1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8 9	In the Matter of the Educator License of  DEFAULT ORDER OF REVOCATION AND REVOCATION OF RIGHT TO APPLY JOHN D. LULAY  POR LICENSURE
10	On March 20, 2020, the Teacher Standards and Practices Commission
11	(Commission) issued a Notice of Opportunity for Hearing to John Lulay (Lulay) in
12	which the Commission charged him with Gross Neglect of Duty and Gross Unfitness.
13	The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830
14	0001 6178 7367 to the address on file with the Commission. The Notice designated the
15	Commission file as the record for purposes of proving a prima facie case. The Certified
16	Mail receipt was returned to the Commission signed. The regular first class mail was not
17	returned to the Commission and is assumed delivered. The Notice of Opportunity of
18	Hearing, dated March 20, 2020, and signed by Anthony Rosilez, Executive Director,
19	stated:
20 21 22 23 24 25 26 27 28 29	"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, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
30	Lulay did not request a hearing. The Commission, therefore, finds Lulay to be in default
31	and enters the following findings of fact, conclusions of law, and final order, based on
32	the files and records of the Commission concerning this matter.
33	
34	FINDINGS OF FACT
35	1. John Lulay has been licensed by the Commission since July 1, 1972. Lulay's
36	Standard Teaching License, with endorsements in Basic Social Studies (Grade 5-12)
37	and Standard Language Arts and Social Studies (Grade 5-12), was valid from
38	September 29, 2009, through March 7, 2015.

 On July 27, 2018, the Commission became aware that Lulay had been arrested for criminal conduct that could constitute a violation of Commission rules. The news article reported that Lulay was accused of multiple counts of sexual abuse that had occurred during the spring and summer of 2013.

Law enforcement investigations determined that during the summer of 2013, Lulay inappropriately touched a 9-year-old female's genitals over her clothing. Additional investigation determined that during the spring of 2013, Lulay was providing tutoring services to an 11-year-old male and touched his genitals on multiple occasions. On November 12, 2014, Lulay was indicted on three counts of Sexual Abuse in the First Degree and one count of attempted Sexual Abuse in the First Degree.

3. On April 10, 2019, as a result of a plea agreement, Lulay was convicted of two counts of Sexual Abuse in the First Degree, ORS 163.427, a Class B Felony. Lulay was sentenced to a total of 85 months incarceration, 45 months of supervised probation and required to register as a sex offender.

## **CONCLUSIONS OF LAW**

John D. Lulay's criminal convictions as described in section three (3) above, 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, or convicted of attempt to commit such crimes as defined in ORS 161.405), including ORS 163.427 –Sexual Abuse in the First 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-

1	0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in
2	the absence of a conviction).
3	
4	Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
5	and Practices Commission must revoke Lulay's license and / or Lulay's right to apply for
6	a license based on Lulay's conviction of any of the crimes listed in ORS 342.143(3)(a), or
7	the substantial equivalent of any of those crimes, or convicted of attempt to commit
8	such crimes as defined in ORS 161.405.
9	
10	Furthermore, the conduct underlying Lulay's convictions as described in section
11	two (2) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
12	584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
13	judgment); OAR 584-020-0040(4)(f) (Any sexual conduct with a student) as defined by
14	OAR 584-020-0005(5); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-
15	0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and
16	conversations at all times); and OAR 584-020-0035(3)(a)(Maintain the dignity of the
17	profession by respecting and obeying the law, exemplifying personal integrity and
18	honesty).
19	
20	Additionally, Lulay's criminal convictions and conduct related to his convictions
21	constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c)
22	and (d) as defined by OAR 584-020-0040 (5) (Gross unfitness is any conduct which
23	renders an educator unqualified to perform his or her professional responsibilities).
24	
25	The Commission's authority to impose discipline in this matter is based upon
26	ORS 342.175.
27	FINAL ORDER
28	The Commission hereby revokes John Lulay's Oregon educator license and his
29	right to apply for an Oregon educator license.
30	
31	IT IS SO ORDERED THIS day of May, 2020.