## 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 REPRIMAND 5 DAVID LEE ALLEY 6 7 On or about August 26, 2016, the Teacher Standards and Practices Commission 8 (Commission) received a report from the North Clackamas School District alleging 9 professional misconduct on the part of licensed educator, David Lee Alley (Alley). 10 After review of the matters alleged, Alley 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 Public Reprimand. 13 This Order sets forth the facts upon which the parties have agreed and the 14 sanction to be imposed. Alley stipulates that there are sufficient facts contained in the 15 Commission's files and records to support the findings of fact and conclusions of law set 16 forth below. In entering into this stipulation, Alley waives the right to a hearing to 17 contest the findings of fact, conclusions of law and order set forth below. 18 By signing below, Alley acknowledges, understands, stipulates, and agrees to the 19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 20 findings of fact, conclusions of law, and order set forth below, and fully and finally 21 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 22 Facts and Final Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation 23 and Final Order is a public document and disclosed to the public upon request by the 24 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to 25 approval and adoption by the Commission. If the Commission does not approve and 26 adopt this Stipulation and Final Order, then neither Alley nor the Commission are 27 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and 28 understands it completely; (v) he voluntarily, without any force or duress, enters into 29 this Stipulation and Final Order and consents to issuance and entry of the Stipulated 30 Final Order below; (vi) he states that no promise or representation has been made to 31 induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an 32 attorney regarding this Stipulation and Final Order and has been fully advised with 33 regard to his rights thereto, or waives any and all rights to consult with an attorney prior 34 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated

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Final Order below.

## STIPULATION OF FACTS

- 1. The Commission has licensed Alley since September 4, 2007. Alley's Preliminary Teaching License, with endorsements in Business: Generalist (PK-12), Family and Consumer Studies (PK-12), and Social Studies (PK-12); is valid from March 30, 2016, through September 13, 2019. During all relevant times, Alley was employed by the North Clackamas School District (NCSD).
- 2. On August 26, 2016, the Commission received a report alleging Alley may have violated professional standards. Subsequent investigation was unable to substantiate the original allegation, but in the course of the inquiry, investigators discovered additional conduct on Alley's part that caused concern. This conduct included an incident occurring on or about April 27, 2016. Alley, with authorization, attempted to use the school district P-card to purchase food supplies for class. The P-card was rejected and Alley elected to use his own credit card for the purchase. Alley submitted a request for reimbursement the same day, provided the receipt, and requested reimbursement for the full amount totaling \$ 577.37. On April 29, 2016, Alley followed up on his request for reimbursement with office staff. Alley was informed the request would be processed soon and were asked to confirm the amount was correct (\$577.37), which Alley confirmed. Staff then asked if Alley had returned any of the items purchased. Alley reportedly hesitated, pulled another receipt from his pocket, and told staff he had returned some of the items purchased. The return receipt indicated that \$83.84 worth of items were returned to the store and credited to Alley's credit card account. The return transaction was conducted on the same date of the purchase, approximately 1.5 hours later. Alley told staff he had forgotten to turn in the refund receipt. Alley elected to resign his employment while NCSD was investigating Alley for policy violations, including inappropriate use of district funds.

IT IS SO STIPULATED:

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David Lee Alley	Date
Lt & Varound	3/7/2018
Trent Danowski, Deputy Director	Date

**Teacher Standards and Practices Commission** 

1 **CONCLUSION OF LAW** 2 The conduct described above constitutes gross neglect of duty in violation of ORS 3 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use 4 professional judgment), OAR 584-020-0025(2)(d) (Using district and school business 5 and financial procedures), OAR 584-020-0025(2)(e) (Using district lawful and 6 reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill in communicating 7 with administrators, students, staff, parents, and other patrons); OAR 584-020-8 0040(4)(0) as it incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's 9 name, property, or resources for non-educational benefit or purposes without approval 10 of the educator's supervisor or the appointing authority), and OAR 584-020-0035(3)(a) 11 (Maintain the dignity of the profession by respecting and obeying the law, exemplifying 12 personal integrity and honesty). 13 The Commission's authority to impose discipline in this matter is based upon 14 ORS 342.175. 15 **ORDER** 16 The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on David Lee Alley's 17 18 Oregon educator license. 19 20 day of April, 2018. 21 Issued and dated this 22 TEACHER STANDARDS AND PRACTICES COMMISSION 23 STATE OF OREGON 24 25 26 Dr. Anthony Rosilez, Executive Director