

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

3 In the Matter of the                                        )  
4 Educator License of                                     )  
5 MELCHOR GAMEZ   )  
6   STIPULATION OF FACTS AND  
  FINAL ORDER OF PUBLIC  
  REPRIMAND

7           On April 11, 2018 and November 13, 2018, the Teacher Standards and Practices  
8 Commission (Commission) received reports from the Willamette ESD (WESD), alleging  
9 professional misconduct on the part of licensed educator, Melchor Gamez (Gamez).

10           After review of the matters alleged, Gamez and the Commission agree that their  
11 respective interests, together with the public interest, are best served by a stipulation to  
12 certain facts and the imposition of a Public Reprimand.

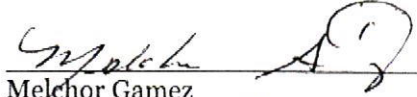

13           This Order sets forth the facts upon which the parties have agreed and the  
14 sanction to be imposed. Gamez stipulates that there are sufficient facts contained in the  
15 Commission's files and records to support the findings of fact and conclusions of law set  
16 forth below. In entering into this stipulation, Gamez waives the right to a hearing to  
17 contest the findings of fact, conclusions of law and order set forth below.

18           By signing below, Gamez acknowledges, understands, stipulates, and agrees to  
19 the following: (i) he has been fully advised of his rights to notice and a hearing to contest  
20 the findings of fact, conclusions of law, and order set forth below, and fully and finally  
21 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of  
22 Facts and Final Order of Public Reprimand (Stipulation and Final Order); (ii) this  
23 Stipulation and Final Order is a public document and disclosed to the public upon  
24 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and  
25 subject to approval and adoption by the Commission. If the Commission does not  
26 approve and adopt this Stipulation and Final Order, then neither Gamez nor the  
27 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and  
28 Final Order, and understands it completely; (v) he voluntarily, without any force or  
29 duress, enters into this Stipulation and Final Order and consents to issuance and entry of  
30 the Stipulated Final Order below; (vi) he states that no promise or representation has  
31 been made to induce him to sign this Stipulation and Final Order; and (vii) he has  
32 consulted with an attorney regarding this Stipulation and Final Order and has been fully  
33 advised with regard to his rights thereto, or waives any and all rights to consult with an  
34 attorney prior to entering into this Stipulation and Final Order and issuance and entry of  
35 the Stipulated Final Order below.

1 **STIPULATION OF FACTS**

- 2 1. The Commission has licensed Gamez since August 7, 2015. Gamez’s Preliminary  
3 Teaching License, with an endorsement in World Language: Spanish (PK-12), is  
4 valid from April 26, 2017 through January 6, 2021. During all relevant times,  
5 Gamez was employed by the WESD.  
6
- 7 2. On April 11, 2018 and November 13, 2018, the Commission received reports from  
8 the Willamette ESD indicating Gamez may have committed an act / acts of gross  
9 neglect of duty and/or gross unfitness. Specifically, unprofessional interactions  
10 with subordinate employees in violation of sexual harassment policies.  
11
- 12 3. Investigation determined that on March 7, 2018, Gamez had inappropriate  
13 conversations and/or made inappropriate comments in conversations with two  
14 colleagues from the Northwest Regional ESD. These interactions related  
15 primarily to a ribald story of a boy visiting a brothel; anecdotes involving  
16 condoms; and other comments that were not appropriate for work place  
17 conversation. After receiving a complaint about Gamez’s conduct, the Willamette  
18 ESD determined that Gamez’s conduct was in violation of Willamette ESD  
19 policies and training designed to prevent sexual harassment. On March 21, 2018,  
20 the Willamette ESD suspended Gamez for two days and gave him written  
21 directives and a written reprimand.  
22
- 23 4. Investigation determined that in September 2018, Gamez engaged in unwanted  
24 contact with a female colleague from the South Coast ESD by giving the colleague  
25 a kiss on the cheek and hugs. The first interaction occurred on September 7,  
26 2018 and involved a hug and kiss on the cheek. On September 8, 2018, the  
27 supervisor of the South Coast ESD employee requested Gamez greet South Coast  
28 ESD staff with handshakes and not hugs, which Gamez complied with. On  
29 September 9, 2018, as Gamez was departing an event with South Coast ESD staff,  
30 Gamez again hugged the female South Coast ESD employee as you were saying  
31 goodbye to the South Coast ESD staff member. After receiving a complaint about  
32 Gamez’s conduct, the Willamette ESD determined that Gamez’s conduct was in  
33 violation of Willamette ESD policies and training designed to prevent sexual  
34 harassment. On October 19, 2018, the Willamette ESD gave Gamez written  
35 directives and a written reprimand.

1 IT IS SO STIPULATED:

2  
3  \_\_\_\_\_ 06/11/2019  
4 Melchor Gamez Date  
5  
6  \_\_\_\_\_ 6/12/2019  
7 Trent Danowski, Deputy Director Date  
8 Teacher Standards and Practices Commission

9

10 **CONCLUSION OF LAW**

11 The conduct described above constitutes gross neglect of duty in violation of ORS  
12 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)  
13 (*Recognize the worth and dignity of all persons and respect for each individual*), OAR  
14 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using*  
15 *district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill*  
16 *in communicating with administrators, students, staff, parents, and other patrons*);  
17 and OAR 584-020-0040(4)(l) (*Sexual harassment*).

18

19 The Commission's authority to impose discipline in this matter is based upon  
20 ORS 342.175.

21

**ORDER**

22 The Commission adopts and incorporates herein the above findings of fact and  
23 conclusions of law, and based thereon, imposes a Public Reprimand on Melchor Gamez's  
24 Oregon educator license.

25

26

27 Issued and dated this 19 day of June, 2019.

28 **TEACHER STANDARDS AND PRACTICES COMMISSION**

29 **STATE OF OREGON**

30

31 By  \_\_\_\_\_

32

Dr. Anthony Rosilez, Executive Director