

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION  
SEPTEMBER 8, 2016**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
IN RE DON W. FATE; PLSB CASE NO. 16-092**

At its regular meeting on September 8, 2016, the Arkansas State Board of Education (“Board”) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (“Ethics Subcommittee”) for disciplinary action against the teaching license of Don W. Fate (“Educator Fate”). Based upon Educator Fate’s failure to respond to the Ethics Subcommittee’s recommendation and the evidence presented, in accordance with the Administrative Procedure Act, Ark. Code Ann. § 25-15-101 et seq., the Board finds that Educator Fate’s license should be permanently revoked. The Board hereby states as follows:

**I. Findings of Fact:**

- a. The Arkansas Department of Education issued Educator Fate a standard five-year teaching license on January 1, 2015, valid until December 31, 2019.
- b. The Professional Licensure Standards Board Ethics Subcommittee (“Ethics Subcommittee”) received an allegation that Educator Fate violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators (“Code of Ethics”) promulgated pursuant to Ark. Code Ann. §§ 6-17-422 and 6-17-428.
- c. On February 5, 2016, the Ethics Subcommittee authorized an investigation into the allegations that Educator Fate violated Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom.
- d. On February 11, 2016, Educator Fate was notified of the Ethics Subcommittee’s authorization to investigate the allegation.

e. On June 3, 2016, after considering the investigator's report and evidence, the Ethics Subcommittee unanimously found reasonable belief that Educator Fate violated Standard

1 when he:

- Had/attempted to have sexual, or other inappropriate physical contact with a student; and
- Engaged in Standard 1 sexual abuse of a student as defined by A.C.A. § 6-17-428.

The Ethics Subcommittee recommended that the Board permanently revoke Educator Fate's license.

f. On June 6, 2016, Educator Fate, through his attorney, was notified of the Ethics Subcommittee's reasonable belief determination and recommendation by certified and regular mail.

g. Neither Educator Fate, nor his attorney, responded to the Ethics Subcommittee's reasonable belief determination and recommendation, thereby waiving his right to any notice, hearing, and any other rights he might be entitled to under the Administrative Procedure Act including those set forth in Ark. Code Ann. §§ 25-15-211 and 212.

## **II. Conclusion of Law:**

a. The Administrative Procedure Act, Ark. Code Ann. § 25-15-208 (b), provides for the resolution of this matter by consent order or default.

b. The Board voted unanimously to permanently revoke Educator Fate's license. The Board unanimously found that Educator Fate committed Standard 1 sexual abuse of a student as defined by Ark. Code Ann. § 6-17-428(p).

- c. This order shall remain permanently in Educator Fate's professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.

  
Mireya Reith, Chair  
Arkansas State Board of Education