1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION OF LARRY RANDELL SMITH LICENSURE
9	On June 14, 2019, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Larry R. Smith (Smith) in
11	which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12	U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 3802 to the
13	address on file with the Commission. The Notice designated the Commission file as the
14	record for purposes of proving a prima facie case. The Certified Mail receipt was
15	returned to the Commission signed, on June 20, 2019. The regular first class mail was
16	not returned to the Commission, and assumed delivered. The Notice of Opportunity of
17	Hearing, dated June 14, 2019, and signed by Anthony Rosilez, Executive Director,
18	stated:
19 20 21 22 23 24 25 26 27 28	"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."
29	Smith did not request a hearing. The Commission, therefore, finds Smith to be in default
30	and enters the following findings of fact, conclusions of law, and final order, based on
31	the files and records of the Commission concerning this matter.
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33	FINDINGS OF FACT
34	1. Larry Smith has been licensed by the Commission since July 15, 1986. Smith's
35	Standard Teaching License, with endorsements in Elementary – Multiple Subjects
36	(PK-12); English to Speakers of Other Languages (PK-12); and Social Studies (PK-
37	12), is valid from July 22, 2015 through October 16 2020. During all relevant times,
38	Smith was employed by the Hermiston School District (HSD).

On February 6, 2019, the Commission received a report from the HSD indicating
 Smith may have committed an act of gross neglect of duty and/or gross unfitness.

Specifically, unprofessional interactions with coworker(s) / HSD employees in violation of sexual harassment policies.

3. Investigation determined that on November 16, 2018, employee LM reported to school officials that she had been sexually harassed by Smith for a period of several years. The described harassment included inappropriate and unwanted touching and inappropriate and unwanted comments associated with the following: weight, body, clothing, smell, and other related topics. LM reported Smith repeatedly drove past her house; received unsolicited assistance from Smith on multiple occasions when Smith would pull LM's garbage cans to the curb; and discussing her sexually with other staff members. LM advised that Smith's conduct was unsolicited and unwanted and had made her work environment difficult, caused her anxiety and created a hostile workplace for her. The resulting investigation resulted in other staff members advising that they had witnessed some of these behaviors described by LM, had witnessed Smith discussing LM in a sexual manner. Other staff reported Smith had harassed them in a similar manner in the past. HSD determined that Smith's

4. During the investigative process, it was also learned that Smith regularly used school district email and electronics to communicate with customers of Smith's outside business.

5. On three separate occasions in February / March 2019, Commission investigation staff contacted Smith in regard to the Commission's investigation. This included requests for interviews. Smith informed the investigator he did not want to discuss the situation further and wanted to surrender his teaching license. On February 5, 2019, Smith resigned his employment with HSD as a result of the investigation(s).

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conduct violated district policy on sexual harassment.

CONCLUSIONS OF LAW

Larry Smith's conduct described in sections two (2) and three (3) above, 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(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other patrons); and OAR 584-020-0040(4)(l) (Sexual harassment).

Larry Smith's conduct described in section four (4) above 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 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR 584-020-0040(4)(b) (Substantial unauthorized use of employment time or school resources for private purposes); and OAR 584-020-0040(0) as it incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's name, property, or resources for non-educational benefit or purposes without approval of the educator's supervisor or the appointing authority).

Larry Smith's conduct described in section five (5) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation).

1	The Commission's authority to impose discipline in this matter is based
2	upon ORS 342.175.
3	FINAL ORDER
4	The Commission hereby revokes Larry R. Smith's Oregon educator license.
5	IT IS SO ORDERED THIS 9th day of August, 2019.
6	TEACHER STANDARDS AND PRACTICES COMMISSION
7	By: Anthony Rosiler Everytive Director
8	Dr. Anthony Rosilez, Executive Director
9	D1. Thichony Roshez, Executive Director
0	NOTICE OF APPEAL OR RIGHTS
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2	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
3	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
4	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
5	ORS 183.482 TO THE OREGON COURT OF APPEALS.