Cited in: DeMichele Greenburgh, Central School Dist No 7 167 F. 3<sup>rd</sup> 784, 789-90 (1999)

21 The court in the *DeMichele* case concluded that the *Luvasco* standard was appropriate to  
22 an administrative proceeding. The Commission is also persuaded that actual prejudice to Savard  
23 and an improper delay by the government are necessary components of a due process claim. As  
24 noted in the laches analysis above, there was no actual prejudice to Savard arising solely on the  
25 basis of delay. Furthermore Savard does not allege that the Commission engaged in a knowing  
26 delay. Therefore, Savard's substantive due process claim is denied.

27 To the extent Savard raised procedural due process claims, those require no discussion  
28 because Savard was afforded all rights set out in ORS Ch 183, 342 and OAR 584 Div 019 and 020.

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1                   **ALLEGED FAILURE TO ADVANCE COMMISSION OBJECTIVES**

2                   Savard alleges that because he does not intend to teach due to his retirement, it would not  
3 serve any Commission purpose to impose licensure discipline. The Commission has an interest  
4 in uniform application of its standards regardless of the individual plans of educators who may  
5 have violated Commission standards. Moreover, Commission rules require findings of fact even  
6 when an educator surrenders a license and there are grounds for disciplinary action. OAR 584-  
7 050-0027. Savard's motion to dismiss on this ground is also denied.

8   **FINDINGS OF FACT**

9                   1.        Savard was employed at the high school in the Grants Pass School District  
10 (district) from 1969 through the date of this hearing.

11                   2.        During his career with the district Savard taught classes, worked on extra  
12 curricular student projects and activities and engaged in administrative duties. Savard taught  
13 advanced placement history and student leadership classes during the 1970's and 80's. On some  
14 occasions he held evening study groups at his home.

15                   3.        For many years Savard was involved in student leadership courses and related  
16 activities. Some of the planning of student leadership activities along with student social  
17 functions took place at Savard's home. Participation in courses and leadership activities offered  
18 by Savard was a virtual necessity in order for students to attain positions of leadership in the  
19 school.

20                   4.        For approximately 25 years Savard was a Boy Scout of America (BSA) adult  
21 leader and held many scouting activities at his residence. Some of the Scouting participants were  
22 also students at Grants Pass High School. Other Scouts were students from high schools within  
23 the geographic area of Southern Oregon and Northern California.



1           5.       On or about November 17, 1987, the Crater Lake Council of the BSA upheld the  
2 revocation decision of Ed Weiseth, the Scout Executive regarding Savard. The revocation was  
3 based on Savard's association with a convicted sex offender and the frequent use of Savard's  
4 residence for scout activities when the sex offender was present or had potential interactions with  
5 Scouts.

6           6.       Savard generally lived alone in his residence in Grants Pass until his marriage in  
7 1993. For certain time periods, Savard permitted students to live at his residence. On many  
8 occasions Savard was present in his residence with students and scouts when no other adults  
9 were present. Some male students and scouts spent the night at Savard's residence without other  
10 adults being present, beginning in the early 1970s and lasting at least until the mid 1980s.

11          7.       Savard was a strong advocate for what he described as barrier breaking activities.  
12 These were team building activities that require physical touching in order to build trust and  
13 closer relationships between participants. According to Savard, boundary breaking was a  
14 recognized training method in the 1970's and 80's and was utilized in scouting and with other  
15 organizations. Barrier breaking activities often included massage.

16          8.       In the 1970's and 80's Savard often massaged students and scouts and sometimes  
17 received massages in return. Savard admitted giving and receiving back massages.

18          9.       On some occasions Savard gave male students and scouts full body massages  
19 while the male lay prone face down. When Savard gave these massages, the male recipients  
20 would sometimes remove their shirts and trousers. Savard sometimes received massages from  
21 students and scouts while he was in a similar state of undress.

22    ///

23    ///

1           10.     On some occasions Savard administered and received massages described in  
2 finding of fact 9 in his bedroom on his bed with the door closed with only he and the  
3 student/scout present.

4           11.     Throne, a Crater High School student, was an active scout during the 1970's and  
5 early 80's. Savard was one of his scout leaders during Throne's approximate ages of 14-18.  
6 Throne was an Eagle Scout and in The Order of the Arrow, a scout service organization. Throne  
7 graduated from high school in 1981.

8           12.     Throne received some assistance from Savard in the period of 1980-81 in advanced  
9 placement history although Throne was not in the Grants Pass class as a regular student.

10          13.     Glen Stohr was a student at Crater High School and graduated in 1981. Stohr was  
11 a close friend of Throne's. In 1981, Stohr and Throne participated in debating and  
12 extracurricular activities including Convention II, a weeklong mock governmental function held  
13 in Washington, D.C. during the summer. Savard was an adult leader for Convention II for  
14 several years including 1981.

