

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

3
4 In the Matter of the Educator)
5 License of)
6)
7 LESTER WRIGHT MC CORMICK) DEFAULT ORDER OF DENIAL OF
 APPLICATION AND REVOCATION OF
 RIGHT TO APPLY
 FOR AN EDUCATOR LICENSE

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10 On July 13, 2018, the Teacher Standards and Practices Commission (Commission)
11 issued a Notice of Opportunity for Hearing to Lester Wright McCormick (McCormick) in
12 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
13 U.S. First Class Mail and U.S. Certified Mail Receipt 7017 0190 0000 6246 5718 to the
14 address on file with the Commission. The Notice designated the Commission file as the
15 record for purposes of proving a prima facie case. The Certified Mail receipt was returned to
16 the Commission signed, on July 19, 2018. The first class mail was not returned to the
17 Commission and assumed delivered. The Notice of Opportunity of Hearing, dated July 13,
18 2018, and signed by Anthony Rosilez, Executive Director, stated:

19 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-DAY
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
23 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
24 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
25 YOUR LICENSE OR OTHER DISCIPLINE.”

26
27 McCormick did not request a hearing. The Commission, therefore, finds McCormick
28 to be in default and enters the following findings of fact, conclusions of law, and final order,
29 based on the files and records of the Commission concerning this matter.

30 **FINDINGS OF FACT**

- 31 1. On February 1, 2018, the Commission received McCormick’s application for
32 reinstatement of his licensure. The reinstatement investigation was completed and
33 presented to the Commission at the June 2018, meeting. McCormick made a
34 personal appearance and presentation to the Commission at that meeting by
35 telephone.
- 36 2. The history of McCormick’s past case(s) and facts that support the Commission’s
37 actions, include the following:

1 a. On November 23, 2015, the Commission received information from Lewis
2 and Clark College advising that McCormick was under investigation by the
3 Montana Board of Public Education (BPE) related to allegations that
4 McCormick had submitted a forged document when applying for his
5 Superintendent License in Montana. The Montana BPE held a hearing on
6 May 13, 2016, regarding the matter and found McCormick had engaged in
7 immoral conduct by submitting false credentials in an attempt to obtain a
8 superintendent certificate. The BPE revoked McCormick’s teaching and
9 principal licenses and denied his application for a superintendent license.
10 On February 27, 2017, the Commission revoked, by default order,
11 McCormick’s right to apply for licensure based on the action taken in
12 Montana. McCormick did not request a hearing in Oregon, reporting that
13 he would not require his Oregon credentials in the future.

14 b. McCormick’s 2017 Oregon revocation was based on violations of the
15 following Commission rules:

16 Gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-
17 020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
18 *professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR
19 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting*
20 *and obeying the law, exemplifying personal integrity and honesty*); and
21 OAR 584-020-0040(4)(c) (*Falsification of any document or knowing*
22 *misrepresentation directly related to licensure, employment, or*
23 *professional duties*). The above conduct also constitutes gross unfitness in
24 violation of ORS 342-175(1)(c); OAR 584-020-0040(5)(a) (*Revocation,*
25 *suspension or denial of a license by another state for reasons and*
26 *through procedures that are the same as, or substantially equivalent to,*
27 *those permitting similar action in Oregon*), and OAR 584-020-
28 0040(5)(b)(*Fraud or misrepresentation*).

29 3. McCormick’s reinstatement application to the Commission, dated February 1, 2018,
30 shows that answers to the character questions were answered incorrectly. Question
31 number four reads: “Have you ever had any adverse action taken on a professional

1 certificate, license or charter school registration? Have you ever been placed on
2 probationary status for alleged misconduct while holding a professional license,
3 certificate, registration, or credential?” McCormick errantly answered “No” to this
4 question.

- 5 4. In December of 2017, Salem Keizer School District (SKSD) contacted the
6 Commission and advised that McCormick had made application with SKSD on
7 December 11, 2017. When SKSD reviewed McCormick’s application, they concluded
8 that McCormick had falsified parts of his application. The Commission determined
9 at that time not to open an investigation on McCormick. Instead, the Commission
10 secured the information received from SKSD in McCormick’s file in order to review it
11 if he ever made application for reinstatement. SKSD determined that McCormick
12 had falsely answered one of their character questions. The question asked, “Have you
13 ever been reprimanded, disciplined or placed on probation by a licensing agency
14 (including but not limited to the Oregon Teacher Standards and Practices
15 Commission) or had a professional license revoked, suspended or denied?”
16 McCormick answered “no” to this question. Additionally, McCormick
17 misrepresented on his SKSD application that he held an Oregon educational license
18 with an expiration date of June 1, 2021. On January 17, 2018, SKSD sent McCormick
19 a letter advising him of these issues with his application and stated, “Due to the false
20 information you provided, you are ineligible for employment in the Salem-Keizer
21 School District.”
- 22 5. McCormick’s conduct as described in sections three and four above constitutes gross
23 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
24 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-
25 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the
26 profession by respecting and obeying the law, exemplifying personal integrity and
27 honesty*); and OAR 584-020-0040(4)(c) (*Falsification of any document or knowing
28 misrepresentation directly related to licensure, employment, or professional
29 duties*). The above conduct also constitutes gross unfitness in violation of ORS 342-
30 175(1)(c); OAR 584-020-0040(5)(b)(*Fraud or misrepresentation*).

31 CONCLUSIONS OF LAW

1 Lester Wright McCormick's conduct described above is grounds for denial of his
2 application under ORS 342.143(2). The Commission denies McCormick's reinstatement
3 application for the following reasons:

- 4 a) The information McCormick submitted, along with McCormick's reinstatement
5 documents, does not establish that McCormick possess good moral character,
6 trustworthiness, or physical and mental health to hold an educator's license; and
- 7 b) The conduct McCormick engaged in that resulted in McCormick's revocation;
8 and
- 9 c) The conduct McCormick engaged in during the reinstatement application process
10 and during his application process with Salem-Keizer School District as described
11 above.


12 The Commission's authority to impose discipline in this matter is based upon ORS
13 342.175.

14
15 **FINAL ORDER**

16 The Commission hereby denies Lester Wright McCormick's application for licensure
17 and revokes Lester Wright McCormick's Right to Apply for an Oregon educator license.

18 IT IS SO ORDERED THIS 26th day of October, 2018.

19 TEACHER STANDARDS AND PRACTICES COMMISSION
20

21 By: 
22 Dr. Anthony Rosilez, Executive Director
23

24 **NOTICE OF APPEAL OR RIGHTS**

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