

1 and Order of Probation adopted by the Commission on January 10, 2003, his arrest on March 8,
2004, for Menacing, ORS 163.190, in Marion County, Oregon.

3 3. On June 30, 2004, Mr. Newkirk was convicted of Menacing, ORS 163.190, in Marion
4 County Circuit Court.

5 4. Mr. Newkirk failed to report to the Executive Director pursuant to the Stipulation of Facts
6 and Order of Probation adopted by the Commission on January 10, 2003, his arrest on August 1,
7 2004, for Theft, ORS 164.055, and Theft II, ORS 164.045, in Marion County, Oregon.

8 5. On August 23, 2004, Mr. Newkirk pled guilty and was convicted of Theft I (a felony), ORS
9 164.055, and four counts of Theft II, ORS 164.045, in Marion County Circuit Court.

10 **CONCLUSIONS OF LAW**

11
12 Mark Allan Newkirk violated terms and conditions of an Order of Probation adopted by the
13 Commission in violation of OAR 584-020-0040(4)(k). This behavior constitutes Gross Neglect of
14 Duty. Mr. Newkirk's criminal convictions and criminal behavior constitute Gross Unfitness in violation
15 of OAR 584-020-0040(5)(c) and (e). The Commission has the authority to impose discipline in this
16 matter under ORS 342.120 through 342.430 and OAR Chapter 584.

17 **FINAL ORDER**

18 The Commission adopts and incorporates herein the above findings of fact and conclusions of
19 law, and based thereon hereby revokes Mark Allan Newkirk's right to apply for a license.

20 Issued and dated this 4 day of August, 2006.

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

23
24 By: Victoria Chamberlain
25 Victoria Chamberlain, Executive Director

26 **NOTICE OF APPEAL OR RIGHTS**

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

CERTIFICATE OF MAILING

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2
3 I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4 as such by U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed
5 to:

6
7 Mark Allan Newkirk
8 370 Kevin Court SE
9 Salem, OR 97306

10 Dated this 30th day of August, 2006.
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12
13
14 By: Melody Hanson
15 Melody Hanson, Executive Assistant
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