

1 2. Emura will submit to a urinalysis test / screening for illicit drugs every six months,
2 at her own expense. Testing to commence within the first six months of her
3 reinstatement and continue every six months during the course of her four year
4 probation. The written test results must be provided to the commission on time
5 and from a certified and approved testing provider.

6 Violation of any term or condition of probation shall constitute an independent basis for the
7 Commission to revoke Emura's educator license or otherwise impose discipline, after first
8 providing Emura with notice and opportunity for hearing.

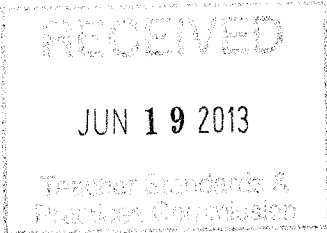
9 *///*

10 Issued and dated this 25th day of June, 2015.

11 **TEACHER STANDARDS AND PRACTICES COMMISSION**
12 **STATE OF OREGON**

13 By *Victoria Chamberlain*
14 Victoria Chamberlain, Executive Director
15

16



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

In the Matter of the)
Educator License of)
KIMBERLY ANN EMURA)
STIPULATION OF FACTS AND
FINAL ORDER OF REVOCATION
OF RIGHT TO APPLY

On October 5, 2010 the Commission received a report from the High Desert ESD alleging Kimberly Ann Emura (Emura) had violated professional practices standards.

After review of the matters alleged, Emura and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the revocation of her right to apply for licensure.

By signing below, Emura acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Revocation of Right to Apply (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Emura nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promise or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

1. Kimberly Ann Emura has been licensed by the Commission since January 14, 1987. Emura held a Basic Teaching License with an endorsement in Basic Elementary Education, issued July 22, 2008, which expired on July 21, 2011. During all relevant times, Emura was seeking employment with High Desert Education Service District.
2. On September 29, 2010, during a pre-employment drug screening, Emura tested positive for Amphetamines, including Methamphetamine, and THC (Marijuana).

1 According to a lab toxicologist where Emura's testing was performed, the level of drugs
2 detected in Emura's urine indicated that Emura had used Amphetamines or
3 Methamphetamines within two days of the test, Emura initially denied using any drug
4 other than marijuana but now admits that she used marijuana and methamphetamines
5 prior to the drug screening.

6 IT IS SO STIPULATED:

7 Kimberly Ann Emura
8 Kimberly Ann Emura

6-12-13

Date

9 Victoria Chamberlain
10 Victoria Chamberlain, Executive Director
11 Teacher Standards and Practices Commission
12
13

5-17-13

Date

14
15 **CONCLUSION OF LAW**

16 Kimberly Ann Emura tested positive for illegal drug use during a pre-
17 employment drug screening. Emura misinformed Commission investigators regarding
18 her drug use. This conduct constitutes gross neglect of duty in violation of ORS 342.175
19 (1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
20 *professional judgment*); and OAR 584-020-0040(4)(c) (*Knowing falsification of any*
21 *document or knowing misrepresentation directly related to licensure, employment, or*
22 *professional duties*). This conduct also constitutes gross unfitness in violation of ORS
23 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
24 *criminal conduct, even in the absence of a conviction*).

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

27 **ORDER**

28 The Commission adopts and incorporates herein the above findings of fact and
29 conclusions of law, and based thereon, the Commission revokes Emura's right to apply
30 for licensure to commence upon finalization of this order.

1
2
3
4
5
6

Issued and dated this 26th day of July, 2013.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By *Victoria Chamberlain*
Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Revocation of Right to Apply, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Kimberley Ann Emura
PO Box 533
Kekaha, HI 96752-0533

DATED this 5th day of August, 2013.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant