

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

3 In the Matter of the  
4 Teaching License of

5 MARK PAUL ALLEN

Case No. 112661

STIPULATION, SURRENDER OF  
LICENSE AND ORDER OF REVOCATION

6 On August 25, 2003, the Superintendent of the Coos Bay School District reported to the  
7 Teacher Standards and Practices Commission (Commission) that Mark Paul Allen may have  
8 violated Commission standards by attempting to sell a school-owned musical instrument and  
9 converting the proceeds from the sale to his own use.

10 Following a preliminary investigation, the Commission issued a Notice of Opportunity  
11 for hearing to Mr. Allen on October 22, 2003. Mr. Allen requested a hearing. The Commission  
12 filed an Amended Notice of Hearing on December 17, 2003.


13 After a review of the matters alleged, Mr. Allen and the Commission have agreed that  
14 their respective interests together with the public interest, are best served by the stipulation set  
15 forth below and to the surrender of Mr. Allen's license under OAR 584-050-0027.

16 **STIPULATION**

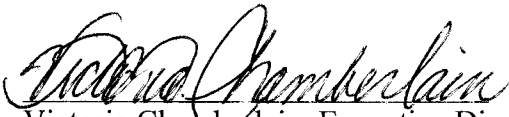
17 Mr. Allen does not admit to the allegations contained in the Amended Notice of Hearing.  
18 However, Mr. Allen stipulates that there is sufficient evidence in the record to support the  
19 findings of fact and conclusions of law set forth in this Order. In entering into this stipulation,  
20 Mr. Allen waives the right to a hearing to contest the findings of fact, conclusions of law and  
21 order set forth below. Mr. Allen understands that the Commission will revoke his teaching  
22 license. This stipulation and order is contingent upon approval and adoption by the Commission.  
23 If the Commission does not adopt this Order, neither Mr. Allen nor the Commission are bound

1 by the stipulation and Mr. Allen retains all right to a hearing to contest the allegations in the  
2 Amended Notice.

3 It is so stipulated:

4  
5   
6 \_\_\_\_\_  
Mark Paul Allen

2/25/04  
\_\_\_\_\_  
Date

7  
8   
9 \_\_\_\_\_  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

2-20-04  
\_\_\_\_\_  
Date

10 **FINDINGS OF FACT**

11 1. Mr. Allen holds a Standard Oregon Teaching License with a standard  
12 endorsement in music. He has been employed as a music teacher and band instructor with the  
13 Coos Bay School District since 1993. He resigned his position with the district effective March  
14 15, 2004.

15 2. Mr. Allen has previously been disciplined by the Commission. On August 2,  
16 2002, the Commission suspended Mr. Allen's teaching license for five months based on findings  
17 that Mr. Allen had converted to his personal use approximately \$14,000 in funds belonging to  
18 the South Coast Chapter of the Oregon Music Education Association. After Mr. Allen served the  
19 suspension, the Commission reinstated his teaching license on December 9, 2002, and placed  
20 him on probation for a period of three years. Mr. Allen has remained on probation up to this  
21 time.

22 3. In July of 2003, Mr. Allen was employed as a high school band instructor for the  
23 district at Marshfield High School. At that time, he negotiated the sale of a saxophone to parents

1 of a former student at the high school. The saxophone was the property of the Coos Bay School  
2 District, and Mr. Allen had no authority to sell the instrument. Mr. Allen received part payment  
3 of \$800 from the parents in the form of a money order payable to Mark Allen. He negotiated the  
4 money order and converted the proceeds to his own use.

5 4. On about August 15, 2003, Mr. Allen provided a written statement to the school  
6 district in which he denied receiving any money and denied receiving a money order from the  
7 parents for the saxophone.

### 8 CONCLUSIONS OF LAW

1. 9 1. Mr. Allen negotiated the sale and received part payment for a saxophone that  
10 belonged to the Coos Bay School District. This behavior was gross unfitness in violation of  
11 OAR 584-020-0040(5)(e). This conduct also violated Mr. Allen's probation which required that  
12 he comply with all professional standards under OAR 584 Division 020.

13 2. Mr. Allen made a knowing misrepresentation to his employer when he denied that  
14 he had received a money order or any payment from the parents of the former student. This  
15 conduct constituted gross neglect of duty in violation of OAR 584-020-0040(4)(c). It also  
16 constituted a violation of the terms of Mr. Allen's probation which required that he comply with  
17 all professional standards under OAR 584 Division 020.

### 18 DISCUSSION

19 This is the second instance that the Commission is called upon to discipline Mr. Allen for  
20 dishonesty directly related to his professional responsibilities. The Commission was probably  
21 lenient in its previous order when it imposed a five month suspension. Other aggravating factors  
22 are that Mr. Allen was on probation at the time of this offense and the fact that he was also

23

1 dishonest to his employer when he was confronted about his attempted sale of the musical  
2 instrument.

3 Mr. Allen would have the right to apply for reinstatement of his license after at least one  
4 year from the date of this Order. He would bear the burden to establish convincingly his fitness  
5 for reinstatement.

6 **ORDER**

7 Oregon Teaching License of Mark Paul Allen is revoked.

8 IT IS SO ORDERED this 5 day of March, 2004

9 TEACHER STANDARDS AND PRACTICES COMMISSION

10  
11 By: *Victoria Chamberlain*  
12 Victoria Chamberlain, Executive Director