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

3	In th	ne Matter of the) STIPULATION OF FACTS
4	Teac	ching License of AND ORDER OF PROBATION
5	EMI	ILY LYNN KAPSCH)
6) ·
7	On A	August 21, 1997, the Teacher Standards and Practices Commission received an application
8		a Basic Teaching License from Emily Lynn Kapsch. The application was jointly
9	submitted with request for expedited service from Portland Public Schools. Ms. Kapsch	
10	revealed that she had been convicted in March 1997 for Driving Under the Influence of	
11	Intoxicants and for Possession of Less Than One Ounce of Marijuana. The Executive	
12		etary concluded that there was sufficient evidence to deny licensure to Ms. Kapsch and to
13		rm her of her opportunity for hearing. Ms. Kapsch was notified by telephone of these
14		ings and offered an opportunity to stipulate to the facts with an Order of Probation. In
15		ring into this Stipulation, Ms. Kapsch waives her right to a hearing to contest any of the
16	findi	ings set forth below.
17	Emil	ly Lynn Kapsch agrees and stipulates that substantial evidence exists in the record to
18		ort the following findings of fact by the Commission:
19		FINDINGS OF FACT
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20	1.	Emily Kapsch completed a teacher education program at Portland State University in
21		July 1997 and has met all academic requirements for a Basic Teaching License
22		endorsed in Elementary.
23	2.	On February 23, 1997, Ms. Kapsch was driving a vehicle that was involved in a
24		collision at the intersection of NE Sandy Boulevard and Burnside Avenue in Portland,
25		Oregon, at approximately 1:55 am.
26	3.	The incident was observed by Portland police officer T. Wyatt who reported that
27		Kapsch continued East on Burnside for approximately eight blocks before responding
28		to his overhead lights signaling her to pull to the curb.
29	4.	Ms. Kapsch was cited for driving under the influence of intoxicants and for possession
30		of two buds of marijuana (less than one ounce). Kapsch had a small pipe with burned
31		marijuana in it in the pocket of her jacket.
32	5.	On March 27, 1997, Kapsch was permitted to enter a diversion program on the
33		misdemeanor charge of driving under the influence of intoxicants. She was also
34		convicted of possession of less than one ounce of marijuana and fined \$400 which was
35		suspended for attending a drug treatment program called "Dope Talk."

6. Kapsch has complied with all conditions imposed by the court, has paid all of the assessments and fines involved with the diversion and has attended "Dope Talk." She is scheduled to complete the remaining group counseling requirements of the diversion program on or before December 31, 1997. 5 7. Kapsch reported the convictions on Application Form C-1 and provided the required 6 explanation and copies of the court documents. 7 This Stipulation and the Proposed Order of Probation are contingent upon approval by the full 8 Commission at the Commission's next meeting. If the Commission does not approve this 9 Stipulation, the matter will be returned for a hearing and neither Kapsch nor the Commission shall be bound by any matters in this Stipulation. The parties acknowledge that upon 10 execution of this Stipulation, the Commission will enter into an Order placing Emily Lynn 11 12 Kapsch on Probation for a period of two years from the date of this Stipulation and with the 13 conditions of probation set forth in the order below. 14 IT IS SO STIPULATED: 15 16 17 18 David V. Myton, Executive Secretary 19 Teacher Standards and Practices Commission 20 ULTIMATE FINDINGS OF FACT 21 On March 27, 1997, Emily Lynn Kapsch was convicted of the misdemeanor crimes of 22 Driving Under the Influence of Intoxicants and Possession of Less Than One Ounce of 23 Marijuana in Multnomah County District Court. She was provided a diversion program for 24 the DUII and permitted to attend Dope Talk in lieu of a fine for possession of less than one 25 ounce of marijuana. 26 CONCLUSIONS OF LAW 27 Emily Lynn Kapsch's conviction for Driving Under the Influence of Intoxicants and 28 Possession of Marijuana constitute grounds for denial of licensure under ORS 342.143 and 29 OAR 584-20-040 (5).

PAGE 2--PROPOSED STIPULATION AND ORDER--EMILY LYNN KAPSCH

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