

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

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In the Matter of the)
Teaching License of) STIPULATION OF FACTS,
KERRY MARK SMITH) SURRENDER, AND
) ORDER OF REVOCATION

On or about June 27, 2002, the Teacher Standards and Practices Commission (Commission) received a report from Kathleen Hering, Human Resources Director of Albany Public School District, indicating that Kerry Mark Smith (Smith) was arrested on June 22, 2002, on charges of sexual abuse in the third degree, contributing to the sexual delinquency of a minor, and sexual misconduct.

After review of the matters alleged, Mr. Smith and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and surrender of his teaching license pursuant to OAR 584-050-0027.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Mr. Smith stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Mr. Smith waives the right to a hearing to contest the finding of fact, conclusion of law and order set forth below. Mr. Smith understands that the Commission will revoke his teaching license.

This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. Smith nor the Commission are bound by these Stipulations and Mr. Smith retains all rights to a hearing on the allegations.

STIPULATION OF FACTS

2 1. Mr. Smith holds a Standard Teaching License issued January 6, 1997, valid
3 until December 21, 2002, and an Initial Administrative License issued August 31, 2000,
4 valid until December 21, 2003.

5 2. Mr. Smith was employed by the Albany Public School District as a teacher
6 beginning in August of 1992 until his resignation effective June 13, 2002.


7 3. On September 25, 2002, Mr. Smith was convicted in Linn County Circuit Court
8 of two counts of Sexual Abuse III, ORS 163.415.

9 4. The conviction listed above was the result of Mr. Smith's relationship with a
10 17-year old female student.

11 IT IS SO STIPULATED:

12 
13 _____
14 Kerry Mark Smith

October 1, 2002
Date

15 
16 _____
17 Victoria Chamberlain, Executive Director
18 Teacher Standards and Practices Commission

10-3-02
Date

19 **CONCLUSIONS OF LAW**

20 Kerry Mark Smith was convicted of two counts of Sexual Abuse III, ORS
21 163.415. The Commission is required pursuant to ORS 342.143(3) and OAR 584-020-
22 0040(1) to revoke Mr. Smith's licensure.

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ORDER

2 The Commission accepts the surrender of Kerry Mark Smith's Standard
3 Teaching License and Initial Administrator License and hereby revokes said licensure
4 pursuant to ORS 342.143(3).

5 IT IS SO ORDERED this 11 day of October, 2002

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7
8 By: *Victoria Chamberlain*
9 Victoria Chamberlain, Executive Director

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11 Approved as to form:

12
13 *[Signature]* 10/1/2002
14 Forrest Reid, OSB #86084
15 Attorney for Kerry Mark Smith

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