15          14.     In 1981 Savard invited Throne and Stohr over to his house because Throne  
16 wanted to see a movie on HBO. Throne recalled the movie was called "Where the Buffalo  
17 Roam." Stohr recalled the movie as a documentary. Savard did not watch the movie with the  
18 two boys. HBO records indicates the movie was broadcast on September 6, 17, 26 and  
19 October 5, 1981. Throne believed he watched the movie at Savard's on September 6, 1981,  
20 although he testified September 17 was also a possibility. Throne did not believe he watched the  
21 movie on the September 26 or October 5, 1981 dates because classes started at the University of  
22 Oregon on September 28, 1981 and Throne was enrolled as a freshman.

23     ///

1           15.     Savard participated in the Muscular Dystrophy Telethon on September 6, 1981 at  
2 a television station in Medford. Savard asserts he was not home on the evening of September 6,  
3 1981 and remained at the telethon through the next day.

4           16.     At some time in 1981 Throne and Stohr watched a movie at Savard's home, and  
5 Savard offered to "cure" Throne's ticklishness and invited him back to his bedroom. Throne and  
6 Savard went to the bedroom where Savard asked Throne if he wanted a massage and Throne said  
7 yes. Savard told Throne he would give him a full body massage and asked Throne to take off his  
8 shirt and pants, which occurred. Savard gave Throne a full body massage while Throne lay  
9 prone on the bed. The massage included rubbing of Throne's upper legs, buttocks and lower  
10 back. Savard pulled Throne's underwear down to administer the massage. Throne felt like he  
11 could not say no to the massage and although it felt physically pleasurable to Throne, it also felt  
12 inappropriate.

13           17.     After Savard massaged Throne, Savard asked Throne to do the same to him.  
14 Throne felt repulsed but did administer a massage to Savard.

15           18.     After the massages, Savard asked Stohr if he wanted the "cure" for ticklishness and  
16 Stohr agreed to a massage in Savard's bedroom. Savard asked Stohr to take off his clothes and  
17 Stohr complied by removing all his clothes including his underwear. Savard then massaged Stohr's  
18 back, legs and buttocks. The massage felt physically good to Stohr, but it was unclear to him what  
19 Savard was thinking, and it made Stohr tense when Savard rubbed him below the waistline.

20           19.     Approximately a week after the massage, Stohr asked Throne if he thought  
21 Savard was a homosexual. Throne responded abruptly "no" and Stohr determined not to ask  
22 Throne any further questions about the massage, and in fact did not do so. For a substantial  
23 period of time neither Stohr nor Throne discussed the massages with others.

1           20.     After the massage described in Findings of Fact 16, but before he began school at  
2 the University of Oregon, Throne returned to Savard's residence. At this time Savard offered to  
3 administer another massage to Throne and did so on the bed as before. No other persons were  
4 present in the room. During this massage Savard asked Throne words to the effect "what do you  
5 want more of." Savard's massage was more extensive on the second occasion and included  
6 touching of Throne's buttocks and genital area. Throne felt like he couldn't say no to the  
7 massage and it made him feel confused and uncomfortable.

8           21.     Parents of students and scouts permitted their children to attend activities at  
9 Savard's residence even when no other adult was present. School officials knew Savard had  
10 school related activities at his residence and took no steps to restrict Savard.

11          22.     In 30 years at Grants Pass High School Savard was not disciplined for misconduct  
12 with students, through he received a written reprimand on one occasion for misuse of school  
13 resources.

14          23.     Savard administered massages in his residence to many student/scouts other than  
15 Throne and Stohr including: Ken LeGros, Mike Orr, William Bullington, Bruce Allyn, and  
16 Martin Jones.

17          24.     Bullington and Jones received massages in Savard's bedroom while only in their  
18 underwear. Both were approximately 15-17 years of age when the massages occurred and both  
19 testified they felt uneasy and uncomfortable with the massages.

20          25.     Savard testified he had no recollection of giving massages as described in  
21 Findings of Fact No. 16, 18 and 24. Savard also testified that giving massages in his bedroom to  
22 male student/scouts while in their underwear, did not seem inappropriate to him, within the  
23 context of that period of time and based upon the close relationships he had with the

1 students/scouts. The panel concludes Savard gave the massages described in Findings of Fact  
2 No. 16, 18 and 24.

3 26. Savard denied ever giving a massage to Throne as described in Findings of Fact  
4 No. 20. The panel concludes Savard gave the massage described in Findings of Fact No. 20.

5 27. Savard denied any massages he gave were for his sexual gratification. He  
6 described his feeling while administering or receiving massages as "agape." Webster's  
7 Dictionary defines agape as "love" or "lovefest."

8 28. Savard agreed that in the 1970s and 1980s, he gave back massages to youth in  
9 situations where only he and the male youth were present at his residence.

10 29. No witness testified that parents gave permission for massages to be administered  
11 by Savard in his residence to male youth while in a state of partial undress.

