

1 *been granted conditional discharge by any court for: (a) any felony; (b) misdemeanor...* This
2 answer was false. Brinker was arrested on March 30, 2001, for Class C Misdemeanor Theft-3. On
3 April 26, 2001, these charges were dismissed in the Multnomah Circuit Court. On August 20, 2003,
4 Brinker was arrested for: Felony Manufacture/Delivery of Controlled Substance-Schedule 2 (ORS
5 475.992(1)(B)); two counts of Felony Possession Precursor Subs (ORS 475.967(1)); three Felony
6 counts of Possession Controlled Sub 2 (ORS 475.992(4)(B)); and Misdemeanor DUII (ORS
7 813.010(4)). On January 27, 2006, all charges were dismissed in the Multnomah Circuit Court "*Due*
8 *to lack of speedy trial.*" Brinker also failed to disclose an August 8, 2002, conviction for Class C
9 Misdemeanor Criminal Trespass 2 (ORS 164.245), in Multnomah Circuit Court.

- 10 3. On August 23, 2003, Brinker had contact with the Port of Portland Police. Brinker explained to
11 police that she was moving materials for a methamphetamine lab for an associate of hers, which had
12 been stored in a storage unit belonging to Brinker. Brinker also told the police officer that she used
13 methamphetamine, via snorting, smoking and intravenously.
- 14 4. During an interview with a Commission investigator, Brinker was not truthful regarding her past
15 arrests and convictions.

16 **CONCLUSIONS OF LAW**

17 Brinker's conduct described in section two (2) above constitutes gross neglect of duty in
18 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
19 0010(5) (*Use professional judgment*). This conduct also constitutes gross unfitness in violation
20 of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
21 *local law. A conviction includes any final judgment of conviction by a court whether as the*
22 *result of guilty plea, no contest plea or any other means*), OAR 584-020-0040(5)(e)
23 (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a*
24 *conviction*); and OAR 584-050-0100(8) (*Subject individuals who have been convicted of any*
25 *crimes in any jurisdictions may be required to furnish evidence satisfactory to the commission*
26 *of good moral character, mental and physical health, and such other evidence as it may deem*
27 *necessary to establish the applicant's fitness to serve as a licensed educator, registered charter*
28 *school educator or certified school nurse*).

29 Brinker's conduct described in section three (3) above constitutes gross neglect of duty in
30 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
31 0010(5) (*Use professional judgment*). This conduct also constitutes gross unfitness in violation
32 of ORS 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
33 *criminal conduct, even in the absence of a conviction*).

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1 Brinker's conduct described in section four (4) above constitutes gross neglect of duty in
2 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
3 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(c) (*Knowing falsification of any*
4 *document or knowing misrepresentation directly related to licensure, employment, or*
5 *professional duties*),

6 The Commission's authority to impose discipline in this matter is based upon ORS
7 342.175.

8 **FINAL ORDER**

9 The Commission hereby denies Julianne M. Brinker's application for a teaching license
10 and revokes her right to apply for a teaching license.

11 IT IS SO ORDERED THIS 17th day of April, 2012.

12 TEACHER STANDARDS AND PRACTICES COMMISSION

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15 By: 
16 Victoria Chamberlain, Executive Director

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18 NOTICE OF APPEAL OR RIGHTS

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