1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 3 OF THE STATE OF OREGON 4 In the Matter of the **DEFAULT ORDER OF** 5 6 Teaching License of ) LICENSE REVOCATION AND MARK READ CULBERTSON ) REVOCATION OF RIGHT TO APPLY 7 8 On July 19, 2012, the Teacher Standards and Practices Commission (Commission) issued 9 a Notice of Opportunity for Hearing to Mark Read Culbertson (Culbertson) in which the 10 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent 11 via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 1483 to the 12 address on file with the Commission. The Notice designated the Commission file as the record 13 for purposes of proving a prima facie case. The Certified Mail was signed for on July 20, 2012. 14 The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, 15 dated July 19, 2012, and signed by Victoria Chamberlain, Executive Director, stated: 16 "IF A REOUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD. 17 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 18 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. 19 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A 20 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER 21 22 DISCIPLINE." 23 24 Culbertson did not request a hearing. The Commission, therefore, finds Culbertson to be in 25 default and enters the following findings of fact, conclusions of law, and final order, based on 26 the files and records of the Commission concerning this matter. 27 FINDINGS OF FACT 28 1. Mark Read Culbertson has been licensed by the Commission since January 11, 1999. 29 Culbertson's Initial I Teaching License with an endorsement in Music (ML/HS), was issued 30 October 14, 2009, and expired on April 29, 2012. During all relevant times, Culbertson was 31 employed by the Dayton School District. 32 2. On April 12, 2012, Culbertson pled guilty and was subsequently convicted of two counts of 33 Encouraging Child Sex Abuse in the First Degree (ORS 163.684) and four counts of 34 Encouraging Child Sex Abuse in the Second Degree (ORS 163.686). Culbertson was 35 sentenced to 90 sanction units of incarceration, required to surrender his teaching license, 36 and required to register as a sex offender upon his release. The conduct underlying 37 Culbertson's conviction included Culbertson downloading, possessing, and duplicating 38 visual recordings of sexually explicit conduct involving a child (Child Pornography) on his 39 computer.

1	CONCLUSIONS OF LAW
2	Culbertson's conviction constitutes gross neglect of duty in violation of ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
4	professional judgment); OAR 584-020-0040(1)(bb) (ORS 163.684 – Encouraging Child Sexual
5	Abuse in the First Degree); and OAR 584-020-0040(1)(cc) (ORS 163.686 – Encouraging Child
6	Sexual Abuse in the Second Degree). This conduct also constitutes gross unfitness in violation of
7	ORS 342.175(1)(c); OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting
8	criminal conduct, even in the absence of a conviction). Pursuant to ORS 342.175(3) and OAR
9	584-020-0040(1) the Teacher Standards and Practices Commission must revoke Culbertson's
10	right to apply for a license based on Culbertson's conviction of any of the crimes listed in ORS
11	342.143(3)(a).
12	Furthermore, the conduct underlying Culbertson's conviction constitutes gross neglect of
13	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
14	020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(k) (knowing violation of
15	any rule or order of the Commission); OAR 584-020-0040(4)(0) as it incorporates OAR 584-
16	020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law,
17	exemplifying personal integrity and honesty)
18	The Commission's authority to impose discipline in this matter is based upon ORS
19	342.175.
20	FINAL ORDER
21	The Commission hereby revokes the licensure of Mark Read Culbertson and revokes
22	Culbertson's right to apply for licensure.
23	IT IS SO ORDERED THIS 2012.
24	TEACHER STANDARDS AND PRACTICES COMMISSION
25 26 27	By:  Victoria Chamberlain, Executive Director
28 29 30 31 32	NOTICE OF APPEAL OR RIGHTS  YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
33 34	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.