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

In the Matter of the)
Teaching License of) PUBLIC REPRIMAND AND
ROBERT DAVIS MARKLAND) ORDER OF PROBATION
)

On September 24, 1996, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing, proposing to suspend or revoke the teaching license of Robert Davis Markland (Markland) or otherwise impose discipline under ORS 342.177. On October 2, 1996, Markland requested a hearing, through his attorney, Paul Gamson and the Commission scheduled a hearing for March 17 and 18, 1997. An amended Notice of Opportunity for Hearing dated February 25, 1996 was provided to Markland's attorney. The hearing took place as scheduled with a hearing panel consisting of: Martin Morris, John Tenny and Susan Wilcoxen. Commissioner Paul Meyer served as hearing officer. Assistant Attorney General Joe McKeever represented the Commission. Paul Gamson, Smith, Gamson, Diamond & Olney, represented Mr. Markland. The hearing was conducted as a contested case matter and was mechanically tape recorded.

The panel heard testimony from the following witnesses who were called by the Commission: Dawn Dement, Linda Figiel, Detective Thomas Kipp, Carrie Lackas, Shirley Lackas, Karen Richey, Beth Schobel and Vic Marcheck.

The following witnesses testified on behalf of Mr. Markland: Lyle Charon, Karen Scourfield, Ann Davis, Donald Stearns, Alfred Hulbert, Valerie Wright and Robert Markland.

The following exhibits were offered by the Commission and received into evidence:

TSPC 1 Application for teaching license, dated 10/26/93.

TSPC 2 Decree of Dissolution and Marital Settlement Agreement, dated 3/1/95.

- 1 TSPC 3 Deschutes County Sheriff's report and statement forms, dated
2 12/18/95.
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4 TSPC 4 Unsigned letter, dated 3/96.
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6 TSPC 5 Investigation report of Missouri State Highway Patrol, dated 4/11/96.
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8 TSPC 6 Investigation report of Missouri State Highway Patrol, dated 4/30/96.
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10 TSPC 7 Diversion Agreement and Order staying proceeding, dated 2/28/96.
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12 TSPC 8 Letter from Andrew Schob, M.S., dated 7/25/96.
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14 TSPC 9 Investigation report of Oregon State Police, dated 5/9/96.
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16 TSPC 10 Letter from Karen Richey, dated 6/18/96.
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18 TSPC 11 Report of Missouri State Highway Patrol, dated 8/21/96.
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20 TSPC 12 Report of Oregon State Police, dated 9/3/96.
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22 TSPC 13 Order to Dismiss, dated 9/20/96.
23
24 TSPC 14 Excerpts from deposition of Robert Markland (pages 51 and 52; 49 and
25 50), dated 1/27/97.
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27 TSPC 15 Oregon Uniform Jury Instructions No. 14.01 (Burden of Proof) and No.
28 14.02 (Preponderance of the Evidence).
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30 TSPC 16 Oregon State Police Videotape of Robert Markland interview on 3/3/96.
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33 No exhibits were offered by Mr. Markland.
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35 FINDINGS OF FACT

- 36 1. Mr. Markland and Carrie Lackas, a minor of 15 years of age, were on a canoe
37 trip in Missouri during the Summer of 1990. The preponderance of the
38 evidence does not support the charge that Mr. Markland furnished alcohol to
39 Carrie Lackas or had sexual contact with her.
40 2. Mr. Markland and Carrie Lackas did attend a baseball game in St. Louis,
41 Missouri during the Summer of 1990. The preponderance of the evidence does
42 not support the charge that Mr. Markland furnished alcohol to Carrie Lackas or
43 had sexual contact with her.

- 1 3. Mr. Markland and Carrie Lackas were at an after-school activity at a school
2 where Mr. Markland was employed as a teacher. The preponderance of the
3 evidence does not support the charge that Mr. Markland had sexual intercourse
4 with her.
- 5 4. Carrie Lackas was in Fort Myers, Florida in August 1990 with Mr. Markland
6 and his family on a vacation. The preponderance of the evidence does not
7 support the charge that Mr. Markland had sexual intercourse with her.
- 8 5. Carrie Lackas did assist Mr. Markland in painting a residential building in
9 Missouri. The preponderance of the evidence does not support the charge that
10 Mr. Markland had sexual contact with Carrie Lackas.
- 11 6. In November 1992, Carrie Lackas was in Oregon in Mr. Markland's home. The
12 preponderance of the evidence does not support the charge that Mr. Markland
13 furnished alcohol to her.
- 14 7. On December 17, 1995, Mr. Markland assaulted Brian Dement by grabbing
15 Dement by the hair and throwing him to the ground in the area outside the
16 residence of Mr. Markland's former wife in Bend, Oregon. As a result, Mr.
17 Markland was arrested and charged with the crime of Assault in the Fourth
18 Degree. Pursuant to plea negotiations, the charge was reduced to the crime of
19 Harassment, a class B misdemeanor. On February 28, 1996, Mr. Markland
20 entered a plea of guilty to the crime of Harassment in the Deschutes County
21 District Court. Pursuant to plea negotiations, the court approved a diversion
22 agreement in which Markland agreed to pay a diversion fee of \$50, and an
23 assessment fee of \$545, restitution to Brian Dement in the sum of \$169 and to
24 complete anger evaluation and counseling/treatment and the case was
25 dismissed on September 20, 1996.

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ULTIMATE FINDINGS OF FACT

The facts in Finding of Fact number 7 constitute a violation of Standards for
Competent and Ethical Performance of Oregon Educators under OAR 584, Division
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ORDER

1. The Commission imposes a Public Reprimand on Robert Davis Markland and this Order shall serve as a reprimand.

2. The Commission places Markland on probation for a period of six months from the date of this order subject to the following conditions:

a) Markland shall violate no law; and

b) Markland shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under OAR 584, Division 20. Violation of any terms of Markland's probation shall constitute a basis for the Commission to charge Markland with further violations of the Standards for Competent and Ethical Performance of Oregon Educators, after first providing Markland with notice and opportunity for hearing on the issue of whether he violated his probation.

Dated this 22 day of May, 1997.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton

David V. Myton, Executive Secretary

NOTICE OF APPEAL OR RIGHTS

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.

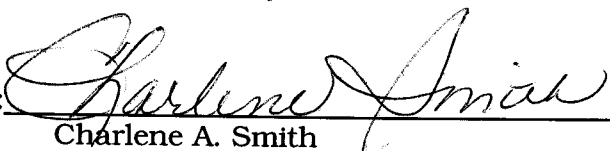
DVM/cs

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. Certified Mail with Return Receipt Requested to attorney for Robert Davis Markland:

PAUL GAMSON
SMITH, GAMSON, DIAMOND & OLNEY
2110 SW JEFFERSON SUITE 200
PORTLAND OR 97201-7712

Dated this 22nd day of May, 1997.

By: 
Charlene A. Smith
Secretary to the Commission