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

3 4 5 6 7	In the Matter of the Teaching License of JOEY DALE WARK DEFAULT ORDER OF DENIAL OF LICENSURE AND REVOCATION OF RIGHT TO APPLY FOR LICENSURE
8	On August 20, 2004, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Joey Dale Wark (Wark) in which the Commission
10	charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class
11	Mail and U.S. Certified Mail Receipt 7003 2260 0000 8922 8340 to the address Mr. Wark
12	provided to the Commission. The certified mail receipt was signed by Mr. Wark and returned to
13	the Commission on August 26, 2004. Joey Dale Wark did not request a hearing. The Notice of
14	Opportunity of Hearing, dated August 20, 2004, and signed by Victoria Chamberlain, Executive
15	Director, stated:
16 18 19 20	"You, Joey Dale Wark, 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)."
21 22	Mr. Wark did not request a hearing. The Commission, therefore, finds
23	Mr. Wark to be in default and enters the following findings of fact, conclusions of law and
24	order, based on the files and records of the Commission concerning this matter.
25	FINDINGS OF FACT
26	1. On April 20, 2004, Mr. Wark signed and submitted an Application for Educator
27	License Form C-1 requesting a Transitional Teaching License. Mr. Wark responded
28	affirmatively to Character question 1, "Have you ever left any educational or school-related
29	employment or involuntarily, while the subject of an inquiry, review or investigation of alleged
30	misconduct" and Character question 3, "Have you ever failed to complete a contract for

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1	educational services in any educational or school-related position, or for any alleged misconduct
\mathcal{L}_2	or alleged violation?" Mr. Wark reported that he became emotionally involved with a student
3	and resigned in the fall of 2002 as a physical education teacher for the Florence-Carlton High
4	School.
5	2. During the 2002-2003 academic year Mr. Wark engaged in sexual relations with a
6	17-year old female high school student on and off school grounds while serving as a teacher for
7	Florence-Carlton High School, Florence, Montana.
8	CONCLUSIONS OF LAW
9	Sexual conduct with a student, OAR 584-020-0040(4)(f) is evidence of lack of fitness to
10	serve as an Oregon educator and a basis for denial of licensure pursuant to OAR 584-050-
11	0006(5) and ORS 342.142. The Commission's authority to impose discipline in this matter is
12	based upon ORS 342.175.
13	ORDER
14	The Commission hereby denies Mr. Wark's application for a teaching license and
15	revokes Mr. Wark's right to apply for an Oregon teaching license.
16	IT IS SO ORDERED thisday of October 2004.
17	TEACHER STANDARDS AND PRACTICES COMMISSION
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19 20 21	By: Wictoria Chamberlain, Executive Director
22 23	NOTICE OF APPEAL OR RIGHTS
24 25	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.

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