

1 in the Umatilla County Circuit Court of three counts of Sex Abuse in the Second
2 Degree, ORS 163.425, a class C felony. Frey was sentenced to 60 months of
3 probation. Frey was further required to undergo sex offender evaluation and
4 treatment and to register as a sex offender. Frey was also required to surrender his
5 teaching license. Frey surrendered his teaching license to the Commission by written
6 letter dated August 17, 2015, and it was received on August 26, 2015.

- 7 3. Frey's convictions arose from allegations that included Frey had engaged in sexual
8 relations with a minor aged, female student. Frey's conduct included that on or about
9 March 13, 2015, Frey engaged in oral sex, and sexual intercourse, five times over a
10 period of three weeks, with a 17 year old student.

11 CONCLUSIONS OF LAW

12 Frey's convictions constitutes gross neglect of duty in violation of ORS
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
14 *professional judgment*); OAR 584-020-0040(1)(n) (*ORS 163.425 – Sex Abuse in the*
15 *Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
16 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
17 *local law. A conviction includes any final judgment of conviction by a court whether as*
18 *the result of guilty plea, no contest plea or any other means*); OAR 584-020-
19 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
20 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
21 *the absence of a conviction*).

22 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
23 and Practices Commission must revoke your license and your right to apply for a license
24 based on your conviction of any of the crimes listed in ORS 342.143(3)(a), or the
25 substantial equivalent of any of those crimes.

26 Furthermore, the conduct underlying Frey's convictions constitutes gross neglect
27 of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
28 OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(k)(
29 *Violation of any rule or order of the Commission*); OAR 584-020-0040(4)(f) (*Any*
30 *sexual conduct with a student*) as defined by OAR 584-020-0005(5); OAR 584-020-
31 0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or*

1 *expressing professionally inappropriate interest in a student's personal life), OAR 584-*
2 *020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct*
3 *and conversations at all times); and OAR 584-020-0035(3)(a)(Maintain the dignity of*
4 *the profession by respecting and obeying the law, exemplifying personal integrity and*
5 *honesty). Additionally, your conviction and conduct related to your conviction*
6 *constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)*
7 *and (d) as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which*
8 *renders an educator unqualified to perform his or her professional responsibilities").*
9


10 The Commission's authority to impose discipline in this matter is based upon ORS
11 342.175.

12 **FINAL ORDER**

13 The Commission hereby revokes Timothy Walter Frey's teaching license and his
14 right to apply for licensure.

15 IT IS SO ORDERED THIS 4th day of November, 2015.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17
18
19 By: 
20 Victoria Chamberlain, Executive Director
21
22
23

24 **NOTICE OF APPEAL OR RIGHTS**

25
26 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
27 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
28 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
29 ORS 183.482 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:

Timothy Walter Frey
12054 Brick Rd SE
Turner, OR 97392-9215

Dated this 4th day of November, 2015.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant