

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

3
4 In the Matter of the) DEFAULT ORDER OF DENIAL OF
5 Teaching License of) LICENSURE AND REVOCATION OF
6 JOEY DALE WARK) RIGHT TO APPLY FOR LICENSURE
7

8 On August 20, 2004, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Joey Dale Wark (Wark) in which the Commission
10 charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class
11 Mail and U.S. Certified Mail Receipt 7003 2260 0000 8922 8340 to the address Mr. Wark
12 provided to the Commission. The certified mail receipt was signed by Mr. Wark and returned to
13 the Commission on August 26, 2004. Joey Dale Wark did not request a hearing. The Notice of
14 Opportunity of Hearing, dated August 20, 2004, and signed by Victoria Chamberlain, Executive
15 Director, stated:

16 "You, Joey Dale Wark, are entitled to a hearing on the proposed action of the
17 Commission. If you want a hearing, you must file a written request for a hearing
18 with the Commission within 21 days of the date of this notice. Attached to this
19 notice is a copy of the procedures, right of representation and other rights of
20 parties relating to the conduct of a hearing as required under ORS 183.413(2)."
21

22 Mr. Wark did not request a hearing. The Commission, therefore, finds
23 Mr. Wark to be in default and enters the following findings of fact, conclusions of law and
24 order, based on the files and records of the Commission concerning this matter.

25 **FINDINGS OF FACT**

26 1. On April 20, 2004, Mr. Wark signed and submitted an Application for Educator
27 License Form C-1 requesting a Transitional Teaching License. Mr. Wark responded
28 affirmatively to Character question 1, "Have you ever left any educational or school-related
29 employment or involuntarily, while the subject of an inquiry, review or investigation of alleged
30 misconduct..." and Character question 3, "Have you ever failed to complete a contract for

1 educational services in any educational or school-related position, or for any alleged misconduct
2 or alleged violation...?" Mr. Wark reported that he became emotionally involved with a student
3 and resigned in the fall of 2002 as a physical education teacher for the Florence-Carlton High
4 School.

5 2. During the 2002-2003 academic year Mr. Wark engaged in sexual relations with a
6 17-year old female high school student on and off school grounds while serving as a teacher for
7 Florence-Carlton High School, Florence, Montana.

8 CONCLUSIONS OF LAW

9 Sexual conduct with a student, OAR 584-020-0040(4)(f) is evidence of lack of fitness to
10 serve as an Oregon educator and a basis for denial of licensure pursuant to OAR 584-050-
11 0006(5) and ORS 342.142. The Commission's authority to impose discipline in this matter is
12 based upon ORS 342.175.

13 ORDER

14 The Commission hereby denies Mr. Wark's application for a teaching license and
15 revokes Mr. Wark's right to apply for an Oregon teaching license.

16 IT IS SO ORDERED this 7 day of October 2004.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

18
19 By: Victoria Chamberlain
20 Victoria Chamberlain, Executive Director
21
22

23 NOTICE OF APPEAL OR RIGHTS

24
25 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
26 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
27 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
28 183.482 TO THE OREGON COURT OF APPEALS.

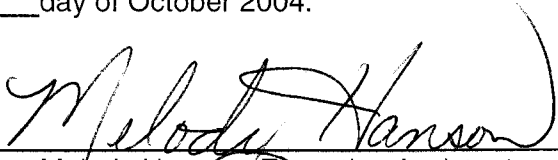
2 - DEFAULT ORDER OF DENIAL OF LICENSURE AND REVOCATION OF RIGHT TO
APPLY FOR LICENSURE - WARK

CERTIFICATE OF MAILING

1
3 I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4 as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed
5 to:
6

7 Joey Dale Wark
8 515 Buck Street
9 Stevensville, MT 59870

10 Dated this 25th day of October 2004.
11

12
13
14 By: 
15 _____
16 Melody Hanson, Executive Assistant