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

5 6	In the Matter of the ) DEFAULT ORDER Teaching License of ) OF REVOCATION MARK ALLAN NEWKIRK ) OF RIGHT TO APPLY
7	On June 16, 2006, the Teacher Standards and Practices Commission (Commission) issued a
8	Notice of Opportunity for Hearing to Mark Allan Newkirk (Newkirk) in which the Commission charged
9	him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and U.S.
10	Certified Mail Receipt 7005 1160 0001 0494 2543 to the address Mr. Newkirk provided to the
11	Commission. The certified mail receipt was returned to the Commission "unclaimed" and the First
12	Class mailing was not returned. The Notice of Opportunity of Hearing, dated June 16, 2006, and
13	signed by Victoria Chamberlain, Executive Director, stated:
14 15 16 17	"You, Mark Allan Newkirk, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."
2.0	Mr. Newkirk did not request a hearing. The Commission, therefore, finds Mr. Newkirk
21	to be in default and enters the following findings of fact, conclusions of law and order, based
22	on the files and records of the Commission concerning this matter.
23	FINDINGS OF FACT
24	1. On August 1, 2002, the Commission received an complete application for an Initial
25	Teaching License from Mark Allan NewKirk. On January 10, 2003, the Commission adopted a
26	Stipluation of Facts, authorized the issuance of an Initial Teaching License to Mr. Newkirk and placed
27	him on probation. Special conditions of the probation included, "Mr. Newkirk shall report in writing
28	within ten days to the Executive Director of the Commission any arrest or citation for any felony,
29	misdemeanor or major traffic violation." Mr. Newkirk's Initial Teaching License with a Basic Social
30	Studies Endorsement expired on July 23, 2006.
31	2. Mr. Newkirk failed to report to the Executive Director pursuant to the Stipulation of facts

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
	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 day of August, 2006.
21 22 23	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
24 25	By: McXONA Mambulain Victoria Chamberlain, Executive Director
26	NOTICE OF APPEAL OR RIGHTS
27 28 29	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

## **CERTIFICATE OF MAILING**

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	20th
11	Dated this day of August, 2006.
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13	$\mathcal{A}/\mathcal{A}$
14	
15	By: / Wood framon
16	Melody, Hanson, Executive Assistant
17	$\smile$ $\setminus$