

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) ORDER OF REPRIMAND
5 DON T. MAKANDE) AND PROBATION
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7 On or about August 12, 2003, the Teacher Standards and Practices Commission
8 (Commission) received a complete application for renewal of a Standard Teaching
9 License from Don T. Makande (Makande). Mr. Makande responded affirmatively to a
10 character question regarding a criminal conviction for Driving Under the Influence of
11 Intoxicants (DUI) on July 1, 2002, in Washington County.

12 Mr. Makande fully cooperated with the Commission's investigation. After review
13 of the matters alleged, Mr. Makande and the Commission agree that their respective
14 interests, together with the public interest, are best served by a stipulation to certain
15 facts, the imposition of a Public Reprimand and a four (4) year probation. This Order
16 sets forth the facts upon which the parties have agreed and the sanction to be imposed.
17 Mr. Makande stipulates that there are sufficient facts contained in the Commission's
18 files and records to support the findings of fact and conclusions of law set forth below.
19 In entering into this stipulation, Mr. Makande waives the right to a hearing to contest the
20 findings of fact, conclusions of law and order set forth below. Mr. Makande understands
21 that the probation will be subject to specific conditions.

22 **STIPULATION OF FACTS**

23 1. On August 26, 1997, the Commission issued a Standard Teaching License to
24 Don Makande. That license expired on June 5, 2003. On August 12, 2003,

1 Mr. Makande submitted a complete application for renewal of a Standard Teaching
2 License.

3 2. Mr. Makande is employed by Portland Public Schools. He began his
4 employment with the District in September of 1990.

5 3. On November 30, 1986, Mr. Makande was arrested for DUII in Marion
6 County, Oregon. On January 26, 1987, Mr. Makande was convicted of DUII in the
7 District Court for the State of Oregon for Marion County.

8 4. On March 22, 1987, Mr. Makande was arrested for Driving While Suspended
9 – misdemeanor in Linn County. On May 11, 1987, Mr. Makande was convicted of DWS
10 – misdemeanor in the District Court for the State of Oregon for Linn County.

11 5. On September 14, 1987, Mr. Makande was arrested for Driving While
12 Suspended – felony in Benton County. On November 25, 1987, Mr. Makande was
13 convicted of DWS – felony in the District Court for the State of Oregon for Benton
14 County.

15 6. On December 30, 1996, Mr. Makande was arrested for DUII in Portland,
16 Oregon. Mr. Makande successfully completed a diversion program and the charge was
17 dismissed on May 7, 1998, in the District Court for the State of Oregon for Multnomah
18 County.

19 7. On May 5, 2002, Mr. Makande was arrested for DUII in Washington County,
20 Oregon. On July 1, 2002, Mr. Makande was convicted of DUII in the Circuit Court for
21 the State of Oregon for Washington County. The Judgment Order placed Mr. Makande
22 on a two-year bench probation and required Mr. Makande to complete an alcohol
23 treatment program in addition to other conditions.

1 8. On December 30, 2002, Mr. Makande successfully completed an alcohol
2 addiction program at Change Point.

3 9. Mr. Makande recognizes that he has an alcohol dependency problem.

4 Don Makande enters into this Stipulation of Facts with the knowledge that the
5 Teacher Standards and Practices Commission shall place him on probation for a period
6 of four (4) years. This Stipulation is contingent upon approval and adoption of the Order
7 by the full Commission. If the Commission does not adopt this Order, neither
8 Mr. Makande nor the Commission are bound by these stipulations and Mr. Makande
9 retains the right to a hearing on the allegations.

10 IT IS SO STIPULATED:

11 *Don T. Makande*
12 Don T. Makande

10/17/03
Date

13 *Victoria Chamberlain*
14 Victoria Chamberlain, Executive Director
15 Teacher Standards and Practices Commission

10-13-03
Date

16 **CONCLUSIONS OF LAW**

17 By Driving Under the Influence of Intoxicants on December 30, 1996, Don
18 Makande engaged in an act constituting criminal conduct in violation of OAR 584-020-
19 0040(5)(e). Don Makande's criminal convictions for DUII and DWS violate OAR 584-
20 020-0040(5)(c). This misconduct constitutes Gross Unfitness. The Commission's
21 authority to impose discipline in this matter is based upon ORS 342.175.

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2 **ORDER**

3 The Commission adopts the above stipulation of facts and imposes a Public
4 Reprimand upon Mr. Makande. This Stipulation of Facts, Order and Probation
5 constitute the Reprimand.

6 Furthermore, the Commission imposes a four (4) year probation upon
7 Mr. Makande subject to the following terms and conditions:

8 1. Mr. Makande shall provide the Executive Director with a copy of the treatment
9 plan and at his own initiative and expense, continue to obtain treatment for his alcohol
10 dependency as recommended by his alcohol treatment provider;

11 2. During the period of this probation, Mr. Makande shall comply with the terms
12 of the treatment and aftercare plans. Mr. Makande shall abstain from the consumption
13 of alcohol;

14 3. During the period of his probation, Mr. Makande shall submit to the Executive
15 Director of the Commission reports of his compliance with the treatment plan.
16 Mr. Makande shall provide these reports every six (6) months during his probation, on
17 or before April 10, 2004; October 10, 2004; April 10, 2005; October 10, 2005; April 10,
18 2006; October 10, 2006; April 10, 2007; and October 10, 2007;

19 4. Mr. Makande shall report in writing within ten days to the Executive Director of
20 the Commission any arrest or citation for any felony, misdemeanor, major traffic
21 violation or violation of criminal probation; and

22 5. Mr. Makande shall comply with all Standards for Competent and Ethical
23 Performance under Oregon Administrative Rules Chapter 584, Division 020.

1 If Mr. Makande does not comply with all terms and conditions of this probation,
2 based on the reports of his treatment provider or as otherwise determined by the
3 Executive Director, he shall be in violation of this probation. Violation of a term or
4 condition of this probation may constitute an independent basis for the Commission to
5 impose discipline, up to and including revocation of Mr. Makande's licensure subject to
6 Mr. Makande's right to a hearing on the issue of whether he violated probation.

7 IT IS SO ORDERED this 15th day of January, 2004

8 TEACHER STANDARDS AND PRACTICES COMMISSION

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10 By 
11 Victoria Chamberlain, Executive Director

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