

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

4   In the Matter of the                    )     DEFAULT ORDER OF  
5   Teaching License of                   )     LICENSE REVOCATION AND  
6   JOSEPH TRACY GARNER                 )     REVOCATION OF RIGHT TO APPLY  
7    )     FOR LICENSE  
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9           On October 9, 2008, the Teacher Standards and Practices Commission (Commission) issued  
10   a Notice of Opportunity for Hearing to Joseph Tracy Garner (Garner) in which the Commission  
11   charged him with conviction of a crime listed in ORS 342.143(3). The Notice was sent via U.S. First  
12   Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8581 2171, to the address on file with the  
13   Commission. The U.S. Certified Mail receipt was returned to the Commission on October 14, 2008,  
14   signed by Joseph Garner. The Notice of Opportunity of Hearing, dated October 9, 2008, and signed  
15   by Victoria Chamberlain, Executive Director, stated:

16           "You, Joseph Tracy Garner, are entitled to a hearing on the proposed action of the  
17           Commission. If you want a hearing, you must file a written request for a hearing with  
18           the Commission within 21 days of the date of this notice. Attached to this notice is a  
19           copy of the procedures, right of representation and other rights of parties relating to the  
20           conduct of a hearing as required under ORS 183.413(2)."  
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22           Mr. Garner did not request a hearing. The Commission, therefore, finds Mr. Garner to  
23   be in default and enters the following findings of fact, conclusions of law and order, based on  
24   the files and records of the Commission concerning this matter.

25   **FINDINGS OF FACT**

26           1. Mr. Garner has been licensed by the Commission since January 31, 1990. The  
27   Commission issued Mr. Garner a Standard Teaching License on July 18, 2007, valid until July 17,  
28   2012, with Basic Health and Standard Social Studies endorsements.

29           2. On September 19, 2008, Mr. Garner plead guilty to and was convicted in the Circuit Court  
30   of the State of Oregon for the County of Malheur, of seven counts of online sexual corruption of a  
31   child in the second degree, (ORS 163.432) a class C felony. A conviction for this crime constitutes  
32   gross neglect of duty in violation of OAR 584-020-0040(1)(p) and ORS 342.143(3)(a)(A).  
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**CONCLUSIONS OF LAW**

Mr. Garner's conviction of online sexual corruption of a child in the second degree is listed in ORS 342.143(3). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

**FINAL ORDER**

The Commission hereby revokes the Standard Teaching License issued to Joseph Tracy Garner and revokes his right to apply for a teaching license.

IT IS SO ORDERED this 23<sup>rd</sup> day of February, 2009.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director

**NOTICE OF APPEAL OR RIGHTS**

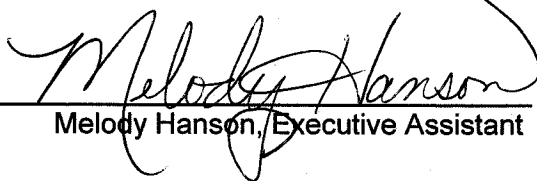
YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. First Class Mail to the Attorney of record for Joseph Tracy Garner:

Gary K. Kiyuna  
Attorney at Law  
Stunz, Fonda, Kiyuna & Horton, LLP  
PO Box 1565  
Nyssa OR 97913

Dated this 1<sup>st</sup> day of April 2009.

By:   
Melody Hanson, Executive Assistant