

1 reaction times, and Kratz were unable to track normally with his eyes. Administrators
2 contacted local law enforcement who made observations and conducted a presumptive
3 breath test for alcohol. The breathalyzer test displayed a red light, indicating the highest
4 possible indicator of alcohol present. The officer indicated that in his experience, a red test
5 result indicated a blood alcohol content (BAC) of .08 percent or above. Kratz told those
6 present that he had consumed alcohol the night before, stopping at approximately 9 p.m. and
7 had taken the prescribed dose of his codeine medication earlier that morning. Contrary to
8 test results and multiple first hand observations, Kratz denied consuming any alcohol that
9 morning. While waiting for a taxi to arrive to drive Kratz home, those present observed Kratz
10 to move clumsily, pass in and out of consciousness, and described smelling alcohol on Kratz's
11 breath and person from as far away as seven feet. Kratz has denied any alcohol abuse issues
12 and informed Commission staff that he has sought no related treatment. Kratz was removed
13 from the substitute teacher list by the Neah-Kah-Nie School District due to this conduct and
14 policy violations.

15 CONCLUSIONS OF LAW

16 Kratz's conduct described in above, constitutes gross neglect of duty in violation of ORS
17 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
18 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*);
19 and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while*
20 *under the influence of alcohol or any controlled substance*).

21
22 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

23 FINAL ORDER

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25
26 The Commission hereby suspends Robert Edward Kratz's right to apply for an Oregon
27 educator's license for a period of thirty (30) days.

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29 IT IS SO ORDERED THIS 27th day of February, 2017.

30 TEACHER STANDARDS AND PRACTICES COMMISSION

31 By: Monica Beane
32 Monica Beane, Executive Director

1 NOTICE OF APPEAL OR RIGHTS
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3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
4 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
5 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
6 THE OREGON COURT OF APPEALS.