### 12 CONCLUSIONS OF LAW

13 Savard's conduct demonstrates a violation of standards required of Oregon educators.  
14 Specifically Savard violated OAR 584-020-0035(1)(b), (3)(a) and 584-020-0040(f).

15 Savard engaged in gross neglect of duty by his serious and material breach of  
16 professional responsibilities. The gross neglect of duty arises from Savard's sexual contact with  
17 Throne and Stohr in 1981 by touching and engaging in physical conduct of a sexual nature. This  
18 conduct violates the express prohibition regarding sexual contact with a student and constitutes  
19 an exploitation of Savard's professional relationships with Throne and Stohr in violation of  
20 standards for ethical educators.

21 ///

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23 ///

1 **OPINION**

2 Savard was in a unique position of authority in Grants Pass High School because he was  
3 the funnel through which all high achieving students with leadership aspirations needed to pass.  
4 In addition he was active in the BSA, the community, and in extracurricular student activities.  
5 Savard did tremendous good work on behalf of student development and committed  
6 extraordinary time and energy on behalf of students. At the same time it is obvious Savard  
7 received great personal satisfaction and had many of his emotional needs met through his student  
8 relationships. This is not a negative circumstance unless the educator fails to maintain  
9 appropriate professional boundaries inherent in the profession and as specified in Commission  
10 rules.

11 The evidence before the panel clearly establishes that Savard crossed the line and  
12 exploited his relationships with students. Giving massages to students while in a state of partial  
13 or full undress while in the teacher's bedroom without others present can never be appropriate  
14 regardless of whether the student sought the massage or merely acquiesced. The disparity in  
15 power between Savard and aspiring students made those massages nonconsensual if viewed  
16 objectively.

17 Savard acknowledges that in the 1970's and 80's he believed barrier-breaking activities  
18 including massages as described above were permissible activities and that changing norms now  
19 make the activities prohibited. The panel does not accept that perception as accurate. Without a  
20 doubt had these activities been brought to the Commission when they occurred, they would have  
21 been viewed as a violation of professional standards.

22 ///

23 ///

1 Savard argued that he never intended his massages to be sexual for himself or for the  
2 students. However, his intent is not the determining factor. First, the definition of sexual contact  
3 in the rule, OAR 584-020-0005(5), does not require the conduct be with the intent of arousing  
4 sexual desires. It merely requires the intentional touching of intimate parts. The panel concludes  
5 that the circumstances under which Savard massaged the low back, buttocks and upper legs of  
6 students constitutes sexual contact under the rule. Second, Throne, Stohr, Jones and Bullington  
7 all noted the confusion they felt as a result of the massages and how it felt both inappropriate and  
8 good at the same time. Even Bruce Allyn, a staunch Savard supporter acknowledged that the  
9 massages could objectively be viewed as sexual. Therefore the panel concludes the massages  
10 violated the sexual contact rule.

11 Savard failed to maintain the dignity of the profession by failing to exemplify personal  
12 integrity. Viewed objectively Savard engaged in "grooming" behavior of males whereby he  
13 sought to develop ever more personal relationships without establishing clear and appropriate  
14 boundaries. This constituted selfish behavior whereby Savard let his personal needs for intimacy  
15 with students overcome his professional obligations to those students.

16 The panel is also struck by how manifestly discriminatory Savard's behavior was. Savard  
17 acknowledged that his conduct with females was very different than his conduct with males.  
18 Male students were given far more personal attention and opportunities than female students to  
19 develop and benefit from a relationship with Savard. Favoring one group of students on the  
20 basis of sex fails to meet the obligations of the profession.

21 ///

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1 **ORDER**

2 After considering the factors under OAR 584-020-0045 the panel concludes Savard's  
3 licenses shall be suspended for one year commencing on the date the final order is effective. The  
4 panel has determined a suspension, rather than revocation is the appropriate sanction based  
5 primarily on the following factors. The age of the misconduct when coupled with the lack of  
6 more recent transgressions is a mitigating factor. The opinion of Dr. Mike Knapp that Savard  
7 does not pose a predatory sexual disposition provides some limited assurance that Savard will  
8 conform his behaviors to professional standards. Lastly, Savard did not overcome overt  
9 resistance when he engaged in his inappropriate physical touching. Nonetheless, based on the  
10 nature of these offenses, the Commission must be vigilant to the interests of children. Savard  
11 will be eligible for reinstatement upon application and upon submitting evidence satisfactory to  
12 the Commission of good moral character pursuant to ORS 342.175(3). In addition, Savard at his  
13 own expense and as a condition for reinstatement shall provide to the Commission a statement  
14 satisfactory to the Commission from a qualified mental health provider acceptable to the  
15 Commission that he does not pose a risk to children prior reinstatement of his licenses.

16 DATED this 17<sup>th</sup> day of September 1999.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

18  
19 By: David V. Myton  
20 David V. Myton, Executive Director