

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

3 In the Matter of) ORDER OF
4 the Educator License of:) LICENSE REINSTATEMENT
5 MICHAEL DALE VAN LOON)
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8 This matter came before the Commission on April 7, 2017, to consider Michael Van
9 Loon's request to reinstate his Right to Apply for an Oregon educator's license that was revoked
10 by default order on October 31, 2014. Michael Van Loon is eligible for reinstatement under the
11 Commission's rules. Michael Van Loon appeared before the Commission unrepresented by
12 counsel.

13 Mr. Van Loon has complied with all conditions for reinstatement required by the
14 Commission. After reviewing the evidence submitted by Mr. Van Loon along with his personal
15 statement to the Commission, the Commission grants the reinstatement of Mr. Van Loon's right
16 to apply for any teaching license he may be eligible for.

17 Now therefore, the Commission orders that Michael Dale Van Loon's right to apply for a
18 license is reinstated effective April 7, 2017.

19 Furthermore, the Commission imposes a period of three (3) years of probation upon Mr.
20 Van Loon to commence upon the issue of his educator license and subject to the following
21 terms and conditions of probation:

- 22 1. Michael Dale Van Loon shall comply with the Standards for Competent and
23 Ethical Performance of Oregon Educators under Oregon Administrative Rules
24 Chapter 584, Division 020.

25 Violation of any term or condition of probation shall constitute an independent basis for the
26 Commission to revoke Van Loon's educator license or otherwise impose discipline, after first
27 providing Van Loon with notice and opportunity for hearing.

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1 Issued and dated this 10th day of April, 2017.

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

4 By *Monica Beane*
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6 Dr. Monica Beane, Executive Director

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

In the Matter of the) DEFAULT ORDER OF
Educator License of) REVOCATION OF RIGHT
MICHAEL DALE VAN LOON) TO APPLY

On September 16, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Michael Dale Van Loon (Van Loon) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 4777 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned to the Commission “signed” on September 26, 2014. The first class mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated September 16, 2014, and signed by Victoria Chamberlain, Executive Director, stated:

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

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

FINDINGS OF FACT

1. Michael Van Loon has never been licensed by the Commission. On September 6, 2013, Van Loon made application for student teaching by submitting his PA-1 application package.
2. On December 4, 2013, the Commission internally referred Van Loon’s application to investigations based on background history checks. On Van Loon’s PA-1 application, Van Loon answered affirmatively to character questions 8, 9, and 10 and provided written explanations to his “yes” answers. An investigation was conducted by Commission staff, which included review of Van Loon’s criminal history, arrest

1 history, police contact history, related police reports, and Van Loon's explanations
2 provided in writing and during Van Loon's interview.

3 3. Van Loon's contact with the criminal justice system is extensive. The following is a
4 list of Van Loon's law enforcement encounters in chronological order:

- 5 • 8/20/2005 – Minor in Possession of Liquor – Violation – Convicted
- 6 • 2/16/2010 – Driving while Under the Influence of Intoxicants – Misdemeanor –
7 Dismissed by diversion
- 8 • 5/20/2010 – Criminal Driving – Suspended/Revoked License – Misdemeanor –
9 Convicted
- 10 • 8/19/2010 – Report of animal abuse / Dog at large – witness reported you were
11 seen striking your dog. No Disposition
- 12 • 1/3/2011- Harassment – Misdemeanor – Convicted (No probation Conditions),
13 Assault 4th degree – Misdemeanor – Dismissed, Disorderly Conduct 2nd degree –
14 Misdemeanor – Dismissed
- 15 • 1/29/2011- Driving While Suspended – Violation
- 16 • 3/3/2011- Tampering with a witness – Felony – Dismissed, Harassment –
17 Misdemeanor- not filed, Improper use of 911- Misdemeanor – Convicted
- 18 • 7/10/2011- Probation Violation – Driving while Suspended – Misdemeanor –
19 Dismissed
- 20 • 11/xx/2011- DUII, Reckless Endangering- Misdemeanors (Self-reported, no
21 disposition on file)
- 22 • 11/19/2011- Harassment 2 counts – Misdemeanor – Convicted, (18mo probation
23 5 days Jail), Assault 4th degree- Misdemeanor – Dismissed, Theft of Services –
24 Misdemeanor – Dismissed
- 25 • 11/04/2012- Unlawful Possession of Cocaine-Felony – No complaint filed,
26 Harassment – Convicted

27 Review of the above encounters, combined with Van Loon's written and verbal
28 explanations of the incidents indicate a pattern of alcohol/substance abuse, anger
29 management issues, and physical violence. During Van Loon's interview with staff
30 investigators, Van Loon indicated he had undergone a drug and alcohol evaluation along
31 with counseling and ongoing treatment programs. Van Loon also advised that he

1 possessed court documents related to several of the events listed above. At the request of
2 the commission investigator, Van Loon agreed to provide these documents and
3 documents related to Van Loon's treatment, evaluation and counseling. Multiple
4 requests have been made of Van Loon, but Van Loon has failed to provide any of these
5 materials to the Commission for review and consideration.

6 CONCLUSIONS OF LAW

7 Van Loon's conduct described above constitutes gross neglect of duty violation of
8 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
9 (*Use professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-
10 020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the*
11 *law, exemplifying personal integrity and honesty*). Your conduct and convictions also
12 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
13 (*Conviction of violating any federal, state, or local law. A conviction includes any final*
14 *judgment of conviction by a court whether as the result of guilty plea, no contest plea*
15 *or any other means*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts*
16 *constituting criminal conduct, even in the absence of a conviction*).

17 Van Loon's conduct also constitutes gross neglect of duty in violation of ORS
18 342.175(1)(b); OAR 584-020-0040(4)(p) (*Subject to the exercise of any legal right or*
19 *privilege, failure or refusal by an educator under investigation to respond to requests*
20 *for information, to furnish documents or to participate in interviews with a*
21 *Commission representative relating to a Commission investigation*).

22 Furthermore, Van Loon's conduct described above establishes that Van Loon
23 does not possess good moral character or mental and physical fitness as required to hold
24 a license under ORS 342.143(2).

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

27 FINAL ORDER

28 The Commission hereby revokes Michael Dale Van Loon's right to apply for
29 licensure.

30 IT IS SO ORDERED THIS 31st day of October, 2014.

1 TEACHER STANDARDS AND PRACTICES COMMISSION

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4 By: _____
5 Victoria Chamberlain, Executive Director
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9 NOTICE OF APPEAL OR RIGHTS

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11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
12 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
13 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
14 ORS 183.482 TO THE OREGON COURT OF APPEALS.