

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the)
5 Teaching License of) DEFAULT ORDER
6 BRETT BAYNE) REVOKING RIGHT TO
7) REINSTATE LICENSE
8

9 On or about January 5, 1999, the Teacher Standards and Practices Commission received a
10 report from Paul Prevenas, Superintendent of Brookings-Harbor SD, indicating that Brett
11 Bayne had been arrested and indicted on felony drug charges. On February 10, 1999, in Coos
12 County Circuit Court, Bayne entered a plea of "guilty" on one count of Delivery of a Controlled
13 Substance (cocaine), a Class B Felony. On May 14, 1999, the Commission considered an
14 investigation report and recommendation and took action to charge Bayne with violation of
15 TSPC standards based on his felony conviction. The Executive Director took action to notify
16 Baye of intent to suspend or revoke his Oregon license, and to inform Bayne of his opportunity
17 for hearing. The notice, dated May 20, 1999, and signed by David V. Myton, Executive
18 Director. The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt
19 Requested. The receipt was signed on May 21, 1999 and returned to TSPC on May 24, 1999.
20 Mr. Bayne did not request a hearing.
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22 FINDINGS OF FACT
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24 1. On December 29, 1998, a Coos County Grand Jury indicted Brett Bayne on the
25 following charges:
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27 Count 1—Conspiracy to Deliver a Controlled Substance, to-wit: Cocaine, ORS.
28 161.450 and ORS 475.992, a class B felony;
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30 Count 2—Conspiracy to Possess a Controlled Substance, to-wit: Cocaine, ORS
31 161.450 and ORS 475.992, a class C felony;
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33 Count 3—Delivery of a Controlled Substance, to-wit: Cocaine, ORS 475.992, a
34 class B felony;
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36 Count 4—Possession of a Controlled Substance, to-wit: Cocaine, ORS 475.992,
37 a class C felony.
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39 2. On February 10, 1999, Brett Bayne plead guilty and was convicted of one count of
40 Delivery of a Controlled Substance (cocaine), a Class B Felony, in Coos County Circuit
41 Court.
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43 3. Bayne was sentenced to 18 months in prison with 36 months post-prison supervision.
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45 4. Charges on 1, 2 and 4 were dismissed.
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47 ULTIMATE FINDINGS OF FACT
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49 Brett Bayne plead guilty and was convicted of one count of Delivery of a Controlled Substance
50 (cocaine) a Class B Felony.
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CONCLUSIONS OF LAW

Under ORS 342.175(1)(d) conviction of a crime for violating any law of Oregon or any state or of the United States involving the illegal use, sale or possession of controlled substances constitutes grounds for the Commission to suspend or revoke the license of an educator.

ORDER

The Commission revokes the right of Brett Bayne to reinstate his Oregon Teaching License for gross unfitness based on his conviction of the felony crime of Delivery of a Controlled Substance (cocaine).

Dated this 15th day of July, 1999.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton
David V. Myton, Executive Director

NOTICE OF APPEAL OR RIGHTS

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 183.482 TO THE OREGON COURT OF APPEALS.

DVM/cs

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such ~~by regular U.S. mail and~~ by U.S. Certified Mail with Return Receipt Requested to:

Brett Bayne #13107093
Mill Creek Correctional Facility
5465 Turner Road
Salem, OR 97301

Dated this 16th day of July, 1999.

By: Charlene A. Smith
Charlene A. Smith
Secretary to the Commission