1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON			
3 4 5 6	In the Matter of the Educator License of DEFAULT ORDER OF DENIAL OF APPLICATION AND REVOCATION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE			
7 8 9	KURT JOHN DELONG) FOR AN EDUCATOR LICENSE			
10	On December 28, 2015, the Teacher Standards and Practices Commission			
11	(Commission) issued a Notice of Opportunity for Hearing to Kurt John DeLong (DeLong) in			
12	which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The			
13	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0004			
14	7539 6717 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 Mail			
16	receipt was returned to the Commission "signed" on January 8, 2016. The first class mail			
17	was not returned to the Commission. The Notice of Opportunity of Hearing, dated			
18	December 28, 2015, and signed by Victoria Chamberlain, Executive Director, stated:			
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 27	DeLong did not request a hearing. The Commission, therefore, finds DeLong to be in default			
28	and enters the following findings of fact, conclusions of law, and final order, based on the			
29	files and records of the Commission concerning this matter.			
30	FINDINGS OF FACT			
31	1. DeLong has been licensed by the Commission since July 1, 1971. DeLong previously			
32	held a Basic Teaching License, with an endorsement in Basic Language Arts (020),			
33	valid from October 8, 1974 through June 30, 1977. DeLong also held a Substitute			
34	Teaching License, with an endorsement in Substitute Any Specialty (PP-12), valid			
35	from November 30, 2004, through July 23, 2008. On July 22, 2015, DeLong made			
36	application for renewal of his expired Substitute Teaching License.			

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1	2.	On July 22, 2015, DeLong made application for the renewal of his expired
2		Substitute Teaching License. DeLong answered "No" to all the character
3		questions on the application, including question number four (4) "Have you ever
4		had any adverse action taken on a professional certificate, license or charter
5		school registration? Have you ever been placed on probationary status for
6		alleged misconduct while holding a professional license, certificate, registration
7		or credential?"; question number seven (7) "Have you ever been disciplined by
8		any public agency responsible for licensure of any kind, including but not
9		limited to educational licensure?"; and question number eight (8) "Have you
10		ever been convicted or been granted a diversion or conditional discharge by any
11		court for any: (a) Felony; or (b) Misdemeanor; or (c) Major traffic violation
12		including but not limited to: driving under the influence of intoxicants or drugs;
13		reckless driving; fleeing from or attempting to elude a police officer; driving
14		while your license was suspended, revoked or used in violation of any license
15		restriction; or failure to perform the duties of a driver or witness at an
16		accident?". Background checks determined that on or about April 17, 2009,
17		DeLong had been convicted of two counts of conspiring to manufacture and
18		deliver a controlled substance. DeLong's conduct leading up to the convictions
19		included DeLong, as a licensed dentist, prescribing narcotics for a patient outside
20		the scope of dentistry and in a manner that impaired the health and safety of the
21		individual. As a result, in January 2009, DeLong surrendered his license to
22		practice dentistry by consent order. On July 31, 2009, DeLong applied for
23		reinstatement of his dental license, which was conditionally granted on
24		September 25, 2009. On July 7, 2010, DeLong retired his Oregon Dental License.
25		Based on the above information, DeLong should have answered affirmatively to
26		the Commission's application character questions, 4, 7, and 8; and provided
27		written explanation for DeLong's answers.

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CONCLUSIONS OF LAW

3. Kurt John DeLong engaged in unprofessional conduct as described above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR

1	584-020-0040(4)(n) as it incorporates OAR $584-020-0010(5)$ (<i>Use professional</i>
2	judgment); OAR 584-020-0040(4)(c)(Falsification of any document or knowing
3	misrepresentation directly related to licensure, employment, or professional
4	duties); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a)
5	(Maintain the dignity of the profession by respecting and obeying the law,
6	exemplifying personal integrity and honesty). This conduct also constitutes gross
7	unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
8	(Conviction of violating any federal, state, or local law. A conviction includes any
9	final judgment of conviction by a court whether as the result of guilty plea, no
10	contest plea or any other means), and OAR 584-020-0040(5)(e) (Admission of or
11	engaging in acts constituting criminal conduct, even in the absence of a conviction).
12	
13	The Commission's authority to impose discipline in this matter is based
14	upon ORS 342.175.
15	FINAL ORDER
16	The Commission hereby denies Kurt John DeLong's application for licensure
17	and revokes Kurt John DeLong's Right to Apply for an Educator License.
18	IT IS SO ORDERED THIS 29th day of February, 2016.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20	By: Victoria Chamberlain, Executive Director
	Victoria Chamberlain, Executive Director
21 22 23 24 25	NOTICE OF APPEAL OR RIGHTS
24 25 26 27	YOU ARE ENTITLED TO 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 182 482 TO THE OREGON COURT OF APPEALS

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Kurt John DeLong 1338 Wagon Wheel Ct Silverton, OR 97381-8700

Dated this ______day of February, 2016.

Patty Sheldon

Investigative Assistant