

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

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In the Matter of the) STIPULATION OF FACTS, FINAL ORDER
Educator License of:) OF DENIAL OF APPLICATION AND
MELINDA JO SARBECK) REVOCATION OF RIGHT TO
) APPLY

On March 21, 2012, the Teacher Standards and Practices Commission (Commission) received Sarbeck’s application for the reinstatement of her expired teaching license. Review of the character question section of Sarbeck’s application revealed that Sarbeck answered “Yes” to multiple character questions related to criminal history and background that resulted in a referral to investigation. Investigation determined Sarbeck has a history of substance abuse and criminal activity.

After review of the matters alleged, Sarbeck and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, denial of Sarbeck’s application for a teaching license, and the revocation of Sarbeck’s right to apply for licensure.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Sarbeck stipulates that there is sufficient evidence in the Commission’s files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Sarbeck 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, Final Order of Denial of Application and 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

1 Stipulation and Final Order, then neither Sarbeck nor the Commission are bound by the terms
2 herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely;
3 (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and
4 consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no
5 promises or representation has been made to induce her to sign this Stipulation and Final
6 Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order
7 and has been fully advised with regard to her rights thereto, or waives any and all rights to
8 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
9 entry of the Stipulated Final Order below. This Order sets forth the facts upon which the parties
10 have agreed and the sanction to be imposed. In entering into this stipulation, Sarbeck waives
11 the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

12 **STIPULATION OF FACTS**

- 13 1. Melinda Jo Sarbeck has been licensed by the Commission since October 27, 1980.
14 Sarbeck's Basic Teaching License, with an endorsement in Basic Physical Education
15 (019), was issued June 25, 2005, and expired on June 24, 2008. Sarbeck also held a
16 Substitute Teaching License, endorsed with Substitute Any Specialty (PP-12), which was
17 issued June 25, 2008, and expired June 24, 2011.
- 18 2. On March 21, 2012, Sarbeck made application for the reinstatement of her teaching
19 license. Sarbeck accurately answered "Yes" to multiple character questions regarding
20 her criminal history and background. Sarbeck provided written explanations of her "Yes"
21 answers as required. Sarbeck's application was referred to investigate Sarbeck's criminal
22 history and evaluate Sarbeck's fitness for duty. Sarbeck's criminal history includes 14
23 arrests beginning in 1980, the latest occurring in February 2011. Sarbeck's convictions
24 include multiple thefts, DUII's, possession of a controlled substance, probation
25 violations, and failure to appear. Sarbeck has a history of alcohol and drug abuse dating
26 back to at least 1995. Sarbeck has completed several substance abuse treatment

1 programs in past years with varied success. Sarbeck most recently completed a program
2 including transitional housing, regular treatment and ongoing outpatient programs.

3 Sarbeck reports being sober and drug free since October 26, 2010.

4
5 IT IS SO STIPULATED:

6 Melinda Jo Sarbeck
7 Melinda Jo Sarbeck

2.3.2014
Date

8 Victoria Chamberlain
9 Victoria Chamberlain, Executive Director
10 Teacher Standards and Practices Commission

2-11-14
Date

11 **CONCLUSION OF LAW**

12 Melinda Jo Sarbeck's criminal history and history of drug and alcohol abuse establishes
13 that Sarbeck does not possess good moral character or mental and physical fitness as required to
14 hold a license under ORS 342,143(2). Sarbeck's conduct constitutes gross neglect of duty in
15 violation of ORS 342.175(1)(b); OAR 584-020-0040(2) (*An applicant fails to meet the*
16 *requirement of ORS 342.143 "good moral character" if the applicant engages in gross neglect*
17 *of duty, gross unfitness, in violation of section (4) of this rule or other acts which are in*
18 *violation of sections (1) and (3) of this rule); OAR 584-020-0040(4)(n) as it incorporates OAR*
19 *584-020-0010(5) (Use professional judgment). Sarbeck's conduct also constitutes gross*
20 *unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating*
21 *any federal, state, or local law. A conviction includes any final judgment of conviction by a*
22 *court whether as the result of guilty plea, no contest plea or any other means), OAR 584-020-*
23 *0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the*
24 *absence of a conviction), and OAR 584-020-0040(5)(f) (Violation of a term of probation*
25 *imposed by a court).*


1 The Commission's authority to impose discipline in this matter is based upon ORS
2 342.175.

3 **ORDER**

4 The Commission adopts the above Stipulation of Facts, denies Melinda Sarbeck's
5 application for a teaching license, and revokes Melinda Sarbeck's right to apply for a license.

6 IT IS SO ORDERED this 10th day of March, 2014.

7 TEACHER STANDARDS AND PRACTICES COMMISSION

8
9 By: 
10 Victoria Chamberlain, Executive Director