2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the ) Teaching License of ) DEFAULT ORDER MARTIN ERVIN HARPOLE ) OF REVOCATION )
9	On or about January 8, 2001, the Teacher Standards and Practices Commission
10	received a certified true copy of Sentence Judgment in State v. Martin Harpole
11	(#TM9921730) issued by Benton County Circuit Court from the District Attorney's Office
12	for Benton County. The Executive Director took action to notify Harpole of intent to
13	revoke his license, and to inform him of his opportunity for hearing. The notice was sent
14	via U.S. First Class Mail and U.S. Certified Mail Receipt Z 204 897 164. The certified
15	mail receipt was signed by Mr. Harpole and dated February 6, 2001. The Notice of
16	Opportunity of Hearing, dated January 26, 2001, and signed by David V. Myton,
17	Executive Director, stated:
18 19 20 21 22 23	"You, Martin Ervin Harpole, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."
24 25	Mr. Harpole failed to respond to the Notice and failed to request a hearing within 21
26	days of the receipt of the Notice. The Commission finds Mr. Harpole to be in default
27	and enters the following Findings of Fact and Conclusions of Law based upon the files
28	and records in this case.

## FINDINGS OF FACT

Mr. Harpole holds a Standard Teaching License valid beginning March 28, 1996
 through March 19, 2001.

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2. On November 21, 1997, the Commission adopted an Order finding that Mr. Harpole had committed Gross Neglect of Duty on September 16, 1996, by masturbating in his car while parked in the lot of an apartment complex during daylight hours. The Commission placed Harpole on probation for four years and required him to obtain

treatment for his inappropriate sexual conduct.

- 9 3. On September 28, 1999, Mr. Harpole was arrested for Public Indecency after

  10 several female students saw him masturbating in the parking lot of Gamma Phi Beta,

  11 a sorority house, near Oregon State University, in Corvallis, Oregon. On this

  12 occasion, Mr. Harpole also admitted that he had smoked crack cocaine, and the

  13 police seized a small quantity of crack cocaine from his vehicle
- 4. On December 19, 2000, Martin Ervin Harpole was convicted of Public Indecency,
  ORS 163.465, in the Circuit Court of the State of Oregon for Benton County. He
  also entered a plea of guilty to driving under the influence of intoxicants and
  possession of a controlled substance, and the court granted diversion on these
  charges.

## **CONCLUSIONS OF LAW**

- 20 Mr. Harpole admitted to police that he smoked crack cocaine on the day of the incident.
- Martin Ervin Harpole engaged in unlawful conduct in violation of OAR 584-020-
- 22 0040(1)((r). In addition, he was convicted of a crime listed in ORS 342.143, which

1	mandates a revocation of his teaching license. Wr. Harpore's conduct was also in
2	violation of his probation with the Commission.
3	ORDER
4	The Commission revokes the teaching license, certificate No. 233590, issued to Martin
5	Ervin Harpole, date of birth 031950.
6	Dated thisday of March 2001.
7	TEACHER STANDARDS AND PRACTICES COMMISSION
8 9 10	By: David V. Myton, Executive Director
11 12	NOTICE OF APPEAL OR RIGHTS
13 14 15 16 17 18 19	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 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.
20 21	CERTIFICATE OF MAILING
22 23 24 25 26 27 28	I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by regular U.S. mail and by U.S. Certified Mail with Return Receipt Requested, addressed to Martin Ervin Harpole:
29 30 31 32	Dated thisday of March, 2001.
33 34 35 36 37	By: Melody Hanson, Executive Assistant
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