

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) AND
5 JOSEPH L. MORTENSEN) ORDER OF PROBATION

6 On July 14, 2005, Joseph L. Mortensen (Mortensen) submitted an application for an
7 Initial Teaching License to the Teacher Standards and Practices Commission (Commission).
8 Mr. Mortensen responded affirmatively to character questions 8 and 10.

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

17 Mr. Mortensen enters into this Stipulation of Facts with the knowledge that the
18 Commission shall place him on probation for a period of four (4) years. This Stipulation is
19 contingent upon approval and adoption of the Order by the full Commission. If the Commission
20 does not adopt this Order, neither Mr. Mortensen nor the Commission are bound by these
21 stipulations and Mr. Mortensen retains the right to a hearing on the allegations.

22 **STIPULATION OF FACTS**

23 1. On July 14, 2005, Mr. Mortensen submitted an Application For Educator License
24 Form C-1 to the Commission requesting an Initial Teaching License. He responded
25 affirmatively to character questions 8 and 10, provided an explanation and court documents.

26 2. On November 13, 2004, Mr. Mortensen was arrested for Driving Under the Influence
27 of Intoxicants (DUII) in Central Point, Oregon. On November 13, 2004, Mr. Mortensen pled "No
28 Contest" to the charge of DUII in Jackson County Circuit Court. The court granted

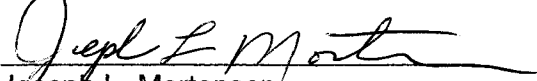
1 Mr. Mortensen a Diversion for DUII to be completed on December 1, 2005.

2 3. On or about May 10, 1987, the Oregon Department of Motor Vehicles suspended
3 Mr. Mortensen drivers license for a blood alcohol level above the legal limit of .08 based upon
4 an arrest for DUII in April of 1987.

5 4. On May 6, 2005, Mr. Mortensen successfully completed an Outpatient Treatment
6 Program for DUII Diversion at Addictions Recovery Center.

7 5. Mr. Mortensen recognizes that he has an alcohol abuse problem and has agreed to
8 continue treatment.

9 IT IS SO STIPULATED:

10 
11 Joseph L. Mortensen

10-26-05
Date

12 
13 Victoria Chamberlain, Executive Director
14 Teacher Standards and Practices Commission
15

10-12-05
Date

CONCLUSIONS OF LAW

17 Joseph L. Mortensen's alcohol related criminal conviction and criminal conduct
18 constitute Gross Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-
19 0040(5)(e). Criminal convictions and criminal conduct, even in the absence of conviction, may
20 be used as evidence to establish an applicant's lack of fitness to serve as an educator pursuant
21 to OAR 584-050-0006. The Commission's authority to impose discipline in this matter is based
22 upon ORS 342.143 and ORS 342.175.

ORDER

24 The Commission adopts the above stipulation of facts and authorizes the issuance of an
25 Initial Teaching License to Mr. Mortensen subject to all standard terms and conditions.

26 Furthermore, the Commission imposes a four (4) year probation upon
27 Mr. Mortensen to commence the date of issuance of said license and subject to the following
special terms and conditions of probation:

- 29 1. Mr. Mortensen shall within the first six months of probation, on or before

1 May 4, 2006, provide a copy of the treatment plan and aftercare plan as prescribed by the
2 treatment provider;

3 2. Mr. Mortensen shall, at his own initiative and expense, continue to obtain treatment
4 for his alcohol dependency as recommended by his alcohol treatment provider and abstain from
5 the consumption of alcohol;

6 3. During the period of his probation, Mr. Mortensen shall submit to the Executive
7 Director of the Commission reports of his compliance with the aftercare treatment plan. Mr.
8 Mortensen shall provide these reports every six (6) months during his probation, on or before:
9 May 4, 2006; November 4, 2006; May 4, 2007; November 4, 2007; May 4, 2008; November 4,
10 2008; May 4, 2009; and November 4, 2009.

11 4. Mr. Mortensen shall conduct himself as a law-abiding citizen;

12 5. Mr. Mortensen shall report in writing within ten days to the Executive Director of the
13 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or
14 violation of criminal probation; and

15 6. Mr. Mortensen shall comply with the Standards for Competent and Ethical
16 Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
17 020.

18 Violation of any term or condition of probation shall constitute an independent basis for
19 the Commission to revoke Mr. Mortensen's teaching license or otherwise impose discipline,
20 after first providing Mr. Mortensen with notice and opportunity for hearing.

21 IT IS SO ORDERED this 7th day of November, 2005.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23
24 By Victoria Chamberlain
25 Victoria Chamberlain, Executive Director

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