

SEP 23 2014

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

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF
5 DANIEL LEE JAMES SHELTON) PROBATION
6

7 On April 25, 2014, the Commission, as part of Shelton’s application for student
8 teaching, referred Daniel Lee James Shelton (Shelton) to investigation for violation of
9 professional practices standards regarding his background history.

10 After review of the matters alleged, Shelton 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 period of probation.

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

31 **STIPULATION OF FACTS**

- 32 1. Daniel Lee James Shelton has never been licensed by the Commission. Shelton made
33 application for student teaching (PA-1) on April 25, 2014. The Commission has
34 jurisdiction over persons enrolled in approved teacher education institutions or
35 programs as defined in ORS 342.175 (2).

- 1 2. On April 25, 2014, the Commission received Shelton’s application for student teaching.
2 As part of Shelton’s application, Shelton properly answered “Yes” to character questions
3 related to his past criminal history. Upon request, Shelton provided documentation and
4 explanation of the incident. Investigation determined that on August 13, 2001, Shelton
5 was convicted of Robbery in the second degree for his role in an armed bank robbery that
6 occurred on March 6, 2001.
- 7 3. Shelton was forthright and honest with investigators, both at the time of the Commission
8 investigation and during the criminal investigation of 2001. Shelton successfully served
9 his incarceration without incident, successfully completing any related treatment and
10 counseling programs. Shelton successfully completed his post-prison supervision
11 program and has had no other related incidents since 2001.

12
13 IT IS SO STIPULATED:

14		<u>Sept/26/2014</u>
15	_____	_____
16	Daniel Lee James Shelton	Date
17		<u>9-24-14</u>
18	_____	_____
19	Victoria Chamberlain, Executive Director	Date
20	Teacher Standards and Practices Commission	

21
22 **CONCLUSION OF LAW**

23 Daniel Lee James Shelton was convicted of one count of Robbery in the Second Degree,
24 a felony. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
25 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*).
26 This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-
27 0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any*
28 *final judgment of conviction by a court whether as the result of guilty plea, no contest plea or*
29 *any other means*), specifically ORS 164.405 (*Robbery in the Second Degree*). The conduct
30 that resulted in the criminal conviction also constitutes gross unfitness in violation of ORS
31 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*

1 *criminal conduct, even in the absence of a conviction), specifically ORS 164.405 (Robbery in*
2 *the Second Degree).*

3 The Commission's authority to impose discipline in this matter is based upon ORS
4 342.175.

5 **ORDER**

6 The Commission adopts and incorporates herein the above findings of fact and
7 conclusions of law, and based thereon, imposes a period of probation on Daniel Lee James
8 Shelton as detailed below.

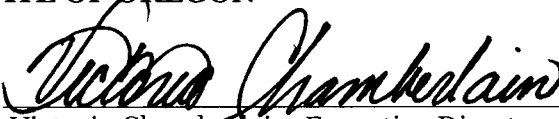
9 The Commission imposes a four (4) year probation upon Shelton to commence upon
10 finalization of this order subject to the following terms and conditions of probation:

- 11 1. Shelton shall comply with the Standards for Competent and Ethical Performance of
12 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
- 13 2. Shelton will obey all laws and ordinances.
- 14 3. Shelton's probation will continue as determined in this order, unaffected by whether or
15 not Shelton successfully secures commission licensure or registration in the future.

16 Violation of any term or condition of probation shall constitute an independent basis for the
17 Commission to otherwise impose discipline, up to and including revocation of Shelton' right to
18 apply for a teaching license, after first providing Shelton with notice and opportunity for
19 hearing.

20 Issued and dated this 7th day of November, 2014.

21 **TEACHER STANDARDS AND PRACTICES COMMISSION**
22 **STATE OF OREGON**

23 By 
24 Victoria Chamberlain, Executive Director
25

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Daniel Lee James Shelton
297 Main Street W., Apt 2
Monmouth, OR 97361-2025

DATED this 26th day of November, 2014.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant